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12 October 2003

To: Chairman – Councillor RE Barrett
Members of the Travellers Consultative Group – Councillors Dr DR Bard,
CC Barker, Mrs MP Course, Mrs JM Healey, Mrs EM Hezell, LCA Manning JP,
JA Nicholas, Mrs DP Roberts and JH Stewart
and to Councillors RF Collinson, J Shepperson and RT Summerfield, for
information

Dear Councillor

You are invited to attend the next meeting of **TRAVELLERS CONSULTATIVE GROUP**, which
will be held in **COUNCIL CHAMBER** at South Cambridgeshire Hall on **MONDAY, 20
OCTOBER 2003 at 2.00 p.m.**

Yours faithfully
GJ HARLOCK
Finance and Resources Director

AGENDA

PAGES

1. **Apologies**
2. **Declarations of Interest**

PART 1 - CONFIDENTIAL ITEMS
There are no items to be considered under this heading.

PART 2 - SENSITIVE ITEMS
There are no items to be considered under this heading.

PART 3 - OPEN ITEMS
The Press and Members of the Public are invited to attend the remainder
of the meeting. They are entitled to listen to the debate, but will not be
allowed to make representations of any kind.
3. **MINUTES OF PREVIOUS MEETING** 1 - 6
To authorise the Chairman to sign, as a correct record, the Minutes of the
meeting held on 9 July 2003.
4. **REPORT FROM TRAVELLERS OFFICER** 7 - 14
A copy of the July count of Travellers' caravans is attached.
5. **REPORT FROM THE DEPUTY DEVELOPMENT SERVICES
DIRECTOR** 15 - 32

To update Members about sites across the district (summary report attached), and the outcome of a meeting between South Cambridgeshire District Council, the Police and Cottenham Parish Council (letter from the Parish Council to local residents attached).

6. SITES IN COTTENHAM

To consider the Inspector's Report, and its implications.

7. STRATEGY FOR THE TRAVELLERS CONSULTATIVE GROUP

33 - 34

The Terms of Reference, agreed by Cabinet, are attached for information. Members will be asked to consider, among other things, the establishment of a high level officer Group, consisting of officers from Legal, Environmental Health, Community Services, Housing and Planning) to co-ordinate the Council's approach, and influence other stakeholders, such as Cambridgeshire County Council (Social Services, Education and Planning Departments), the Police, Environment Agency and Area Health Authority.

8. DATE OF NEXT MEETING

Members are asked to bring their diaries.

TRAVELLERS CONSULTATIVE GROUP

Minutes of the inaugural meeting held on 9th July 2003
starting at 2.00pm.

PRESENT: Councillor Dr DR Bard Councillor Mrs EM Heazell
Councillor CC Barker Councillor LCA Manning
Councillor RE Barrett Councillor Mrs DP Roberts
Councillor Mrs MP Course Councillor JH Stewart

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

The following Officers attended the meeting: Mark Barron (Travellers Officer), Jem Belcham (Area 2 Planning Officer), Ryan Carter (Assistant Enforcement Officer), Gareth Jones (Deputy Planning Director), Geoff Keerie (Principal Environmental Health Officer), Tony Marks (Enforcement Officer), Chris Taylor (Head of Legal Services) and Jane Thompson (Community Partnerships Manager).

Councillors Mrs JM Healey, Dr JA Heap (local Member for Harston), JA Nicholas and J Shepperson (local Member for Swavesey), and David Hussell (Planning Director) sent their apologies for absence.

1. ELECTION OF CHAIRMAN

Councillor Mrs DP Roberts proposed that Councillor RE Barrett be elected Chairman of the Group for the coming year, This was seconded by Councillor Dr DR Bard and, there being no further nominations, it was

RESOLVED that Councillor RE Barrett be elected Chairman of the Group for the coming year,

2. TERMS OF REFERENCE

The Head of Legal Services introduced an "Issues Paper" on the Council's record on providing private pitches through the planning process, definitions in the light of *Wrexham v Nat. Assembly of Wales and Berry* recently decided, the respective roles of Government, local government and the Courts in addressing Traveller-related matters, and the question of policy formulation.

Members engaged in a wide-ranging discussion in the light of concerns as to the name, constitution, and reporting responsibilities of the Group. The following specific points were discussed:

- the method by which the Group's deliberations should be reported to the Cabinet
- the different roles of the Group – fact-finding, policy consideration, and liaison with Travellers (possibly via a sub-Group)
- the need to ensure sensitivity and safety before undertaking any further surveys of the Travellers community
- the relative rights and duties of the Council and Travellers
- impact of the law and the role of the Police

- the desire that the Council set itself a vision in how best to use design and approach to address the Travellers issue in a positive and co-ordinated manner
- the importance of recognising and respecting the lifestyle of Travellers while dealing with criminality and anti-social behaviour in the usual way (that is, not in a way unique to Travellers)

Members endorsed the view that the Chairman should attend meetings of the Development and Conservation Control Committee, Portfolio Holders and Cabinet in order to present to them in person any recommendations made by the Group.

It was **RECOMMENDED** to Cabinet that the Group should adopt the following Terms of Reference:

- (1) To consider all issues in relation to Travellers, including any unmet demand, site provision, site enabling, site development, site control and other arrangements.
- (2) To advise the Cabinet on policy issues relating to Travellers.
- (3) To advise the Development and Conservation Control Committee on development control issues relating to Travellers.
- (4) To report annually to the Cabinet and Development and Conservation Control Committee on the number of caravans and Travellers families on authorised and unauthorised sites, and upon relevant trends, on planning control issues arising during the previous twelve months, and on liaison arrangements with the travelling and ex-travelling communities.
- (5) To consider all new case law and guidance, and new and proposed legislation.

3. NAME OF THE GROUP

It was **RESOLVED** that the Group be known as the Travellers Consultative Group.

4. PUBLIC EXCLUSION FROM FUTURE MEETINGS

The Group discussed whether or not future meetings should be held in open session.

Members considered the following options:

- that meetings be open to the Press and public, subject to the usual exempt categories contained in Part 1 of Schedule 12A to the Local Government Act 1972 (As Amended)
- that all meetings be held in private, due to the sensitive nature of matters likely to be discussed
- that confidential items be considered at the beginning of the meeting, thus overcoming concern at having to exclude members of the public, including Travellers, from a previously open meeting

- that all meetings be closed unless otherwise stated

Members also considered the following:

- the need for the Council to be transparent in its dealings
- the desirability of publicising the Council's good record in terms of Travellers issues
- four additional categories of exempt information, issued recently in the context of business likely to be conducted by the Standards Committee
- the danger of giving the impression of holding meetings "in secret"
- the need to acquire the trust and confidence of the Travellers Liaison Group

Councillor CC Barker expressed misgivings about considering confidential items at the beginning of the meeting, followed by open items.

It was **RESOLVED**

- (1) that, usually, meetings be open to the Press and members of the public;
- (2) that items involving exempt information, and any matters which, even though not exempt or confidential, the Chairman decides (whether in considering the agenda for the meeting or at any later stage) should be dealt with privately, be considered at the beginning of the meeting;
- (3) that, upon the conclusion of those items referred to in (2) above, members of the Press and public be invited to attend (but not speak) for the remainder of the meeting; and
- (4) that Members, whose wards or constituents are affected, or likely to be affected, more than any other ward or constituents on any matter on the agenda, be entitled to attend and speak notwithstanding the nature of the business.

5. **UNAUTHORISED TRAVELLERS' SITES**

Members received and **NOTED** a report from the Planning Enforcement Officer, consisting of an extract from the Enforcement Action Progress Report presented to the Development and Conservation Control Committee on 2nd July 2003, and plans showing the location of unauthorised sites within the District.

The Planning Enforcement Officer highlighted the dilemma he faced in carrying out his responsibilities on behalf of the Council while, at the same time, being identified by certain Travellers as somebody with whom they could discuss community, health and education issues among other things.

Members recognised the difficult situation in which this placed the Enforcement Officer, and Councillor Mrs DP Roberts highlighted the need to encourage the Primary Care Trust, Local Education Authority and other relevant agencies to engage in greater partnership working with the Council.

The Principal Environmental Health Officer summarised the involvement of the Environmental Health section, highlighting the communication skills that had been developed in addressing public health issues in the context of Travellers.

6. SMITHY FEN, COTTENHAM

The Consultative Group considered a report from the Deputy Planning Director, in respect of seven individual planning applications relating to privately-owned Traveller sites at Smithy Fen, Cottenham.

The Deputy Planning Director outlined the complex issues involved, and expressed the hope that the Travellers Consultative Group could provide the necessary impetus to ensure that the various aspects were given appropriate weight, and that the eventual decision by the Development and Conservation Control Committee would be seen as having increased credibility.

Councillor RF Collinson summarised the history of the site, referring to views expressed by Cottenham Parish Council, and to the narrow nature of the vehicular access to it. He also expressed doubts as to the accuracy of the information relating to the local connection of some of the individuals concerned, and asked that it be verified.

Subject to officers being satisfied as to the accuracy of the information relating to the personal circumstances of some of the applicants, it was **RESOLVED** to recommend to the Development and Conservation Control Committee that planning permission be refused for the proposals submitted by J O'Connor, Miss B Grant, J Culligan and J Flynn, and that weight be given to personal factors in relation to the applications submitted by Mrs J Price, S Price and H Price, when considering these applications in the context of Policy HG29.

7. UNAUTHORISED ENCAMPMENTS

The Consultative Group received and **NOTED** a report, prepared by the Travellers Officer, on current liaison between South Cambridgeshire District Council and the Travellers' community.

8. CAMBRIDGESHIRE TRAVELLERS INITIATIVE

The Consultative Group received and **NOTED** a report, prepared by the Community Partnerships Manager, on the Cambridgeshire Travellers Initiative.

It was **AGREED** that the Project Manager should be invited to address a future meeting of the Travellers Consultative Group.

9. ITEMS FOR FUTURE AGENDAS

It was **AGREED** that items for future agendas should include:

- the Council's response to recent Government reports on Transit Sites
- unauthorised encampments
- report from Travellers Liaison Officer (Standing Item)
- an invitation for officers from the Local Health Authority, Primary Care Trust and Cambridgeshire County Council to address Members
- a Project Plan for conducting a Travellers survey to assess the future need for travellers' sites and help determine whether or not

provision should be made for Travellers within new major housing allocations

- delegated powers

10. DATE OF NEXT MEETING

It was **AGREED** that the Travellers Consultative Group should meet on a quarterly basis, and that the Committee Administrator should endeavour to arrange the next meeting in October, subject to the availability of Members and Officers.

The meeting closed at 4.35pm

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO

Travellers' Consultative Group

Date: 20th October 2003**AUTHOR/S:**

Travellers' Liaison Officer

TRAVELLERS' OFFICER'S GENERAL REPORT

Purpose

1. This report has been written to update Members about the above-stated group on the current work of South Cambridgeshire District Council with local travellers.

Background

2. South Cambridgeshire District Council is required by the Office of the Deputy Prime Minister (ODPM) to undertake a Travellers' Count twice per year. This takes place on a set date in January and July every year and the results are submitted to the ODPM.
3. Below is a table that sets out the results from the South Cambridgeshire Travellers' Count that was carried out on 16th July 2003.

Date	Total number of caravans in South Cambridgeshire	Total number of families	Total number of adults	Total number of children
July 03	440	209	453	244

4. These figures include numbers that were counted at both authorised and unauthorised encampments.

Complaints about illegal encampments

5. Since the last Travellers' Count, The Travellers Officer has received approximately 45 complaints of illegal encampments that needed attention and investigation. In all of these cases, the Travellers Officer was successful in moving these encampments on within 1 week of his initial visit.
6. The main source of complaints this summer were generated by a Traveller's Religious Festival that was held on Ministry of Defence land at Oakington Airfield. Cambridgeshire Police estimated that approximately 600 caravans arrived on this site over the weekend of 19th July.
7. This event generated a huge number of complaints to both the Travellers Officer and the Police, however, good partnership working between SCDC, the Police and the

Ministry of Defence ensured that this event was kept controlled and the site was clear by Sunday 27th July, within 1 week of the first complaint being received.

8. This event had a knock-on effect around South Cambridgeshire as these travellers dispersed into local villages. This generated further complaints from local villagers and businesses, however, all of these were also dealt with successfully.

Blackwell Site Re-development

9. The tenders for the development work have now been received by Cambridgeshire County Council and the project is being led by Beverley Jones, of its property and procurement section.
10. At the time of this report, Health and Safety check are being carried out before the successful tender is announced.
11. The first phase of the work is due to start in Mid-November and the current completion date for this project is Mid-March 2004. SCDC Traveller's officer and wardens will continue to act as Site Managers for this project and liase with the County Council.

Occupancy and Management of Blackwell and Whaddon Sites

12. Over the past 3 months both of these authorised sites have continued to be fully occupied.
13. There has recently been a problem with rubbish dumping at the Blackwell Site, however, this problem is always rectified when we supply a skip on the site.

Newly Appointed County Council Travellers' Officer

14. Cambridgeshire County Council now has a new Travellers Officer in post at their Shire Hall Office. Steve Flude, who previously worked for Cambridge City Council, started this post on Monday 6th October and takes over the role from Gill Prangnell.
15. The South Cambridgeshire District Council Travellers Officer will continue to work with the County Travellers Officer to ensure that Travellers work around the District is co-ordinated and effective.

Background Papers: the following background papers were used in the preparation of this report: None

Contact Officer:

Mark Barron, Travellers' Liaison Officer – Tel: 01223 724146

DEPARTMENT OF THE ENVIRONMENT – COUNT OF GYPSY CARAVANS

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Dated –16 July 2003

Mr Bill Duncan is dealing with this matter ☎ 01223 443140

Count goes to:

Department of the Environment
Housing & Planning Statistics Unit
Temple Quay House, 2 The Square
Bristol BS1 6EB

List of sites to Travellers Liaison Officer, CCC

Please note – Estimates only given re number of families, adults and children

LOCATION [Brief description, eg names or road and place]	No of Caravans	No of Families	No of adult gypsies	Children	Remarks
Official Sites [Council or privately run – planning permission having been granted] Authorised – Private					
Plots 1-8, Orchard Drive, COTTENHAM	20	8	23	15	
Plots 1-10, Water Lane, Smithy Fen, COTTENHAM	19	11	23	18	
Bury Holdings, Setchell Drive, COTTENHAM	30	10	32	21	
Setchell Drive (ex Bouland), COTTENHAM	2	1	2	5	
Smith, Primrose Hill, LITTLE GRANSDEN	2	2	4	-	Tolerated site
Newfields, Chesterton Fen Road, MILTON	67	18	31	12	Planning permission for 62
Big T, Chesterton Fen Road, MILTON	11	7	13	8	
Grassy Corner, Chesterton Fen Road, MILTON	6	1	2	-	
Clearview, Chesterton Fen Road, MILTON	6	3	8	-	
Greenacres, Chesterton Fen Road, MILTON	8	7	14	-	
Sunningdale, Chesterton Fen Road, MILTON	50	21	39	14	
Boulton, Cuckoo Lane, RAMPTON	4	2	10	2	
Missen, Cuckoo Lane, RAMPTON	1	1	1	-	
Stephens, Llameckuff, Cuckoo Lane, RAMPTON	1	1	3	-	
Coats, Meadow Drive, WILLINGHAM	7	4	10	11	
Buckley, Meadow Drive, WILLINGHAM	4	3	5	3	
Bibby Site, Schole Road, WILLINGHAM	6	1	7	2	
Wesson Site, Schole Road, WILLINGHAM	5	1	2	-	Planning permission for 1
Priest Lane (Iram Drive) WILLINGHAM	1	1	2	-	Planning permission for 2
Grange Park, Chesterton Fen Road, MILTON	35	21	39	28	
No 1 Lomas Farm, Chesterton Fen Road, MILTON	-	-	-	-	
Darrens Farm/Lomas Farm, Chesterton Fen Road, MILTON	5	1	10	2	
TOTAL	290	125	290	141	

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LOCATION [Brief description, eg names or road and place]	No of Caravans	No of Families	No of adult gypsies	Children	Remarks
Authorised – Council Sites					
Blackwell, Mere Way, MILTON	18	13	22	19	Local Authority site
New Farm, WHADDON	20	13	31	6	Local Authority site
TOTAL	38	26	53	25	

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LOCATION [Brief description, eg names or road and place]	No of Caravans	No of Families	No of adult gypsies	Children	Remarks
Unauthorised					
(a) Tolerated Sites on Gypsies' own land					
Walnut Tree Paddock, Barton Road, HASLINGFIELD	1	1	1	-	
Scotland Drove, SWAVESEY	3	1	3	-	
TOTAL	4	2	4	-	

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List of sites to Travellers Liaison Officer, CCC

LOCATION [Brief description, eg names or road and place]	No of Caravans	No of Families	No of adult gypsies	Children	Remarks
Unauthorised					
(b) Sites not tolerated on Gypsies' own land					
Land r/o Buckley Site, Meadow Drive, WILLINGHAM	1	1	1	-	
Webb's Site, Chesterton Fen Road, MILTON	3	1	6	4	Webb's Chesterton Fen Road, Milton Enforcement Title
Button End, Harston	2	1	2	3	Enforcement action
Chesterton Fen Road, Milton – Sandy Park	24	18	22	10	Enforcement action
Five Acres Show Travellers, Kneesworth Road, Meldreth	11	10	19	4	Planning approval offered
Hawthorn Park, Kneesworth Road, Meldreth	5	3	6	6	
Scotland Drive [2] Rose & Crown Road, Swavesey	20	3	5	6	Enforcement action
The Paddock, Chesterton Fen Road, Milton	3	1	4	-	Enforcement action
Orchard Drive, Cottenham, Plots 10-15	12	5	11	17	
Pine View, Smithy Fen, Cottenham	13	6	13	13	
Pine Lane, Smithy Fen, Cottenham	8	4	8	7	
Victoria Avenue, Smithy Fen, Cottenham	2	1	2	3	Enforcement action
TOTAL	104	52	99	73	

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List of sites to Travellers Liaison Officer, CCC

LOCATION [Brief description, eg names or road and place]	No of Caravans	No of Families	No of adult gypsies	Children	Remarks
Unauthorised					
(c) Sites tolerated on land not owned by gypsies					
The Causeway, Willingham	1	1	1	-	
TOTAL	1	1	1	-	

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LOCATION [Brief description, eg names or road and place]	No of Caravans	No of Families	No of adult gypsies	Children	Remarks
Unauthorised					
(d) Camping on highway, unoccupied or occupied land					
Layby Toft Road, Hardwick	1	1	2	-	
Weston Colville, Six Mile Bottom	2	2	4	4	
TOTAL	3	3	6	4	

PLANNING ENFORCEMENT OFFICERS REPORT

UNAUTHORISED TRAVELLERS SITES

On 1st October 2003 the Development and Conservation Control Committee received the Enforcement Action Progress Report.

An extract of the report provides details of the action that has been taken to date on unauthorised travellers' sites.

Location of Sites

<p>34/98 B/1/45/72 and S/0133/97/O Camside Farm Chesterton Fen Road MILTON</p>	<p>Without planning permission the stationing of two mobile homes for residential use.</p>	<p>Planning Committee 2nd December 1998 - Item 20 Members authorised (i) To seek an injunction . (ii) To issue an Enforcement Notice if the application for an injunction was refused. (iii) A Period of three months to comply with any Enforcement Notice issued. (iv) That in the event of failure to comply with the Notice and subject to there being no material change in circumstances proceedings be taken in the Magistrates Court.</p>	<p>The necessary information and documentation to seek an injunction is currently being processed. Letters of intended actions served upon contravenors, who subsequently submitted a planning application to retain the two mobile homes and also an application for a Lawful Development Certificate alleging lawful use of the two mobile homes as bedroom use only. Injunctive action held pending determination of the above applications. On advice from the Legal department an Enforcement Notice was issued under reference E342 8th June 1999 requiring (a) removal of the mobile homes from the site together with ancillary works, (b) cease to use the land as a general dealers</p>
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<p>yard, (c) restore the land to its condition before the breaches of planning control took place, (d) use the land only for agriculture and paddock with stables as before. The Notice takes effect 15th July 1999 and has a compliance period of 6 months.</p> <p>The Enforcement Notice has been appealed. The site is also part of the general review of travellers accommodation in the Chesterton Fen Road area.</p> <p>The outcome of the appeal against the Enforcement Notice is awaited.</p> <p>The appeal was dismissed 10th January 2000 with the compliance period being varied to 9 months (10th October 2000).</p> <p>5.7.2000 Compliance period ends 10th October 2000.</p> <p>4.10.2000 Still within the period before compliance which ends 10th October 2000.</p> <p>3.1.2001 Arrangements were made to formally interview two of the appellants 8th December 2000 at these offices, and both attended together with their Counsel and</p>		

<p>Solicitor. On the advice of their legal advisers both declined a formal interview, with their Counsel agreeing to write to our Head of Legal Services by the end of January 2001 listing those issues his clients wished to be considered in connection with any intended prosecution. Counsel indicated that the Human Rights Act 2000 would feature greatly in his submissions.</p>	<p>2.5.2001 Summonses returnable to Cambridge Magistrates Court 16th May 2001 were served 18th April 2001.</p>	<p>4.7.2001 A plea of not guilty was entered at Cambridge Magistrates Court 8th June 2001 and the case committed to Crown Court for trial, and will be listed in due course.</p> <p>3.10.2001 A pre-trial hearing scheduled for 23rd September 2001.</p> <p>2.1.2002 The case has been adjourned by Judge Howarth, generally, until the outcome of another case dealing with a human rights point which the defendant's Counsel asserts has a bearing on the Webb's liability. Likely to be several months.</p>

<p>3.4.2002 The outcome of the case referred to at 2.01.2002 is still awaited.</p> <p>3.7.2002 The trial has now been fixed for November. It is expected that the first day will be to hear legal arguments, followed by a further five days.</p> <p>2.10.2002 Trial still pending.</p> <p>8.1.2003 On 8th November 2002 the defendants appeared before Norwich Crown Court. They pleaded guilty and were fined as follows: A Webb (Senior) fined £3,500, costs £1,500, 2 months imprisonment in default of payment of fines. A Webb fined £1,000, £1,500 costs. M Webb fined £1,000, £1,500 costs.</p> <p>A letter has been sent by the Legal Office to the defendants legal representative informing them that a further site visit will be made on 10th February 2003. If the Enforcement Notice has not been</p>		
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			<p>complied with consideration will be given to further prosecutions.</p> <p>2.4.2003 A further summons has been issued for breach of the Enforcement Notice. Case listed at Cambridge Magistrates Court 30th April 2003.</p> <p>2.7.2003 Case adjourned to 18th June 2003. A verbal update will be given.</p> <p>1.10.2003 Case adjourned to November</p>
<p>14/99 B/1/4544 - 7/99 Mrs Patricia Hedges 'Carefield' Burton End HARSTON</p>	<p>Without planning permission the material change of use of land from agriculture to the siting of caravans, including the delivering to the land of paving slabs, sand and the erection of a shed not requisite for agricultural purposes.</p>	<p>An Enforcement and Stop Notice were issued under delegated authority and the matter was a report to Planning Committee 4th August 1999 at Item 14, when Members authorised proceedings in the Magistrates Court against the owner/occupier in the event of failure to comply with the Notices and to apply for the issue of an Injunction if the former proved ineffective.</p>	<p>The Enforcement Notice was issued 23rd July 1999 and takes effect 6th September 1999 with a compliance period of 14 days. The Stop Notice was issued 26th July 1999 and took effect 27th July 1999. Both Notices were served on the 26th July 1999. The Stop Notice was not complied with, and following a formal interview with the occupier, a prosecution file was submitted to Legal Department. The Head of Legal Services is of the opinion that that with particular reference to Article 8 of the European Convention on Human Rights a prosecution, representing an interference by this</p>

<p>Authority as a Public Authority with the exercise of that persons right to respect for private and family life, would be entirely in accordance with the law, he was not satisfied that such a course of action is necessary in the public interest set out in the Article until either the Enforcement Notice takes effect or an appeal is lodged and the appeal is determined on planning principles in favour of the Local Planning Authority.</p> <p>An appeal against the Enforcement Notice has been lodged, and is currently being determined.</p> <p>An informal hearing in respect of the Enforcement Notice was heard 8th December 1999, and the outcome is awaited.</p> <p>Appeal dismissed 10th January 2000. Compliance period varied to 4 months - 10th May 2000.</p> <p>4.10.2000 The formal interview was conducted 12th July 2000 and this was followed with a meeting involving the local Member on 24th July 2000 to consider the points raised. The appellant is scheduled to undergo major surgery at Addenbrookes Hospital and negotiations to establish the</p>		

time-scale with a view to extending the compliance period are being conducted by the Head of Legal Services.

5.7.2000

Solicitors acting for applicant have requested an extension to the compliance period on medical grounds. A formal interview has been arranged for 4th July 2000 to be followed by a meeting with the Head of Legal Services and Local Member, before making any recommendation to Members.

4.10.2000

The formal interview was conducted 12th July 2000 and this was followed by a meeting involving the local Member on 24th July 2000 to consider the points raised. The appellant is scheduled to undergo major surgery at Addenbrookes Hospital and negotiations to establish the timescale with a view to extending the compliance period are being conducted by the Head of Legal Services.

3.1.2001

The Head of Legal Services will give Members an update.

2.5.2001

This matter is ready to proceed to

<p>prosecution as and when considered appropriate with special regard to the personal circumstances of the occupier.</p> <p>4.7.2001 Our Legal Department continues to negotiate with the occupiers legal advisers in an endeavour to negotiate a way forward.</p> <p>3.10.2001 Negotiations still being conducted by Legal Department.</p> <p>2.1.2002 No change – negotiations still being conducted by Legal Department.</p> <p>3.4.2002 Our Legal Department is still engaged in the exchange of correspondence with solicitors representing the owner, with the possibility that the matter will be put before the Court in the near future.</p> <p>3.7.2002 No change. The occupier is still waiting for her hip operation.</p> <p>2.10.2002 No change. Head of Legal Services to give an update.</p> <p>8.1.2003</p>			
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<p>12/02 B/1/45/72 & S/1230/02/F The Stables</p>	<p>Unauthorised mobile home for residential use.</p>	<p>Development and Conservation Control Committee 7th August 2002. – Item 7</p>	<p>It has now been confirmed that the operation has taken place. As a result of consultations with the Chairman and the Local Member it was agreed that a site visit would be made after 11th February 2003 and that if the Enforcement Notice had not been complied with legal proceedings will be commenced. A letter has been sent to the occupier confirming the action that will be taken.</p> <p>2.4.2003 On 8th January 2003 it was agreed not to proceed with the prosecution until the outcome of planning application S/0040/03/F was known. To be considered at Committee 2nd April 2003.</p> <p>2.7.2003 Planning permission for S/0040/03/F refused. A file is being prepared to commence legal proceedings.</p> <p>1.10.2003 Appeal against refusal of planning permission S/0040/03/F. Inquiry date 17th February 2004. Waiting for outcome of appeal before proceeding with prosecution.</p>
			<p>2.10.2002 File submitted to Legal Department for issue of Enforcement Notice.</p>

<p>Chesterton Fen Road MILTON</p>		<p>Members authorised:</p> <ol style="list-style-type: none"> 1. The issue of an Enforcement Notice to cease using the land for the stationing of a mobile home and associated hardstanding. 2. A compliance period of 6 months to comply with the Notice. 3. Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to reconsideration of all material factors. 	<p>8.1.2003 Enforcement Notice issued 5th September 2002 to take effect on 20th October 2002. Enforcement Notice appealed Date fixed for 8th April 2003.</p> <p>2.4.2003 No change.</p> <p>2.7.2003 7th May appeal dismissed. Compliance date 7th November 2003.</p> <p>1.10.2003 No change. Compliance date 7th November 2003.</p>
<p>17/02 S/1452/02/F Land at Chesterton Fen Road MILTON</p>	<p>Without planning permission the stationing of mobile homes/caravans for residential use.</p>	<p>At Development and Conservation Control Committee 2nd October. Item 11.</p> <p>Members authorised:</p> <ol style="list-style-type: none"> 1) To issue an Enforcement Notice (should officers consider this necessary) to cease using the land for the stationing of mobile homes and associated hardstanding areas. 2) Should an Enforcement Notice be issued a six 	<p>8.1.2003 Interviews with occupiers of land have commenced.</p> <p>2.4.2003 No change.</p> <p>2.7.2003 Planning application S/0903/03/F to S/0931/03/F submitted for siting of gypsy caravans. Applications currently being considered. Awaiting outcome before proceeding with investigation.</p>

<p>18/02 Rose and Crown Road SWAVESEY</p>	<p>Without planning permission using agricultural land for the siting of caravans/mobile homes for residential purposes and carrying out ancillary building works including laying of drains, septic tanks, mains electricity connections, accesses and hardstandings.</p>	<p>3) Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to there being no material change in circumstances.</p>	<p>1.10.2003 Planning applications S0903/03/F and S/0931/03/F refused. Appeal lodged.</p>
<p>At Development and Conservation Control Committee 2nd October 2002 Section 4 Travellers in Swavesey Members were informed that under delegated powers Enforcement Notice E454 which takes effect on 30th October 2002 with a compliance period of one month and Stop Notices E454A and E454B had been issued.</p> <p>Members authorised proceedings in the Magistrates Court against the occupiers of the land.</p>	<p>At Development and Conservation Control Committee 2nd October 2002 Section 4 Travellers in Swavesey Members were informed that under delegated powers Enforcement Notice E454 which takes effect on 30th October 2002 with a compliance period of one month and Stop Notices E454A and E454B had been issued.</p> <p>Members authorised proceedings in the Magistrates Court against the occupiers of the land.</p>	<p>month compliance period.</p>	<p>8.1.2003 The case was adjourned at Cambridge Magistrates Court on 4th December 2002 to 17th February 2003.</p> <p>2.4.2003 Appeal against Enforcement Notices withdrawn.</p> <p>Appeal against refusal of planning permission for S/1966/02/F to S/1973/02/F continues. Appeal date fixed for 30th April 2003. The compliance period for the Enforcement Notices extended to 6 months and take effect on 20th July 2003.</p> <p>Proceedings in the Magistrates Court adjourned to 16th April.</p> <p>2.7.2003 Appeal against planning permission dismissed on 19th May 2003. Proceeding</p>

			<p>in the Magistrates Court for breach of Stop Notice adjourned to 25th June 2003.</p> <p>1.10.2003 Challenge to Inspector's decision being made to the High Court by the owners. Prosecution for breach of Stop Notices adjourned pending outcome.</p>
<p>21/02 B/1/45/72 & S/1837/02 Land at Chesterton Road, MILTON (known as 99 Ponyfield)</p> <p>Fen</p>	<p>Unauthorised siting & residential use of mobile home.</p>	<p>Development & Conservation Committee 4th December 2002. Item 2.</p> <p>(1) Members authorised enforcement action.</p> <p>(2) A period of 6 months to comply with Notice.</p> <p>(3) That proceedings in the Magistrates Court be authorised in the event of failure to comply with such Notice and subject to reconsideration of all material factors.</p>	<p>8.1.2003 Draft instructions for Enforcement Notice in respect of breach of planning control sent to the Legal Department.</p> <p>2.4.2003 Enforcement Notice E456 7th February 2003. Takes effect on 31st March 2003 with a 6 month compliance period on 1st October 2003.</p> <p>2.7.2003 Enforcement Notice appealed.</p> <p>1.10.2003 22nd July 2003 appeal dismissed. Compliance date for Enforcement Notice 22nd January 2004.</p>
<p>6/03 S/2311/02/F Mobile Home The Oaks Meadow Road</p>	<p>Material change of use of land</p>	<p>Development and Conservation Control Committee 5th February 2003 – Item 32 Members authorised:</p>	<p>2.4.2003 File submitted to Legal Office 14th February 2003 for issue of Enforcement Notice.</p>

WILLINGHAM		<p>1. The issue of an Enforcement Notice to cease the use and the removal of the converted portakabin, touring caravan and washroom.</p> <p>2. A period of 6 months to comply with the Enforcement Notice.</p> <p>3. That proceedings in the Magistrates Court in the event of failure to comply with such a Notice and subject to all material factors.</p>	<p>2.7.2003 Enforcement Notice E463 issued 25th March 2003 to take effect 7th May 2003. Compliance period 6 months. Enforcement Notice appealed.</p> <p>Hearing fixed for 23rd September 2003</p> <p>1.10.2003 No change</p>
7/03 B/1/45/20 Land between Setchell Drive and Water Lane Smithy Fen COTTENHAM (A Land)	Material change of use of land as a residential caravan site, ancillary provision of drains and construction of accesses and hardstandings	<p>Delegated authority to take Stop and Enforcement action. Reported to Development and Conservation Control Committee 2nd April 2003 – Item 9.</p> <p>Stop Notice E460A issued 20th March to take effect on 25th March 2003. Enforcement Notice E460 issued 19th March to take effect 30th April 2003. Compliance period 3 months – 30th July 2003.</p>	<p>2.7.2003 Failed to comply with Stop Notice. Case listed at Cambridge Magistrates Court 25th June 2003. Enforcement Notice appealed. Hearing 14th October 2003.</p> <p>1.10.2003 Inquiry moved to 17th September 2003. Proceedings adjourned pending outcome of appeal.</p>
8/03 B/1/45/20 Land between Setchell Drive and Water Lane Smithy Fen COTTENHAM (B Land)	Material change of use of land – forming an earth bund, laying hardcore and hardstanding	<p>Delegated authority to take Stop and Enforcement action. Reported to Development and Conservation Control Committee 2nd April 2003 – Item 9. Stop Notice E461A issued 20th March 2003. Enforcement Notice E461 issued 19th March 2003 to take effect on 30th April 2003. Compliance period 3 months – 30th July 2003.</p>	<p>2.7.2003 Enforcement Notice appealed. Planning applications S/0456/03/F, S/0457/03/F, S/0871/03/F, S/0872/03/F and S/0873/03/F refused.</p> <p>1.10.2003 Enforcement appeal hearing on 14th October 2003. Stop Notice E461D and</p>

			<p>Enforcement Notice E461C issued 29th August 2003 prohibiting the use of the land for the stationing of caravans/mobile homes for residential purposes.</p> <p>Stop Notice took effect 5th September 2003. Enforcement Notice takes affect on 30th September 2003 with a 3 month compliance period.</p> <p>Site visit on 8th September 2003 confirmed that there were caravans on site in breach of the Stop Notice. Investigations commenced.</p>
<p>9/03 B/1/45/20 Land between Setchell Drove and Water Lane COTTENHAM (G Land)</p>	<p>Material change of use of land as a residential caravan site, ancillary provision of drains and construction of accesses and hardstandings</p>	<p>Delegated authority to take enforcement action. Reported to Development and Conservation Control Committee 2nd April 2003 – Item 9.</p> <p>Enforcement Notice E459 issued 19th March to take effect 30th April 2003. Compliance period 3 months – 30th July 2003.</p>	<p>2.7.2003 Enforcement Notice appealed. Hearing on 14th October 2003. Planning application S/0377/02/F refused on 13th March 2003.</p> <p>1.10.2003 Refusal of planning permission and Enforcement Notice appealed. Hearing on 14th October 2003.</p>
<p>10/03 B/1/45/20 Land at Plot 2 and R/O Plot 3 Setchell Drove COTTENHAM</p>	<p>Material change of use of land as a residential caravans site and construction of drains and hardstandings</p>	<p>Delegate authority to take enforcement action. Reported to Development and Conservation Control Committee 2nd April 2003 – Item 9.</p> <p>Stop Notice E353N issued 19th May 2003 took effect 25th May 2003. Enforcement Notice E353N issued 19th May 2003 takes effect 30th</p>	<p>2.7.2003 Enforcement Notice appealed.</p> <p>Stop Notice not complied with. Prosecution file being prepared.</p> <p>1.10.2003</p>

		June 2003.	Planning application S/1020/03/F refused 26 th June 2003. Appeal against refusal of planning permission and Enforcement Notice. Hearing on 4 th November 2003.
15/03 B/1/45/20 Land to rear of Plots 3, 4 and 5 Seichel Drove COTTENHAM	Material change of use of land as a residential caravan site.	Breach of Planning Enforcement Notices E353B, E353C and E353D issued 9 th June 1999.	1.10.2003 File submitted to Legal Office for breach of Enforcement Notices.

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8th October 2003

Dear Cottenham Resident

Travellers Site, Smithy Fen

At the Annual Parish Meeting on 24th April, you were one of many residents who asked to be informed of progress on this issue. Without wishing in any way to “pass the buck”, the Parish Council must first make it clear that it has no powers to bring to bear on this matter, nor does it have the financial resources to embark on legal action. Those powers and resources are vested in other authorities, principally the Police in matters of crime and anti-social behaviour, and South Cambs District Council in terms of planning infringements, litter etc. All we can do on your behalf is to press for those powers to be exercised.

The Parish Council therefore met with officers of the District Council and Police on 7th May to demand action. Those officers undertook to do all in their power to address the problems. In the several months that have passed, a number of actions have been taken, and we asked for another meeting so that we could be brought fully up to date with developments. This took place on 23rd September, and this is what we were told:

Cambridgeshire Police

- There has been **no increase in reported crime** in Cottenham
- In response to the many complaints about driving standards, a large number of “stops” have been made. In only one case has a traveller been found to be driving without the requisite documents. Similarly there has only been one case detected of under-age driving. Several arrests have been made for speeding and other traffic offences.
- In spite of residents’ fears, no cases of actual violence towards members of the public have been reported.
- Police resources are limited, and 24-hour cover is impossible, but the Police have great sympathy for the legitimate residents of the Fen and intend to support them as far as possible, including regular use of the helicopter.
- Anti-Social Behaviour Orders are virtually useless in this situation, as they apply to repeat offending by a single individual, which has not been possible to demonstrate here.
- The Police want to receive as much intelligence as possible about activities on and around the site and of anti-social or criminal activity in the village. Many residents have complained that contacting the Police is difficult, and that reported incidents often seem to be dismissed as not warranting Police action. The Council has asked the Police the best route for reporting incidents. Insp. Howell (local Sector Commander) has recommended the following:
 - Telephone number to use: **01223 358966** (Parkside Police Station)
 - Ask for **Force Control Room**. They may take some time to answer, but please be patient! They should be able to judge if immediate action is necessary, and if not will log the call.
 - If it’s a serious incident, use **999**

Please give this a try. If difficulties are experienced, please let us know and we will take it up again with the Police. Keep a note of when and to whom the incident was reported, otherwise

it can't be followed up later. Incidents **must** be reported, otherwise officially **they never happened**.

South Cambs District Council

- The areas occupied illegally (i.e. without planning permission), and those on which unauthorised construction works have been carried out, are now subject to Stop and/or Enforcement Notices. These can be and have been appealed against by the travellers. The first of the appeals are likely to be determined by the government Inspector in October. If the Inspector finds in SCDC's favour, they can begin to take "other steps" to end what will then be illegal use of the land. If, however, the Inspector finds in favour of the travellers, SCDC will have to re-think it's whole strategy. In the past, the Inspector has upheld SCDC's position. Contractors who have been identified as working on or delivering materials to the areas covered by the Notices have been warned that they risk prosecution.
- Although there was a significant decrease in the number of caravans after last Easter's large influx, newcomers continue to arrive. Although many re are occupying land covered by Stop and Enforcement, little can be done to remove them until the results of the appeals are known.
- Even if the Inspector finds in SCDC's favour, the legal process to clear the illegally occupied sites could take many months. **There is no "quick fix"**. It should also be remembered that there are over 30 completely legal pitches in Smithy Fen, some of which have been purchased by the new arrivals.
- The Planning department has appointed an additional part-time (50%) Enforcement Officer.
- SCDC has engaged specialist lawyers with very considerable experience in this field.
- SCDC are very aware of the problems that have been created in other areas – education, public health, litter. Some of these are the responsibility of other Authorities, particularly the County Council. Although the Travellers Working Group has been re-convened, some of these authorities are not represented, and there is no overall co-ordination. It was promised that this would be progressed.

The Parish Council has also met with our MP, James Paice. He is very supportive of the Parish Council's position, believes that the present law is inadequate, and has introduced a number of amendments to new legislation to toughen it up, all of which have been rejected by the Government.

The above does not represent the Parish Council's position, it is simply a report of what we have been told. We remain very frustrated by the lack of real progress and very sympathetic to the residents of Smithy Fen who continue to have their lives disrupted. Our District Councillors have conveyed our feelings to SCDC, and share our concern at the slow progress, but seem unable to force any more assertive action. If residents are unhappy with the situation, and wish to express those feelings to the Authorities in person, we will arrange a suitable meeting on your behalf. We will continue to apply what pressure we can, but need all the support we can get. If you have comments to make please write to those who do have the authority or influence to make a difference. Please copy any correspondence to the Parish Council.

The Chief Constable
Cambridgeshire Constabulary
Hinchingsbrooke Park
Huntingdon
PE 29 6NP

Coun. Daphne Spink
Leader
South Cambs.District Council
South Cambridgeshire Hall
9-11 Hills Road
Cambridge
CB2 1PB

James Paice MP
House of Commons
London
SW1A 0AA

CABINET

At a meeting of the Cabinet held on
31st July 2003 at 10.00 am.

PRESENT:	Mrs DSK Spink RT Summerfield	Leader and Conservation Portfolio Holder Deputy Leader and Resources and Staffing Portfolio Holder
Councillors:	Dr DR Bard	Planning and Economic Development Portfolio Holder
	CC Barker	Environmental Health Portfolio Holder
	JD Batchelor	Information and Customer Services Portfolio Holder
	Mrs EM Heazell	Housing Portfolio Holder
	Mrs DP Roberts	Community Development Portfolio Holder

Councillors RF Bryant, R Hall, Mrs SA Hatton, Mrs J Hughes, SGM Kindersley, RJ Turner and Mrs BE Waters were also in attendance, by invitation.

Apologies for absence were received from Councillor RF Collinson, Sustainability and Community Planning Portfolio Holder, and from the Finance and Resources Director.

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1. TRAVELLERS' CONSULTATIVE GROUP – TERMS OF REFERENCE

Cabinet, at its meeting on 27th June 2003, had asked the Group to decide its name and recommend terms of reference in detail for approval by the Cabinet. The inaugural meeting of the Group was held on 9th July 2003 and Councillor RE Barrett had been elected Chairman.

Cabinet **ADOPTED** the following Terms of Reference for the Travellers' Consultative Group:

- (a) To consider all issues in relation to Travellers, including any unmet demand, site provision, site enabling, site development, site control and other arrangements;
- (b) To advise the Cabinet on policy issues relating to Travellers;
- (c) To advise the Development and Conservation Control Committee on development control issues relating to Travellers;
- (d) To report annually to the Cabinet and Development and Conservation Control Committee on the number of caravans and Travellers' families on authorised and unauthorised sites, and upon relevant trends, on planning control issues arising during the previous twelve months, and on liaison arrangements with the travelling and ex-travelling communities; and
- (e) To consider all new case law and guidance, and new and proposed legislation.

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