



Council – 29 September 2022

ESTABLISHMENT OF GYPSY AND TRAVELLER SITE PROVISION WORKING GROUP

Report of Director of Corporate and Customer Services

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

To propose the establishment of a working group to consider criteria and options for the provision of temporary Gypsy and Traveller sites in the district and to make recommendations for determination to the full Council within the next 8 weeks.

Recommendations

1. That a Gypsy and Traveller Site Provision Working Group be established with a remit defined within the Terms of Reference detailed in Appendix 1.
2. That the recommendations of the Gypsy and Traveller Site Provision Working Group be reported to an extraordinary meeting of the Council in October or November 2022.
3. That Political Group Leaders to submit names of nominated Members to the Proper Officer by 7 October 2022 and those Members be appointed to serve on the Working Group according to the agreed entitlement of their political group.

List of Appendices

Appendix 1 Draft Terms of Reference – Gypsy and Traveller Site Provision Working Group

Background Papers

Minutes – Council Meeting (28 July 2022)

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Establishment of Gypsy and Traveller Site Provision Working Group

1. Background

- 1.1 At its meeting on 29 September 2016, the Council formally accepted its duties and responsibilities towards Gypsies and Travellers under housing and planning legislation. In particular the Council recognised its duties under Homelessness legislation towards a specific Traveller family, who had been resident within the district for many years, but who did not have a site on which they could legally place their caravans.
- 1.2 Since that time the Council has failed to provide either permanent or temporary sites within the District for use by this specific Traveller family. The most recent attempt to reach a decision on 28 July 2022 did not result in a definitive way forward, but rather a request for officers to take on board the feedback provided during a debate on 133 sites across the district and bring forward developed proposals for consideration by the Council. The decision taken on 28 July 2022 did not rule in or rule out any of the 133 sites reported to that meeting.
- 1.3 In the meantime, the Council continues to have a homelessness duty to the specific Traveller family who have been resident on Clifton Road Coach and Car Park in Ashbourne since the end of June 2022. Given that site's location to amenities and residential properties the Council has received numerous complaints from local residents and visitors to Ashbourne.

2. Key Issues

- 2.1 The effect of the debate and decision taken by the Council on 28 July 2022 was to ask officers to take account of anecdotal feedback from ward Members present at the meeting in respect of 133 sites that were listed as being in Council ownership which could possibly be considered for development as permanent or temporary sites for Gypsies and Travellers.
- 2.2 Having reviewed the recording and minutes of the meeting, the Monitoring Officer has concluded that no decision was taken explicitly to rule in or rule out any of the 133 sites. Aside from suggestions from two Members in respect of sites in Matlock Bath and Middleton, no positive suggestions or comments were made in respect of any site.
- 2.3 An amendment was proposed in the meeting which sought to establish a working group to investigate the most appropriate options with the District for development as a temporary tolerated site(s) or a permanent site(s) for use by Gypsies and Travellers. This amendment was lost in the meeting despite receiving support across all political groups.
- 2.4 Having reviewed the previous attempts at reaching a decision in respect of the provision of either permanent or temporary sites through debates at Council meetings has led the Monitoring Officer to conclude that no solution is likely to be reached through the submission of further officer recommendations to a meeting of the Council.

3. Options Considered and Recommended Proposal

- 3.1 Consideration has been given to continuing with the current approach of bringing recommendations from officers directly to meetings of the full Council. There is limited confidence in pursuing this course any longer given that it has not resulted in a decision for the provision of either a viable permanent or temporary site. Whilst the Council will hold ultimate decision making power, it is no longer recommended that officers report their recommendations directly to the Council on this matter.
- 3.2 This Council has a good track record of collaborative and consensual development of proposals and policies through working groups. This approach enables constructive conversations between Members and officers to develop options for consideration by the Council which are likely to receive the political support necessary to take action. This approach is considered to be the most appropriate, proportionate and feasible means of developing proposals for the provision of either permanent or temporary sites for Gypsies and Travellers. Therefore the establishment of a working group of 11 Members with terms of reference detailed in Appendix 1 is recommended.

4. Consultation

- 4.1 No consultation has taken place in the development of this report and recommendation.
- 4.2 The working group may choose to recommend an approach to consultation and engagement in respect of any proposed permanent or temporary sites in future which ensures that all relevant representations are considered by the Council in decisions that will be required.

5. Timetable for Implementation

- 5.1 Subject to the approval of the above recommendations, the Gypsy and Traveller Site Provision Working Group would have effect from the time that all political group leaders had nominated representatives to serve on it.
- 5.2 Given the need to consider the options and identify potential solutions in a relatively short period of time, it is recommended that political group leaders submit their nominations to the Monitoring Officer by Friday 7 October at the latest.

6. Policy Implications

- 6.1 The District Council's duties under Planning and Housing legislation underpin its corporate objectives in relation to the whole of the District. The delivery of a permanent Traveller site is a specific priority for the Council within its Corporate Plan, under the theme of 'Prosperity: Supporting better homes and jobs for you'.
- 6.2 The Derbyshire Dales Local Plan made provision for six pitches for Gypsies and Travellers in the district over the first five years of the Plan period, as well as identifying the approach to addressing the needs beyond that 5 year

period. The first five years of the Plan period have passed and as yet no pitches have been provided.

7. Financial and Resource Implications

- 7.1 The cost of officers' time associated with the report recommendations can be met from within existing budgets. The financial risk is, therefore, assessed as low.

8. Legal Advice and Implications

- 8.1 The District Council is seeking to address the lack of authorised Gypsy and Traveller Sites within the District to meet its duties under the Planning Policy for Traveller Sites 2015. In the absence of a permanent site, the temporary site will minimise the risk of legal action being taken against the Council for failing in its statutory duty to provide such a site.
- 8.2 The Council also has duties under the Homelessness Reduction Act 2017. The temporary site, reduces the risk of challenge against the Council for failing in its duties under the homelessness legislation.
- 8.3 The Council is also under a duty to protect its assets and ensure they are used for their intended purpose. Therefore eviction of illegal encampments is a necessary but temporary solution to the lack of authorised sites within the District. However due to the lack of a permanent site the risk of a legal challenge is medium to high and without the use of a temporary site to place families, the risk would be high. Therefore the recommended approach of developing proposals through a working group of Members to make recommendations to future meetings of the Council will contribute to reducing the legal risk facing the authority presently.

9. Equalities Implications

- 9.1 The establishment of a working group for this purpose would be a positive move which would enable full analysis of the equalities implications associated with any sites that may potentially be considered.

10. Climate Change Implications

- 10.1 A climate change impact assessment is not necessary in respect of the recommendations in this report.

11. Risk Management

- 11.1 The corporate risk in terms of the Council's reputation and failing to fulfil a legal obligation, is high. The recommended proposal seeks to increase the likelihood of reaching a decision on the provision of both permanent and temporary sites for Gypsies and Travellers.
- 11.2 There is a risk of significant public opposition to the designation of locations in the district as permanent or temporary sites for Gypsies and Travellers. This will be mitigated by working with the Council's Communications Team to enable effective communication and engagement and consultation throughout the process of determining sites in the district. There will also be

a role to play for Ward Members in supporting residents and explaining the decisions of the Council and reasons for them.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	21/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	20/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	21/09/2022

APPENDIX 1

PROPOSED TERMS OF REFERENCE GYPSY AND TRAVELLER SITE PROVISION WORKING GROUP

1. Role and Function

- 1.1 The Gypsy and Traveller Site Provision Working Group provides a mechanism by which Council can carry out focused cross-party development of proposals in respect of prospective temporary Gypsy and Traveller sites. It will undertake this role by:
- a) Considering the viability of options against the criteria established in Policy HC6 of the Derbyshire Dales Local Plan
 - b) Undertaking site visits to any location under consideration to gain an appreciation of the issues associated
 - c) Recommending proposals for the development of temporary sites to the Council for approval.
- 1.2 The Group will have no decision making powers other than in advising in relation to any decision to undertake consultation or engagement activity in respect of proposed sites where it is considered timely to do so.
- 1.3 The group will report to the Council for approval of any recommendations that it develops.

2. Composition and Membership

- 3.1 The Gypsy and Traveller Site Provision Working Group shall comprise of 11 Members with the following entitlement:
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| Conservative & Cllrs Bright, Elliott and Salt Group | 6 Members |
| Green and Independent Group | 1 Member |
| Independent Group | 1 Member |
| Labour Group | 1 Member |
| Liberal Democrat Group | 2 Members |
- 3.2 Members will be appointed to the Gypsy and Traveller Site Provision Working Group by Political Group Leaders according to their group's entitlement through authority delegated by the Council.
- 3.3 The Chairman of the Gypsy and Traveller Site Provision Group will be elected by the Members of the Group.