

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

1 June 2005

AUTHOR/S: Development Services Director

TRAVELLER ISSUES AND PLANNING ENFORCEMENT

Purpose

1. To invite Members' views on the terms of reference, membership and name of the re-established Sub-Committee on planning enforcement matters at traveller sites.

Effect on Corporate Objectives

2.	Quality, Accessible Services	Traveller Issues have implications for all four corporate objectives. In particular, the Council's commitment to firm, fair and consistent planning enforcement is central to maintaining Quality Village Life and treating all sections of the community equitably. This is also reflected in the Council's Policy on Traveller Issues, which was agreed in July 2004.
	Village Life	
	Sustainability	
	Partnership	

Background

3. Proposed decision-making arrangements for planning enforcement matters at traveller sites were reported to this Committee's meeting on 6 April 2005. The Committee deferred the proposals and resolved to re-establish, with immediate effect and as an interim measure, the Development and Conservation Control (Direct Action) Sub-Committee that had been in place last autumn. It was also agreed that the terms of reference, membership and name of the Sub-Committee should be reviewed by this Committee.
4. Since then, the Cabinet met on 28 April 2005 to consider the development of a Council Strategy on Traveller Issues throughout the District. The Cabinet signalled its support for injunctive legal action in cases of continuing non-compliance with enforcement notices at traveller sites. Preparations for a Strategy continue.
5. The Sub-Committee met on 10 May 2005 and considered options open to the Council in relation to unauthorised traveller plots at Pine View, Smithy Fen. Members discussed different scenarios and possible courses of action, whilst recognising that it would be premature for the Council to make any specific decisions until after the 11 June deadline for the travellers to leave. Arrangements are being made for a further meeting of the Sub-Committee in the week commencing 13 June, followed by a report to this Committee.
6. This current report is a necessary part of the process for making sure that decisions on Traveller Issues are properly authorised. More important, however, are the on-going efforts being made to:
 - continue negotiations with travellers, local communities, the Commission for Racial Equality and others; and
 - develop plans for possible enforcement action, which could apply to any unauthorised traveller site in the District.

Considerations

7. The following section reflects on the current arrangements and a number of questions that have arisen in recent months. This builds on the hard work and progress that has been made so far as part of the Council's approach to Traveller Issues.
8. **Terms of Reference:** The Sub-Committee's original terms of reference, agreed by this Committee on 1 September 2004, were "to authorise, project plan and – subject to approved resources and relevant human rights considerations - carry through direct enforcement action in relation to Travellers".
9. At this Committee's meeting on 6 April, some Members questioned whether a Sub-Committee was still necessary, since this Committee could make decisions on planning enforcement issues relating to unauthorised traveller sites, and given the Cabinet's role in developing the Strategy on Traveller Issues. However, at the Sub-Committee meeting on 10 May, local Members for Cottenham emphasised the value of having the opportunity to consider the detail of the Council's preparations for any possible enforcement action that may be necessary at Smithy Fen.
10. The Strategic Officer Group advised the Sub-Committee on 10 May that any formal regulatory decision to go down the legal injunctive route should be made by the full Development and Conservation Control Committee in terms of regulatory matters, and be agreed by the Council in terms of making the necessary funding available.
11. The regulatory role of this Committee on Traveller Issues needs to be placed in the context of the executive role, taken on by the Cabinet last December, for overseeing the Council's strategy on Traveller Issues and ensuring a consistent approach to all traveller sites. This Committee may wish to consider what should be the extent of the regulatory role. Clearly, it is about identifying whether a breach of planning control has occurred and what subsequent action would be appropriate. The question is whether responsibility for overseeing any subsequent action should be with the regulatory committee or with the Cabinet as a whole.
12. **Membership of the Sub-Committee:** In September 2004, the Committee agreed that the Sub-Committee's membership should comprise Councillors Dr Bard, Roberts, Spink, and local Members on the Development Control and Conservation Committee (D&3C) in relation to the area under consideration. Any other local Members not on the Committee, and the Chairman and Vice-Chairman of the Committee, were invited to attend, as appropriate, but not as members of the sub-committee.
13. Some Cabinet Members with specific responsibilities under the Council's Policy on Traveller Issues (namely the Leader and the portfolio-holders for Planning Policy and Community Development) have served on the Sub-Committee because they are also members of this Committee.
 - As the membership of the Cabinet, and the roles of some existing portfolio-holders, are likely to change following the Annual Council Meeting on 26 May, this Committee may wish to consider whether this needs to have any bearing on the Sub-Committee's membership.
 - Allied to this, the Committee may also wish to consider how best to continue to make use of current members of the Sub-Committee who have built up considerable knowledge and experience on Traveller Issues.

14. At this Committee's meeting on 6 April, various Members supported the suggestion that the Chairman and Vice-Chairman of this Committee should be made full voting members of the Sub-Committee.
15. So far, meetings of the Sub-Committee have focused on matters relating to Smithy Fen and have involved Cottenham Members. Specific agenda items relating to other traveller sites elsewhere in the district, which would involve other Members from other wards, have not yet arisen on the same Sub-Committee agendas. If this did happen in future, there is currently some ambiguity about which ward councillors attending (if also Members of the D&3C Committee) would be entitled to vote on which agenda items. That is, could voting rights change during the course of a meeting? Alternatively, does it mean that a ward councillor could vote on an issue not relating to his/her own ward if more than one locality was featured on the same Sub-Committee agenda?
16. There is a separate concern that relevant local Members may not always get the opportunity to contribute to discussions which have a bearing on traveller issues in their wards. It is possible that a Sub-Committee meeting, held to discuss traveller matters in one locality, could bring forward proposals for dealing with issues that might apply equally to sites in other parts of the district. If Members from those other wards do not attend because they do not expect that the discussions will relate to their particular communities, they could miss out.
17. **Name of the Sub-Committee:** Clearly, the name is a secondary concern to the primary objectives of working towards a fair and realistic solution to Traveller Issues in the District. Even so, it is worth considering, given that feedback received from partner organisations last autumn suggested that the term "direct action" was perceived to have negative and aggressive connotations, with which some agencies were reluctant to be associated. Alternative names, such as the "Planning Enforcement Sub-Committee (Traveller Sites)" have been suggested, though Members may wish to keep it simple and refer to it as the "D&3C Sub-Committee".

Options

The Committee is invited to consider a number of key questions.

18. Do Members wish the Sub-Committee to continue or should these matters be considered by the Development & Conservation Control Committee as a whole? (see paragraph 9).
19. Should the Sub-Committee's role be to authorise planning enforcement action against unauthorised traveller encampments itself or to advise the Development & Conservation Control Committee on decisions to be made by the full Committee?
20. How should the role of the Development & Conservation Control Committee and the Sub-Committee relate to the strategic role of the Cabinet? (see paragraph 11 above). Who does what?
21. Who should be voting members of the Sub-Committee? (see paragraphs 12-14). Who should be invited to attend? How might the potential ambiguities and anomalies, set out in paragraphs 15-16, be avoided?
22. What should be the name of the Sub-Committee? (see paragraph 17).

Financial, Legal, Staffing and Risk Management Implications

23. There are no specific financial implications arising from this report.

24. There are no specific legal implications arising from this report. The Commission for Racial Equality states that "Gypsies and Irish Travellers are recognised ethnic groups for the purposes of the Race Relations Act (1976), identified as having a shared culture, language and beliefs".
25. The Strategic Officer Group is keen to make sure that the roles of the Cabinet and regulatory committees are clear, in order to be able to focus effort on developing the Strategy on Traveller Issues, negotiations with travellers and others, and plans for possible enforcement action.
26. Traveller Issues are highlighted as one of the key corporate risks facing the organisation (currently rated 'very high likelihood' / 'critical impact') on the Council's Risk Register. The management action plan was included in the report to Cabinet on 12 May 2005 on Strategic Risk Management.

Consultations

27. Comments on a draft version of this report were invited from the Chairman and Vice-Chairman of this Committee, and Councillors Spink, Bard and Roberts.

Recommendations

28. Members' views are invited on the questions set out in paragraphs 18 – 22, in order to clarify the terms of reference, membership and name of the Sub-Committee.

Background Papers:

The following background papers were used in the preparation of this report:

- Council's Policy on Traveller Issues, SCDC, July 2004.
- Report to Development and Conservation Control Committee, 6 April 2005.
- Report to Development and Conservation Control Committee, 1 September 2004.
- Reports to Cabinet, 28 April 2005
- Report to Cabinet on Strategic Risk Management, 12 May 2005.
- "Gypsies and Travellers: the facts", Commission for Racial Equality website, May 2005 (http://www.cre.gov.uk/gdpract/g_and_t_facts.html)

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