



OPEN REPORT COMMUNITY AND ENVIRONMENT COMMITTEE

Community and Environment Committee – 22nd July 2024

Report of:

Cllr Marilyn Franks, Chair of the Gypsy and Traveller Working Group

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Wards Affected

All Wards

Report Summary

This report seeks Committee approval concerning a number of recommendations relating to the work undertaken by the Gypsy and Traveller Working Group covering governance arrangements, improvements to existing sites, consultation on future temporary sites and an update on the search for permanent sites.

Recommendations

1. That the terms of reference for the Gypsy and Traveller Working Group set out in **Appendix 1** is adopted;
2. That the code of conduct for Gypsies, Travellers and caravan occupiers set out in **Appendix 2** are adopted;
3. That in respect of Matlock Station Car Park;
 - A temporary but solid separation be established between the site currently occupied by a Traveller family and the rest of the car park and;
 - That the Local Highway Authority and Local Planning Authority be consulted regarding the possibility of lowering the curb to create a separate entrance for the traveller occupied section of the site.
4. That the Committee note the update from Ark at **Appendix 3** in respect of identifying permanent sites.

5. That Committee endorse a six week consultation for use of the following sites as temporary Gypsy and Traveller sites with the assessment enclosed at **Appendix 4**.
 - a. Car Park, Old Station Close, Rowsley
 - b. Land to South East of Hopton Works, Middleton Road, Wirksworth
 - c. Arc Leisure Car Parks, Morledge, Matlock
 - d. Station Yard Car Park, Dale Road, Matlock Bath
 - e. Car Park, Derwent Way, Matlock
 - f. Land to North West of Cemetery, New Road, Middleton
6. That Officers explore the feasibility of moving traveller families between sites on a more regularised basis and report their findings back to the Gypsy and Traveller Working Group.
7. That the Committee note Council's commitments to consultation and agree to delegate responsibility to the Director of Corporate and Customer Services, in consultation with Cllr M. Franks (Chair, Gypsy and Traveller Working Group) to finalise consultation materials, oversee and deliver the programme of feedback meetings.

List of Appendices

Appendix 1 – Terms of Reference
Appendix 2 – Code of conduct
Appendix 3 – Ark Report
Appendix 4 – Recommended Site Assessment
Appendix 5 – Timeline of Work
Appendix 6 – Maps of Proposed Sites

Background Papers

Full Council 28th September 2023 Report of the Traveller Working Group
Full Council 14th December 2023 Gypsies and Traveller update

Consideration of report by Council or other committee

Community and Environment Committee

Council Approval Required

Yes, if costs associated for upgrading sites cannot be met within existing budgets.

Exempt from Press or Public

No

Progress Update from the Gypsy and Traveller Working Group (G&TWG)

1. Background

- 1.1 The Council continues to accommodate two Traveller families on car parks at Matlock Station and Matlock Bath Station. These were only proposed to be temporary arrangements but the health of the some of the residents, the lack of other suitable temporary sites and the continuing search for a permanent site, have prevented the families from settling in suitable accommodation. The G&TWG recognise this and have been working on measures to improve the opportunities for move on, introduce more regularised arrangements and identify potential permanent sites. Whilst this work has been progressing, the Council continues to receive complaints and from time to time, other Travellers arrive on site for short periods.

2. Key Issues

- 2.1 It is essential, from a governance perspective, that a terms of reference are arrived at for working groups to set out with clarity their role and relationship to a 'parent' policy Committee. Following extensive conversations within the G&TWG, the terms of reference proposed is enclosed at **Appendix 1**.
- 2.2 For some time, Members have raised concerns, some significant, in relation to the standards of behaviour demonstrated on existing temporary sites. The Council's Housing, Community and Legal teams have been working together to reflect and translate these into objective standards and have arrived at a code of conduct. This code is enclosed at **Appendix 2**. Whilst the code of conduct has limited statutory weight, continued breaches of the code would provide the platform for the Council to seek eviction.
- 2.3 The Matlock Station car park is prone to additional travellers occupying the site. The access could be regularised in an attempt to both formalise the access for the traveller family and reduce the opportunity for unauthorised access to the remainder of the car park. A design will need to be produced for consideration by Highways and Planning. Subject to the works costs, capital funding may also be required and as such further reports for Committee and Council will need to be prepared for inclusion in the capital programme. To that end, recommendations have been made to improve the site.
- 2.4 The Council have commissioned Ark Consultancy to undertake a search for permanent sites based on the criteria set by Members. This first stage report is enclosed at **Appendix 3** and a follow up report is due by end August 2024. Members of the Community and Environment Committee will be presented with decisions on permanent sites at a later stage for incorporation into the Local Plan.
- 2.5 The Council is in receipt of numerous complaints in respect of noise and environmental pollution as well as a loss of revenue from residents and

businesses in Matlock Bath. The Council has committed to resolving these very sharp pressures.

- 2.6 The Council has very limited land available, with only a handful of car parks that can reasonably be considered as a temporary site. Council officers continue to explore a range of options in which to place families in suitable accommodation in concert with the Derbyshire Gypsy and Traveller Liaison Group but no further options are available at this time.
- 2.7 To that end, the G&TWG are recommending that 6 sites be considered as temporary sites and that consultation takes place concerning these sites. The six sites are below and maps are enclosed;
- Old Station Close, Rowsley
 - Land to South East of Hopton Works, Middleton Road, Wirksworth
 - Arc Leisure Car Parks, Morledge, Darley Dale
 - Station Yard Car Park, Dale Road, Matlock Bath
 - Car Park, Derwent Way, Matlock
 - Land to North West of Cemetery, New Road, Middleton
- 2.8 The G&TWG met on 10 July to consider an Officer assessment of a series of sites in Council ownership. These sites were reviewed by Members in November 2022 and assessed under the criteria endorsed by Members in December 2024. The recommended sites, and their accompanying assessment, is enclosed at **Appendix 4**.
- 2.9 Members resolved that sites which were assessed being too close to residential properties and those assessed which posed the greatest chance of flood risk were not endorsed as suitable, subject to consultation. To that end, Members agreed to recommend the six above.
- 2.10 The G&TWG has asked officers to explore the feasibility of moving Traveller families between sites on a more regularised basis. In doing this, a balance needs to be struck between the needs of the Traveller families, the needs of local residents and businesses and the costs to the Council of this approach. As this would be a new policy and/or revised approach officers would need to undertake an Equalities Impact Assessment and report the findings back to the GTWG in tandem with the outcome of the consultation.
- 2.11 At Council on 28 September 2023, Members agreed to undertake a minimum 6 week consultation on any proposals for future temporary or permanent sites. The report outlined six areas of questions to ask and feedback sessions / public meetings held in locations where sites are to be proposed. Those questions are:
1. Do you agree that we need to find sites for the x pitches arising from the definition of Travellers in the Government's Planning Guidance for Travellers?
 2. To what extent do you agree or disagree with this proposal as our preferred option?

- Strongly agree
- Agree
- Neither
- Disagree
- Strongly disagree

3. Do you have any suggestions as to how such a site could be managed if it were developed for use by Travellers on a permanent/temporary basis?
 4. Can you suggest any reason why such a site could not be occupied for 12 months of the year? What are the seasonal implications associated with the use of the site?
 5. Do you have any comments regarding this proposal?
 6. Can you suggest any other sites that are available and suitable for temporary stopping use?
- 2.12 Preparations have already been made in which to draft the survey. Minor amendments to this consultation may be needed to ensure it is fully reflective of the situation that the Council is presently managing.
 - 2.13 Formative plans are in place, pending this Committee's decision in which to hold feedback sessions.
 - 2.14 As those plans cannot be properly developed until the Committee has agreed the sites to be consulted on, it is proposed that a delegated arrangement be sought to finalise and move forward at pace following the decisions of Committee. This arrangement is contained at Recommendation 7.

3. Options Considered and Recommended Proposal

- 3.1 The G&TWG is working to achieve a set of clearly defined objectives. The Terms of Reference will help ensure the G&TWG remains focused on the key priorities. Not having a terms of reference for the G&TWG would be sub optimal as it would not create clarity as to what the role and function of the group is and its relationship with the Community and Environment Committee.
- 3.2 A more formal recognition of the rights and responsibilities of Traveller families and the Council is necessary to set clear boundaries and expectations. The absence of a code of conduct with Traveller families will not drive a shared understanding of acceptable standards of behaviour on site. This is also at variance with the wishes of Members to have such a code.
- 3.3 The use of current sites in Matlock and Matlock Bath were designed to be temporary. A balance needs to be struck between the needs of the Traveller families, the needs of local residents and businesses and the costs to the Council.

- 3.4 The options open to the Council as outlined by the GTWG are to consult on the six sites listed in recommendation 8. In so doing, this could create alternative temporary sites to place families on. It should be recognised that this will create significant challenges taking in to account the health of the people involved, the condition of vehicles on site and preparing the next site for occupation. That said, the needs of the community and local businesses needs to be, as already expressed, balanced.
- 3.5 The ultimate aim of the Council in relation to the two traveller families is the provision of new permanent sites. Continuing the work with Arc remains the most appropriate course of action to achieve this and may also identify an alternative temporary site if such opportunities arise.
- 3.6 Undertaking minor works to the Matlock Station car park should reduce the likelihood of further unauthorised encampments and safeguard the family on site from requests to provide access.

4. Consultation

- 4.1 Council agreed in September 2023 to consult on proposed temporary and permanent sites of no less than 6 weeks to include public meetings.
- 4.2 In respect of any changes to temporary sites proposed by the GTWG, officers will need to finalise consultation materials as well as organise and deliver a series of feedback sessions. This is a significant piece of work which will require considerable cross council resources.

5. Timetable for Implementation

- 5.1 Decisions reached at Committee will be implemented immediately unless Members agree otherwise.
- 5.2 Consultation materials associated with temporary sites will require prompt endorsement from the Chair of the Gypsy and Traveller Working Group.
- 5.3 There are clear dependencies between the search for permanent sites and the development of the Local Plan as highlighted in **Appendix 5**.

6. Policy Implications

- 6.1 None immediately arising from this report.

7. Financial and Resource Implications

- 7.1 Resources will be required in which to plan, initiate, collate and report on consultation outcomes. These will be met within the current staffing establishment.
- 7.2 An early estimate suggests that each site will require up to c. £30,000 of capital expenditure to improve each site, connect to relevant utilities etc. Some sites may require further investment, but the costs associated with this will only be known as a result of investigations undertaken in the consultation period.

- 7.3 Capital funding may be required for the access works to Matlock Station car park and approval to include this in the Capital Programme will be sought at the appropriate time.
- 7.4 The costs associated with the work undertaken by Ark are already within existing budgets. There may be further costs associated with preparing any temporary agreed sites as work progresses. Any additional costs arising as a result of this will be reported and approval sought as per the Financial Regulations.
- 7.5 Expenditure will be monitored by officers to ensure that it does not exceed existing budgets. The financial risk is therefore assessed as low.

8. Legal Advice and Implications

- 8.1 There are a series of decisions recommended as part of this report, the legal risk of challenge, by judicial review, when taking the decisions as recommended has been assessed as medium.
- 8.2 The Council's legal team have been closely involved in the development of the code of conduct.
- 8.3 The land to the North West Of Cemetery Road, New Road, Middleton is subject to an agreement between the Council and a third party. Further such enquiries would need to be undertaken to establish the grounds for future use.

9. Equalities Implications

- 9.1 Gypsies and Travellers are legally recognised ethnic groups and protected from discrimination within the Equality Act 2010. Age and disability are also specifically protected characteristics. An Equalities Impact Assessment (EIA) will be required to inform any new policy approach adopted by the Council concerning the traveller families. This would include any new approach to regularise movement between temporary sites.

10. Climate Change and Biodiversity Implications

- 10.1 None arising from this report.

11. Risk Management

- 11.1 Moving a family of vulnerable adults from one location to another carries a risk to the health of those people. Not moving the family at Matlock Bath Station car park also carries a risk to the health and wellbeing of family members. There are risks associated with public meetings which consider controversial subjects such as traveller sites. The safety of staff and Councillors must be adequately planned and managed. There is also the risk to the Council in not discharging the Council's responsibilities in respect of homelessness. The risk associated with this is high and the impact is high.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	12/07/2024
Director of Resources/ S.151 Officer (or Principal Accountant)	Rachael Ayre	12/07/2024
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	12/07/2024