

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**REPORT TO:** Council

23 June 2005

**AUTHOR/S:** Strategic Officer Group on Traveller Issues

### URGENT ITEM: TRAVELLER ISSUES

#### Purpose

1. To seek Council's approval to broaden the scope of planning enforcement activities, which may be funded within the existing, agreed 2005/06 budget for Traveller Issues.

#### Effect on Corporate Objectives

2.	Quality, Accessible Services	Traveller Issues have implications for all four objectives. 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 reflected in the Council's Policy on Traveller Issues, agreed in July 2004. The Performance Plan cites the challenge of unauthorised plots and future site provision as a major issue facing the Council.
	Village Life	
	Sustainability	
	Partnership	

#### Background

3. Whilst the Development and Conservation Control Committee is responsible for taking regulatory decisions to enforce planning law in relation to unauthorised Traveller sites, decisions on providing the necessary funding rest with the full Council.
4. The Council's 2005/06 budget for Traveller Issues, under the Planning portfolio, allocates £450,000 for planning enforcement, with another £100,000 for related legal advice. The £450,000 relates to a decision made by the Council on 28 October 2004, when it agreed that "the £250,000 spending limit for Phase 1 of direct enforcement action at the Smithy Fen traveller site be increased by a further £200,000". Phase 1 relates specifically to "land behind Setchell Drove (including Victoria View)".

#### Considerations

5. Since that Council decision last October, the situation has changed:
  - The High Court, in November 2004, ruled that the Council should put possible action at Victoria View on hold until the outcome of a new planning inquiry, which will take place next month (with a final decision some months after that).
  - Other unauthorised Traveller sites in the District have also come to the end of standard planning enforcement processes. These include: Sandy Park, Chesterton Fen; Moor Drove, Histon; and Rose & Crown Road, Swavesey.
  - The Cabinet, in April 2005, agreed a preference for taking injunctive action in the first instance (as opposed to 'direct action') against individuals persistently in breach of planning control. It was accepted that land clearance might be necessary as a follow-up measure.

- The illegal occupants of Pine View, Smithy Fen are in breach of the Deputy Prime Minister's decision last March for them to move by 11 June 2005. The Development and Control Conservation Committee on 6 July will be asked to give formal approval for injunctive action in this case.
6. This urgent item for the Council agenda is necessary because, as funding authorisations currently stand, the £450,000 can only be spent on 'direct action' on Victoria View. The Council is asked to allow the funding to be made available for any form of appropriate planning enforcement action (including injunctive action) on any unauthorised Traveller site in the district.

### **Financial implications**

7. An estimate of the possible costs of injunctive action at one site has been provided by specialist external legal advice. Based on their experience of a similar case carried out for another local authority, the total costs (from preparatory work, through to issue of proceedings to trial, and including legal work on dealing with homelessness applications) are estimated at around £212,000 (though not necessarily all to be incurred in one financial year). It is possible, of course, that the Council may need to consider taking appropriate planning enforcement action on more than one site, given the need to take a consistent approach towards all cases of unauthorised traveller encampments.
8. This recommendation to broaden the scope of planning enforcement activities, which may be funded relates to the existing, agreed 2005/06 Council budget. Even so, it needs to be considered in the context of the Government's current proposals for council tax capping.
9. So far in 2005/06, the Council has spent around £20,000 on legal advice in relation to Traveller and none of the £450,000. If further spending on planning enforcement, (beyond the already authorised £450,000) proved necessary, this request would be reported back to full Council for consideration.

### **Legal implications**

10. The Council, as the Local Planning Authority, is duty bound to uphold planning decisions made by the Deputy Prime Minister and other aspects of planning law.
11. 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".
12. Whilst the recent passing of the 11 June deadline means that the current focus is on Pine View, Smithy Fen (occupied by Irish Travellers), Council spending on Traveller Issues needs to take account of other traveller sites in the District where there are outstanding breaches of planning control. It is important that the Council is consistent in responding to all these sites and can demonstrate an equitable approach to dealing with both English Romany Travellers and Irish Travellers.

### **Staffing implications**

13. The Council's approach to Traveller Issues continues to take up a considerable amount of staff time from managers across the range of Council services. This is

overseen by a Strategic Officer Group and co-ordinated, on a day-to-day basis, by the Corporate Projects Officer.

### **Risk management implications**

14. 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**

15. This report has been produced following a discussion at the meeting of the D&3C Advisory Committee on 14 June. The need to present the report to full Council as an urgent item has been agreed by the Chairman of the Council.

### **Recommendations**

16. That the Council endorses the proposal that the £450,000, already authorised for direct action at the Victoria View traveller site, be made available for any form of appropriate planning enforcement action (including injunctive action) on any unauthorised Traveller site in the district.

### **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.
- Report to D&3C Advisory Committee, 14 June 2005.
- "Gypsies and Travellers: the facts", Commission for Racial Equality website, May 2005 ([http://www.cre.gov.uk/gdpract/g\\_and\\_t\\_facts.html](http://www.cre.gov.uk/gdpract/g_and_t_facts.html))
- 2005 Performance Plan - draft for Council, SCDC, 23 June 2005.

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