

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Travellers Consultative Group held on
Monday, 20 October 2003

PRESENT: Councillor RE Barrett – Chairman

Councillors: Dr DR Bard
Mrs MP Course
LCA Manning JP
Mrs DP Roberts

CC Barker
Mrs JM Healey
JA Nicholas

Mark Barron
Ryan Carter
David Hussell
Gareth Jones
Geoff Keerie
John Koch
Tony Marks
Simon McIntosh
Chris Taylor
Jane Thompson

Travellers Officer
Assistant Enforcement Officer
Development Services Director
Deputy Development Services Director
Principal Environmental Health Officer
Appeals Officer
Enforcement Officer
Head of Community Services
Head of Legal Services
Cultural Services Manager

Councillors RF Collinson (local Member for Cottenham), J Shepperson (local Member for Swavesey) and RT Summerfield (local Member for Milton) attended the meeting by invitation.

Apologies for absence were received from Councillor Mrs EM Heazell and JH Stewart.

1. FORMER COUNCILLOR DJL ALLEN

Those present observed a minute's silence in memory of former Councillor DJL Allen, who had died recently.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. PART 1 - CONFIDENTIAL ITEMS

There were no items for consideration during this part of the meeting.

4. PART 2 - SENSITIVE ITEMS

There were no items for consideration during this part of the meeting.

5. PART 3 - OPEN ITEMS

The Chairman welcomed members of the public to the meeting, but reminded them that they were not entitled to contribute to the debate.

6. MINUTES OF PREVIOUS MEETING

The Group authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 9th July 2003, subject to deletion of the inappropriate use of the apostrophe in the word "Travellers" wherever it appeared in the Minutes, including in the

title of the Group.

7. REPORT FROM TRAVELLERS OFFICER

The Group received and **NOTED** a report from the District Council's Travellers Officer, updating Members on the progress of work being carried out in relation to local Travellers.

The report highlighted, and Members discussed

- the South Cambridgeshire Travellers Count carried out on 16th July 2003
- complaints about illegal encampments
- redevelopment of the Blackwell site
- the occupancy and management of the Blackwell and Whaddon sites
- the recent appointment, by Cambridgeshire County Council, of a new Travellers Liaison Officer

Councillor Mrs DP Roberts welcomed the report and recorded her appreciation of the considerable degree of reactive work carried out by the Travellers Officer.

Members made the following points

- future reports should include information on all unauthorised encampments, and not just those dealt with by the Travellers Officer and Environmental Health Department. This would include, therefore, unauthorised encampments identified by the Development Services Department.
- there needed to be greater liaison between South Cambridgeshire District Council and Cambridgeshire County Council to address the problem of illegal encampments
- the reference, on page 1 of the Count report, to "Coats, Meadow Drove, Willingham" should instead be to "Coats, Priest Lane, Willingham"
- it would be useful to have an opportunity, at the next meeting, to discuss issues arising from the standing report of the Travellers Officer with officers and the lead Member from the County Council

The Director of Development Services reflected the mood of the meeting by expressing sympathy for the residents of Cottenham in the light of the Planning Inspector's recent Appeal Decision relating to Pine Lane (off Water Lane), Smithy Fen, Cottenham. Noting the County Council's considerable responsibilities in terms of education and social services, he suggested that the Group might instruct its Chairman to write to the proper officers at that Authority, seeking improved joint-working between County- and District Councils, and inviting the County Council to take the lead at a local government level.

The Travellers Consultative Group **AGREED** that its Chairman should write to Cambridgeshire County Council with a view to exploring ways of enhancing their joint approach to a range of Traveller-related issues.

8. REPORT FROM THE DEPUTY DEVELOPMENT SERVICES DIRECTOR

The Deputy Planning Director summarised the contents of a letter dated 8th October 2003 from Cottenham Parish Council to residents of the village, a revised copy of which had been circulated at the meeting.

The Head of Legal Services assured Members that the approach to Traveller-related issues adopted by the District Council remained valid, notwithstanding the recent adverse Appeal decision at Smithy Fen, Cottenham.

The Enforcement Officer summarised the Enforcement Action Progress report considered on 1st October 2003 by the Development and Conservation Control Committee.

A Member urged the Council to continue prosecuting those in breach of Stop Notices. The Head of Legal Services explained that such action could be taken only against the occupiers of land, and not against contractors making deliveries to those occupiers (unless there was reliable evidence that a contractor was aiding and abetting the breach of a Stop Notice).

9. SITES IN COTTENHAM

The Deputy Planning Director summarised the Appeals Decision relating to land at Pine Lane (off Water Lane), Smithy Fen, Cottenham, copies of which had been circulated at the meeting. While expressing disappointment with the final outcome, he welcomed a number of positive aspects, specifically the weight the Inspector had given to the Council's policies. Regrettably though, visual impact had not been seen as a factor worthy of producing a result in the Council's favour.

Members made the following points:

- the Inspector's reasons, set out in paragraph 35, were flawed in that they related to general principles relevant to all members of the community, rather than specifically to Travellers and their unique culture. For this reason, the Council should appeal against the Inspector's decision, if legally possible.
- the Inspector had stressed the need to recognise the human rights of Travellers. What about the human rights of other people living in Cottenham?
- the Inspector's justification, outlined in paragraph 29, was not a planning consideration
- the word "dependants" in paragraph 38(2) was too open-ended
- South Cambridgeshire District Council should compare its approach with those other local authorities with similar Traveller policies
- the need for closer liaison with, and the involvement of, the police, and health and education services
- uncertainty as to what the cultural connection of these Irish Travellers is to South Cambridgeshire
- human rights of the wider population and the desirability of instructing Counsel on the issue
- the relative merits of human rights and land use in determining planning matters
- scepticism about the financial means of these Travellers
- doubt about the statement in paragraph 16 that there are no highway objections, or there is no adverse impact on nearby housing
- grave concern about the consequent well-being of nearby residents in Cottenham
- the Council must act to address the alleged shortcoming highlighted by the Inspector in paragraph 3. It would do so, in part, through its work on the Local Development Framework, currently being worked on by Planning Policy officers and due to be adopted and placed on deposit in the summer of 2004.
- there were Anti-Social Behaviour issues at stake

Members asked the Head of Legal Services to instruct Counsel to deliver an opinion on the relationship between European and English Law, focusing on the weight that should be given to Human Rights legislation when addressing planning and land use issues, and to explore the legality of the present decision.

The Council should challenge the Inspector's identification of an "unmet need" for

travellers' pitches, and emphasise its responsibility to respond to "local need" instead.

10. STRATEGY FOR THE TRAVELLERS CONSULTATIVE GROUP

The Group **NOTED** that Cabinet had endorsed its Terms of Reference on 31st July 2003.

The Director of Development Services presented proposals for the establishment of a High Level Officer Group on Traveller-related issues. Members discussed whether or not there was any need for an additional Group. It was argued that Member input was essential, and that any contribution from County Council Members and officers, or from the police should be made directly to the Travellers Consultative Group.

The Head of Community Services suggested that the Officer Group might operate on an informal basis only, drawing on casual contacts to formulate reports to the Travellers Consultative Group.

The Travellers Consultative Group **AGREED** that a High Level Officer Group should be established to discuss appropriate issues informally with the Police and County Council, and that its operation should be reviewed by the Group at its meeting in three months' time.

11. NEXT MEETING

The Travellers Consultative Group asked that an extra meeting be convened towards the end of November or beginning of December, specifically to review the next Appeal Decision in Cottenham, expected to have been published by then. The Democratic Services Officer undertook to identify possible dates, and convene a meeting in consultation with the Chairman.

The Group identified the following as issues to be considered at future meetings:

- the relationship between planning law and human rights law
- Partnership working between South Cambridgeshire District Council, Cambridgeshire County Council, the Police and health authorities
- school provision and education issues for Travellers
- an invitation for the County Council's lead Member to attend the meeting
- an update on the situation in Cottenham (Members asked officers to write to Cottenham Parish Council outlining the District Council's approach so far).

The Meeting ended at 4.35 p.m.
