

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

6 April 2005

AUTHOR/S: Development Services Director

TRAVELLER ISSUES AND PLANNING ENFORCEMENT

Purpose

1. To seek the Committee's approval for setting up a new sub-committee for planning enforcement matters at traveller sites.

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. On 1 September 2004, this Committee resolved to set up a temporary sub-committee (sometimes known as the 'Direct Action Sub-Committee'). Its purpose was to:

"authorise, project plan and – subject to approved resources and relevant human rights considerations - carry through direct enforcement action in relation to Travellers."
4. It was agreed that the membership of this Direct Action Sub-Committee should comprise Councillors Dr DR Bard, Mrs DP Roberts, Mrs DSK Spink, and local Members on the Development Control and Conservation Committee (D&3C) in relation to the area under consideration. Any other local Members not on the Committee, and the Chairman and Vice-Chairman of the Committee, were invited to attend as appropriate but not as members of the sub-committee.
5. The Sub-Committee convened a number of times between September – December 2004 to prepare for possible direct action at Victoria View, Smithy Fen. In addition to the three Cabinet portfolio-holders, meetings were attended by Councillors Dixon, Edwards and Wotherspoon (as local Members for Cottenham) and Councillors Orme and Wright. The Sub-Committee last met on 6 December 2004, following a High Court ruling in November 2004, that planning for direct action at Smithy Fen should be put 'on hold' until after the outcome of relevant planning inquiries. Confirmation of the date for the planning inquiry in relation to Victoria View is still awaited.
6. The Development and Conservation Control Committee, on 3 November 2004, authorised the Sub-Committee to continue its work for another three months until February 2005, when a further continuation of the Sub-Committee could be considered. As this was overtaken by the High Court ruling, a report was not made at that time and the Direct Action Sub-Committee has now expired.

7. However, on 11 March 2005, the Deputy Prime Minister announced his decision on the planning inquiry regarding Pine View, Smithy Fen. The appeals relating to the unauthorised traveller plots there have been turned down, and the travellers have been given three months to move off Pine View. Working with the Ormiston Trust, the Council is liaising with the travellers to make them aware of the advice and assistance available in order to help them to move off.
8. Whilst the ball is now in the travellers' court - to comply with the Deputy Prime Minister's decision, a number of councillors have called for another meeting of the Direct Action Sub-Committee in order to start forward planning now for alternative possible scenarios that might arise in June 2005. As the Direct Action Sub-Committee has now expired, however, the Development and Conservation Control Committee needs to revisit the decision-making arrangements in relation to its regulatory powers on traveller sites.

Considerations

9. The Council faces two sets of considerations, which need to run in parallel:
 - the development of a long-term strategy on all aspects of Traveller Issues; and
 - operational matters in relation to specific planning control issues at traveller sites.
10. The Strategy is likely to reflect the three main themes which underpin the Council's policy on Traveller Issues: firm, fair and consistent planning enforcement; community development and strengthening relations between the settled and travelling communities; and lobbying for changes in planning law and for a clear & co-ordinated national policy.
11. Whilst responsibility for the Council's Policy was assigned to the Council Leader and portfolio-holders for Planning Policy and Community Development, the Cabinet last December agreed to take on responsibility for determining the Strategy, whilst also involving other interested Members. As part of the preparations for the Strategy, a workshop for councillors took place on 18 March. This is likely to be followed by further workshops and reports to both this Committee and the Cabinet. The Strategy (and related financial implications) will need to be agreed by the full Council.
12. In line with the Council's Constitution, planning control matters - come under the domain of the Development and Conservation Control Committee. Specific decisions to take planning enforcement or direct action at any traveller site falls into this category, although the authorisation of resources for such purposes rests with the Cabinet and Council.

Options

13. The Strategic Officer Group on Traveller Issues, chaired by the Development Services Director, has reviewed this Committee's options on the way in which planning control decisions in relation to traveller sites are made in future. This is a case of either reinstating the former Direct Action Sub-Committee or establishing a new sub-committee, which could build on learning points and recent developments on Traveller Issues from the last six months. In exploring the options, the Strategic Officer Group has considered a number of key questions.

Is a sub-committee still needed?

14. Yes. Whilst decisions on planning applications relating to traveller sites should continue to be made by D&3C, the Strategic Officer Group recommends that this Committee should delegate decisions on planning enforcement and direct action

matters to a smaller sub-committee (of, say, 5 – 7 Members). This is particularly important given the complexity of the issues under discussion (and the amount of time required to consider them fully) and the need to arrange urgent meetings quickly in response to fast-changing circumstances.

What should be the Sub-Committee's purpose?

15. Rather than re-instate the previous Direct Action Sub-Committee, the Strategic Officer Group recommends that this Committee take the opportunity to introduce a new sub-committee instead.
16. The new Sub-Committee should have a wider role in planning enforcement matters at Traveller sites in general, not just on the narrower issues on direct action. This reflects the need for an on-going process, rather than just one-off events.
17. Whereas the Direct Action Sub-Committee focused almost exclusively on unauthorised traveller plots at Smithy Fen, the new Sub-Committee should have a more explicit, wider remit to consider planning enforcement matters at traveller sites across the district. This is particularly pertinent in the case of the unauthorised traveller encampments at Chesterton Fen and Swavesey, which have now run the course of normal planning control measures.
18. It also worth reflecting on the name of the Sub-Committee. Feedback received from partner organisations last autumn suggests that the term “direct action” was perceived to have negative and aggressive connotations, with which some agencies were reluctant to be associated. Taking this into account, the Strategic Officer Group would suggest that the new sub-committee be named the Planning Enforcement Sub-Committee (Traveller Sites).

Who should be involved in the Sub-Committee?

19. In order to reinforce the distinction between the strategic and specific planning control considerations on Traveller Issues, the Strategic Officer Group recommends that the sub-committee should more fully reflect its ‘roots’ in Development and Conservation Control. This can most easily be demonstrated by making the Chairman and Vice-Chairman of this Committee full members of the new Sub-Committee (with them possibly taking up those same roles on the Sub-Committee).
20. Given the suggestion, in paragraph 17 above, that the new Sub-Committee should have a wider geographical remit, the Strategic Officer Group recommends that the membership should be drawn from councillors on D&3C representing wards from across the district (that is, not just wards currently facing planning control issues at traveller sites). Any local Members of wards facing such issues, but not on this Committee, would be invited to attend, though not as members of the Sub-Committee.
21. The proposals for a new Sub-Committee provide an opportunity for D&3C to consider whether there are merits in being seen to be making a clearer separation between executive and regulatory powers. That is, this Committee is asked to consider whether or not it is still appropriate for those Cabinet members with specific responsibility for the Council’s Policy on Traveller Issues to make planning enforcement decisions relating to traveller sites. If it is deemed no longer appropriate, the Strategic Officer Group would recommend that the portfolio-holders also be invited to attend, but not as members of the Sub-Committee.

Financial, Legal, Staffing and Risk Management Implications

22. There are no specific financial implications arising from either establishing the new Sub-Committee or re-instituting the old one. However, Traveller Issues in general have major financial implications for this Council. The related staffing and legal costs in 2004/05 are estimated to be in the region of £200,000 and this could be repeated in 2005/06. In addition, the Council has allocated a further £450,000 for possible direct action at traveller sites in the coming year.
23. Members are already aware of the considerable legal process associated with planning enforcement and plans for direct action at traveller sites. More specifically, it is understood that either option for the membership of a new Planning Enforcement Sub-Committee (ie. with or without portfolio-holders) would be in keeping with the Council's Constitution.
24. The Strategic Officer Group on Traveller Issues will oversee preparations for, and implementation of, planning enforcement action at traveller sites. The new Corporate Project Officer takes up her co-ordination role on Traveller Issues full-time on 11 April, and this will help greatly. Members do need to be aware, however, of the significant workload pressures on Traveller Issues that are likely to remain on key Service Heads in the context of competing service priorities. These include: an official Audit Commission inspection of Environmental Services (understood to be largely planning-related), expected later this year; Gershon efficiency savings requirements; Government intentions for council tax capping; and, not forgetting, the Council's wider responsibilities for planning application processing and planning control throughout the district.
25. 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 main implications were brought to the attention of the Council and Direct Action Sub-Committee in confidential reports last autumn. Consideration also needs to be given to the heightened impact if this risk was to combine with other major ones on the Corporate Risk Register (eg. the threat of council tax capping).

Consultations

26. This report takes account of comments received from councillors during and after the recent Member workshop on Traveller Issues – on the need for a greater emphasis on on-going planning enforcement.

Recommendations

27. That this Committee:
 - a. Establishes a new Planning Enforcement Sub-Committee (Traveller Sites), which is authorised to make decisions on planning enforcement matters relating to traveller sites across the district (see paragraphs 14 – 18).
 - b. Agrees that the new Sub-Committee should comprise 5 – 7 Members and include the Chairman and Vice Chairman of the Development and Conservation Control Committee (see paragraphs 14 and 19).
 - c. Agrees that the membership of the new Sub-Committee should be drawn from councillors serving on the Development and Conservation Control Committee, representing wards from across the district (see more details in paragraph 20).

- d. Considers whether or not it is appropriate for those Cabinet members with specific responsibility for the Council's Policy on Traveller Issues to be members of the Planning Enforcement Sub-Committee (Traveller Sites) (as set out in more detail in paragraph 21).

Background Papers:

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

- Council's Policy on Traveller Issues, SCDC, July 2004.
- Report to Development and Conservation Control Committee, 1 September 2004.
- Report to Development and Conservation Control Committee, 3 November 2004.

Contact Officer: Tim Wetherfield – Head of Policy and Communication
Telephone: (01954) 713200