

McLaughlin, James

From: McLaughlin, James
Sent: 08 November 2022 17:33
To: Hobson, Susan
Subject: RE: G&TWG

Thanks Cllr Hobson. I will certainly send confirmation through to Members of the intention to report to the Council meeting on 24 November.

Having given the matter more thought this afternoon, I've reached the view that the interim report should deal with the following three decisions:

1. Support the urgent decision to designate Matlock Bath Station Yard Coach Park as a temporary site until 31 January 2023.
2. Designate the Council owned land currently occupied by a Traveller family as a temporary site
3. Seek the agreement of Council for the Working Group to continue its work in identifying potential temporary sites (to make recommendations on Tinti's Yard, the two County Council sites at Bull Hill and Cubley and the possibility of The Woodyard).

I think this will ensure that we get the business transacted on 24 November.

The full and final report of the working group can then deal with the outstanding matters and formally rule out those sites recommended for no further consideration by the Working Group. My fear would be that any proposal to rule out sites at this point would lead to lengthy argument and debate on 24 November.

I would welcome your views on this.

Thanks,
James

James McLaughlin
Director of Corporate & Customer Services
and Monitoring Officer



Town Hall | Matlock | Derbyshire, DE4 3NN
(01629) 761281

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From: Hobson, Susan
Sent: 08 November 2022 13:41
To: McLaughlin, James <James.McLaughlin@derbyshiredales.gov.uk>
Subject: G&TWG

James

Further to our discussions this afternoon please will you confirm to all members of the above group that the extraordinary meeting will not go ahead as planned on 15 November but will be part of the main council meeting on 24 November.

I know members will be very disappointed with this but I am sure they understand the demands on your time in preparing the report.

Members will also have the opportunity to see the report well in advance of the meeting.

Members are very keen that there is no "slippage" over the timings for this Group and that we move forward at pace with the recommendations.

Susan.hobson@derbyshiredales.gov.uk

Sent from my phone

McLaughlin, James

From: Hobson, Susan
Sent: 09 November 2022 12:03
To: McLaughlin, James
Subject: Re: G&TWG

Categories: Gypsy and Traveller

James

I think that we need to take forward all the recommendations from the final meeting of the G&TWG.

My worry is that our recommendations will be watered down or even “kicked into the long grass”.

The recommendations were:-

1. Support the urgent decision to move the Ashbourne family to Matlock Bath as a temporary measure.
2. Agree the designation of Derwent Way as a temporary tolerated site.
3. With independent consultants look at Tintis Yard and the Woodyard
4. Contact DCC re the lay-bys and Watery Lane
5. Dismiss all those sites visited by the group and not put forward.

I appreciate you may not be able to cover all the questions raised by members and forwarded to you but I do think it is important that you cover as many as possible - particularly in regard to the legislation regarding consideration of the family(ies) views as to where they live, what will happen regarding provision of toilets/fencing and who pays for what and also why both families cannot relocate to Derwent Way after 31 January 2023.

Obviously there is a lot of hard work ahead before we see a draft of the report but with the cancellation of the proposed meeting on 15 November to 24 November you will have some more time.

I have messaged Andrew Shirley, Chairman of the Council, who suggests this matter could go in at 3 or 4 or the meeting.

Kind Regards

Councillor Susan Hobson
Deputy Leader Derbyshire Dales District Council
Chatsworth Ward
Sent from my iPad

On 8 Nov 2022, at 17:33, McLaughlin, James
<James.McLaughlin@derbyshiredales.gov.uk> wrote:

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James McLaughlin

Director of Corporate & Customer Services
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Members are very keen that there is no "slippage" over the timings for this Group and that we move forward at pace with the recommendations.

Susan.hobson@derbyshiredales.gov.uk

Sent from my phone

[REDACTED]

From: Purdy, Garry
Sent: 13 November 2022 10:52
To: McLaughlin, James
Cc: Wilson, Paul
Subject: Traveller Working Group Recommendations

Categories: Gypsy and Traveller

James

I am more than disturbed by some of the recommendations in the report for Council on 24/11/22. I do not blame you at all for the wording after being appraised by Paul in the difficulties that you have encountered in this task.

I also have to question some of the questions raised.

As it stands I find I cannot and most likely would not vote for the recommendations at Full Council, but before committing my final thoughts I need to ask a couple of questions on the Recommendations which I believe are not sustainable from a legal perspective.

Questions:

1. Are the sites listed as being recommended for not being considered at all in the future in respect of Traveller sites - all the land sites that we own.

Or are there any other sites left for consideration.

2. I firmly believe that the Authority would be acting outside the law in not providing consideration of land for Traveller sites and that we could well be held to challenge.

If we relate our Homeless duty to the settled community, it be rather like informing a settled community homeless family that - sorry we have no properties and are therefore not able or willing to help you.

Surely this is against our legal duty, and including the Travellers who we have an homeless duty towards.

I raise these questions pertinent to the recommendations that the traveller family currently based in Ashbourne can be relocated to the Station car park, Matlock Bath at the end of October 2022 until 31 January 2023 (note that you have 2022 worded in the recommendation.) Given the fact that I have been somewhat generous to the family in making this offer, it does put me in a position that has caused immense grief to Cllr Sue Bull, that if word gets out that is at my behest I could receive a lot of abuse from certain areas in Matlock Bath, and the fact that no notice has been taken of this by the TWG, or should I say certain Members of that Group is more than upsetting.

I have gone out of my way to try and find a solution to the homeless traveller families since I became Leader that we have a legal duty towards, an issue that has been ignored by this Authority for at least three decades and now I find that Members of my Group are putting me in a completely untenable position and which has troubled me all weekend as to what best action to take in this matter.

Paul and I have given a written commitment to the [REDACTED], that if the Travellers are relocated to the Station car park, Matlock Bath they would be removed by 31/01/23.

If the TWG or the Chairman of that Group believe that our promise is to be reneged upon by the failure of the Working Group to provide an alternative temporary site at the end of January for the Traveller family then they are in complete failure at recognising and respecting my principles.

A promise is a promise. And I am sure that relates to Paul also.

I feel very badly let down in respect of this and if it comes to pass that the family stays beyond the end of January it seriously risks financially harming the opening of the HOA at the beginning of February.

It would cause great harm to relations between this Authority, the Chief Executive, myself as Leader and the [REDACTED]

To be able to secure movement of the traveller family if they end up at Matlock Bath it means that we would have to start Notice to Quit procedures on 01/01/23 as it is commonly known that it takes several weeks to secure an Eviction Order in the event that the family does not move of its own accord.

We simply cannot wait until 31/01/23 and then act.

And without a temporary site to be notified to the Judge as to where the family could be removed to it would mean a failure at Court to secure an Eviction Order.

If we make a suggestion that they should be removed to the Station car park, Matlock that would fail as it would most likely be contested by the family at Court and Matlock Ward Members would have every right to object.

I have already made my views known that I am not at all impressed with the outcome of the TWG and failure to grasp the last facts I have quoted is prime example of such failure.

At least one other temporary stopping site has to be identified and included in the Recommendations otherwise I see nothing but immense trouble ahead yet again related to the Travelled saga.

I would appreciate a telephone conversation tomorrow James [REDACTED]
[REDACTED]

Sent from my iPad

Cllr Garry W Purdy BSc(Hons)

Leader Derbyshire Dales District Council Representing Masson Ward

From: McLaughlin, James
Sent: 14 November 2022 08:17
To: France, Kerry
Subject: FW: Traveller Working Group Recommendations
Attachments: Report and Recommendations_DRAFT2.docx

Hi Kerry,

Please see below and attached.

The attached document is the draft report of the Traveller Working Group which I'm providing to give context to Cllr Purdy's email.

I have highlighted the main issue from the email below. I would welcome your thoughts on this. The report seeks to reject all sites that have not been recommended for temporary occupation by the Working Group. Whilst I personally don't necessarily agree with the recommendation, it is the will of Members of the working group to put this to Council for determination.

I would welcome your thoughts on the lawfulness point raised by Cllr Purdy, but I would also welcome your views on whether a future meeting of the Council can be bound by such a decision in perpetuity (I'm not sure it can, but I would welcome your views and legal opinion on this).

I'm out of the office today, but will be able to talk after 5pm if you want to talk this through.

Thanks,
James

James McLaughlin
Director of Corporate & Customer Services
and Monitoring Officer

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-----Original Message-----

From: Purdy, Garry
Sent: 13 November 2022 10:52
To: McLaughlin, James <James.McLaughlin@derbyshiredales.gov.uk>
Cc: Wilson, Paul <paul.wilson@derbyshiredales.gov.uk>
Subject: Traveller Working Group Recommendations

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I have already made my views known that I am not at all impressed with the outcome of the TWG and failure to grasp the last facts I have quoted is prime example of such failure.

At least one other temporary stopping site has to be identified and included in the Recommendations otherwise I see nothing but immense trouble ahead yet again related to the Travelled saga.

I would appreciate a telephone conversation tomorrow James I am at home all day, with just a Joint ICT virtual meeting commencing at 2pm.

Sent from my iPad
Cllr Garry W Purdy BSc(Hons)
Leader Derbyshire Dales District Council Representing Masson Ward

McLaughlin, James

From: Hobson, Susan
Sent: 15 November 2022 11:29
To: Ratcliffe, Mike
Cc: McLaughlin, James
Subject: Re: [OFFICIAL (SENSITIVE)] Draft Report - Gypsy and Traveller Site Provision

Categories: Gypsy and Traveller

Mike

There is clearly some work to be done on the report and I have raised some of my concerns already with James.

I would agree that the working party have done their best, but I still have some concerns as to what is in the report and how the the evidence of those decisions was reached.

One of my main issues is the omission of the sites that we put forward for further urgent work and consideration.

It may be that those sites have to remain out of the public domain at this present time (for various reasons) but the 9 main members of the G&TWG present at the final meeting put those sites forward as a specific recommendation and they must be on the report.

The 31st January deadline for the temporary site at Matlock Bath cannot simply be left hanging in the air.

My view is that the report should contain only factual information and data from officers.

I have not had the opportunity to present my votes for any of the sites or the matrix - have you?

I have still had no response as to how much dialogue there has been with the Traveller family(ies) about locations

Kind Regards

Councillor Susan Hobson
Deputy Leader Derbyshire Dales District Council
Chatsworth Ward
Sent from my iPad

On 15 Nov 2022, at 09:47, Ratcliffe, Mike <Mike.Ratcliffe@derbyshiredales.gov.uk> wrote:

Dear Susan,

I have read the report with some satisfaction in the knowledge that the working party have done their best and have now produced what I consider to be one of the most detailed responses to this set of circumstances that I have seen in my time as a District councillor.

Clearly there is much still to be done but I do feel that things are now moving forward in a positive direction.

I would mention the following as possibly deserving some elaboration perhaps under a confidential banner.

1. With the establishment of a permanent single site for the "Ashbourne" family now more clearly in the offing, is it worth a paragraph.

2. Para 3.2 suggests no temporary sites have been formerly put forward - seems untrue.

3. The statement that the 2 families will not share a single site needs strengthening.
 4. Is it not possible under a confidential banner to disclose the 3 Ashbourne area sites that were not on the original investigation list. At this time they are clearly worthy of investigation.
 5. Para. 7.3 What are the ramifications of the suggestion that travellers on a temporary or permanent site could be charged Council tax?
 6. Para 7.6 Personally I cannot remember the conversation that the 2 families could share the Derwent Way site. I would suggest that this has been exaggerated somewhat.
- Kind regards
Cllr Mike Ratcliffe
Wirksworth

Sent from my iPad

On 14 Nov 2022, at 13:19, Hobson, Susan <Susan.Hobson@derbyshiredales.gov.uk> wrote:

Mike

Please see below email which is self-explanatory.

Kind Regards

Councillor Susan Hobson
Deputy Leader Derbyshire Dales District Council
Chatsworth Ward
Sent from my iPad

Begin forwarded message:

From: "Hobson, Susan" <Susan.Hobson@derbyshiredales.gov.uk>
Date: 14 November 2022 at 13:15:44 GMT
To: "McLaughlin, James"
<James.McLaughlin@derbyshiredales.gov.uk>
Cc: "Wilson, Paul" <paul.wilson@derbyshiredales.gov.uk>, "Braund, Tim" <tim.braund@derbyshiredales.gov.uk>, "Purdy, Garry"
<Garry.Purdy@derbyshiredales.gov.uk>
Subject: Re: **[OFFICIAL (SENSITIVE)] Draft Report - Gypsy and Traveller Site Provision**

James

I appreciate the time constraints you have in amending the draft agenda in time for publication on Wednesday, but I have had representation from Councillor Ratcliffe, amongst others, who are anxious to see the draft report in advance of the full report being published.

Members of the Group, and Officers, have worked to an extremely tight timetable, and did meet the deadline for recommendations for the proposed extraordinary meeting date of 15 November 2022.

I did make some comments yesterday on the original draft, and am loath to make more work for you, but we must have the recommendations of the Group in the report.

As you know my view is that it is important that the Group Leaders, and Members of the G&TWG, do see the report before it is published more widely.

Do we know how much dialogue and liaison has taken place with the family (ies) to get their views and thoughts?

I am also being asked by Members what the current situation is at Ashbourne.

Kind Regards

Councillor Susan Hobson
Deputy Leader Derbyshire Dales District Council
Chatsworth Ward
Sent from my iPad

On 11 Nov 2022, at 17:39, McLaughlin, James
<James.McLaughlin@derbyshiredales.gov.uk>
wrote:

Good afternoon Cllr Hobson,

Further to my earlier email, please find attached a draft of the report from the Working Group looking at site provision for Gypsies and Travellers.

You will note from the document that there are still a couple of areas that require further work, but the paper has been prepared to reflect the views and recommendations of the majority of Members. I have written it in a way that uses inclusive language in the hope that this might ease the consideration of the report at the Council meeting.

I also want to draw your attention here to the fact that I've not named the other sites that may be considered further as these are not in our ownership and this report could cause issues if we were to mention those in the public arena. My view is that this can be dealt with in future.

We also need to meet with the Traveller family and/or their representatives to get their views and thoughts. Given that the Council agenda is due to be published on Wednesday there is not a huge

amount of time to get this done and incorporated into the report.

Anyway, please review the report and let me know how you wish to proceed.

Have a good weekend.

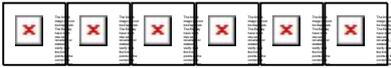
Best wishes,
James

James McLaughlin

Director of Corporate & Customer Services
and Monitoring Officer

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<Report and Recommendations_DRAFT2.docx>

McLaughlin, James

From: McLaughlin, James
Sent: 15 November 2022 11:53
To: Hobson, Susan; Purdy, Garry
Cc: Wilson, Paul; Braund, Tim
Subject: RE: [OFFICIAL (SENSITIVE)] Draft Report - Gypsy and Traveller Site Provision

Thanks Cllr Hobson.

I must admit this has not been an easy report to prepare and it did take more than 2 full days last week, so I am grateful for your patience and understanding.

I have responded to your specific points in red below.

I will make the changes that you have requested, but as outlined below, I do have concerns about the robustness of the rationale behind the recommendations.

The Council still needs to make a decision as to where the Travellers will go after 31 January. I understand that the working group's (majority) view is that Derwent Way has been allocated as a temporary site and officers should direct the Gaskin family there, but if the Council rejects this suggestion, which is possible, then there is nothing else on the table. I'm conscious of the weight that has been attached by the Working Group to Ward Members' views in this process and, whilst I've not had any conversations with any Matlock Member regarding the presence of both families on that one site, I'm not certain that any ward Member for Matlock would be supportive of this approach. Given the way that the working group has ruled out other sites on the basis of ward Member feedback, some thought needs to be given how that approach can be justified. I'm not raising this to be problematic, but to understand what the argument will be to endorse Derwent Way for both families when there will likely be ward Member objections.

I will crack on with making the changes to the report and I can see that both you and Cllr Ratcliffe have emailed separately on this and will try to incorporate the feedback there too.

Thanks,
James

James McLaughlin
Director of Corporate & Customer Services
and Monitoring Officer



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From: Hobson, Susan
Sent: 15 November 2022 07:14
To: Purdy, Garry <Garry.Purdy@derbyshiredales.gov.uk>
Cc: McLaughlin, James <James.McLaughlin@derbyshiredales.gov.uk>; Wilson, Paul <paul.wilson@derbyshiredales.gov.uk>; Braund, Tim <tim.braund@derbyshiredales.gov.uk>
Subject: Re: [OFFICIAL (SENSITIVE)] Draft Report - Gypsy and Traveller Site Provision

James

Thank you for the substantial amount of additional work you have done on the report from my sight of the first draft.

I have however several very important points that I wish to make about how the report is changed before it is published:-

Where have the scores come for this chart? The report needs to go out as a factual report and I haven't been asked for my individual scores on any site? Who else has? This chart needs to be removed.

I can take this out, but by way of explanation the report makes clear that some Members had scored the sites according to Policy HC6 and the scores are simply an illustration of how sites would be prioritised according to such a process. I am concerned that there is no explanation or logic for the recommended sites (that is available to me at least) beyond one site already being occupied at Derwent Way by a Traveller family and the other site at Matlock Bath having been previously occupied. There does need to be reasons justifying the recommendations that are being made – that is a basic tenet of decision making – so I do need some clear guidance from the working group on what they want their report to say to justify their recommendations.

Why is there a reluctance to admit that the original list of sites and maps provided by officers for members of the group to look at were at best inconsistent and at worst totally misleading?

If a mistake was made then I would be happy to apologise for it to you and all Members of the working group, but I'm not sure exactly what the issue is here. The sites owned by the Council and shown in Land Registry maps do not mean that the land is available for occupation by travellers. For example in the meeting of the working group on 2 November Cllr Lees referred to land further south on Harrison Way which is owned by the Council and queried why that hadn't been included. It hadn't been included because it is leased to Peak Rail, as I understand it, so it cannot be considered. I'm not sure which other site or map was inconsistent or misleading, so until I have that clarity I can't write anything about that and as the example I've just referred to shows, Members may not have fully appreciated that the Land Registry site maps are not the same as land that is available for use. In addition, I'm not sure that it would add anything to report unless the working group wish to undermine confidence in officers, which I know will not be the intention of Members.

Why have the comments and opinions about the sites been given some much prominence? They were merely a subjective viewpoint written by officers and as such should not be published - I am sure members would be happy to supply their own comments.

The working group needs to justify its recommendations. Every recommendation should have a reason to support it. If the comments and opinions about the sites (which were recorded based on the comments of Members on sites (not officer viewpoints)) are not included then I start to get into a difficult position as Monitoring Officer around the robustness of the recommendations which would be very much open to challenge. Subjective opinion can carry weight in the absence of objective assessment so we need to be clear on what can or cannot be included. I'm happy to remove if that is the will of the working group, but I would be failing in my duties as Monitoring Officer if I were not to submit my advice to Council on the robustness of the recommendations in a separate report.

Why is the recommendation from the working group that we pursue other sites with the help of an independent consultant (albeit not named in the site) not been put in the list of recommendations?

An oversight on my part, but I will include this recommendation. I think it would be helpful to state why an independent consultant is required and what they will do – investigate, evaluate and recommend whether and how sites can be progressed to the working group.

As I said in my original response to you the fact that there looks like there is no hope of another temporary site from January 31 means that the report looks destined to fail - the fact that the the G&TWG have offered urgent investigations of at least two sites (not including DCC land) must be included.

The two sites are Homesford and Tinti's Yard - are both owned by a third parties and will be subject to commercial negotiation. The Council's position would be weakened if it went public at this stage and the likelihood of achieving best value would be lowered. As Monitoring Officer, I would be satisfied that reference to other sites in the south and central areas of the district outside of the Council's ownership have been identified for further investigation and evaluation.

This working group has done the best it could to come forward with some workable suggestions - we had agreed that the same few car parks that keep being put forward are not acceptable to the Travellers or the settled community.

Whilst the views of parish councils and some parts of settled communities are known, the views of Travellers on this point are not known. Engagement with Travellers or their representatives has not yet taken place, which is one of the justifications for the working group continuing its work.

Members worked at pace for the report to be presented at an extraordinary meeting on 15 November. I accepted, as Chair, that the report needed more time for your completion so it agreed it could be presented at the meeting on 24 November but it cannot go out as it is.

Kind Regards

Councillor Susan Hobson
Deputy Leader Derbyshire Dales District Council
Chatsworth Ward
Sent from my iPad

On 14 Nov 2022, at 13:47, Purdy, Garry <Garry.Purdy@derbyshiredales.gov.uk> wrote:

James

I emailed you yesterday with concerns and questions I have over the recommendations and asked for you to contact me today
Hopefully you have seen my email of yesterday and I hope to hear from you soon

Sent from my iPad
Cllr Garry W Purdy BSc(Hons)
Leader Derbyshire Dales District Council
Representing Masson Ward

On 14 Nov 2022, at 13:15, Hobson, Susan <Susan.Hobson@derbyshiredales.gov.uk> wrote:

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You will note from the document that there are still a couple of areas that require further work, but the paper has been prepared to reflect the views and recommendations of the majority of Members. I have written it in a way that uses inclusive language in the hope that this might ease the consideration of the report at the Council meeting.

I also want to draw your attention here to the fact that I've not named the other sites that may be considered further as these are not in our ownership and this report could cause issues if we were to mention those in the public arena. My view is that this can be dealt with in future.

We also need to meet with the Traveller family and/or their representatives to get their views and thoughts. Given that the Council agenda is due to be published on Wednesday there is not a huge amount of time to get this done and incorporated into the report.

Anyway, please review the report and let me know how you wish to proceed.

Have a good weekend.

Best wishes,
James

James McLaughlin
Director of Corporate & Customer Services
and Monitoring Officer

Town Hall | Matlock | Derbyshire, DE4 3NN
(01629) 761281

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McLaughlin, James

From: Wilson, Paul
Sent: 15 November 2022 11:54
To: Hobson, Susan; Braund, Tim; Purdy, Garry; McLaughlin, James
Subject: RE: [OFFICIAL (SENSITIVE)] Travellers at Ashbourne

Categories: Gypsy and Traveller

Cllr. Mrs Hobson / Cllr. Purdy,

We have received confirmation from the Ashbourne Traveller family, the Community Law Partnership and the Derbyshire Gypsy Liaison Group that the family will be relocating from Clifton Road, Ashbourne to Matlock Bath at 11.00am tomorrow. Assistance will be provided to the family by the District Council. This is slightly later than the deadline we set of Monday due to the need to resolve some logistical issues - however, it is an agreed rather than an imposed deadline.

As with previous relocations, the Travellers word has been taken at face value and should the family not relocate tomorrow, we will immediately service Directions to Leave as previously agreed.

This information should not be publicly disclosed in order to avoid this causing a media / public spectacle. If you wish to inform the Ashbourne Members, they must be aware that the information is provided in in the strictest confidence. If this becomes public knowledge, the family may resist and any move may be delayed for weeks whilst we pursue the necessary Court proceedings.

Regards
Paul

Paul Wilson
Chief Executive

Town Hall | Matlock | Derbyshire, DE4 3NN tel (01629) 761126 www.derbyshiredales.gov.uk |
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-----Original Message-----

From: Hobson, Susan
Sent: 15 November 2022 08:19
To: Wilson, Paul <paul.wilson@derbyshiredales.gov.uk>; Braund, Tim <tim.braund@derbyshiredales.gov.uk>; Purdy, Garry <Garry.Purdy@derbyshiredales.gov.uk>; McLaughlin, James <James.McLaughlin@derbyshiredales.gov.uk>
Subject: Travellers at Ashbourne

All

Are we able to have an update for the Ashbourne members today regarding what is happening please?

Councillor Lees has messaged me to say they are still there so any update gratefully received.

Kind Regards

Councillor Susan Hobson

Deputy Leader Derbyshire Dales District Council Chatsworth Ward Sent from my iPad