

CABINET

At a meeting of the Cabinet held on
Thursday, 25 March 2004

PRESENT: Councillor Mrs DSK Spink MBE (Leader of Council)
Councillor RT Summerfield (Deputy Leader of Council and Finance &
Resources Portfolio Holder)

Councillors:	Dr DR Bard	Planning & Economic Development Portfolio Holder
	CC Barker	Environmental Health Portfolio Holder
	JD Batchelor	Information & Customer Services Portfolio Holder
	Mrs EM Heazell	Housing Portfolio Holder
	Mrs DP Roberts	Community Development Portfolio Holder

Councillors RE Barrett, NS Davies, CJ Gravatt, R Hall, Mrs SA Hatton, Mrs JM Healey, SGM Kindersley, LCA Manning JP, Mrs JA Muncey, Mrs CAED Murfitt, CR Nightingale, Dr JPR Orme, Mrs GJ Smith, RGR Smith and PL Stroude were in attendance, by invitation.

Apologies for absence were received from Councillors RF Collinson and JA Nicholas.

Confidential Item

1. TRAVELLERS

1 (a) Site reports and updates: Histon, Cottenham

Councillor SGM Kindersley deplored the comments made by Councillor Mrs DP Roberts at a Cottenham public meeting, as printed in the *Cambridge Evening News*, and asked that she either retract her statements or resign. Some Members supported Councillor Kindersley's statement and others praised Councillor Mrs Roberts' work with residents. Councillor Roberts assured Councillor Kindersley that she was not advising residents to withhold Council Tax but was stating what she would likely do were she a resident and not an elected representative. She condemned other members and officers for not attending the meeting and said that she was not prepared to apologise or resign. The Leader reported that she had not been invited to the meeting and the Planning and Economic Development Portfolio Holder explained that his invitation had arrived less than a day before the meeting and the meeting had conflicted with a commitment he had in his own village.

The Deputy Planning Director expressed concern with the implication that officers had not attended because they were avoiding meeting the residents. The local member had advised him that his presence could detract from the evening's discussions. The Deputy Planning Director had also met with one of the organisers before the meeting to brief him on the issues. Councillor Mrs Roberts retracted her comment about officers and the Deputy Planning Director apologised for not responding to the invitation.

Histon

Three enforcement notices had been served at the Histon site for breach of planning

conditions, the most recent for connection to mains power for toilet facilities. No additional caravans had been moved onto the site and residents had been co-operative and helpful. There had not been further expansion of the site and the injunction was on hold pending the planning appeal on 10th August.

Cottenham

Documentation was circulated including aerial photographs of the site and a list of approved, authorised pitches, appeal sites and unauthorised occupation. Various sites in breach of planning control were identified and it was reported that an appeal had been set for 20th July. It was difficult to judge the total number of people on the site based solely on caravan and vehicle numbers; the population figures cited had been provided by the police following their own investigations.

Councillor Mrs Roberts commended the work of the Enforcement Section and thanked the Enforcement Officer for his admirable recent work. The Enforcement Section comprised only 1½ full-time officers, with another full-time officer beginning at Easter, to cover the entire District. The Head of Community Services agreed to review the role the Travellers Officer could play to work with or support the Enforcement team.

Mr David Brock, the Council's external solicitor, clarified that, before a judge would consider sending an individual to prison for contempt of court, it would be necessary to determine whether planning permission could make the individual's actions lawful retrospectively. A judge, therefore, would likely require that the planning process run its course before the Authority would be allowed to return to the High Court for an injunction.

The meeting then became open.

Decisions made by the Cabinet and reported for information

1 (b) Legal and Regulatory Process and Procedures

Temporary Stop Notices

Under the present system, an enforcement notice was required before a stop notice could be issued. An amendment to the bill, if approved, would allow stop notices to be issued without enforcement notices but, as the notices were usually issued in conjunction, the amendment would make little difference. The Head of Legal Services explained that direct action by the Council following the issuance of enforcement notices would have an effect, but the outcome had to be weighed against the considerable cost per case.

Office of the Deputy Prime Minister (ODPM)

The latest guidance from the ODPM applied to unlawful encampments on private land or grass verges and did not apply to travellers' sites.

The Development Services Director explained that he had recently written to remind the ODPM that no response had yet been received to the Council's letter of January 2004. The Information Team were asked to issue a press release highlighting the lack of response from the ODPM despite the urgency of the situation in South Cambridgeshire.

Planning Applications

The Council was likely to receive applications from travellers without local connection. Planning applications could not be refused on the grounds that there was not enough provision in the local area or that suitable alternatives existed elsewhere within the authority; decisions for travellers' sites must be based on normal planning guidance with regard to conservation, archaeological awareness and local provision of amenities.

Compulsory Purchase Orders

Imposing Compulsory Purchase Orders on travellers' sites would impact Council Tax due to the expense of cleaning and securing vacated sites.

Needs Assessment

A quantitative travellers' needs assessment should be completed as soon as possible. Mr Brock advised that "need" should be defined as "local need", although it was difficult to say how this would be interpreted in court.

Cabinet AGREED

- (a) to undertake a quantitative needs assessment as soon as possible; and
- (b) to request officers and Members to work with Cambridgeshire County Council to ensure that this is a priority which the County Council will resource jointly with South Cambridgeshire District Council.

1 (c) Clarity of Procedures Action Plan

Management Team had recently conducted a strategic risk assessment in which travellers, with the associated workload and costs, had been identified as one of the top three risks to the Council.

Development Services proposed a draft framework for a strategy to deal with unauthorised gypsy encampments but, due to resource constraints and the four on-going appeals, work on a draft could not commence before autumn. The draft framework would include production of a guide for the public to show the planning and legal processes, helping to inform residents of the Council's powers with relation to unauthorised encampments.

Cabinet

AGREED that Development Services prepare a draft framework including an enforcement manual for reference by members of the public, showing how the Council used enforcement powers, more explanation for local communities and mechanisms for informing Parish Councils.

1 (d) Policies: District and National

Local Plans 1 and 2 had served the Council well but the current situation necessitated that additional provision for handling travellers' sites be made in the new Local Development Framework (LDF). In advance of making additional provision in the new LDF and in the light of the unforeseen upsurge in travellers resorting to the District, further survey material and guidance on the implementation of the travellers policy in Local Plan 2 was necessary to address the unusually high numbers of travellers now resorting to the District. There was also a need to address national policy as recent correspondence with the ODPM had demonstrated that concentration of number was

not a material consideration.

Cabinet **AGREED**

- (a) that the Planning Policy Advisory Group together with the Travellers Consultative Group:
- i. consider whether the Council can improve how it works with Environmental Health, the police and local community service providers in providing for travellers;
 - ii. investigate further the impact of unauthorised travellers sites and breaches of planning conditions on South Cambridgeshire's communities; and
 - iii. prepare Supplementary Planning Guidance to develop policy HG 21 "Gypsies and Travelling Show People" of the South Cambridgeshire Local Plan 2004 concerning the number and scale of sites in any locality; and
- (b) in order to maintain momentum in the preparation of the new Local Development Framework for South Cambridgeshire, that planning consultants be retained to prepare and consult on the proposed Gypsies Supplementary Planning Guidance.

1 (e) Cottenham Residents' Association Letter

The Cottenham Residents' Association (CRA) had agreed to write to the ODPM and Councillor Mrs Roberts asked Cabinet to support the sentiments expressed in the letter (copied at Appendix A). The CRA were requesting that the numbers of travellers be taken into account as a material planning consideration, and that national guidelines be changed, allowing size of encampments and number of travellers to be factors when determining planning decisions.

Members expressed some concerns:

- the CRA was not an elected body and that some inaccuracy about the Council's dealings with travellers had already been conveyed at the CRA's recent meeting;
- the CRA's letter should also be forwarded to the local Members of Parliament;
- the Council supported all the constituents in Cottenham and not just the Residents' Association;
- the reference to numbers of travellers within the CRA's letter was unclear;
- coalescence of sites was problematic but not mentioned in the CRA letter; and
- the CRA was recommending that residents should withhold their Council Tax and members could not agree with illegal action.

Cabinet, with four in favour and two against,

AGREED to support all the people of Cottenham by endorsing the sentiments contained within the Cottenham Residents' Association's letter to the ODPM, although the Council could not condone the withholding of Council Tax.

1 (f) Finance

Cabinet, at its meeting of 22nd January 2004, had accepted that accurate budgetary positions were impossible but had acknowledged that sufficient resources must be identified to oversee the growing problems. Members discussed transferring internal staff or employing external consultants to assist with enforcement, the implications of establishing a dedicated team to deal with travellers' issues and whether the Council had a case to apply for central government funding.

Cabinet

AGREED that a budgeted report be brought to a future Cabinet detailing the costs of recruiting additional internal support or using external consultants for enforcement work, the revenue implications of establishing a dedicated support team, and whether central government could be approached for funding once expenditure has occurred.

The Meeting ended at 4.20 p.m.

Appendix

Statement from the Cottenham Residents' Association

Motion calling on Deputy Prime Minister John Prescott and Planning Minister Keith Hill to:

- Amend the law and adopt the widely-held view of genuine Travellers from the various ethnic groups that the size of all sites should wherever possible be restricted to 10-15 plots and to an absolute maximum of 20 plots.
- Listen to law abiding Travellers who recognise the benefits to themselves and the local communities from limiting the size of sites.
- Understand, as genuine Travellers do, that peaceful co-existence within any community is a reflection of the trust which is born as fear and threat disappears.

We demand that Mr Prescott and Mr Hill address the issue of limiting the sizes of sites (and their number in any one area) as a matter of extreme urgency on the grounds of public safety and so that the Human Rights of all concerned can be effectively recognised.