

ROCHDALE TOWNSHIP COMMITTEE

MINUTES OF MEETING Wednesday, 23rd January 2019

PRESENT: Councillor Sultan Ali (in the Chair); Councillors Ali Ahmed, Iftikhar Ahmed, Shakil Ahmed, Daalat Ali, Biant, Brosnan, Cocks, Gartside, Heakin, Holly, Meredith, Nickson, O'Neill, Rashid, Sheerin, Angela Smith, Sullivan, Wazir, Winkler and Zaheer.

OFFICERS: V. White, J. Simpson, M. Aiken (Neighbourhoods Directorate), P. Moore, Sohida Banu (Economy Directorate) and P. Thompson (Resources Directorate).

ALSO IN ATTENDANCE: Chief Inspector Warner (Greater Manchester Police),
G. Wood (Rochdale Boroughwide Housing) and 20 members of the public.

APOLOGIES FOR ABSENCE

32 Apologies for absence were received from Councillors Brett, Farnell, Hornby, Howard, Rana and Zaman.

DECLARATIONS OF INTEREST

33 Further to the Council's Code of Conduct, Councillors Biant and Cocks each declared a personal interest in respect of agenda item 9: 'Rooley Moor Neighbourhood Plan – Submission' as they were both Trustees of the Rooley Moor Neighbourhood Forum.

Further to the Council's Code of Conduct, Councillors Brosnan declared a personal and prejudicial interest in agenda item 10: Draft Lower Falinge and College Bank area Supplementary Planning Document (SPD), insofar as she was a Member of Rochdale Boroughwide's Representative Committee, and she left the room during consideration of the item.

URGENT ITEMS OF BUSINESS

34 The Chair advised that agenda item 13: 'Claim of Footpath from Broad Lane to Crompton Avenue, Rochdale' had been withdrawn and therefore would not be considered at this meeting.

GREATER MANCHESTER POLICE - UPDATE

35 Chief Inspector Warner (Greater Manchester Police (GMP)) updated the Township Committee on activities and initiatives that had been undertaken or were currently active by GMP in the Rochdale Township.

- a. Further to Minute 23 of the meeting of the Committee, held 10th October 2018, Chief Inspector Warner verbally updated Members on GMP's management structure in the Rochdale Township area and undertook to circulate these details in writing to the Township Members.

- b. Chief Inspector Warner updated Members with regard to GMP's 101 telephone number, especially with regard to abandoned calls due to the length of time that callers often have to wait.
- c. A successful operation had been undertaken by GMP, in conjunction with the Council's Children's Services and other agencies, to counter anti-social behaviour by young people which had led to a series of arrests and a subsequent reduction in the reported behaviours.
- d. Operation Gallant – this was an exercise undertaken in November 2018 to counter drug dealing and modern slavery. This exercise alone resulted in 18 people being arrested, a number of whom who are now facing criminal prosecution.
- e. Operation Treacle – an operation that was undertaken during the autumn period to work against anti-social behaviour that was often associated with 'Halloween' and 'Bonfire Night', especially in relation to the misuse of fireworks (this exercise was carried out in partnership with Greater Manchester Fire and Rescue Service). This operation was in the main successful but there were incidents of anti-social behaviour at the traditional bonfire at Cronkeyshaw Common.
- f. Operation Elf – an initiative to reduce anti-social behaviour in Rochdale's town centre
- g. Operation Infinity – an ongoing operation to counter the large number of reported instances of anti-social behaviour on the Metrolink service between Rochdale and Oldham
- h. Operation Considerate – an initiative to clamp down on illegal and dangerous driving practices. This exercise was undertaken over a few days at different locations in Rochdale and resulted in action being taken against drivers for offences such as using mobile phones whilst driving, drivers and front seat passengers not wearing seatbelts and drivers not having not valid road tax or insurance for their vehicles (in these latter cases a number of vehicles were consequently impounded).
- i. Co-ordination of a number of 'street watch' schemes by local residents with the intention of these residents protecting their own streets.

Members of the Committee asked if some of the police's resources could be used to target the illegal use of 'off road' quad bikers which were causing a significant nuisance to residents at different locations in the Township, especially in public parks and open spaces.

Resolved;

1. The Greater Manchester Police update be noted and welcomed.
2. Greater Manchester Police be requested to forward to Members of Rochdale Township Committee details of abandoned calls to their dedicated 101 telephone number due to the length of time that callers often have to wait for a response.
3. Greater Manchester police be requested to circulate to Members of Rochdale Township Committee, written details of their management structure in the Rochdale Township area, as presented verbally by Chief Inspector Warner, including the names of the appropriate senior officers and the areas in which GMP teams operate.

OPEN FORUM

36 There were no issues raised in the Committee's Open Forum session.

MINUTES

37 Resolved:

That the Minutes of the meeting of Rochdale Township Committee held 10th October 2018 be approved and signed by the Chair as a correct record.

ROCHDALE TOWNSHIP ACTION AND RESOURCES DELEGATED SUB-COMMITTEE

38 Resolved:

That the Minutes of the meeting of Rochdale Township Action and Resources Delegated Sub-Committee held, 25th October 2018 be noted.

ROOLEY MOOR NEIGHBOURHOOD PLAN - SUBMISSION

39 The Director of Economy advised the Township Committee that the Rooley Moor Neighbourhood Plan had been submitted to the Council by the relevant qualifying body, Rooley Moor Neighbourhood Forum. The Local Planning Authority is therefore required, by The Neighbourhood Planning (General) Regulations 2012, to make a decision as to whether the submitted documents complied with the relevant statutory requirements under regulation 15.

The submitted documents had been assessed against the relevant statutory requirements, which derive from the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, and the Neighbourhood Planning (General) Regulations 2012. This assessment had concluded that the Rooley Moor Neighbourhood Plan should proceed to being formally published by the Council and to being submitted for examination under Regulations 16 and 17 of the Neighbourhood Planning (General) Regulations 2012.

Alternatives considered:

A Neighbourhood Plan was optional and would be produced by the local community, therefore, the issues for communities to consider related to the time and resource needed to develop a Neighbourhood Development Plan as opposed to seeking an alternative policy tool.

Resolved:

1. The process for assessing the submitted draft Neighbourhood Plan and for making a decision regarding meeting the relevant statutory requirements under regulation 15 (Neighbourhood Planning (General) Regulations 2012), be noted.
2. The Township Committee agrees that, the submitted Rooley Moor Neighbourhood Plan, can proceed to formal publication and that it be submitted for examination, including the making of arrangements for the holding of an examination by an appointed examiner, under Regulations 16 and 17 of the Neighbourhood Planning (General) Regulations 2012.

Reasons for the decision:

The Director of Economy advised that Regulations 5 to 20 of The Neighbourhood Planning (General) Regulations 2012 set out the requirements for preparing a Neighbourhood Plan. The requirement for the Local Planning Authority to make a decision at this stage was whether the Rooley Moor Neighbourhood Plan met the various relevant statutory requirements, as contained in Regulation 15 of The Neighbourhood Planning (General) Regulations 2012. Following which Regulation 16 required that consultation be undertaken prior to carrying out an examination into the Rooley Moor Neighbourhood Plan.

Eligible for Call-in: Yes.

DRAFT LOWER FALINGE AND COLLEGE BANK AREA SUPPLEMENTARY PLANNING DOCUMENT

40 The Director of Economy advised the Township Committee that a draft Supplementary Planning Document (SPD) had been produced for the Lower Falinge and College Bank area of Rochdale to support the continued regeneration and renewal of the area by providing detailed planning and design advice. This report sought approval to begin formal consultation on the draft SPD as the next key stage in the process before it can be formally adopted.

Alternatives considered;

Not producing the SPD would mean that there was less clarity in terms of guidance to applicants and developers within the designated regeneration area. This could have resulted in proposals that do not properly deal with planning requirements and which could result in poorer quality schemes being submitted.

Resolved:

1. The draft Supplementary Planning Document be approved for public consultation for a period of six weeks to seek the views and comments of the public and key stakeholders.
2. The Head of the Council's Planning Service be delegated authority (subject to discussion with the Portfolio Holder for Planning, Development and Housing) to make any final minor amendments to the draft SPD prior to the commencement of the formal consultation period (including presentational and factual changes).

Reasons for decision:

The Director of Economy reported that paragraph 15 of the National Planning Policy Framework, allowed Supplementary Planning Documents to build upon and to provide more detailed advice or guidance on policies in an area's Local Plan. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing SPDs and Regulation 12 required that consultation be undertaken prior to the adoption of an SPD.

Eligible for call-in: Yes.

DEVELOPMENT AT DEAN STREET, ROCHDALE - ADOPTION OF HIGHWAYS UNDER SECTION 228 HIGHWAYS ACT 1980

41 The Township Committee considered a report of the Director of Neighbourhoods which sought the adoption of the roads within the completed Dean Street, Rochdale residential development as highways to be maintained at public expense, in accordance with Section 228 of the Highways Act 1980.

Alternatives considered:

If the Council decided not to adopt, it could still own the land forming the roads within the development in its capacity as estate owner and therefore retain liability. However, the roads would not then be subject to routine maintenance and would therefore degrade at a quicker rate with resulting costs to the Council.

Resolved:

The Council's Head of Legal Services be authorised, in conjunction with the Head of Capital Projects and Highways to: -

- a. Take all necessary steps pursuant to the provisions of S228 of the Highways Act 1980 to declare the highways shown hatched on the attached Drawing QD543-16-01 to be highways maintainable at the public expense.
- b. Prepare the appropriate notices pursuant to the provisions of S228 of the Highways Act 1980 declaring that the roads shown hatched on the attached Drawing JG/DS/1234 to be highways maintainable at the public expense.

Reasons for the decision:

To seek approval for advertising notices pursuant to Section 228 of the Highways Act 1980 with a view to adopting the roads known as The Foothills, Lower Roch Road and Mill View Lane, as highways to be maintained at public expense.

Eligible for Call-in: Yes

UPGRADE TO BRIDLEWAY DEFINITIVE FOOTPATH: ROCEFP13A

42 Further to Minute 25 of the meeting of Rochdale Township Committee held 10th October 2018, the Director of Neighbourhoods reported that, in accordance with section 31 Highways Act 1981 and Under section 53(2) Wildlife and Countryside Act 1981, a member of the public could submit a statement to the Council for it to consider a claim to add a footpath or bridleway to the definitive map and statement held by the Council or to upgrade an existing route to a higher status than shown on the definitive map and statement by providing evidence of 20 years or more use of a route, recognised as presumed dedication of the way if the use is carried out as of right, without permission and without interference.

The Council has received such a statement to support the upgrade of a footpath (footpath RocEFp13a) running from Northdene Drive to Bury Road to bridleway status. The supporting evidence provided with the claim provides satisfactory reports of use ranged from 3 – 57 years by 25 members of the public. In accordance with the Highways Act 1980, the Council could accept

this evidence to assist in their decision making in respect of making the appropriate Order for the upgrade of the footpath.

The Council had implemented a highway order to adopt the land as a footway in approximately 1994; however, some of the evidence pre-dates this highway adoption and it is considered appropriate to proceed with the claim.

Landowners had been consulted and asked to submit evidence to support the claim or to describe the actions they have taken to prohibit use by horse riders. No such evidence has been received from relevant landowners.

Members of the public would be informed by the posting of notices on site and in local newspapers as part of the Order process.

The Order process would incorporate an objection period where members of the public could raise relevant objections to the order. Should these objections remain unresolved the matter will be referred to the Secretary of State for a final decision as to whether the Council should make the order to upgrade the footpath to bridleway or not.

In considering the report, Members received an oral representations from an objector to the proposals, Mr. T. Mayne.

Alternatives considered:

The only alternative would be to decline to make the Order. This would mean 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.

Resolved:

1. Rochdale Township Committee approves the recommendations detailed in the report and authorises the Council to proceed with a definitive map and statement modification order to upgrade the footpath RocEFp13a, as shown on the plan annexed to the report, to a bridleway.
2. Rochdale Township Committee agrees to the Council undertaking an Event Order to alter the definitive map and statement to show a bridleway running from Northdene Drive to Bury Road, should the claim be successful.
3. If no objections are received the Order 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.
4. The Council's Head of Legal Services be authorised to make an Order under the relevant Acts, the effect of which, if confirmed, would be to upgrade public footpath RocEFp13a to a public bridleway.

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 within the borough; definitive rights of way are classed as highways under the Highways Act 1980. The Council are also required to maintain and keep

under review a map, the definitive map, and statement showing the public footpaths and bridleways in its area.

As part of that review the map may be changed should members of the public submit an application to alter a route on the map, and described in the related statement, and successfully show the way to have higher rights. In this paradigm this is a Definitive Map Modification Order to upgrade an existing footpath to bridleway.

Eligible for Call-in: Yes.

**CLAIM OF FOOTPATH FROM BROAD LANE TO CROMPTON AVENUE,
ROCHDALE**

43 This item was withdrawn from the agenda.