

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Development and Conservation Control Sub-Committee held on
Tuesday, 10 May 2005 at 1.30 p.m.

PRESENT: Councillor Dr DR Bard – Chairman

Councillors:	Mrs J Dixon	SM Edwards
	Dr JPR Orme	Mrs DP Roberts
	Mrs DSK Spink MBE	NIC Wright

Councillors SGM Kindersley, R Summerfield and Dr SEK van de Ven were in attendance, by invitation.

1. APOLOGIES

Apologies for Absence were received from Councillor TJ Wotherspoon (a local Member for Cottenham) and Mr JS Ballantyne (Chief Executive).

2. DECLARATION OF INTERESTS

Councillor Mrs J Dixon declared a personal interest as a resident of Smithy Fen, Cottenham.

3. EXCLUSION OF PRESS AND PUBLIC

Councillor Mrs DP Roberts proposed, Councillor Mrs DSK Spink seconded, and it was **RESOLVED** that the Press and Public be excluded during the consideration of the following items in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraphs 10, 11 and 13 of Part 1 of Schedule 12A of the Act.

4. MINUTES OF PREVIOUS MEETING

Those present authorised the Chairman to sign, as correct records, the Minutes of the meetings held on 10th November 2004 and 6th December 2004, subject to the addition of Councillor Dr JPR Orme to the list of those attending the meeting on 10th November.

It was noted that Councillor Dr S van de Ven was not actually a Member of the Sub-Committee.

5. APPROACH TO POSSIBLE PLANNING ENFORCEMENT AT PINE VIEW, SMITHY FEN

Those present considered a report updating them on the options available to the Council in relation to the unauthorised traveller plots at Pine View, Smithy Fen, and the next steps in the process. A further report, prepared by external legal advisers, was circulated at the meeting.

The Deputy Prime Minister's decision

Officers highlighted the significance of 11th June 2005, being the date by which travellers at Pine View, Smithy Fen had to leave the site. Officers said that, while no enforcement decisions could be made until after that date, there was nothing to stop the Council from

making appropriate preparations in the meantime.

In response to a Member's question, it was reported that current enforcement orders had been obtained in respect of both named individuals and persons unknown.

Negotiations with travellers at Pine View, Smithy Fen

Officers reported on a meeting with a traveller. Members noted the comments of the Planning Inspector (that enforcement action did not violate any rights to education) and expressed caution that the Council's resolve should not be deflected by arguments that travellers' children were now established at local schools. Legal advice was received.

Members discussed the following points:

- Suggestions made by the traveller at the meeting with officers.
- The affordability of alternative plots
- The need to progress the Council's approach, and to present this approach in more definite and assertive terms.
- Procedure in establishing the Council's next moves
- Compulsory Purchase

In response to a Member's question, the external legal adviser highlighted the need for the Council to re-evaluate compliance with the Human Rights checklist at each step.

In response to another Member's question about working in partnership with outside agencies, Members were advised that it was very important to be able to demonstrate fairness at every stage.

It was agreed that confirmation of further negotiations with travellers and contact with the the Commission for Racial Equality must be put in writing.

All ongoing negotiations should be conducted on a 'without prejudice' basis.

Legal options

The external legal adviser strongly advised those present to do nothing that might be perceived as prejudging the issue. Preferred options were sufficient at this stage. Further legal advice was received in relation to injunctive action.

Officers said that it was essential that the Council should be seen to be doing something, but that it was equally important that its actions were reasonable.

Members discussed the options of taking a two-pronged approach (based on enforcement and injunctions) and possible ways of recovering costs from the unauthorised travellers.

Liaison with the local community

Members discussed the proposal that a letter be written to a range of partner agencies serving Cottenham, as well as local community groups, to seek their views on the way forward.

The Development and Conservation Control Sub-Committee **RECOMMENDED** that the Development and Conservation Control Committee endorse the Sub-Committee's preferred approach of embracing the use of legal injunctions, coupled with other action, in the event of non-compliance with enforcement notices;

The Development and Conservation Control Sub-Committee **RESOLVED**

- (1) That the Council should respond, in writing, to the suggestions arising from discussions with the unauthorised traveller at Pine View, Smithy Fen, reaffirming its preferred approach and rejecting the proposals as inappropriate in the circumstances;
- (2) That liaison should continue with Cottenham Parish Council and that the Council should continue to communicate the message to the local community that a land clearance operation at Pine View could not immediately follow any non-compliance by the travellers with the 11 June deadline;
- (3) That a letter be sent to partner agencies serving Cottenham and local community groups, seeking their views on the way forward;
- (4) That the Sub-Committee meet again as soon as possible after the expiry of the three-month deadline for vacating the site at Pine View, Smithy Fen; and
- (5) That copies of reports to (and minutes of) the Development and Conservation Control Sub-Committee be made available to any Member of the Council who asks to see them.

The Meeting ended at 3.40 p.m.
