

NOT CONFIDENTIAL – For public release

Council

28th July 2022

Report of the Chief Executive and Director of Regulatory Services

GYPSIES AND TRAVELLERS – PROVISION OF TEMPORARY SITES

PURPOSE OF REPORT

To formally identify one or more sites within the District Council's control as suitable temporary Traveller sites for occupation by members of two Gypsy and Traveller families who have presented themselves as homeless.

RECOMMENDATIONS

1. That Members determine sites controlled by the District Council from the list detailed in Appendix 1 as suitable temporary sites for occupation by two Gypsy and Traveller families who have presented as homeless with a local connection to the Derbyshire Dales.
2. That, subject to the determination of suitable temporary sites by Members, consideration be given to delegating authority to officers to move Gypsy and Traveller families to identified sites.

WARDS AFFECTED

District wide

STRATEGIC LINK

The District Council's duties under Planning and Housing legislation underpin its corporate objectives in relation to the whole of the District. The delivery of a permanent Traveller site is a specific priority for the Council within its Corporate Plan, under the theme of 'Prosperity: Supporting better homes and jobs for you'.

1 BACKGROUND

- 1.1 This report is the latest in a series that have been brought before Members since September 2016, in which the Council has recognised and accepted its duties towards Gypsies and Travellers under housing and planning legislation. In particular the Council has specifically recognised its Homelessness duties towards two specific Traveller families who have been resident within the district for many years, on no less than seven occasions since September 2016. However to date, those Traveller

families to whom we owe a legal duty, have no temporary or permanent sites on which they can legally place their caravans.

- 1.2 Council has recognised that it has a duty to provide one or more permanent sites for these specific Traveller families and that it has a duty to provide one or more suitable temporary sites for the families whilst so ever a permanent site is not available for occupation.
- 1.3 At the present time Officers have no delegated authority to direct members of the 2 specific families to suitable temporary sites, which prevents them from being able to take action to evict them if they should set up an encampment on an unsuitable site. This is not a sustainable position for the District Council to be in.

2 REPORT

- 2.1 Members will recall that an Extraordinary Council meeting was arranged for 31st May 2022 in order to inform Members of an urgent request for the provision of a suitable temporary Traveller site, intended to provide a reasonable living environment whilst a member of a homeless Traveller family recovers from surgery.
- 2.2 Due to a change in the personal circumstances of the member of the Traveller family concerned, an urgent decision was no longer required and the Extraordinary Council meeting was cancelled.
- 2.3 However in an email to all members, the Chief Executive advised that whilst the immediate humanitarian urgency of the request may have been delayed, it has not disappeared and it is highly probable that a further request for support will be received in the very near future. This remains the case. In the absence of any means for officers to determine such a request, the Council needs to determine an appropriate decision mechanism.
- 2.4 Further to the decision of Council on 27th April 2022, where it was agreed not to proceed with the provision of a site at Knabhall Lane Tansley, the Chief Executive advised that attention must now return to finding alternative opportunities for both temporary tolerated and permanent sites. In this regard, Members were requested to pro-actively assist in the identification of potential sites for consideration by evaluating land within the control of the District Council.
- 2.5 A Member workshop session was arranged for 23rd June which was attended by 25 members. The starting point was to, once again, review all of the Council's landholdings which are of a sufficient size to accommodate the current needs of the Traveller families to whom we owe a duty.
- 2.6 During the workshop Members considered a list of all District Council land holdings that are greater in area than 0.1 Ha; that being the minimum area required for the smaller of the 2 homeless family groups. This list consisted of 213 sites, including car parks, woodlands, leisure centres, offices, cemeteries and play areas. The list included sites that the District Council owns freehold, land that it leases and land over which it has certain rights. At that stage it was accepted that some of these sites were very clearly not suitable for use as temporary Traveller sites, but they were presented for

the sake of completeness, so that Members had a full picture of sites within the District Council's control.

- 2.7 At the time of the workshop one of the two family groups was on site at Matlock Station Car Park, which they had occupied for approximately 18 months, whilst the other had recently moved onto a private site in Sudbury, having previously occupied a roadside site in Foston for approximately 6 months. Eviction proceedings had commenced in relation to the Foston site, which had prompted the move to Sudbury. Following the workshop that family group moved from Sudbury to Doveridge Burial Ground and then again from Doveridge to the Clifton Road Coach and Car Park in Ashbourne. This site has temporarily been made as suitable as possible for their occupation, but officers are aware of complaints about noise from members of the public and of antipathy between members of the family and members of the settled community. The Matlock site does not seem to be giving rise to any significant levels of complaint.
- 2.8 Members will be aware that since both families have been identified as homeless the Council is unable to move them on from either of these sites, as no suitable alternative sites have been identified. Members will therefore need to consider whether they believe that either or both of the 2 currently occupied sites are suitable to remain in occupation for the time being, or whether they wish to identify alternative sites within the District Council's control to which they would like either family to be directed.
- 2.9 The only sites within the District Council's control that are considered large enough to be used for this purpose are those that were on the list that were considered at the workshop on 23 June 2022. That list has been cleansed to remove those sites that the workshop agreed were not capable of being considered, either because the District Council did not own them, because they were incapable of being used to site caravans (such as ponds), or because their current use precludes them from being used to site caravans, for example such as play areas, allotments and cemeteries. The cleansed list is included as Appendix 1 to this report and the full list is cited as a background paper, so that it is available for inspection.
- 2.10 Members are now asked to approve the use of one or more of these sites as identified temporary Traveller sites for the two Traveller families who have been accepted as homeless.
- 2.11 This decision will relate only to members of the two homeless Traveller families and not to other members of the Gypsy and Traveller community. Officers will continue to manage any unauthorised encampments consisting of Travellers to whom the District Council does not have a homelessness duty by carrying out swift action to repossess any occupied land, in accordance with law.
- 2.12 It is also recommended that Members consider those circumstances in which it would be reasonable to conclude that any identified temporary site might have become unsustainable, such that action to move the family occupying it to another identified site would be a reasonable course of action to take. These circumstances might include issues such as unacceptable anti-social behaviour, environmental impact, the welfare and social needs of the Travellers, justifiable complaints from nearby residents, and impact on the lawful use of the land. These circumstances are often codified into what are termed Codes of Conduct for Caravan Occupiers. A suggested Code is attached as Appendix 2 to this report and Members are recommended to approve its

use in relation to any sites identified as suitable for use as temporary Traveller sites by this meeting.

- 2.13 Finally it is also recommended that a mechanism for making decisions to move either of the families from one identified temporary site to another is agreed. It is the view of officers that any such decision should be made by any two of the Chief Executive, Director of Regulatory Services, Director of Housing, Director of Community and Environmental Services and Director of Corporate and Customer Services, as has previously been recommended to Council. However, Members may also wish to consider the role of elected Members in this process.

3 RISK ASSESSMENT

Legal

- 3.1 The District Council is seeking to address the lack of authorised Gypsy and Traveller Sites within the District to meet its duties under the Planning Policy for Traveller Sites 2015. In the absence of a permanent site, temporary sites will minimise the risk of legal action being taken against the Council for failing in its statutory duty to provide such a site.
- 3.2 The Council also has duties under the Homelessness Reduction Act 2017. The use of temporary sites will also reduce the risk of challenge against the Council for failing in its duties under the homelessness legislation.
- 3.3 The Council is also under a duty to protect its assets and ensure they are used for their intended purpose. Therefore eviction of illegal encampments is a necessary but temporary solution to the lack of authorised sites within the District. However due to the lack of a permanent site the risk of a legal challenge is medium to high and without the use of a temporary site to place families, the risk would be high.

Financial

- 3.4 The cost of officers' time, waste disposal, portaloos, water supply etc. associated with the report recommendations can be met from within existing budgets. The financial risk is assessed as low.

4 OTHER CONSIDERATIONS

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.
- 4.2 Climate change: A CCIA is not considered necessary for this report.

5 CONTACT INFORMATION

- 5.1 Paul Wilson, chief Executive, tel 01629 761126, email: paul.wilson@derbyshiredales.gov.uk
- 5.2 Tim Braund, Director of Regulatory Services, tel: 01629 761118, email: tim.braund@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

6.1 Full list of District Council sites greater than 0.1 Ha in area

7 ATTACHMENTS

Appendix 1 – Cleansed list of District Council sites greater than 0.1 Ha in area

Appendix 2 – Draft Code of Conduct for Caravan Occupiers