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ROCHDALE SOUTH TOWNSHIP COMMITTEE

MINUTES OF MEETING Thursday, 13th October 2022

PRESENT: Councillor Philip Massey (Chair); Councillors Daalat Ali, Stephen Anstee, Mohammad Arshad, Elsie Blundell, Aisling-Blaise Gallagher, Rachel Massey, Daniel Meredith, Shahid Mohammed, Aasim Rashid, Aiza Rashid, Angela Smith and Patricia Sullivan.

OFFICERS: Michael Aiken (Highways), Stephen Aikman (Highways), Janine Jenkinson (Governance Services), Anthony Johns (Environmental Management), Amy Johnson (Governance Services), Julie Simpson (Environmental Management), and Val White (Townships).

12 **APOLOGIES**

Apologies for absence were received from Councillor Shakil Ahmed and Councillor Billy Sheerin.

13 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

14 **ITEMS FOR EXCLUSION OF PUBLIC AND PRESS**

There were no items for exclusion of press and public.

15 **URGENT ITEMS OF BUSINESS**

There were no items of urgent business received.

16 **MINUTES**

That the minutes of the Rochdale South Township Committee held on the 9th June 2022 be approved as a correct record.

17 **OPEN FORUM**

No members of the public were in attendance and no items were raised in the open forum.

18 **PREVENTION STRATEGY AND HELPLINE**

The item was withdrawn as the officers were unable to attend. The item would be rescheduled for the next Rochdale South Township meeting.

19 **CLAIM OF FOOTPATH FROM CHARTER STREET TO KINGSWAY, ROCHDALE TO THE WEST OF LOWERPLACE PLAYING FIELDS**

The Committee considered a report from the Rights of Way Officer regarding an application for the claim of footpath from Charter Street to Kingsway, Rochdale, to the West of Lowerplace Playing Fields received under section 53(5) of the Wildlife and Countryside Act 1981.

The Rights of Way Officer advised that under section 130 of the Highways Act 1980, the council had a duty to protect and assert the rights of the public to

the use and enjoy any highway defined on the map of rights of way and supporting statements.

Under section 31 of the Highways Act 1980, the criteria that the way over land actually enjoyed by the public, as of right and without interruption for a full period of 20 years, shall be deemed to have been dedicated as a public right of way, unless there was sufficient evidence that there was no intention to dedicate the way for public use.

As detailed in the report, the Committee was informed that although the application contained 12 supporting evidence forms from members of the public, the evidence forms were not considered sufficient under the Highways Act for a Definitive Map Modification Order, to evidence that the landowner had not intended to dedicate the way as a right of way, that it was disputable that the claimed route had been used for the required period of 20 years or more and that some of the evidence was considered to be 'leading'. The Rights of Way Officer advised that the applicant was not willing to be interviewed regarding their Rights of Way claim. The applicant also did not attend the meeting.

The Committee was informed that there were additional concerns from the council's Education Service that the claiming of the footpath, which would run between primary school buildings, would contravene their statutory duties to ensure the safeguarding of the pupils at Lowerplace Primary School. It was noted that these concerns cannot form the basis of refusing the application and the decision should be determined by the relevant legislation governing Rights of Way claims. However the significance of the safeguarding responsibilities in this circumstance should not be dismissed when considering all of the evidence.

Members considered the report and discussed the route of the footpath from Charter Street to Kingsway, noting that there was a safe alternative route consisting of an adopted highway footpath approximately 298 metres from the access to the school on Charter Street around to the access on Kingsway.

It was raised by some Members that this was not the first time that residents in the area had voiced concerns about footpath accessibility between Charter Street and Kingsway and there were underlying issues with the existing public footpaths maintenance which could be looked into. The Rights of Way Officer advised that it would have to be confirmed if the footpaths in question were council owned before any possible remedy works could be considered.

Alternatives considered:

There were no alternatives for the Council to proceed with this application. The applicant had the opportunity to send the matter to the Secretary of State.

Resolved:

1. That the Council do not proceed with a map modification order to add a footpath to the definitive map and statement running from Charter Street to Kingsway Rochdale

2. That the Rights of Way Officer be requested to confirm if the footpaths to the back of Charter Street are council land and if so look into possible improvements of the footpaths and/or maintenance of the footpaths to improve accessibility.

Reasons for decision:

Following the criteria in the Highways Act 1980, insufficient evidence was provided to allow the claiming of the footpath as a right of way.

20 PROPOSAL FOR TOWNSHIP BASED AND FUNDED ENVIRONMENTAL DEPLOYABLE CCTV

The Committee considered the report of the Environmental Management Officer for the proposal for Township based and funded environmental deployable CCTV.

The Environmental Management Officer advised that fly tipping nationally and locally was a significant problem and a strategy had been prepared to tackle fly tipping in the borough along with an action plan. Rochdale South Township Committee had committed £4,527 towards deployable CCTV cameras. Environmental Management instead propose to finance an additional deployable CCTV camera in order to extend the trial. The camera would be deployed to hotspot areas within the borough using the data gathered through an operational system (Alloy).

The Committee was informed that early feedback from the trial included:

- Deployable units provided relief from fly tipping in hotspot areas with a notable drop off in fly tipping within the sight line of the units.
- That when units were removed there was s relief from fly tipping initially, although in some instances there was a spike where those who had been deterred noticed the absence of the unit and took the opportunity to fly tip immediately.
- That effective use of deployable CCTV was resource intensive.
- That most fly tips caught by the units had demonstrated wilful tipping by local residents who have taken precautions not to get caught, for example concealing their identity, not tipping near their own property or tipping at night.
- That it was unlikely CCTV would generate income in fines from enforcement action at such a level as to be cost neutral due to the deterrent effect.

The Environmental Management Officer advised that part of the trial had stalled as the deployable CCTV camera was required to be moved to combat behaviour in other areas of the borough and it had not yet been possible to redeploy the camera. As the camera had to be fixed to a street lighting column, it was a legal requirement that the deployment of the camera must be

completed by Street Lighting or the Contractor and neither had been available to carry this out. Members were informed that Environmental Management would like to investigate other models of CCTV camera that could be procured which would allow the deployment, management and maintenance of the cameras to be completed within Environmental Management.

The Committee discussed the council's Fly Tipping Strategy and questioned the Environmental Management Officer regarding its progress and delivery.

Members noted that significant schemes for the Township and the borough should be costed and funded within the service and not through applications to Township funds.

Alternatives Considered:

That the £4,527 funds not be de-committed back to Rochdale South Township Funds and remain with Environmental Management.

Resolved:

1. That the £4,527 funds be de-committed from Environmental Management for the deployable CCTV camera scheme and the money returned to the Rochdale South Township Funds.
2. That the deployable CCTV camera trial continue with the existing camera and that Environmental Management finance an additional CCTV camera to extend the trial.
3. That the Senior Highways Officer communicate with the Street Lighting team to have the trial CCTV camera deployed in the designated area as soon as possible.
4. That the Environmental Management Officer confirm with the HIT team the correct procedures regarding the investigation of side waste.
5. That Environmental Management provide Rochdale South Township with an update report detailing the progress to deliver the council's Fly Tipping strategy.
6. That the Cabinet Member for Environment investigate what resources and funds are available to Environmental Management to enable the implementation and delivery of the council's Fly Tipping strategy.

Reasons for decision:

Environmental Management was not in a position to use the previously committed funds as the trial for deployable CCTV cameras had not yet completed. The de-commitment of the funds allowed the trial to be extended and for the funds to be available to the Rochdale South Township Fund.

21 APPOINTMENTS TO THE NORMAN BARNES FUND

The Township Committee considered a report that requested Members appoint three Trustees to the Norman Barnes Fund as the term of office of the current Trustees had expired.

The Norman Barnes Fund is a charitable fund for the welfare of the elderly in the area of the former County Borough of Rochdale, applicants to the fund must be aged over 60 years old and live in Rochdale, Castleton, Norden or Bamford.

Members were informed that in accordance with the Trust Deed, appointments are made by the Council (the Rochdale North Township Committee and Rochdale South Township Committee) and that two nominative Trustees would be appointed from Rochdale North Township, and three nominative Trustees would be appointed from Rochdale South Township, for a period of four years each.

Alternatives Considered:

There were no alternative options. If Trustees were not appointed, meetings of the Trust may not be quorate and applications for funding could not be considered.

Resolved:

1. That Councillor Philip Massey, Councillor Billy Sheerin and Mrs Jane Gartside be appointed as Trustees to the Norman Barnes Fund for a period of four years each.