

# Delegated Decision Report

Decision below £250k



<b>Subject:</b>	Land adjacent to Church Terrace, Oldham Town Centre
<b>Decision maker: Senior Officer</b>	Paul Clifford, Director of Economy
<b>Decision date:</b>	2 <sup>nd</sup> October 2024
<b>Report author:</b>	James Tolan, Principal Regeneration Officer
<b>Ward (s):</b>	St Marys

## Reason for decision

For the Council to update its list of highways maintainable at the public expense to include land adjacent to Church Terrace and the War Memorial which the Council has been maintaining for many years. Inclusion of this important town centre parcel of land in the list of highways maintainable by the Council will allow for more effective management of the area.

## Recommendation(s)

The Council updates its list of highways maintainable at the public expense to include the unregistered land (as delineated red in Appendix 1).

## 1.0 Background

### 1.1 Unregistered land

The land edged red which surrounds the war memorial is not owned by the Council and is unregistered. (See Appendix 1 for plan red edged is the unregistered land).

Unregistered land means that the Land Registry has no registered owner against it. Although, the land is unregistered the Council has always maintained the area.

In correspondence dating back to 2000 the Land Registry advised that it was willing to approve that part of the land around the War Memorial could be adopted by the Council.

### 1.2 List of streets maintainable at the public expense

Under section 36(6) of the Highways Act 1980, the Council is required to keep corrected and up to date a list of the streets within their area which are highways maintainable at the public expense (ie adopted). Due to its layout and usage by the public, the Land can reasonably be considered to have highway status and as it has always been maintained by the Council for use

by the public it is considered that it is appropriate that the Land should be included in the Council's list of highways maintainable at the public expense.

### 1.3 Issue

The un-registered land edged red is unable to be effectively managed by the Council particularly to manage parking in this location.

## 2.0 Proposal

2.1 Inclusion of the Land in the Council's list of streets maintainable at the public expense. It is recommended that the Council includes the Land (shown edged red on the plan in Appendix 1) in its list of streets maintainable at the public expense.

2.2 Following adoption the Council to proactively manage the area.

The adoption of this area will enable the land to be managed by the Council more effectively to prevent vehicles parking close to the war memorial but also allow deliveries to be made to adjacent businesses.

It is recommended that following the land being added to the list of streets maintainable at the public expense:

- i. the area to the west of the blue line is prohibited for vehicles with traffic orders.
- and
- ii. the area east of the blue line vehicles are permitted to access businesses for deliveries.

This will be undertaken by the introduction of a traffic regulation order managing vehicular access.

### 2.3 Costs

#### Annual maintenance

The unregistered land edged red although previously treated as unadopted has always been maintained by the Council. This proposal would not increase the Council's standard maintenance costs in this area.

#### Managed boundary along blue edged line

To facilitate adjacent business' deliveries, it will be necessary to continue to allow access to the area in front of nearby buildings. To allow deliveries but ensuring vehicles did not park close to the war memorial a soft boundary of 4 planters to run along blue line boundary.

This boundary would allow deliveries to the nearby restaurant and prevent parking to the wider area.

- i. Capital Cost £880 of 4 planters. (Potential to fund from new Green or Accelerator funding).

- ii. Additional Revenue annual maintenance cost of planters: £260 pa.

Note: the boundary could only be introduced after the introduction of the traffic regulation order.

**Alternative option(s) to be considered** *(please give the reason(s) for recommendation(s))*

Option 1 – Not to progress and leave as is. However, this option would see this important town centre area remain unmanaged and prone to ad-hoc parking close to the war memorial.

Option 2 – The Council to update its list of highways maintainable at the public expense to include the unregistered land. (Recommendation).

**Consultation**

Officers within Highways, Legals, Finance have been consulted together with the Leader and Cabinet Member for Building a Better Oldham.

**Risks**

The request to register the land at this location will provide the Council with an opportunity to use the land for the benefit of the town centre of Oldham.

The registration could provide additional liabilities for the Council however this is mitigated in that the Council is already maintaining the land and has been doing for a number of years.

The service should ensure that the area continues to be maintained.

(Vicki Gallacher, Head of Insurance and Information Governance)

**Implications**

Financial	<p>Despite the land currently being unadopted, the Council has always continued to maintain this land.</p> <p>The formal adoption of the land will not lead to any significant additional revenue expenditure.</p> <p>4 Planters will be purchased at an estimated cost of £880. It is anticipated that these costs will be fully funded from grant allocations for either the Green Agenda or Accelerator Funding.</p> <p>There will be an annual revenue maintenance of the 4 planters of approximately £260. This will be in addition to cost currently incurred for maintaining this land. (John Hoskins)</p>
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Legal	The land can be considered to have highway status due to its layout and usage by the public as of right. In addition, as the Council appears to have been maintaining the land for use by the public since it was first laid out after the First World War, it has effectively been treated as adopted highway. Consequently it can be considered to be reasonable and appropriate to update the list of streets maintainable at the public expense under section 36 of the Highways Act 1980 by the inclusion of the land to reflect that position. Any proposed regulation of vehicular use of the land will have to be via a traffic regulation order. (A Evans/ R Boyle)
Equality impact including implications for Children and Young People	Not applicable
Property	As referenced within the report the Council (Corporate Landlord) have historically maintained the area. Securing the parcel of land would enable improved management of the area without any increase to the Council's standard maintenance costs.  (John Winterbottom, Divisional Manager)
Procurement	N/A no procurement requirements. (Jasmin Banks-Lee, Head of Commercial Procurement).

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?	Yes
Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?	Yes
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No

Background Papers under Section 100D of the Local Government Act 1972

Not applicable

Appendix

Appendix 1 - Land Edged Red – shows extent of land to be adopted

Report author sign-off	James Tolan
Role	Principal Regeneration Officer
Date of sign-off	2 <sup>nd</sup> October 2024

<b>Approval</b>	
Officer approval sign-off	Paul Clifford
Role	Director of Economy
Date of sign-off	2 <sup>nd</sup> October 2024

## Appendix 1

Extent of unregistered land edged red which the Council will add to the list of streets maintainable at the public expense.

