

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader and Cabinet

9 June 2005

AUTHOR/S: Strategic Officer Group on Traveller Issues

TRAVELLER ISSUES UPDATE

Purpose

1. To update Members on actions taken by the Council in advance of the Deputy Prime Minister's deadline for unauthorised Travellers at Pine View, Smithy Fen to leave by 11 June 2005.

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. Since the Deputy Prime Minister's decision last March, there has been a special Cabinet meeting on 28 April and a meeting of the Development and Conservation Control Sub-Committee on 10 May. Minutes of those meetings have been made available to the press and public, for consideration by Members. In addition, the Development and Conservation Control Committee (D&3C) has received reports on regulatory decision-making arrangements in relation to planning enforcement at traveller sites at its meetings on 6 April and 1 June.

Considerations: The Council's approach

4. In this interim period between the decision and the deadline, the Council is taking a two-track approach to the situation at Pine View. We are in negotiations with the Travellers, to help them comply with the decision, but we are also making plans in case they do not move.
5. The Cabinet has already reaffirmed its commitment to taking legal injunctive action against named individuals who are persistently in breach of planning enforcement notices. That said, it is also clear that legal processes inevitably take time. The Council cannot and will not be marching onto Pine View or any other unauthorised site immediately after official deadlines expire. The option of eviction and land clearance is a last resort, and the Council hopes that it will be possible to find alternative, acceptable solutions.
6. The Council is working hard to find a fair, realistic and consistent approach to Traveller sites across South Cambridgeshire. The problems presented by Traveller Issues are not limited to Cottenham, and neither are the solutions. Preparations are being made for different possible courses of action post-11 June, but it would be

premature and prejudicial for the Council to make firm decisions before the deadline has passed. Arrangements are being made for the new Development and Conservation Control Advisory Group to meet early in the week after 11 June, to be followed by further reports to the main D&3C Committee and the Council.

7. Actions taken by the Council over the last few months include:
- Liaison with the Police, other public bodies, external legal advice and bailiffs;
 - Consideration of the ideas and suggestions made by Members during the workshop on Traveller Issues on 18 March (see Appendix A). As a follow-up to this, the Cabinet will receive a report on the concept of land swaps once further legal advice has been received;
 - Meetings with the Commission for Racial Equality, Travellers at Pine View, Cottenham Parish Council and other community groups;
 - Cultural awareness training by the Ormiston Trust for members of the Cabinet and the Development and Conservation Control Sub-Committee;
 - A tour of traveller sites in the District, also for members of the Cabinet and the members of the Development and Conservation Control Sub-Committee;
 - Letter to partners serving Smithy Fen and Cottenham, plus local community groups, seeking their views on the way forward (see Appendix B);
 - Continuing fieldwork on the Travellers' Housing Need Survey, the results of which will be reported this Autumn;
 - News releases and a one-page feature in the latest edition of South Cambs Magazine (see Appendix C), setting out the Council's approach to Traveller Issues.

Financial, Legal, Staffing and Risk Management Implications

8. There are no specific financial implications arising from this report. These will arise, however, from the need for a consistent strategy to Traveller Issues across the District. This will have to be considered in the context of the Government's proposals for council tax capping.
9. 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".
10. Unfortunately, much time and effort has had to be spent by both Members and Officers correcting some inaccurate and emotive reports in the local media, which the Council would have preferred to have spent focussing on the main issues. The Council looks forward to more constructive and balanced working relationships with the Cambridge Evening News and Cottenham Residents Association in future.
11. 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

12. Partners serving Smithy Fen and Cottenham, plus local community groups, are currently being consulted on the way forward

Recommendation

13. Members are asked to note this report.

Background Papers:

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

- Council's Policy on Traveller Issues, SCDC, July 2004.
- Reports to Cabinet, 28 April 2005
- Reports to Development and Conservation Control Committee, 6 April and 1 June 2005.
- Report to Development and Conservation Control Sub-Committee, 10 May 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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Member Workshop on Traveller Issues: 18 March 2005 Responses to Group Discussion Questions

1.1. What are the strengths and weaknesses of our current approach?

Strengths	Weaknesses
<ul style="list-style-type: none"> • Roller coaster learning curve – gaining experience • Starting to communicate on several fronts • We are taking action to correct things – e.g. pollution control • Team • Awareness much greater • Have needs assessment process under way • Member support • Travellers policy in LDF • Cooperation with other Councils • Support of LGA 	<ul style="list-style-type: none"> • Large number of unauthorised sites • The system – no central Government support • Nothing yet achieved and it is costing money all the time • Too tolerant – Honey pot effect • Too reactive, not proactive • Too sensitive to ethnicity • Too weighted against locals rights • Lack of resources (from potential partners) • Negative perceptions – unsupportive press • No clear overall strategy for unauthorised sites • Finance • Manpower overstretched – Need lead Officer • Lack of identified alternative sites • Local prejudice • CRA and misinformation • Established fear of travellers within the settled population • Members need more information on traveller issues to make informed decisions • Needs of travellers have not been clearly addressed or tabled at Member meetings – may have made the decision to take direct action more clear cut than it should have been (needs/welfare issues only addressed by sub committee) • Some Members have not met or engaged with travellers • Some Members not considered what eviction/land clearance really involves – hearing first hand experience changes feelings on it
	<ul style="list-style-type: none"> • Don't know how many pitches we are supposed to provide

1.2. How can we make our approach more effective? What should we do differently?

- Cannot look a soft touch.
- Communication with the local people, communities and parishes.
- National need to monitor movements – who are they/where have they come from?
- Joint working with other councils (if not national then regional).
- Lack of in-house resources and manpower (traveller taskforce needed).
- Work with other agencies such as IRS or C of E to strengthen inter-agency work.
- Have more confidence in reporting crime and the outcomes of these reports.
- In partnership with other authorities provide more facilities – site provision in conjunction with other authorities, not all in one area.
- Deal differently with lobby groups – not giving them credence.
- Capacity of enforcement team needs to be reviewed.
- Land clearance isn't the answer until we know the approach of the SCDC strategy.
- SCDC now has so many sites where eviction/land clearance could be taken – money is very important.
- Land clearance not the answer for all. Smithy Fen is not the best site to start on.
- Clearer, stronger, more effective law.
- Greater consistency in planning appeal decisions.
- Find more sites.
- Have Members and travellers engage in a neutral environment.
- Send officers to other authorities to learn from them.
- Round robin letters to affected people.
- Balance resources in terms of funding enforcement and actions we can take – what is the priority?
- Keep information rolling out, especially to Members.

1.3. What would a realistic outcome look like in the context of official requirements?

- Clearly defined end game.
- Sufficient provision to provide authorised plots for all who need – has to be in the context of a national system that is proportionate.
- Temporary sites for peak needs.
- National database of all sites.
- Identity cards for all.
- Being able to identify possible sites within parishes.
- Government agency to move travellers on.
- Why not CPO vacant authorised plots?
- Have a holding site at Northstowe and all new settlements in the County/region
 1. Transit site – 2 weeks stay max
 2. If waiting for planning permission – 6 weeks (discuss with SCDC)
 3. Controlled by SCDC – fees, no burning, identity and history.
- Only have a holding site if other authorities provide the same.
- Travellers can only come onto the site under points 1 and 2 above.
- Only deals with transit or new arrivals, does not effect our duty under QNA.
- Complies with law, local plan and Government guidance.
- Find sites through LDF.
- Sites spread throughout the country but not in our control.
- Encourage integration, opportunities for the second generation to be more settled.
- Settled population of local travellers.
- If evicted they have to go somewhere – official requirements don't suggest eviction.
- Govt. requirements set before the requirement is known. Surveys not complete.
- Spend money on enlightenment not force.
- Doing nothing is still not a cheap option.

1.4. How do we strike the balance between what we are trying to achieve and working within the resources available?

- Government to fund peak expenditure – not planned.
- Look for cost effective solutions.
- Do it once, as it sets the scene for others.
- Find sites.
- Scale down what we are trying to achieve.
- Avoid land clearance. Use as negotiation.
- Judicial lead on enforcement.
- Negotiation with travellers – find a “common ground”.
- Does land clearance on one site mean land clearance on all unauthorised ones? Is this viable?
- Taking land clearance could leave us penniless – but doing nothing is not an option.
- Want opportunities to discuss the options.

2.1 How could ‘land swap’ or ‘land bank’ suggestions be made to work?

- Ask farmers to provide options on their land.
- Unfair – why should others profit? – Move on.
- Land should be sold at the going rate.
- Need to get agreement from local community and landowners.
- Got to be small – not Smithy Fen size.
- Need a formal consultation process.
- Look to the County Council for land.
- Won’t work. Too much money, takes time to identify land and provide, local issues, planning procedures, persuasion to swap, encourages further unauthorised incursion.
- Won’t work by CPO (compulsory purchase order).
- Lack of land/resources.
- Identify land suitable and encourage travellers to negotiate with land owner – encourage negotiation.
- CPO unauthorised sites at agricultural value and then have control of it.
- Allocate “Housing land” under PPS3 guidance for traveller sites.
- We need to know how many sites we have to provide before we look at buying more – we could provide enough already.
- Government need to put out a statement listing how many sites each authority needs to provide.

2.2 Given that the Government is likely to require South Cambs to make more provision for travellers, where are the travellers going to go within the district?

- Travelling community are their own community – look after themselves.
- Planned provision within growth areas but not honey pot – travellers plots within Northstowe and Cambridge fringe.
- Look to Novas group.
- Small sites – no over-provision.
- In some cases give permission for realigned, upgraded unauthorised sites – local support is crucial.
- Identify land which would meet our criteria.
- Get tough with parish councils.
- Contact the County Council – there must have been other sites identified at the same time as Blackwell and Whaddon, where were they?

2.3 How do we strengthen community relations?

- Liaison groups.
- Promote better media coverage.
- More police activity.
- Keep on with the Community Strategy.
- Commission a body to formally liaise with travellers locally.
- Cross-border liaison on traveller issues is also important.
- Reassure local community about Council Tax, VAT, and that they are being addressed.
- Involve the Church.
- Learn from visits elsewhere – Tewkesbury BC.
- Integrated work with partners e.g. health and education, key services.

2.4 What are Member's top three priorities for the service they receive from officers on traveller issues?

- Monitor and inform – provide regular updates. Keep up weekly bulletins.
- Legal and planning advice.
- Assess options and agree strategy.
- Need more officer resources on traveller issues.
- Cabinet need to address and discuss many of the issues discussed today
- Can we make cuts in other non-statutory/non priority areas to make savings?

Text of letter from Chief Executive to public bodies serving Smithy Fen and Cottenham, and local community groups

26 May 2005

Pine View Travellers Site, Smithy Fen, Cottenham

You will, no doubt, be aware of the Deputy Prime Minister's decision that illegally camped Travellers at Pine View, Smithy Fen must move by 11 June 2005. The Council is working hard behind-the-scenes to find a way forward, and is keen to liaise closely with its partners. As part of this, I am writing to public bodies serving Smithy Fen and Cottenham, plus a range of local community groups and neighbouring residents, in order to seek your views.

Background

As you may know, the Travellers who own pitches 1-17 Pine View appealed against the District Council's decision to refuse planning consent for the use of this land as a Travellers' site. There was a planning inquiry into the appeal, culminating in a report by a Government planning inspector. Taking account of the report, the Deputy Prime Minister considered the Travellers' appeal and announced his decision on 11 March 2005.

The Deputy Prime Minister's decision was to dismiss the Travellers appeal. His letter concluded: *"The Secretary of State considers that the enforcement notice as amended should be upheld, and that the period for compliance with the enforcement notice should be 3 months."* The 3-month period expires on 11 June 2005, and by this time the Travellers living at Pine View should have complied and left.

The Council's approach

In this interim period between the decision and the deadline, the Council is taking a two-track approach to the situation at Pine View. We are in negotiations with the Travellers, to help them comply with the decision, but we are also making plans in case they do not move.

The Council's Cabinet has already reaffirmed its commitment to taking legal injunctive action against named individuals who are persistently in breach of planning enforcement notices. That said, it is also clear that legal processes inevitably take time. The Council cannot and will not be marching onto Pine View or any other unauthorised site immediately after official deadlines expire. The option of eviction and land clearance is a last resort, and the Council hopes that it will be possible to find alternative, acceptable solutions.

The Council is considering what action it should take if Pine View is not vacated in compliance with the enforcement notice and the ODPM decision. Certainly, some of the Travellers at Pine View have indicated that they do not wish to leave, largely due to a lack of other sites to which they can go. They say that they want to remain in or near Cottenham, as they have become settled with children attending Cottenham schools etc. In contrast, the ODPM indicated that "there is limited evidence that the [alternative] site or sites must be in the Cambridge area".

The Council wants to take account of the needs and wishes of all sections of the community in and around Cottenham (both residents and Travellers).

To help us to take all relevant matters into consideration, we are writing to you and others to seek your views. We would like to hear from you on three points, in particular.

1. Are there any factors, concerning the needs of the Travellers or the needs of settled residents, which you think we should consider in our decision on action at this site? If so, please outline them.
2. Are you aware of any issues which would indicate a need for the Travellers to remain in or around Cottenham? Or any issues which you feel would indicate that their remaining in Cottenham is inappropriate?
3. Are there any other points, relevant to the situation at Pine View, which you would wish us to take into account.

I would be grateful if you could respond by Friday 10 June 2005, ideally in writing. Alternatively, you may prefer to telephone Simon McIntosh (Head of Community Services) on (01954) 713350. In replying, please indicate whether your views could be made public or if you wish them to be confidential, and whether these views are on behalf of an organisation or your own personal opinion. All replies received will be shared with members of the Council's Cabinet and the local district councillors for Cottenham.

In closing, it is perhaps worth reflecting on recent media coverage. There is a lot to be said for the adage "Don't believe all you read in the press". The Council is working hard to find a fair, realistic and consistent approach to Traveller sites across South Cambridgeshire. The problems presented by Traveller issues are not limited to Cottenham, and neither are the solutions. Preparations are being made for different possible courses of action post-11 June, but it would be premature and prejudicial for the Council to make firm decisions before the deadline has passed. Given that not all media coverage of Traveller issues is fair and balanced at the moment, you may like to keep an eye on the news releases on the Council's website in order to keep abreast of the Council's approach.

I look forward to hearing from you.

Yours sincerely,

John Ballantyne
Chief Executive

Text of article in *South Cambs Magazine*, Summer '05

Traveller Issues explained

Hardly a day goes by without some media coverage about traveller sites, particularly Smithy Fen, Cottenham. Rumours and misunderstandings are rife. We would like to clarify the Council's position.

The Council's approach

South Cambs is working hard to:

- Enforce planning controls fairly, firmly and consistently;
- Strengthen community relations between local households and travellers;
- Lobby for changes in planning law.

The Cabinet is in favour of legal injunctions against individuals who continually flout the law. Travellers on unauthorised plots who persistently breach enforcement notices could face imprisonment by the courts.

Difficult choices

Tackling traveller issues is not easy. Smithy Fen is a local example of a national problem. The Council shares local residents' frustrations. As the table on the next page demonstrates, we face some difficult decisions as we try to strike a balance between conflicting demands.

National approach needed

The Council has called on the Government for a clear and co-ordinated national approach to Traveller Issues, backed up by national funding. We have also made clear that:

- All councils should be required to make provision for travellers, not just those (like South Cambs) that already do more than their fair share;
- Travellers should have to demonstrate their identity and proof of genuine need;
- Councils need stronger enforcement powers;
- Traveller sites should be kept to a sensible size.

We value our working relationships with parish councils in tackling traveller issues. We would welcome support from all sections of the community and local media as the Council continues to strive for a fair and realistic solution.

Table: Difficult choices

<i>On the one hand....</i>	<i>On the other hand....</i>
The Council needs to apply planning law and take enforcement action against breaches of planning control.	There have been appeals against some Council decisions to refuse permission for Traveller sites. In some cases, after lengthy inquiries, planning inspectors have found in favour of the travellers, citing the need to uphold their human rights.
Some people question why South Cambridgeshire should be a “honey pot” for Travellers.	Romany Travellers are a traditional part of life in the district. New official guidance could require the Council to make further provision for sites throughout the district to meet traveller needs.
There are understandable concerns about delays in taking action against illegal traveller encampments.	The High Court has ruled that the Council cannot clear unauthorised sites until outstanding planning appeals are heard. The legal process is complex and time-consuming. The fact is that the Council cannot simply march onto unauthorised sites as soon as official deadlines expire.
Some people ask why it is so difficult to remove Travellers from Smithy Fen, Cottenham when other councils have carried out evictions.	The situation at Smithy Fen is especially complicated because, unlike other sites, it contains a mix of both legitimate and unauthorised traveller plots.
There have been heart-felt calls from Cottenham for the Council to evict Travellers from Smithy Fen.	The Council has to take a fair and consistent approach to all unauthorised Traveller sites in the district. There are others at Swavesey, Histon and Chesterton Fen.
Some believe that the Council should spend whatever it takes to resolve the problems.	Others question how far costly action on traveller sites is prudent when South Cambs faces the threat of council tax capping and major service cuts.
Local communities are angered by anti-social behaviour by some travellers. The Council is committed to upholding community safety.	Travellers have themselves been the victims of hate crime and abuse, and are entitled to the same protection as anyone else.
It is unfair that the interests of local residents seem to count for less than those of Travellers.	The needs of Travellers cannot be ignored. They have a lower life expectancy and higher infant mortality rate than any other section of society.