



PERSONAL & CONFIDENTIAL

**REPORT OF THE INDEPENDENT INVESTIGATION INTO COMPLAINT MADE TO
DERBYSHIRE DALES DISTRICT COUNCIL BY [REDACTED]
[REDACTED], AS SUBMITTED ON 27TH SEPTEMBER 2023**

19th December 2023

1. INTRODUCTION

- 1.1 East Midlands Councils is a regional organisation representing local government within the East Midlands and is also a designated Regional Employers' Organisation for local government under Section 123 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- 1.2 Derbyshire Dales District Council received a complaint made by [REDACTED] [REDACTED] ('the complainants') and the [REDACTED] on the 27th September 2023. Given the scale of the complaint and roles of those cited, the Deputy Monitoring Officer referred the matter to East Midlands Councils on the 17th October 2023 to conduct an independent, fact-finding investigation under the Council's Complaints Procedure¹.
- 1.3 The purpose of this report is to outline the findings of the independent investigation.
- 1.4 The investigation was undertaken under Stage 2 of the Council's Complaints Procedure. Stage 3 would escalate the complaint to the Council's Chief Executive. However, given that the Chief Executive himself is cited in the complaint, Stage 3 is obsolete in this instance. As a result, if the complainants are unhappy with the outcome of this Stage 2 investigation, then the route of escalation would be to refer the matter to the Local Government Ombudsman.
- 1.5 Details of how to refer a complaint to the Local Government Ombudsman can be found at: [Home - Local Government and Social Care Ombudsman](#)

¹ The DDDC Complaints Procedure is available at: [Complaints procedure - Derbyshire Dales District Council](#)

2. ABOUT THE INVESTIGATING TEAM

2.1 The investigation was undertaken by two senior officers of East Midlands Councils:

[REDACTED]

[REDACTED]

2.2 [REDACTED] has a professional background in land and planning. [REDACTED] is a HR professional. We have both worked in local government for 30 years with experience of number of different types of local authority.

2.3 Neither of us had any prior knowledge of the issues covered by the complaint and we have at all times acted independently of the Council, the complainants and the local MP in this matter. The conclusions set out in this report represent our best professional judgement based on the available evidence.

3. ABOUT THE COMPLAINT

3.1 The complaint centres on the Council's consideration of a potential permanent travellers site located on land off [REDACTED], near Wirksworth in Derbyshire.

3.2 Although the Council decided **not** to proceed with the proposal, the complainants make a series of allegations about the way in which the matter was dealt with by the then political leadership and by senior management.

3.3 In summary, the complainants allege that the Council's political leadership and senior management conducted a long-term secret negotiation with a known criminal, [REDACTED], in order to establish a permanent Travellers site at [REDACTED] and which was on the point of being concluded when news of the deal broke publicly in January 2023. In particular, the complainants allege the following:

- 1) Lack of transparency and good governance
- 2) Inadequate due diligence and gross professional negligence
- 3) Continued commercial engagement with a known criminal
- 4) Prior knowledge of convictions and of involvement in organised crime
- 5) Financial concerns and significant conflicts of interest
- 6) Lack of safeguarding assessments
- 7) Lack of enforcement of planning permission breaches
- 8) Unfair rejection by the Council of an alternative site
- 9) Missing paperwork and lack of transparency
- 10) Lying by senior officers of the Council

3.3 The key individuals cited at various points in the complaint are:

- Mr Paul Wilson, Chief Executive.
- Mr Tim Braund, Director of Regulatory Services.
- Mr Rob Cogings, Director of Housing.
- [REDACTED] Estates & Facilities Manager.
- [REDACTED] formerly Director of Corporate & Customer Services and Monitoring Officer (no longer employed by the Council).
- [REDACTED] Leader of Council prior to May 2023 (now no longer a councillor)
- Cllr Sue Hobson, Deputy Leader of the Council prior to May 2023 and now Leader of the Opposition.

3.4 In addition, the complaint makes reference to actions by:

- [REDACTED] Head of Development Management
- [REDACTED]

3.5 The complaint was submitted to the Council's Deputy Monitoring Officer in a document dated 27th September 2023 which was also copied to all 34 serving Councillors at Derbyshire Dales District Council and to the local Member of Parliament, Sarah Dines MP (Derbyshire Dales).

3.6 It is a detailed 33-page submission supported by three appendices:



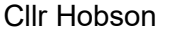


Appendix 1: A safeguarding letter from an (unnamed) 'safeguarding specialist'.

Appendix 2: Nine documents detailing correspondence between Sarah Dines MP and the Council which took place between the 3rd February 2023 and the 19th September 2023.

Appendix 3: 96 documents specifically referenced in the complaint, many of which have been secured through Freedom of Information (FoI) requests made by Sarah Dines MP.

3.7 Further detail on the specific allegations against each individual is set out under Section 6 of this report.

4. INVESTIGATION METHODOLOGY

- 4.1 We reviewed all of the documents submitted by the complainants along with Derbyshire Dales District Council's Complaints Procedure.
- 4.2 Based on the complaint and supporting documentation, we developed a 'matrix' mapping the detail of the allegations against each named individual. We then used this to determine which extracts of the complaint should be made available to whom; and to develop a series of questions for each of the investigation interviews.
- 4.3 To maintain the integrity of the investigation, we made it clear that all the information provided to individuals about the allegations made against them should be treated as confidential and not discussed with anyone else. Because as Chief Executive Mr Wilson is implicated throughout the complaint, and in view of his statutory role as Head of Paid Service, he received a copy of the whole complaint document.
- 4.4 We used the interviews to try and gain a clear understanding of who did what, why and when including, where necessary, by asking the same question to a number of individuals in order to compare responses and to corroborate information.
- 4.5 Investigation interviews were held as follows:
- | | | |
|---|--|-------------|
| Mr Wilson | 10 th November 2023 | (2 hours) |
| Mr Braund | 10 th November 2023 | (1.5 hours) |
| Mr Cogings | 10 th November 2023 | (1.5 hours) |
|  | 15 th November 2023 | (1 hour) |
|  | 15 th November 2023 | (1 hour) |
|  | 15 th November 2023 | (1 hour) |
| Cllr Hobson | 15 th November 2023 | (1 hour) |
|  | 16 th November 2023 via Microsoft Teams | (1 hour) |
- 4.6 With the exception of , all these interviews took place in Room 4.11 at the Council's Town Hall offices in Matlock.
- 4.7 Following each interview we drafted a note setting out a record of the discussion, final versions of which were checked by each interviewee to ensure they represented a 'reasonable record'.
- 4.8 In the course of the interviews we requested various additional documents, a number of which are included or referenced in this report. We also received a written submission by the Chief Executive in response to the complaint which we have considered, and in places drawn upon, in finalising this report.
- 4.9 We are pleased to record that we able to meet with all those from whom we requested interviews.

- 4.10 We also met with the complainants [REDACTED] on the 17th November 2023 at their home at [REDACTED] to explain the investigation process and to ensure we fully understood their concerns.
- 4.11 We would have liked to have undertaken this meeting earlier in the process but this date was the earliest offered by the complainants. Given that the complaint had originally been submitted to the Council on the 27th September 2023, makes serious allegations about the Council and its officers and has also been copied (by the complainants) to all 34 Derbyshire Dales District Councillors and to the local MP, we felt it was more important to expedite the investigation than to delay it.
- 4.12 In the event, we found the meeting with the complainants very useful, and we believe it has helped us to focus this report on the issues of greatest concern to them.
- 4.13 Subsequent to the meeting the complainants submitted a document setting out a chronology of events from their perspective based on information contained in their original complaint. We have also considered this document in drafting our report.

5. BACKGROUND TO THE COMPLAINT

5.1 Before addressing the detail of the complaint, we feel it would be helpful to describe briefly the Council's governance and decision-making arrangements and to provide some background on the issue of identifying sites to accommodate Gypsies and Travellers in Derbyshire Dales.

Derbyshire Dales District Council

5.2 Derbyshire Dales is located in a 'two-tier' local authority area, meaning that core local government functions are split between the District Council and Derbyshire County Council. For instance, the County Council is the Local Transport Authority and has responsibility for providing Adult Social Services and Childrens Services. The District Council is the Local Housing Authority and the Local Planning Authority for most development (in those areas outside the Peak District National Park). As a result, those with complex needs will often need to draw on services provided by both councils as well as by the NHS.

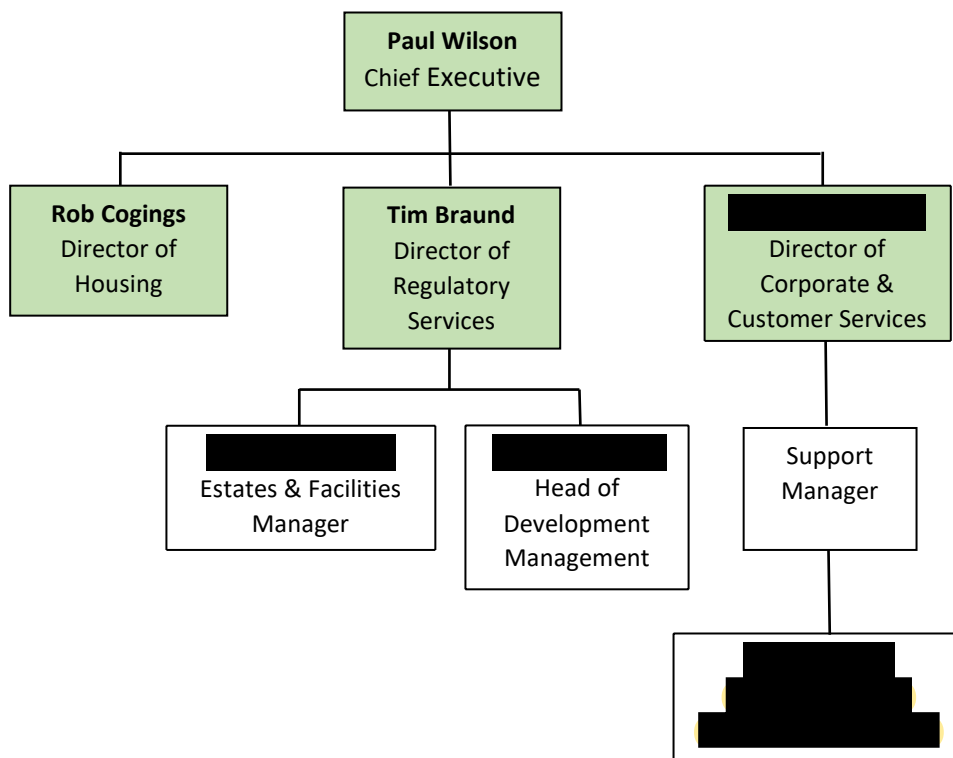
5.3 Unlike many councils, Derbyshire Dales has not moved to a 'cabinet style' of local governance. This is where the Full Council elects a leader who in turn appoints and chairs a small cabinet of councillors, each with a specific area of responsibility such as housing or finance. The cabinet meets regularly to make Council decisions. There are some regulatory and quasi-judicial functions over which the cabinet does not have responsibility, such as determining planning applications and making decisions on licensing. These are delegated to separate planning and regulatory committees.

5.4 By contrast, Derbyshire Dales maintains a traditional 'committee system' whereby the Full Council establishes a number of committees each with a specific area of responsibility. The political groups on the council appoint members to those committees and decisions are taken by vote. As a result, council decisions to buy or lease land or to invest in property can only be made by councillors voting in meetings of the Full Council and/or its committees, not by individual councillors and certainly not by officers.

5.5 At the time at which the main events described in the complaint take place Derbyshire Dales District Council comprised 39 councillors². The Conservatives were the largest group, but with a working majority of only one.

5.6 In terms of the Council's officers, the key individuals highlighted in the complaint and the line management relationships between them at the time are illustrated below. The posts highlighted in green sit on the Council's Corporate Leadership Team (CLT). Please note that the diagram represents only an extract of the Council's staffing structure for the purposes of this report. Further details on the CLT can be found on the Council's web-site at: [Corporate leadership team - Derbyshire Dales District Council](#).

² The Council was subject to a Boundary Review which resulted in the number of councillors reducing from 39 to 34 from May 2023.



Accommodating Gypsies and Travellers in Derbyshire Dales

- 5.7 There are two Traveller families with a connection to Derbyshire Dales, who are both well known locally. However, there are no designated temporary or permanent Traveller pitches anywhere within the District. The practice has been to tolerate the families on one or more of a number of sites in the Council's ownership (mostly car parks) for a period of time, and then to move them on in response to local pressure. We understand that this has happened over 80 times. Both families are classed as homeless under the Housing Act 1996.
- 5.8 The decision as to when and where to move the families on was for many years made by officers, with lead responsibility falling to Mr Braund given his professional background in Environmental Health. However, in July 2021 the Council passed a resolution which effectively removed delegated authority for officers to manage the specific Traveller families to whom the Council has a statutory homelessness duty. Since that time, all such matters have been reported to Full Council. In our experience, this is a highly unusual situation.
- 5.9 National policy on accommodating gypsies and travellers is set out in 'Planning Policy for Travellers' published by Government in 2015³. In summary, it states that Local Planning Authorities should undertake an assessment to understand the level of need for both permanent and temporary pitches, and then allocate sites through the Local Plan process to meet this need in the same way as for any other form of housing.

³ Planning Policy for Travellers is available at [Title \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/planning-policy-for-travellers)

- 5.10 This was the process followed by the Council for the Local Plan adopted in 2017. An assessment of need was undertaken and a site in the ownership of Derbyshire County Council was allocated for four Traveller pitches at Watery Lane, Ashbourne to help meet that need. The allocation was agreed by the County Council in October 2016. However, following a change of administration, the County Council formally withdrew support for the site in June 2018 and instead safeguarded the land for a potential future road improvement. Although the site was allocated in the adopted Local Plan and had planning permission (since lapsed), it became undeliverable.
- 5.11 Since then, the Council has made several attempts to secure a suitable permanent Traveller site for the families and at various times has considered land at locations including:
- Park Fuels in Clifton
 - Knabhall Lane in Tansley
 - The Woodyard in Homesford
- 5.12 We make further reference to all three of these sites later in our report.
- 5.13 The ongoing failure to deliver a permanent Travellers site means that not only is the Council in breach of national planning policy but is also failing in its statutory duty towards two homeless and vulnerable families.
- 5.14 This is the context within which the Council issued a public 'Call for Sites' on the 9th May 2022. A copy of the press release setting out details of the 'Call for Sites' is set out in Appendix 1 of this report.
- 5.15 On the 11th May 2022 an officer in the Housing Directorate took a phone call from a member of the public offering a site. A copy of the email noting details of the call is contained in Appendix 2. The individual was [REDACTED] and the site in question was on [REDACTED] near Wirksworth.
- 5.16 We are clear that the 'Call for Sites' process and subsequent preliminary site assessment work was led at an operational level by Mr Cogings as Director of Housing.
- 5.17 In doing so Mr Cogings commissioned architectural services through Nottingham Community Housing Association (NCHA), valuation advice through [REDACTED] and requested Pre-Application Planning Advice via NCHA from [REDACTED]. He also took informal advice from Mr Braund as the officer within the Council who in the course of his duties had become most familiar with the two Traveller families. We will return to these matters in more detail later in our report.

6. FINDINGS

- 6.1 Based on the methodology set out under Section 5 our findings are detailed below. We have broken down the complaint into the ten separate allegations made by the complainants, and addressed each one in turn, concluding with a decision based on a reasonable and genuine belief and the balance of probabilities. There is inevitably some overlap between the individual allegations, but we have tried to minimise repetition.
- 6.2 Our broader conclusions are set out in Section 7 and Section 8 sets out our views on organisational learning and other related matters.
- 6.3 For ease of reference, we have set out below a single time-line of some the key events we refer to later. This is not comprehensive list of everything relevant which took place during this period, but it does provide a common framework for the more detailed accounts set out below.

9th May 2022	Council issues a 'Call for Sites' for permanent Travellers pitches
11th May 2022	Housing officer at the Council takes a phone call from [REDACTED] offering land
30th May 2022	First Site Visit to [REDACTED] Mr Cogings, Mr Braund and [REDACTED]
14th June 2022	Council refuses planning permission for 8 permanent Traveller pitches at the Woodyard site, in line with officer recommendation.
23rd June 2022	First Member Briefing Meeting: Agrees to preliminary assessment of [REDACTED] as site for permanent Travellers pitches.
18th November 2022	Pre-Application Planning Advice Site Visit: Mr Cogings, [REDACTED] and [REDACTED].
26th January 2023	[REDACTED] forwards BBC article detailing [REDACTED] criminal history to [REDACTED], who then forwards to Mr Wilson.
31st January 2023	Final Meeting with [REDACTED] relating to the [REDACTED] proposal, at the Town Hall with Mr Cogings and [REDACTED].
2nd February 2023	Council receives notification of possible planning breach on land occupied by [REDACTED] at [REDACTED].
10th February 2023	Council issues letter acknowledging possible planning breach, committing to investigate and to respond by 14 th March 2023.
20th February 2023	Second Member Briefing Meeting: Agrees to terminate interest in using [REDACTED] site to accommodate Travellers.
22nd February 2023	Council issues a public statement confirming it had ended interest in establishing a permanent Travellers site at Hasker Farm.
16th March 2023	Council issues first Planning Contravention Notice relating to land occupied at [REDACTED] by [REDACTED].
16th March 2023	Meeting of Full Council.
31st March 2023	Council issues second Planning Contravention Notice relating to land occupied at [REDACTED] by [REDACTED].
4th May 2023	[REDACTED] and colleague visit [REDACTED] on site and receive a response to the second Planning Contravention Notice.
12th September 2023	Council grants planning permission for 8 permanent Traveller pitches at the Woodyard site, against officer recommendation.

Allegation 1: Lack of transparency and good governance

Summary

- 6.4 The complainants allege that the officers maintained a 'deliberate veil of secrecy against both residents and elected councillors' about the [REDACTED] proposal, and in particular withheld information from the local ward councillor.

Investigation

- 6.5 It is clear to us that Council's then political leadership was keen to restrict public information about the [REDACTED] proposal until such time as basic a viability assessment had been undertaken.
- 6.6 [REDACTED] believed that proper consideration of the Park Fuels site had been undermined by the local ward Member 'leaking' details of the proposal before it had been discussed by the Council.
- 6.7 [REDACTED] and Mr Wilson also both recounted the experience of the Knabhall Lane site which was prioritised by Full Council in September 2020 in preference to the [REDACTED] site without any site investigations having taken place. There was major public outcry against the proposal, only for the technical work commissioned by the Council to conclude that the Knabhall Lane site was undeliverable because of a lack of mains water, drainage and electricity supply.
- 6.8 As a result, [REDACTED] view was that basic investigation work should be undertaken by officers on any potential site before public any engagement takes place, including briefing the relevant Ward Member.
- 6.9 However, in relation to the [REDACTED] proposal, Mr Wilson appears to have taken a more open approach. In response to an email from [REDACTED] which was copied to all councillors on 15th June 2022 (and contained in Appendix 3), Mr Wilson confirmed that an expression of interest had been received for a site '*...off the B5035 between Middleton and Carsington.*' and that '*A precise location and details of the site will be provided as part of the workshop next week.*'
- 6.10 All Members of the Council were invited to this workshop (also described as a 'Member Briefing') which took place on the 23rd June 2022. At the briefing, a power point presentation was made by officers which included on slide 20 an OS based map delineating the [REDACTED] site. A copy of the full presentation is set out in Appendix 4. [REDACTED] made it clear to us that he was very surprised to see the map displayed on the screen in this way.
- 6.11 The recollection of [REDACTED], Cllr Hobson, Mr Wilson and [REDACTED] is that Members at the briefing gave officers the delegated authority to investigate the [REDACTED] proposal. However, this was not a formal meeting of the Council. Whilst officers believe that 25 out of 39 Members were in attendance, there was no 'signing-in' sheet and no notes of the discussion were made. The only record of the meeting is an anonymous 'clandestine' recording which has come into the possession of Mr Wilson. From our listening, this does appear to confirm that the Members present were happy to proceed as described.

- 6.12 Although no attendance record was kept, it is understood by common consent that those in the room included Cllr Murphy, who was (and is) both a District and a County Councillor and whose County Division includes [REDACTED]. Those not in attendance included the then District Ward Member [REDACTED] and [REDACTED], whose Ward abutted the site. This was unfortunate, and in our view goes some way to explaining why neither appeared to be aware the proposal some months later.
- 6.13 We asked Mr Wilson, [REDACTED] and Cllr Hobson what steps were taken to brief those 14 members who did not attend the meeting. It appears that no special arrangements were made. It was just expected that they would find out and ask questions if necessary.

Decision: This allegation is partially upheld

- 6.14 Whilst the Council's political leadership wanted to restrict public knowledge of the site until the preliminary assessments had been undertaken, we do not believe that there was any deliberate attempt by officers to hide the location of the site from other Members. Indeed, Mr Wilson appears to have gone out of his way to ensure that all Members were made aware of general location of the site and had the opportunity at the briefing session to view an OS based map showing the detailed location, despite the concerns of [REDACTED].
- 6.15 However, the two most affected councillors were not able to attend the briefing and no attempt to brief them separately was made, which in our view was remiss. Whilst we accept that the failure to notify [REDACTED] as Ward Member in February 2023 was a genuine mistake (and accepted as such by [REDACTED]), the situation should not have been allowed to arise.
- 6.16 More importantly, the Member Briefing at which the decision to progress with the assessment of the [REDACTED] site was made was not a formal meeting of the Council and no note of the proceedings was made. This is not an open or transparent way for Members to make decisions and has contributed to a climate of suspicion which has surrounded this whole matter. It also left officers exposed, having no evidence of a political mandate for their subsequent actions.

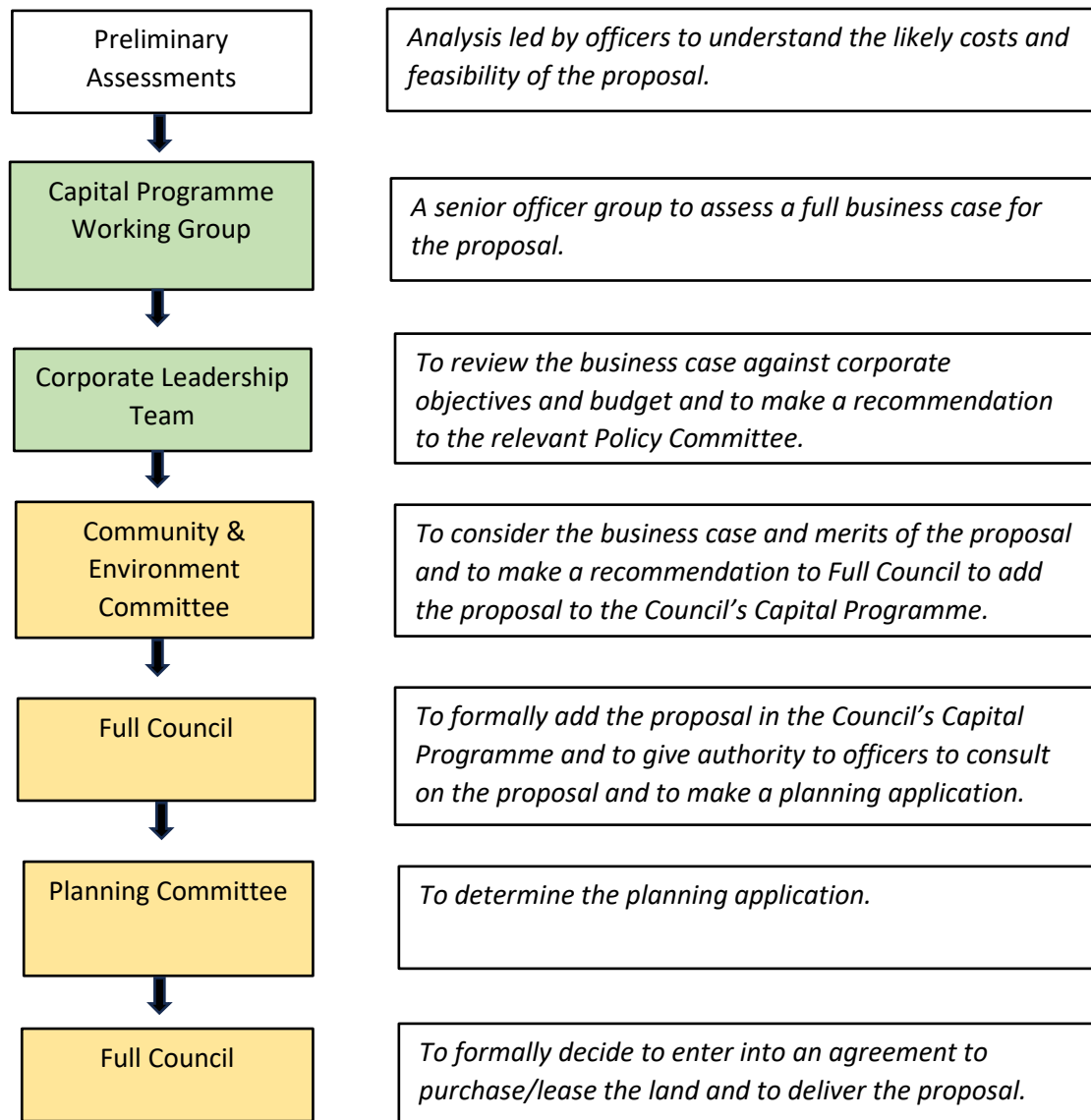
Allegation 2: Inadequate due diligence and gross professional negligence

Summary

- 6.17 The complainants allege that the Council entered into a commercial relationship with [REDACTED] who is subject to an active Proceeds of Crime Confiscation Order – potentially a very serious offence. Further, that the Council did not take appropriate measures to identify the true owner of the land occupied by [REDACTED] at [REDACTED].

Investigation

- 6.18 We first of all wanted to understand the process by which the Council **would** have made a decision to deliver the [REDACTED] proposal had it gone ahead. This process is summarised below and would seem to us to represent a normal approach for a Council operating under a committee system.



- 6.19 We then wanted to be clear about how far along the process the Council had gone before the decision was made to terminate interest in the [REDACTED] proposal on the 20th February 2023.
- 6.20 We have seen no evidence that the proposal ever progressed beyond the preliminary assessments commissioned by Mr Cogings. No business case was ever considered by the Capital Working Group or by the Corporate Leadership Team, no recommendations were ever made to the Community & Environment Committee or to the Full Council, and no planning application was ever made.
- 6.21 Turning to the implications of the Proceeds of Crime Act (POCA) 2002. There is no public record of individuals with an active POCA Confiscation Order that we can check. However, it appears widely accepted that [REDACTED] is subject to such an Order, and certainly [REDACTED] and [REDACTED] believe this to be the case, although Mr Wilson was non-committal. For the purposes of this report, we feel it is safest to assume that an active Order is in place.
- 6.22 The 'Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017' define what is meant by a 'business relationship'⁴ in these circumstances. Our understanding of the Regulations is that Council could only have entered into a 'business relationship' with [REDACTED] at the point at which Full Council decided to purchase or lease the land. As noted above, this clearly did not happen nor was even close to happening. The preliminary assessments commissioned by Mr Cogings in no way constitute a 'business relationship' as defined by the Regulations.
- 6.23 Finally, the Council has acknowledged that the land in question was not owned by [REDACTED]. The Land Registry apparently confirms ownership in the name of [REDACTED], who the Council believes to be [REDACTED]. According to Mr Cogings and [REDACTED], [REDACTED] was always clear about the true ownership of the land during their discussions, and that [REDACTED] would need to agree to any deal.
- 6.24 The complainants believe that [REDACTED] is actually a [REDACTED]. However, in our view it is not unusual for people to be commonly known by their middle name.

Decision: This allegation is not upheld

- 6.25 Regardless of whether or not an active Proceeds of Crime Confiscation Order is in place against [REDACTED], we are clear that Council did not enter into a business relationship with [REDACTED] under the terms of the Money Laundering Regulations - or was even close to doing so.
- 6.26 We are also of the view that the land in question is owned by [REDACTED], and that this was known and understood by the Council from the start.

⁴ [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uk/2017/1000)

Allegation 3: Continued commercial engagement with a known criminal.

Summary

6.27 The complainants allege that commercial engagement with [REDACTED] continued after the Council was notified of his criminal background by [REDACTED] on the 26th of January 2023, with the aim of making a positive decision to approve the [REDACTED] proposal at the Full Council meeting of 16th March 2023.

Investigation

6.28 As our investigation of the earlier allegation demonstrates, there is no evidence that the Council was ever engaged in a commercial or business relationship with [REDACTED], or that the Council was even close to being able to make a decision to purchase or lease land to deliver the [REDACTED] proposal.

6.29 However, it is clear that there was an intention to take a general update report on [REDACTED] to the 16th March 2023 meeting of Full Council, and [REDACTED] as Leader was very keen that this should be the case. We believe this is the context for the comments made by [REDACTED] highlighted by the complainants.

6.30 Leaving aside the revelations of [REDACTED] criminal past, the only technical basis for this report would have been the conclusions of the preliminary assessments commissioned by Mr Cogings (which are described in more detail later in our report).

6.31 As such, the Full Council could have either terminated interest in [REDACTED] at that point or endorsed further work to enable the Council to make a substantive decision at a later date, but it could **not** have approved the purchase or lease of land to deliver the proposal. As it was, following the Member Briefing of the 20th February 2023, no report was subsequently taken to Full Council.

6.32 Nevertheless, we were keen to understand what measures the Council did take in the wake of [REDACTED] email of the 26th January 2023. We understand the original email was sent to [REDACTED] who then sent it to Mr Wilson. Mr Wilson was on holiday at the time and did not return to work until the 30th January 2023. On the 30th January he met with his senior officers and told them to cease active discussions with [REDACTED] and then arranged a meeting with [REDACTED] and [REDACTED] for the morning of the 1st February 2023.

6.33 At the meeting of the 1st February 2023, we understand Mr Wilson was directed by [REDACTED] and [REDACTED] to make further enquiries of the Derbyshire Police. Derbyshire Police provided an update to Mr Wilson on the 10th February 2023, after which Mr Wilson advised [REDACTED] that the Council should disengage from all discussions with [REDACTED]. [REDACTED] agreed but it was acknowledged there was also a need to inform all Members. As a result, the issue was added to the agenda of a Member Briefing already planned for the 20th February 2023.

6.34 In the light of Mr Wilson's actions on the 30th January 2023, we were keen to understand why the meeting which took place between Mr Cogings, [REDACTED] and [REDACTED] on the 31st of January 2023 at the Town Hall was not cancelled, and what was discussed as a result.

6.35 We understand from Mr Cogings and [REDACTED] that the meeting resulted from a previous meeting which took place on the 25th January 2023, where concerns had been raised about the use of the access on to the [REDACTED] site. As a result, [REDACTED]

[REDACTED] had been asked to provide legal documentation to demonstrate he had right of access. Mr Cogings felt it would look strange not to go ahead with the meeting but was anxious that it took place on Council premises rather than on site at [REDACTED].

- 6.36 However, we also understand that at this meeting a discussion took place around land values, at which it was made clear to [REDACTED] that the Council would never be in a position to come close to meeting [REDACTED] valuation of the land (£160,000). According to Mr Cogings, this was done to enable [REDACTED] to walk away from the discussions on his own terms – which it seems he did.
- 6.37 This was the last meeting between the Council and [REDACTED] in relation to the proposal to establish permanent Travellers' pitches at [REDACTED].

Decision: This allegation is not upheld

- 6.38 Regardless of the revelations about [REDACTED] criminal past, the 16th March 2023 meeting of the Full Council was never going to be in a position to make a formal decision to purchase or lease land to deliver the [REDACTED] proposal.
- 6.39 In our view Mr Wilson acted promptly to end active discussions with [REDACTED] on the 30th January 2023 following [REDACTED] email and then to advise [REDACTED] to withdraw from all engagement on the 10th of February 2023 following the update from the Derbyshire Police.
- 6.40 However, we believe that continuing with the planned meeting between Mr Cogings, [REDACTED] and [REDACTED] on the 31st January 2023 was unwise and if it had turned out differently, could have put the Council in a difficult position.

Allegation 4: Prior knowledge of convictions and of involvement in organised crime

Summary

6.41 The complainants allege that Mr Braund and [REDACTED] had prior knowledge of [REDACTED] criminal history and his links to organised crime due to their previous professional dealings with him. The complainants also allege that [REDACTED] would have known of [REDACTED] criminal history.

Investigation

6.42 Mr Braund and [REDACTED] confirmed to us that they had both come across [REDACTED] when he was involved in running the [REDACTED], a building which the Council owned.

6.43 During that time, the [REDACTED] was managed by a [REDACTED] and [REDACTED]. [REDACTED] appeared to be the senior partner and [REDACTED] managed the door staff.

6.44 Mr Braund recounted that as a generic Environmental Health Officer he had undertaken inspections of the [REDACTED] in the 1990s. From 1997 he took on a management role and others made the inspections, although he may have been involved from time to time. In 2001 Mr Braund took on a more specialist management role focussing on pollution (including noise). In 2005 the law changed and Council also became responsible for alcohol licences. Mr Braund recalls that at this point the [REDACTED] named [REDACTED] and another man – but not [REDACTED]

6.45 Throughout this time, Mr Braund's interactions with the [REDACTED] were primarily through [REDACTED]. He would have spoken to [REDACTED] on occasion, but only if [REDACTED] was not present. Mr Braund is clear that he did not meet or speak to [REDACTED] outside of work, and did not see him at all between 2005 and when he visited [REDACTED] with Mr Cogings on the 30th May 2022.

6.46 The complainants allege a relationship between [REDACTED] and [REDACTED] on the 10th March 2020. We have seen absolutely no evidence to support this allegation.

6.47 [REDACTED] recounted that he also met with [REDACTED] and [REDACTED] during their time managing the [REDACTED], initially in relation to an asbestos issue, but that again [REDACTED] appeared to be the senior partner.

6.48 Later [REDACTED] recalls that legal and finance colleagues from the Council also became involved as [REDACTED] and [REDACTED] had fallen behind with the rent. This culminated in [REDACTED] taking a report to the Council's Partnership & Regeneration Committee on the 1st May 2008 which recommended termination of the lease – and the keys to the building were subsequently returned to the Council by [REDACTED] on the 24th June 2008.

6.49 At the meeting to return the keys, [REDACTED] stated that [REDACTED] (who was not present) still had personal possessions in the [REDACTED]. As a result, a few weeks later [REDACTED] was asked to open-up the building to enable [REDACTED] to collect his possessions. [REDACTED] arrived in a van with [REDACTED] and they were in the building for between 20 and 30 minutes.

6.50 This was the last time that [REDACTED] saw [REDACTED] until he visited [REDACTED] with Mr Cogings on the 1st July 2022. Unlike Mr Braund, [REDACTED] did not recognise [REDACTED] – although [REDACTED] apparently recognised him.

6.51 Turning specifically to the issue of prior knowledge of [REDACTED] criminal history.

6.52 [REDACTED] is clear that he knew nothing about [REDACTED] past other than that he had been involved in the running the [REDACTED].

6.53 However, Mr Braund said he had understood from a colleague that [REDACTED] had a criminal conviction and had probably been to prison, which in part explained why [REDACTED] name did not appear on the 2005 alcohol license.

6.54 Mr Braund said he made Mr Cogings aware of this at their first site visit with [REDACTED] on the 30th May 2022, and that he subsequently volunteered the same information to Mr Wilson and [REDACTED] at an informal ‘catch up’ meeting also involving Mr Cogings.

6.55 However, Mr Braund made it clear to us that he was unaware of full extent of [REDACTED] past until he read [REDACTED] email of the 26th January 2023.

6.56 We asked Mr Cogings about what Mr Braund had told him about [REDACTED]. He conceded that he had been made aware of [REDACTED] ‘unsavoury’ past and that he may have been to prison.

6.57 We asked Mr Cogings why he did not make further investigations about [REDACTED] at this point. His view was that he believed that [REDACTED] was genuine about wanting to help the two traveller families, that the site at [REDACTED] seemed to offer some potential, and that it was not normal practice to investigate people’s pasts in such circumstances.

6.58 We asked Mr Wilson and [REDACTED] if they had been made aware that [REDACTED] had previous convictions by Mr Braund or any other officer of the Council before the 26th January 2023. They said they had not.

Decision: this allegation is partly upheld

6.59 We are clear that both Mr Braund and Mr Cogings had some prior knowledge of [REDACTED] criminal past, and that this was probably shared more widely among senior officers, but that they chose not to investigate further and instead trusted their own assessment that [REDACTED] was genuine in his desire to help the Traveller families. As events transpired, this was a significant error of judgement.

- 6.60 However, we stop short of concluding officers knew the full details of [REDACTED] [REDACTED] convictions. We believe that the content of [REDACTED] email of the 23th January 2023 and its implications came as a complete shock to the Council. All those we interviewed were clear that they would have terminated discussions immediately if they had known the full details of [REDACTED] criminal history.
- 6.61 The alternative is to conclude that officers were aware of all this information and somehow believed that they could complete a land deal and secure planning permission without anyone else noticing who [REDACTED] was – which does not seem to us to be remotely credible.

Allegation 5: Financial concerns and significant conflicts of interest

Summary

6.62 The complainants question the procurement of Nottingham Community Housing Association (NCHA) to provide architectural advice and allege an un-declared conflict of interest relating to ████████ of Mr Cogings. In addition, the complainants question the costs and valuation figures provided by the Council in response to FOI requests and allege a misuse of public money.

Investigation

6.63 We first of all wanted to be clear about how much money was actually spent by the Council in investigating the ████████ proposal and on what. We have confirmed that only two pieces of the advice were procured:

- Valuation Report from Residentially Chartered Surveyors: Invoice Date 16th November 2022. Invoice total £1,550 plus VAT
- Site Feasibility Work from Nottingham Community Housing Association: Invoice Date 11th January 2023. Invoice total £2,457.99 plus VAT. This includes a fee to Pelham Architects and a fee for Pre-Application Planning Advice.

6.64 Copies of both invoices are contained in Appendix 5 & 6 respectively. As a result, we can confirm that the total cost incurred by the Council on the ████████ proposal was **£4,007.99** plus VAT⁵

6.65 Both payments fell within the delegated authority of Mr Cogings to authorise.

6.66 Local Authorities are required by Government to publish details of all payments over £250 on their web-site. We have checked relevant disclosures and we are happy that both invoices were correctly declared by the Council.

6.67 By way of a comparison, we also asked to see the relevant invoices for investigation work into the viability of the Knabhall Lane site. These came to a total of £11,550 plus VAT.

6.68 We then turned to the question of the procurement process by which Nottingham Community Housing Association (NCHA) were appointed by the Council as the development and management partner for the Council's Housing Programme

6.69 We have seen evidence that confirms the procurement process was handled by staff at Derbyshire County Council, who had more knowledge and experience of large procurement exercises, and independent consultants appointed by the Council. We also understand that Mr Cogings himself 'stood back' from the process, and that specialist advice was sought instead from a housing officer in a neighbouring authority. This was because Mr Cogings had had extensive dealings with both main bidders in the course of his duties and felt conflicted.

⁵ All local authorities are able to claim back the cost of VAT paid on invoices. Therefore, the actual cost to the council of procuring external goods or services does not include VAT.

- 6.70 The Council confirmed the appointment of NCHA on 26th November 2020 following a report to Council made by the Chief Executive which is in the public domain. The report notes that NCHA submitted the lowest tender and scored marginally higher on quality.
- 6.71 We were also able to confirm that during the procurement process Mr Cogings' [REDACTED], who was at that time working as the Council's Rural Housing Enabler, applied for a job at Nottingham Community Housing Association and was successful, leaving the employment of the Council on 1st November 2020.
- 6.72 Given the commercial relationship between the Council and NCHA, Mr Cogings is required to make a 'related parties' disclosure on an annual basis. A 'related parties' disclosure is made to the Council's Monitoring Officer ([REDACTED] at the time) and detail any transaction between the Council and a third party in which an individual has a personal interest, either directly or through a close relative or spouse. We have seen a copy of the Mr Cogings' declarations for 2020/1 and 2021/2 and are happy that they have been correctly made.
- 6.73 The complainants raise questions and concerns about the valuation of the site at £60,000. We are not in a position to question the professional judgement of the valuers, but we note that [REDACTED] had the site valued at £160,000.
- 6.74 There was clearly a significant gap between these two estimates which would have been very difficult to bridge through any negotiation. Although both Mr Cogings and [REDACTED] indicated the potential for a degree of flexibility, we have seen no evidence that the Council was willing to pay £160,000 for the land or that any offer to do so (with or without the role of 'paid warden') was made – whatever [REDACTED] may have told the complainants.
- 6.75 Similarly, the complainants raise a number of questions and concerns about the build costs of the plans developed via NCHA, estimated to be £473,555. Again, we are not in position to question the professional judgement of the contractors involved. Clearly this would be a very expensive scheme to deliver but given the remote location of the site and its topography, we are not surprised.
- 6.76 The NCHA commission also included the cost of securing Pre-Application Planning Advice. A copy of the advice was provided to us by [REDACTED], which concludes:
- "In summary it is recognised that there is a clear need for traveller sites in the district and that the council does not have a five year supply of sites at this time. The provision of 4 no. pitches therefore weighs in favour of the development. However, the unsustainable location of the site and the potential effects of the development on the local landscape / character and appearance of this part of the countryside are a concern. Whilst consideration can be given to the personal circumstances of the occupants of the pitches with regard to the need for a site away from existing settlements, this would be unlikely to outweigh the above concerns in my view."*
- 6.77 The full advice is set out in the Appendix 7

Decision: This allegation is not upheld

- 6.78 We are clear that the total cost of work commissioned by the Council to assess the [REDACTED] site was £4,007.99 We do not consider this to be excessive when compared to the assessments undertaken for the Knabhall Lane site for instance.
- 6.79 We are clear that the procurement process to appoint Nottingham Community Housing Association (NCHA) was sound and that potential conflicts of interest have been appropriately managed. Although the NCHA had no direct experience of delivering Travellers' sites, they are the Council's housing development partner and so are an appropriate body to undertake development work of this nature.
- 6.80 Finally, given the high build costs and the gap between the two land valuations, we observe that it is very difficult to see how the scheme could ever have been financially viable or deliverable. In addition, it appears unlikely that the development could have been made acceptable in planning terms.

Allegation 6: Lack of safeguarding assessments

Summary

- 6.81 The complainants allege that the Council did not consider the safeguarding implications of locating Travellers' pitches at [REDACTED] and that no safeguarding assessments were undertaken by the Council – which was an error.

Investigation

- 6.82 It was clear from our visit to [REDACTED] on the 17th November 2023 that safeguarding issues and the lack of safeguarding assessments were a particular concern of the complainants.
- 6.83 [REDACTED] This view appears to be shared by Mr Wilson and Mr Braund, although we note decisions of this nature rest with the Derbyshire County Council Social Services, not Derbyshire Dales District Council.
- 6.84 The complainants [REDACTED], and there are [REDACTED] resident at [REDACTED]. They are concerned about [REDACTED] in what is a very isolated location, but also concerned to protect what they recognise as two vulnerable traveller families from the influence of someone known to have a criminal history, [REDACTED]
- 6.85 It was clear from our meetings with Mr Wilson and with Mr Cogings that no safeguarding assessments had been undertaken on the [REDACTED] proposal and none had been planned before the Council terminated the proposal on the 20th February 2023.
- 6.86 Both Mr Wilson and Mr Cogings were of the view that it was premature to consider such issues. The focus of the preliminary assessments undertaken by Mr Cogings were to understand the basic financial viability of the proposal and its acceptability in planning terms consistent with what Members had authorised at the Member Briefing on the 23rd June 2022.
- 6.87 Had the proposal progressed, Mr Wilson was of the view that such issues would have been addressed. He highlighted the role of the Director of Community and Environmental Services as the Council's designated 'safeguarding officer', and the ongoing liaison with the Derbyshire County Council social services team that look after the families' personal needs.
- 6.88 Mr Cogings noted that he had not been asked to undertake a safeguarding assessment on this proposal and it was not something he had been asked to do in relation to the provision of affordable housing more generally – some of which met the housing needs of similarly vulnerable people. However, he was clear that the site if developed would need supervising by a suitably qualified third party (although not by a live-in warden), and that he would have followed whatever safeguarding guidance was necessary.

6.89 Finally, we note that Government's Planning Policy on accommodating Gypsies and Travellers does not include any specific references to undertaking safeguarding assessments.⁶

Decision: This allegation is not upheld

6.90 Whilst we recognise the complainants concerns on this issue, it is clear to us that the proposal never progressed to a point at which the particular safeguarding issues presented by the two families would have been addressed by the Council and the County Council's Social Services Team.

⁶ Planning Policy for Travellers is available at [Title \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270207/Planning_Policy_for_Travellers.pdf)

Allegation 7: Lack of enforcement of planning permission breaches

Summary

- 6.91 The complainants allege that the Council colluded with [REDACTED] over the enforcement of planning breaches relating to the use of his barn and did not follow proper procedures and contrast these actions with enforcement action which took place on another property at [REDACTED]

Investigation

- 6.92 It is clear from the evidence that the Council received notification of a planning breach relating to [REDACTED] barn on the 2nd February 2023, which was then acknowledged by letter on the 10th February 2023. The letter advised that the Council would undertake an investigation within 7 days and then notify the outcome within 28 working days (14th March 2023).
- 6.93 The Council acknowledges that this did not happen. [REDACTED] described the situation as 'dynamic', with further issues being raised by the local MP and then a complaint that [REDACTED] was using the barn for residential purposes.
- 6.94 The Council issued a Planning Contravention Notice (PCN) on the 16th March by first class recorded delivery, in order to establish the necessary facts prior to visiting the site. [REDACTED] told us that the PCN was sent to the legal owner of the land as recorded at HM Land Registry because the barn on the site was just a storage facility. The only alternative approach would have been to put up a site notice, which he regarded as inefficient. Mr Wilson noted that Section 172 of the Town & Country Planning Act 1990 requires the landowner to be served with a PCN. However, the PCN was not delivered although this could not be confirmed by Royal Mail until the 30th March 2023.
- 6.95 A second PCN was issued by the Council on the 31st March 2023, which was delivered successfully by Royal Mail on the 1st April 2023. In an email updating the complainants on the situation on the 3rd May 2023, [REDACTED] noted that a response to the PCN had yet to be received – potentially an offence.
- 6.96 This email was also copied to the local MP and to Mr Wilson, who in response asked [REDACTED] on the 4th May 2023 to prioritise the situation given the level of interest in [REDACTED]. As a result, [REDACTED] contacted Mr Braund (his line manager) and [REDACTED] to enquire if they had any additional contact details for the landowner. Mr Braund replied that all he had was the Land Registry address for the landowner but passed on the mobile phone number for [REDACTED], the occupier.
- 6.97 [REDACTED] called [REDACTED] and spoke to him about the PCN and confirmed that the Council needed to ascertain how the barn was being used. [REDACTED] invited [REDACTED] to visit the barn and [REDACTED] attended with a colleague straight away. [REDACTED] completed the PCN response on site (contained in Appendix 8). This is the only written documentation we have seen from [REDACTED]. [REDACTED] recalls that he had to help [REDACTED] with the of spelling some words.

6.98 [REDACTED] told us that whilst there were planning breaches that needed to be regularised through a retrospective planning application, there was no evidence that the barn was being used for residential purposes when he visited the site on the 4th April 2023. Nor did he see any evidence of this when he had previously visited the site on the 18th November 2022 in the course of providing Pre-Application Planning Advice for Nottingham Community Housing Association.

6.99 We understand that a retrospective planning application has been made by [REDACTED] and is (at the time of writing) awaiting determination by the Council.

6.100 The complainants allege that [REDACTED] had 'inside information' from the Council about the enforcement action, and in particular highlight the role of [REDACTED].

6.101 Since [REDACTED] has worked [REDACTED] for the Council as a [REDACTED]. Essentially, [REDACTED] is [REDACTED]. As well as being [REDACTED] we understand from [REDACTED] that she has also had [REDACTED].

6.102 As far as [REDACTED] is concerned, [REDACTED] has no role in the processing of planning applications or in planning enforcement. We have confirmed via the Council's IT Department that [REDACTED] does not have access to the Development Management folders where PCN and other formal planning notices are filed.

6.103 [REDACTED] is one of 32 named officers with access to the Council's public planning inbox (planning@derbyshiredales.gov.uk). However, Mr Wilson has confirmed to us that [REDACTED] and therefore would not have seen the notification of a planning breach received by the Council on the 2nd February 2023.

6.104 The complainants contrast [REDACTED] experience of enforcement with that of two former residents of [REDACTED]. We are not able to go into the planning merits of this case, but we have looked at the process.

6.105 From what we understand, a planning breach was identified by the Council in February 2013. A retrospective planning application was invited and submitted to the Council in May 2013. Planning permission was refused in August 2013 and an appeal submitted. The appeal was dismissed by the Secretary of State in October 2014 and the Council's Enforcement Notice was upheld.

6.106 As far as we can see, in both cases a planning breach was identified and then a retrospective planning application was invited.

Decision: This allegation is partially upheld

6.107 We do not believe there is any evidence of collusion between the Council and [REDACTED] in this matter, and in particular no evidence that [REDACTED] was at all involved.

- 6.108 In general we find that the Council's approach to dealing with the planning breach by [REDACTED] to be proportionate and consistent with the Government's policy of regularising breaches through a retrospective planning application where possible.
- 6.109 However, whilst we believe that the Council was right to serve the PCN on the landowner, efforts should also have been made to contact the occupier at an earlier stage, particularly as the occupier, [REDACTED], was already known to the Council. We note that S172 of the TCPA 1990 also makes reference to notifying the occupier and 'any other person having an interest in the land'.
- 6.110 Whilst we do not believe that the length of time between the original planning breach being notified to the Council on the 2nd February 2023 and the response to the second PCN on the 4th April 2023 had a material impact on the outcome of the enforcement process, it has contributed to a climate of suspicion and mistrust between the complainants and the Council.

Allegation 8: Unfair rejection by the Council of an alternative site

Summary

6.111 The complainants allege that planning permission for 8 Traveller pitches on the Woodyard site was unfairly rejected by the Council on the 14th June 2022, and cite in particular comments made at the meeting by [REDACTED].

Investigation

- 6.112 We have set out below our understanding of the history of the Woodyard site in respect of proposals for Traveller pitches based on evidence gathered during the investigation.
- 6.113 In June 2014 planning permission was granted by the Council for 3 Traveller pitches on a temporary basis for 3 years, although it was recognised that it was not in a sustainable location for a permanent site and would have a negative impact on the Derwent Valley Mills World Heritage Site (DVMWHS). A subsequent application to remove the temporary condition was refused. However, the permission was never implemented.
- 6.114 In December 2015, an application for 7 permanent Traveller pitches was refused by the Council because of its unsustainable location and impact on the DVMWHS. The decision went to appeal, but the appeal was dismissed by the Secretary of State in July 2016.
- 6.115 In June 2022, an application for 8 permanent Traveller pitches was again refused by the Council because of the site's unsustainable location, impact on the DVMWHS and also the lack of a flood risk appraisal (the site is within Flood Zone 2 as defined by the Environment Agency). Whilst the officers' report acknowledged the lack of Travellers pitches to meet identified need, the planning judgement was that this did not outweigh the negative impacts of the proposed development.
- 6.116 It was in this meeting that [REDACTED] inferred that there may be an alternative site under consideration by the Council, which is acknowledged to be a reference to [REDACTED].
- 6.117 The application was then re-submitted and this time approved by the Council in September 2023. Although the officers recommended refusal on the same grounds, Members of the Committee took a different view and approved the application. In effect they gave greater weight to the level of need, and less to the acknowledged negative impacts of the development.
- 6.118 Subsequent to this decision, officers began engagement with the landowner to bring forward the Woodyard site for development, undertaking preliminary investigations within a delegated budget of £25,000. However, we understand the work to date has demonstrated:
- The site can only accommodate 5 Traveller Pitches.
 - There is no clean water connection - the nearest mains supply would appear to be 200m away along the A6 and across 2 parcels of privately owned land.
 - Although there is an adjacent foul sewer which runs to a nearby sewage works, it is pressurised and not possible to connect to.

- There are no surface water sewers.
- There is no gas supply

6.119 As a result the site does not appear to be deliverable in the short term, and not at all without significant investment, and discussions between officers and the landowner have ceased.

Decision: This allegation is not upheld.

6.120 In our view there were sound planning reasons for the Council to refuse planning permission for the Woodyard site in June 2022 consistent with earlier decisions, including an appeal decision. [REDACTED] comment made at the meeting was unwise, but there is no evidence that it influenced the other Committee Members – there appears to have been no subsequent questions or discussion at the meeting relating to what [REDACTED] said.

6.121 In approving what was effectively the same application against officer advice in September 2023, the new Committee gave greater weight to need in the 'planning balance' - as it was perfectly entitled to do in the circumstances. But this does not mean that the earlier decisions were flawed.

6.122 The subsequent failure of the Woodyard site to be delivered demonstrates that whilst planning permission is necessary for development to take place, it is not sufficient.

Allegation 9: Missing paperwork and lack of transparency

Summary

6.123 The complainants allege a lack of written records and meetings notes relating to the negotiations that took place between the Council and ██████████ between May 2022 and February 2023, and that in particular that the Council has not made available the 'Heads of Terms' agreement between the Council and ██████████.

Investigation

6.124 It is clear from everyone that we spoke to that one of the challenges of dealing with ██████████ was his reluctance to put anything in writing (even a text message). This appears to be in part of a result of how he prefers to engage with people, but also from a lack of technical proficiency in the written form. The only piece of written documentation from ██████████ we have seen is the response to the second Planning Contravention Notice passed to us by ██████████.

6.125 However, the thrust of the allegations from the complainants is that officers of the Council did not make or keep a note of meetings with ██████████, so that it is very difficult to understand what has been discussed and agreed as a result.

6.126 Mr Cogings and ██████████ were both of the view that discussions with ██████████ were only of a preliminary nature and had not crystallised to the extent that required formal documentation.

6.127 We understand that the Council does not operate any systematic approach to managing and recoding interactions with third parties.

6.128 Turning specifically to the issue of 'Heads of Terms' agreement between the Council and ██████████. The complainants and the local MP are convinced that such a document exists and has been suppressed by the Council.

6.129 From our perspective, we find it very difficult to understand on what basis the Council could have instructed its legal team to develop a 'Heads of Terms' agreement even in draft form. The preliminary assessments undertaken by Mr Cogings are certainly not in themselves sufficient.

6.130 In terms of the Council's decision-making process, we understand that such a document would only have been considered at the point at which the matter went before the Community and Environment Committee. But as we know the ██████████ proposal never reached that stage.

6.131 The complainants cite a number of instances where officers make reference to a 'Heads of Terms' agreement - but we observe that these are in the future tense, not the present or the past.

Decision: this allegation is partially upheld

6.132 We are clear that ██████████ proposal did not reach the point where a 'Heads of Terms' agreement could have been produced by the Council's legal team even in draft form, and that no such document exists.

- 6.133 Whilst we recognise [REDACTED] reluctance to put anything in writing was a challenge for the Council, in our view this should have reinforced the importance of officers keeping some form of written record of meetings with him. This need not have been onerous, just a few short sentences in the form of a file note summarising what was discussed and any next steps.
- 6.134 We have commented elsewhere in this report about the lack of any notes from the two Member Briefing meetings which were pivotal to the Council's consideration of the [REDACTED] proposal.
- 6.135 In general we believe that the failure to make written records of key events relating to the [REDACTED] proposal has undermined trust and confidence in the actions undertaken by the Council and has left officers exposed.

Allegation 10: Lying by senior officers of the Council.

Summary

- 6.136 This allegation relates specifically to the conduct of [REDACTED] and Mr Wilson in relation to the statement issued by the Council on the 22nd February 2023, which the complainants believe gave false reasons for the Council abandoning the [REDACTED] proposal and in particular did not acknowledge the criminal history of [REDACTED]

Investigation

- 6.137 From what we were told it appears that following the Member Briefing held on the 20th February 2023 it had still been planned to take a report to the 16th March 2023 meeting of the Full Council to formally terminate the [REDACTED] proposal. This did not happen. Instead, the Council just issued a public statement on the 22nd of February 2023 to the same effect.
- 6.138 We first looked to confirm who originally drafted the statement and who signed it off. We are clear that the statement was drafted by the Council's Communications and Marketing Manager - which in our experience would be normal practice. This draft was first shared with Mr Wilson and [REDACTED] for comment. Only Mr Wilson suggested any changes – which the complainants acknowledge.
- 6.139 The draft statement was then circulated by email to the three Group Leaders for sign off on 21st February 2023 at 13.07pm (a copy of this email is set out in Appendix 9). We have seen written confirmation by email that:
- [REDACTED] responded in agreement to the statement at 13:59pm
 - [REDACTED] responded in agreement to the statement at 17:07pm
 - Cllr Flitter responded in agreement to the statement at 17:50pm
- 6.140 The statement was then issued by the Council on the 22nd February 2023 as set out below:

Statement - Hasker Farm 22 February 2023

Derbyshire Dales District Council has renewed its appeal to local landowners to come forward with suggestions for a permanent Traveller site after deciding not to further pursue farmland that had been under discussion at Callow, near Wirksworth.

It had originally been envisaged that officers would present a report on the Callow site to a full meeting of the council on 16 March, but the authority has now agreed as part of its due diligence process that the site is not financially viable for the council or deliverable and that it would not have been possible to take a positive recommendation to the meeting.

A spokesperson said:

"This isn't the first time that a potential commercial land negotiation has failed at this stage. What makes this case unusual is the public interest in this particular site ahead of the start of the democratic process and a process of public consultation."

"We would add only that the preliminary discussions and evaluations that have taken place over recent months are no different to discussions that take place on many potential development opportunity sites and that the process to date has been carried out properly and would have included extensive public consultation had the proposal been taken forward for Council decision and a possible planning application."

6.141 Turning to the substance of the statement and in particular the phrase: "...the site is not financially viable for the council or deliverable and that it would not have been possible to take a positive recommendation..."

6.142 We have noted earlier in our report that the two pieces of work commissioned by Mr Cogings demonstrated:

- A gap of £100,000 between the Council's valuation of the site and [REDACTED] valuation;
- Build costs for the scheme estimated to be £473,555; and that
- Planning permission was unlikely to be granted for the scheme.

6.143 Based on our experience, any one of these factors could have rendered the proposal undeliverable. Taken together, it is very hard for us to see how a positive recommendation could have been made to Full Council to continue with the proposal.

6.144 We asked [REDACTED] why the statement did not also include a specific reference to [REDACTED] criminal history. [REDACTED], who is a former [REDACTED], was of the view that it would be inappropriate for the Council to make public statements about an individual's alleged past or to refer to personal data, also citing the Rehabilitation of Offenders Act. This point was also made by Cllr Hobson, who we understand also has [REDACTED].

6.145 However, all those we interviewed acknowledged the reputational damage to the Council of being associated with a known criminal, which would have made the proposition politically undeliverable even if it had been viable in all other respects.

Decision: This allegation is not upheld

6.146 Neither Mr Wilson or [REDACTED] drafted the Council's statement issued on the 22nd February 2023 and neither did they sign it off.

6.147 Regardless of this, we do not agree that the Council's statement is fundamentally untrue. It is clear to us that the site was not financially viable or deliverable for a number of reasons. Whilst the revelations of [REDACTED] criminal history precipitated a decision to terminate the proposal in advance the 16th March 2023 Full Council, we have no doubt that the outcome would have been the same based on the assessment work commissioned by Mr Cogings.

6.148 Indeed, we believe a report on [REDACTED] should still have gone to the Full Council as originally proposed, where a formal decision to terminate could have been made based on consideration of all the available information and in an open and transparent manner. As it was, the decision was effectively taken at closed informal meeting of Members with no notes taken. In fact, in the same unsatisfactory manner

in which Members decided to assess [REDACTED] as a potential Travellers site back on the 23rd June 2022.

7 CONCLUSIONS

7.1 In summary, the following allegations have been **partially** upheld:

- 1) Lack of transparency and good governance
- 4) Prior knowledge of convictions and of involvement in organised crime
- 7) Lack of enforcement of planning permission breaches
- 9) Missing paperwork and lack of transparency

7.2 The following allegations have **not** been upheld:

- 2) Inadequate due diligence and gross professional negligence
- 3) Continued commercial engagement with a known criminal
- 5) Financial concerns and significant conflicts of interest
- 6) Lack of safeguarding assessments – although we acknowledge the particular concerns of the complainants have around safeguarding issues.
- 8) Unfair rejection by the Council of an alternative site
- 10) Lying by senior officers of the Council

7.3 Whilst we have not **fully** upheld any of the complainants' detailed allegations, we have highlighted several areas where the Council's conduct fell short of what the public should be able to expect of their local authority, which are set out below.

Governance

7.4 Of key concern is the extent to which Members made decisions about the [REDACTED] proposal not in formal meetings of the Council, but through closed informal Member Briefing sessions for which no written records were made or kept.

7.5 Members should have either made these decisions in public through formal meetings of the Council or agreed to a scheme of delegation to allow officers to make them. This lack of transparency has undermined trust in the Council.

Conduct of Officers

7.6 There were inconsistencies in the accounts of when senior officers had some knowledge of [REDACTED] past convictions (if not the full extent of them), which we have not been able to fully resolve.

7.7 We conclude however that officers were essentially naïve in their dealings with [REDACTED]. They chose to believe their own optimistic assessment of him rather than looking too deeply into his suspicious past and were left exposed when the full details of his criminal history became known.

7.8 Whilst this amounted to a significant error of judgement, we acknowledge the pressures placed upon officers by the Council's political leadership and by the continuing failure to meet the accommodation needs of the two homeless families.

Record Keeping by Officers

7.9 We were able to secure copies of key documents and reports relevant to the [REDACTED] proposal sufficient to understand the sequence of events. However, we were concerned about the lack of written records relating to meetings with [REDACTED]

██████████ and time it took to contact ██████████ to complete the second Planning Contravention Notice, even though by this point he was well known to the Council.

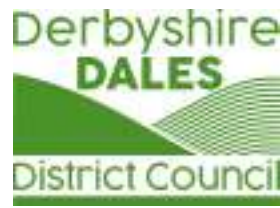
8 ORGANISATIONAL LEARNING/ADDITIONAL MATTERS

- 8.1 We understand that the new Council agreed on the 28th September 2023⁷ a new more transparent process for the meeting the accommodation needs of Travellers, which we believe to be a step forward. However, the July 2021 resolution removing all delegated authority from officers in these matters remains.
- 8.2 The test of this new approach will be the extent to which the Council can finally meet its statutory obligations to provide suitable accommodation to the two vulnerable Travellers families who remain homeless – and whom we feel to be ultimate victims of this whole episode.
- 8.3 We believe that at an operational level the Council should take steps to instil a more effective culture of record keeping and note taking by officers, particularly when dealing with third parties.
- 8.4 Officers should also be reminded of the importance of maintaining a professional approach to writing internal emails, recognising the potential for all such communications to be made public at some point.
- 8.5 Finally, we feel obliged to comment on the relationship between the Council and the local MP. The relationship appears to have deteriorated when [REDACTED] but has not improved since the May 2023 local elections.
- 8.6 We understand there has been no recent meeting between the local MP and the Council and that communication has either been by email or by Freedom of Information requests. This is not an appropriate or sustainable situation in our view and nor is it in the best interests of local residents. We believe steps should be taken on both sides to reinstate regular face-to-face meetings at the earliest opportunity.

⁷<https://democracy.derbyshiredales.gov.uk/documents/s8610/Gypsy%20and%20Traveller%20Site%20Provision%20in%20District%20-%20Report%20of%20the%20Traveller%20Working%20Group.pdf>

List of Appendices

Appendix 1	'Call for Sites' notice published 9 th May 2022
Appendix 2	Email noting officer of land from [REDACTED], 11 th May 2022
Appendix 3	Email from Mr Wilson to [REDACTED] and copied to all councillors, 15 th June 2022
Appendix 4	Presentation made at Member Briefing 23 rd June 2022
Appendix 5	Invoice for work undertaken by Residentially Chartered Surveyors
Appendix 6	Invoice for work undertaken by Nottingham Community Housing Association
Appendix 7	Pre-Application Planning Advice relating to [REDACTED] proposal
Appendix 8	Planning Contravention Notice completed by [REDACTED], 4 th May 2023.
Appendix 9	Email from Communication and Marketing Manager to Group Leaders 21 st February 2023



PRESS RELEASE

9 May 2022 – for immediate release

2022/027

Council appeals for land to accommodate permanent Traveller site

In its search for land to accommodate a permanent Gypsy and Traveller site Derbyshire Dales District Council is seeking expressions of interest from land owners prepared to sell land or enter into a long lease for a site.

The appeal for land follows the recent decision by district councillors to cease the pursuit of Tansley's Knabhall Lane as a potential location following unsatisfactory geotechnical and ecology site assessments.

The Council, which has a specific priority in its Corporate Plan to deliver a permanent Traveller site, says it would ideally be in the southern area of the district, from Matlock to the southern border of the council boundary.

The site should be a minimum of 0.3 HA. As a guide the Council is able to offer three times agricultural value for the purchase of land. The purchase would be subject to planning consent.

The number of pitches that should be provided within a local authority area is determined through a Gypsy and Traveller Accommodation Assessment. This requirement is then reflected in that local authority's Local Plan.

To date the District Council has failed to fulfil the requirement in its adopted Local Plan for six pitches by 2019 and one additional pitch for each five-year period after 2019 - a total of nine pitches by 2034.

In addition to providing temporary encampments of Travellers who are passing through the Derbyshire Dales, the District Council has a legal duty to two family groups of Gypsies with an accepted local connection to the area. The particular circumstances of these families are such that they wish to access a permanent site within the District on which to live.

At the present time no such site is available and as a consequence they also travel around the district, moving from site to site. Because of their

circumstances these families' encampments are often lengthier than those of Travellers who are 'passing through' and they often occur on land that is administered by the District Council.

The requirements for a permanent site are:

- The site could be brownfield land (that means a piece of land that has already had buildings or development on it), but open countryside is also acceptable, sometimes referred to as a Rural Exception Site
- Ideally, the site should be well screened or capable of being screened, limiting the visibility so that caravans or mobile homes are less visible
- The site should be close to local amenities. This means reasonably close (usually within 3 to 5 miles) to shops, public transport, schools, etc.
- The site should have a safe entrance and exit on to the highway
- The site should ideally have services provided to it or be able to have them installed. This means mainly electricity, water and sewage
- The site should not be in an area prone to flooding

In addition expressions of interest should be made by the landowner or their Agent.

The District Council will commit to undertaking the following:

- Respond to all enquiries made by landowners or their agents
- Undertake an initial feasibility assessment of the site
- Prepare and request pre application advice from the Local Planning Authority
- Develop detailed designs for the site and undertake all relevant searches
- Undertake consultation on the proposals
- Submit a planning application for a permanent or temporary traveller site
- Commit to the purchase of the site subject to planning approval

Expressions of interest should be sent to housing@derbyshiredales.gov.uk by the 3 June 2022 and ideally include a brief description of the site including how the site meets the requirements set out above, a plan showing the location of the site and contact details for the owner and their agent.

Any questions or points for clarification should be sent to housing@derbyshiredales.gov.uk

ENDS



From: [REDACTED]
Sent: 11 May 2022 16:08
To: [REDACTED]
Subject: Travelers Site call

Hi [REDACTED],

I have someone who has a site to put forward.

[REDACTED]

The site is just out of Wirksworth on the Ashbourne Rd – On the private drive off Asker Farm, not near any residential properties – Already has water and electric, sewerage and parking

Sounds ideal! ☺

[REDACTED]
Home Options Officer



Town Hall, Bank Road, Matlock, DE4 3NN

Main Office: [REDACTED]
Direct Line: [REDACTED]

HousingAdvice@derbyshiredales.gov.uk
www.derbyshiredales.gov.uk

Wilson, Paul

From: Wilson, Paul
Sent: 15 June 2022 11:14
To: [REDACTED]
Cc: All Councillors; Braund, Tim; Cogings, Robert; [REDACTED]
Subject: RE: [OFFICIAL (SENSITIVE)] MEMBER WORKSHOP INVITATION - Provision of Temporary Tolerated and Permanent Traveller Sites

Follow Up Flag: Follow up
Flag Status: Flagged

Dear [REDACTED],

Discussions have taken place between the landowner, officers and the representative from the Derbyshire Gypsy Liaison Group. Outside of these individuals, the precise location of this site has not been revealed or shared with anybody for reasons of landowner privacy. As we have seen on previous occasions, moving discussions forward on any site requires a degree of confidentiality in order to enable opportunities to be explored. However, in confidence, I can advise that the site is located [REDACTED]. A precise location and details of the site be provided as part of the workshop next week.

In response to a question from the Leader of the Council as to how the public search for sites was progressing, this information was provided as part of my weekly briefing last week with the Leader/ Deputy Leader.

Regards
 Paul

Paul Wilson
 Chief Executive



Town Hall | Matlock | Derbyshire, DE4 3NN
 [REDACTED]

www.derbyshiredales.gov.uk | [newsletter](#) | [map](#)



From: [REDACTED]
Sent: 15 June 2022 09:44
To: Wilson, Paul <paul.wilson@derbyshiredales.gov.uk>
Cc: All Councillors <AllCouncillors@derbyshiredales.gov.uk>; Braund, Tim <tim.braund@derbyshiredales.gov.uk>; Cogings, Robert <robert.cogings@derbyshiredales.gov.uk>; [REDACTED]
Subject: Re: [OFFICIAL (SENSITIVE)] MEMBER WORKSHOP INVITATION - Provision of Temporary Tolerated and Permanent Traveller Sites

Thank you for your response Paul, can I ask where it is ? And who has this information been shared with ?

Thanks,

[REDACTED]

[REDACTED]

Doveridge and Sudbury

Sent from my iPad

On 15 Jun 2022, at 09:33, Wilson, Paul <paul.wilson@derbyshiredales.gov.uk> wrote:

Good Morning [REDACTED],

I can confirm that the workshop is still proceeding since there are a number of important updates we need to provide to Members.

In regard to 'potential' Traveller sites, we have had one site suggested as part of the recent public call for sites exercise. This site is currently being evaluated and further discussions are taking place with the landowner. If this site is considered to have some potential, it will be discussed as part of the workshop session.

Regards
Paul

Paul Wilson
Chief Executive



Town Hall | Matlock | Derbyshire, DE4 3NN

[REDACTED]

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From: [REDACTED]

Sent: 14 June 2022 23:34

To: Wilson, Paul <paul.wilson@derbyshiredales.gov.uk>

Cc: All Councillors <AllCouncillors@derbyshiredales.gov.uk>; Braund, Tim <tim.braund@derbyshiredales.gov.uk>; Cogings, Robert <robert.cogings@derbyshiredales.gov.uk>; [REDACTED]

Subject: Re: [OFFICIAL (SENSITIVE)] MEMBER WORKSHOP INVITATION - Provision of Temporary Tolerated and Permanent Traveller Sites

Dear Paul ,

Can I ask if this meeting is still going ahead ? , I'm asking this as [REDACTED] at this evenings Planning committee said there is now a site that's been identified , is that correct ?

Thanks ,



Doveridge and Sudbury

Sent from my iPad

On 9 Jun 2022, at 08:40, Wilson, Paul <paul.wilson@derbyshiredales.gov.uk> wrote:

Dear Councillor,

Further to my email on 31st May in respect of the above, I would like to invite you to attend an 'in-person', Member workshop to be held in the Committee Room on **Thursday 23rd June at 6pm** (calendar invitation to be issued separately).

The purpose of the workshop is:

- To update Members on the current position in regard to Derbyshire Dales resident Traveller families.
- To initiate a cross-party, whole Council discussion on how we progress the identification of temporary tolerated and permanent Traveller sites to meet identified needs and legal duties.
- To receive Member suggestions and discuss potential sites on Council owned land (schedule attached) as a short-term solution to meet immediate housing needs and legal duties.

In advance of the workshop, Members have already been asked by **Friday 17th June**, to:

1. Review the sites in your local area where you have specific local knowledge.
2. Supply via email a 'longlist' of potential sites which are worthy of further detailed consideration as part of the workshop discussions.

The whole purpose of this exercise is to engage the views of all Members in order to find a cross-party, agreeable solution to this long standing issue. The objective is that at the conclusion of this workshop, we can identify a site or sites which can then form the basis of a proposal to be considered at a subsequent Council meeting. The workshop will focus solely upon land that we control unless there is clear evidence that other sites are (a) genuinely available, (b) deliverable and (c) politically acceptable. This issue will not be addressed if we continue to pursue speculative suggestions.

In trying to address this issue, Officers have no more or less choice in sites than you currently have before you. Unless there is a degree of cross-party working and consensus on this issue, the problem cannot

be solved. The intention is for Members to put sites 'on the table' for discussion – the exercise is not about excluding sites from consideration, otherwise we will end up in the same position we currently stand with no sites identified.

As the delivery of a permanent Traveller site is a corporate priority for the whole Council, we must do all that we can in the time remaining between now and May 2023 to meet this objective. The failure to deliver a site in the time remaining would not only be a collective corporate failure of the Council but more importantly, we are failing to meet the needs of the Traveller families to whom we owe a legal duty to accommodate.

Hopefully, you can appreciate what we are trying to achieve through these discussions and will endeavour to attend.

Thank you in anticipation for your support and assistance.

Regards
Paul

Paul Wilson
Chief Executive

Town Hall | Matlock | Derbyshire, DE4 3NN
[REDACTED]

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Member Briefing

June 2022





Agenda

- **Corporate Priority**– Paul
- **Duties and Responsibilities** – Paul
- **The Search for Sites** - Paul
- **Homelessness Duty** – [REDACTED]
- **Current Family Position** – Tim
- **Identifying a Site(s)** – Paul
- **Evaluation of Site Suggestions** - All
- **Next Steps**

Member Briefing



Corporate Priority

Corporate Plan 2020 -2024

- Agreed at Council 5th March 2020
- **Key Aim** : Promote housing development that meets the needs of the present and future population of the District
- **Specific Action** : Delivering a permanent site to meet identified Traveller needs
- **Traveller Needs** : The Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2014/2015 indicated that 9 pitches were required in Derbyshire Dales in order to meet the needs of the Gypsy and Traveller community over the Local Plan period. That requirement is broken down such that 6 pitches are required to be provided within the first 5 years and then 1 pitch every subsequent 5 years (upto 2033).
- This requirement remains and may possibly increase.

Duties and Responsibilities

29th September 2016 : Council formally accepted its duties and responsibilities towards Gypsies and Travellers under housing and planning legislation. In particular the Council recognised its duties under Homelessness legislation towards a specific Traveller family, who had been resident within the district for many years, but who did not have a site on which they could legally place their caravans.

**15th November 2018, 10th December 2018, 21st February 2019, 26th June 2019
30th October 2019, 2nd September 2020**

C&E Committee / Council have explicitly acknowledged and accepted its duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017.

**We have accepted that we owe a legal duty on numerous occasions
..... a key factor in any future legal challenge.**



The Search for Sites

- 2013 - Active searches of DDDC and DCC land.
- 2013 - Evaluation of sites available for sale on open market via Estate Agents
- 2014 - Local Plan Public Call for Sites Consultation
- 2015 - Planning Permission Granted for Watery Lane, Ashbourne (June)
- 2016 – Need for Ecological Survey Identified (July)
- 2016 – Site allocated subject to Local Plan representations (September)
- 2016 - DCC Cabinet agreed to Watery Lane allocation in Local Plan (October)
- 2017 – Negotiations and preparation of lease heads of terms

The Search for Sites

- 2017 - DCC Cabinet formally withdrew support for Watery Lane (May)
- 2019 - Consultants appointed to undertake search for private site opportunities
- 2020 - Consultants appointed to identify and value private site opportunities
- 2020 - Council endorsed Knabhall Lane, Tansley (September)
- 2021 - Council approves £25,000 to investigate Knabhall Lane (July)
- 2021 - Public Call for Sites (May)
- 2022 – Knabhall Lane, Tansley withdrawn (April)
- 2022 Public Call for Sites to Purchase (May)

Homelessness Duty

Under section 175(2) of the Housing Act 1996, applicants are homeless if:

- the accommodation available for their occupation is a caravan, a houseboat or other movable structure and they do not have a place where they are entitled, or permitted, to put it and live in it.
- Where a duty to secure accommodation arises but an appropriate site is not immediately available, the Housing Authority may need to provide an alternative temporary solution until a suitable site, or some other suitable option, becomes available.
- Some members of the Gypsy and Travelling Community may have a cultural aversion to the prospect of 'bricks and mortar' accommodation and, in assessing such cases, the Housing Authority should seek to provide suitable accommodation which is suitable for the person to whom the duty is owed.

Homelessness Duty (cont.d)

As with any resident, when Gypsies or Travellers approach the Council to make a homelessness application, there are 5 legal tests. These tests are:-

- **Homeless** - a person will be considered legally homeless if he / she has no accommodation which is available and reasonable for him / her to live in or, for example, nowhere legal to park a caravan.
- **Eligibility** - certain people who arrive in this Country or who are returning from a period living abroad do not qualify for housing under homelessness law.
- **Priority Need** - homeless applicants are only entitled to housing assistance if they are in priority need. To be in priority need, an applicant will need to show (for example) that he / she is living with a dependent child or vulnerable due to age, physical or mental illness or disability.

Homelessness Duty (cont.d)

- ***Intentionality*** - an applicant may be considered 'intentionally homeless' if he / she has deliberately done something which has resulted in the loss of their home. The definition of 'intentionally homeless' is complex and the Local Authority must look at each case individually, taking all circumstances into account.
- ***Local Connection*** - an applicant would usually be expected to have lived in the area for at least 6 months during the previous year, or for not less than 3 years during the previous 5 year period, work or have family links to have a local connection. If an applicant has no local connection to any area the duty to help secure accommodation lies with the housing authority that received the application.

Homelessness Duty (cont.d)

- If Gypsies or Travellers are legally homeless the Local Authority must offer them suitable accommodation.
- Suitable means suitable accommodation for the person to whom that duty is owed.
- Local Authorities must consider that there are cultural aversions to conventional bricks and mortar housing and that there is a positive obligation to act so as to facilitate the Gypsy and Traveller way of life, without being under a duty to guarantee it in any particular case.
- If a Gypsy or Traveller was offered conventional housing rather than a pitch or was offered a pitch when conventional housing was required he or she could seek to challenge this offer under homelessness law.

Current Family Position

- We are managing 2 family groups who would ideally like separate sites.
- One group is currently sited on the Matlock Station Car Park [REDACTED].
- The second group has recently moved from a roadside location in Foston to a 'private' site in Sudbury. Eviction from this site is imminent.
- This second group has requested access to a temporary site in the south of the District, with access to drinking water, [REDACTED].
- Family support will be provided by [REDACTED], which is why they have specifically requested the south of the District for this temporary site.
- We have a duty to provide homeless Travellers with suitable temporary site(s) in the absence of a permanent site.

Current Family Position (cont.d)

- This particular family group currently comprises 4 caravans
- On resolution of the issue of urgent medical need, the family will require a longer-term temporary site for occupation until any permanent site can be provided.
- Failure to authorise a suitable site is likely to mean that we will experience further unauthorised encampments, similar to the one currently at Sudbury.
- In the absence of any readily available permanent sites, DDDC will need to consider the level of facilities available at any temporary sites, eg toilets, drinking water, power.
- Both families will continue to grow, as younger family members form their own households. This is likely to result in increasing need that will be identified in the emerging GTAA and future GTAAs.

Identifying a Site(s)

- In trying to address this issue, Officers have no more or less choice in sites than you currently have before you. Unless there is a degree of cross-party working and consensus on this issue, the problem cannot be solved.
- Need to focus solely upon land that we control unless there is clear evidence that other sites are (a) genuinely available, (b) deliverable and (c) politically acceptable. This issue will not be addressed if we continue to pursue speculative suggestions.
- The intention is for Members to put sites 'on the table' for discussion – the exercise is not about excluding sites from consideration, otherwise we will end up in the same position we currently stand with no sites identified.
- We need at least two temporary tolerated sites and a permanent site(s).

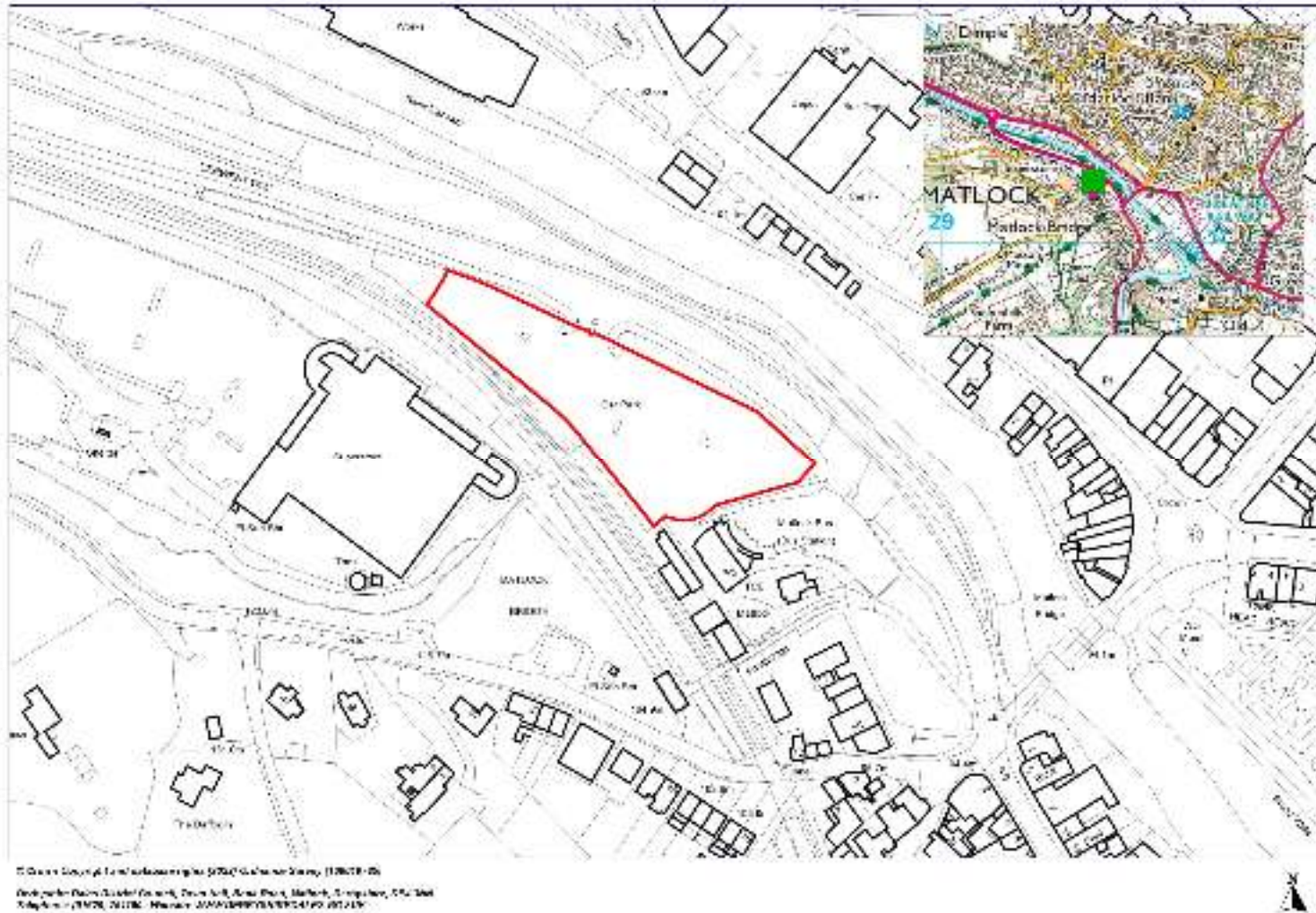
Current Issues

- Officers currently have no authority to proactively manage unauthorised encampments. If the Travellers to whom we owe a duty move to any site in the Derbyshire Dales, officers are unable to move them on.
- In the absence of any authority, how does the Council wish such encampments to be managed?
- What is the decision making route to managing unauthorised encampments?
- How should the Council respond to requests for urgent medical needs?
- One family have indicated a preference to permanently relocate to Station Close, Rowsley. How should the Council respond to this request?
- The need to identify at least one, preferably two temporary tolerated sites.

Member Site Suggestions

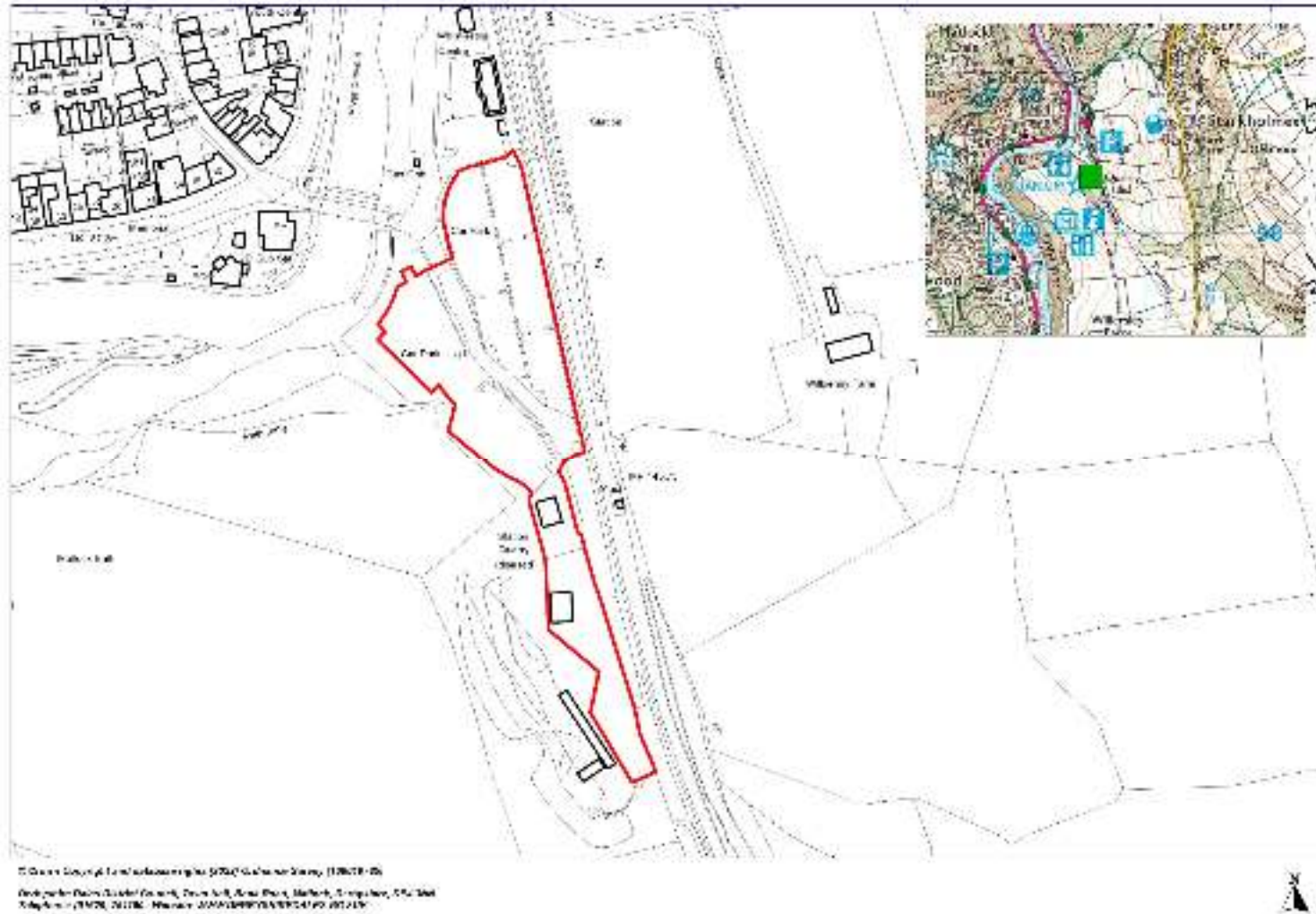
- There is no perfect site – every site has its challenges and will meet with strong levels of public opposition.
- Council needs to act corporately. Acting parochially will not solve this issue.
- Only 3 Members have submitted sites for discussion this evening. These are:
 - ❖ Matlock Station Car Park
 - ❖ Matlock Bath Station Car Park
 - ❖ Bakewell ABC
 - ❖ Land at Middleton Road, Wirksworth
- PLUS

Matlock Station Car Park

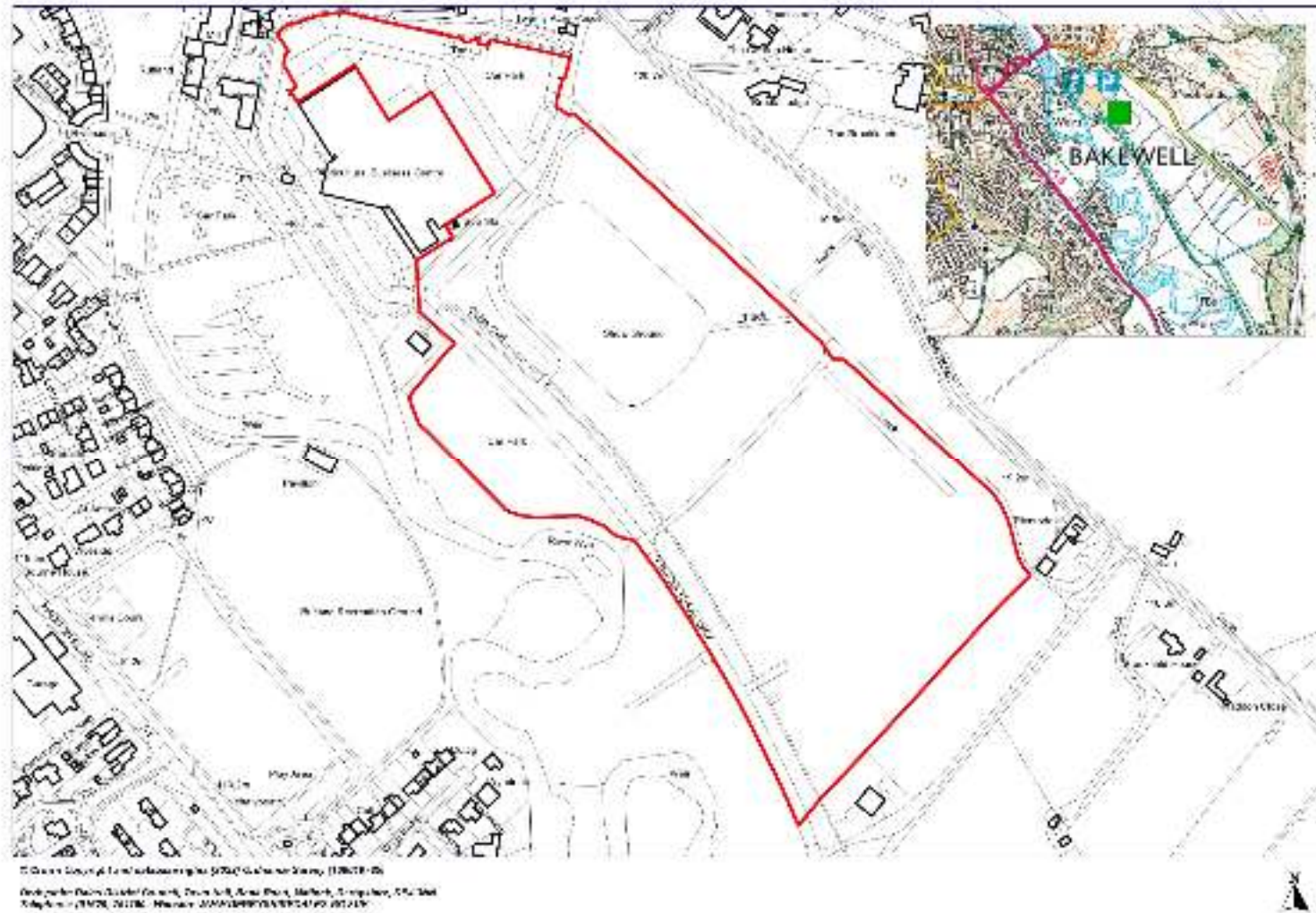


Matlock Bath Station Car

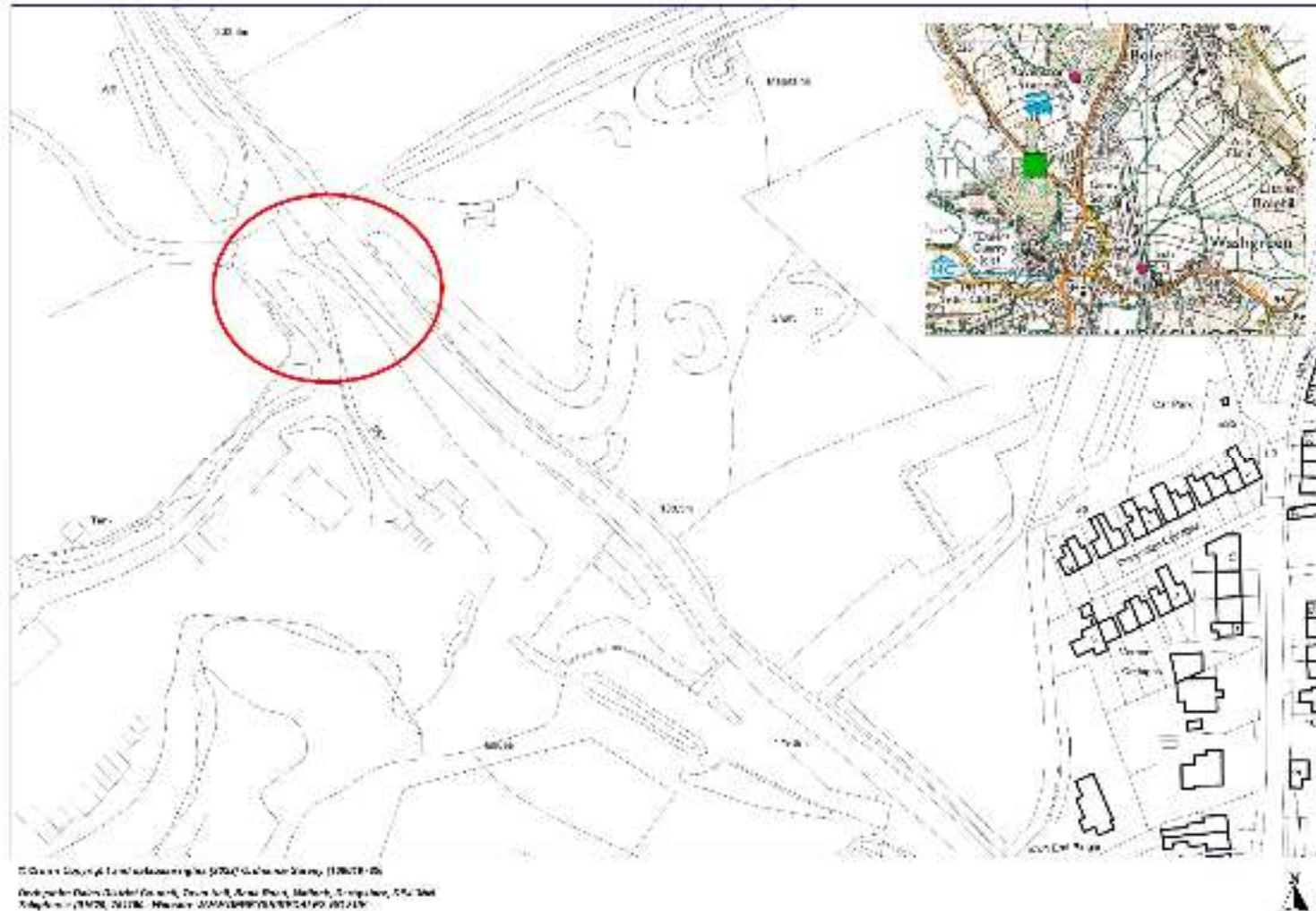
[REDACTED]



Bakewell ABC



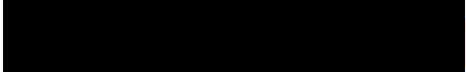
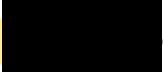
Middleton Road, Wirksworth





Concluding Thoughts



- There is an immediate need to identify a site in the South 
 of a Traveller family to whom we owe a legal duty.
- What level of support are the Council prepared to provide to the two families e.g. water, toilet facilities, refuse collection.
- How do we move the issue forward?

Next Steps





Residentially
CHARTERED SURVEYORS

TAX INVOICE

[REDACTED]
 Derbyshire Dales District Council
 Town Hall
 Bank Road
 Matlock
 Derbyshire
 DE4 3NN
 GBR

Invoice Date
16 Nov 2022

Account Number
DER01

Invoice Number
16.11.DER14.MG2106

Reference

[REDACTED]

VAT Number
970260039

Residentially Limited
 6 Manor Park
 Church Road
 Great Barton
 Suffolk
 IP31 2QR
 Tel 01284 788288

Item	Description	Amount GBP
Valuation Report	[REDACTED]	1,550.00
	Subtotal	1,550.00
	TOTAL VAT 20%	310.00
	TOTAL GBP	1,860.00

Due Date: 30 Nov 2022

Please make payment by BACS to:

[REDACTED]

Please send remittances or queries to [REDACTED]



Invoice To:
Derbyshire Dales DC
 Town Hall
 Bank Road
 Matlock
 Derbyshire
 DE4 3NN

Account :000496
 Document :DINV/00034224
 Date :11/01/2023
 Reference:TRAVELLERS SITE
 WORKS

Description	Nett	Vat
Travellers Site Works	2000.00	STD
Feasibility work including pre-app for the proposed travellers site- work in accordance with the agreement 12.07.22 For the attention of Rob Cogings Director of Housing		
Additional Disbursements	179.99	STD
Pre application Fee (STWA)	278.00	STD

Terms : 30 Days

Due Date: 10/02/2023

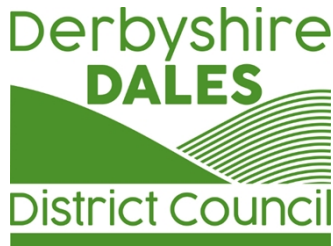
Goods:	2457.99
VAT:	491.60
Invoice Total:	2949.59

Please make BACS payments to [REDACTED]
 Please make cheques payable to NCHA Ltd. Please quote account number and invoice number on all payments. For credit / debit card payments please phone [REDACTED]



Vat Reg No: 859 7959 34

'Nottingham Community Housing Association Limited is a charitable community benefit society, registered with the Financial Conduct Authority under number 7104'



Please ask for:
Direct Dial No
My Ref.
E-mail

[REDACTED]
22/01208/PREAPP
PreApp@derbyshiredales.gov.uk

29th November 2022

[REDACTED]

Nottingham Community Housing Association
12-14 Pelham Road
Nottingham
NG5 1AP

REFERENCE NO : 22/01208/PREAPP
APPLICANT : Rob Coggings
DEVELOPMENT : Proposed travellers site with 4 pitches & associated ancillary buildings and car parking
LOCATION : [REDACTED]
CASE OFFICER: [REDACTED]

Date of appraisal: 29th November 2022.

I refer to your request for pre-application advice, which was registered on the 1st November 2022 under application number 22/01208/PREAPP and our meeting on site on the 18th November 2022.

The pre-application enquiry relates to the provision of a traveller site, comprising 4 permanent pitches & associated ancillary buildings at the site and is accompanied by site location and proposed block plans.

The Adopted Derbyshire Dales Local Plan (2017) is the current development plan for the area. Within this plan the application site is located within the countryside and accordingly the principle of development falls to be considered against Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) which lists a number of circumstances where development may be supported.

Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises that new development proposal within the open countryside should protect and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs,

**Paul Wilson, MCD, Dip TP, Dip Mgmt, MRTPI
Chief Executive**

Town Hall, Bank Road, MATLOCK, Derbyshire DE4 3NN
For general enquiries telephone 01629 761100 or visit www.derbyshiredales.gov.uk

tourism and economic development. Criterion (i) of Policy S4 is applicable to this enquiry as it supports development of Gypsy and Traveller sites in accordance with Policy HC6 of Adopted Derbyshire Dales Local Plan (2017). Policy HC6 of the Adopted Derbyshire Dales Local Plan (2017) identifies the District Councils obligation to provide for a minimum of 9 Gypsy and Traveller pitches for the period of 2013 - 2033. This was identified through a Gypsy and Traveller Accommodation Assessments (GTAA's) in June 2015 and covered Derbyshire and East Staffordshire jointly.

The Local Plan in 2017 identifies a 0.3ha site in Ashbourne (Land at Watery Lane) as a suitable site to meet 6 of the 9 pitches required. However this site has not, and is unlikely to come forward for development in the near future because the County Council resolved that the acquisition or disposal of property in their ownership, which may be impacted by a future A515 by-pass for Ashbourne should be suspended. Notwithstanding this, Policy HC6 sets out that for all other proposals for Gypsy and Traveller sites not allocated in the Derbyshire Dales Local Plan a criteria based approach to the determination of planning applications for such facilities will be considered and states that the Council will ensure that a five-year supply of specific deliverable sites for Gypsies and Travellers is maintained throughout the lifetime of the plan. This is consistent with the Government's Planning Policy for Traveller Sites (PPTS) 2015 which states that local planning authorities should identify, and update annually, a 5-year supply of specific deliverable sites. Paragraph 7(b) of the PPTS states that local planning authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan.

In the determination of applications for Gypsy and Traveller sites policy HC6 advises that the following considerations will be taken into account:

- a) the proposal will not have a significant detrimental impact on neighbouring residential amenity or other land uses
- b) the site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network and would not result in a level of traffic generation which is inappropriate for roads in the area
- c) the site is situated in a suitable location in terms of local amenities and services including schools, shops, health services, and employment opportunities to allow access by sustainable means
- d) the site is capable of providing adequate on-site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage
- e) the site will enable vehicle movements, parking and servicing to take place, having regard to the number of pitches/plots and their requirements as well as enabling access for service and emergency vehicles
- f) the site is not situated within an area at high risk of flooding
- g) the development is well planned and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets
- h) the site is capable of providing adequate levels of privacy and residential amenity for site occupiers
- i) the site is suitable taking account of ground conditions, land stability and other environmental risks and nuisances, with appropriate mitigation secured prior to occupation.

Paul Wilson, MCD, Dip TP, Dip Mgmt, MRTPI
Chief Executive

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A new Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment is currently being carried out and is in draft form. Although this could change, it indicates a provisional need to provide 8 pitches up to 2025 and a further 5 pitches up to 2040 in the Derbyshire Dales District, in addition to the 4 occupied permanent pitches within the Derbyshire Dales District at Land East of Grove Lane, Somersal Herbert which were allowed at appeal. I note from our site meeting that the site, the subject of this enquiry, has come forward as part of the recent call for sites exercise. At this time the District Council cannot demonstrate a five year supply of available sites to meet an identified formal local target (in terms of the need that is underpins the current Development Plan and the draft Gypsy and Traveller Accommodation Assessment).

Paragraph 4 of the National Planning Policy Framework (2021) states that it should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS) and that decisions on traveller sites should also have regard to the Framework so far as relevant. The Planning Policy for Traveller Sites (PPTS) sets out the Government's overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The PPTS includes policies on plan-making and on decision-taking. Paragraph 24 of the PPTS (2015) states that when considering planning applications local planning authorities (LPAs) should consider the existing level of local provision and need for sites amongst other criteria. Policy H, para 27 of the PPTS (2015), states that the absence of a 5-year supply of deliverable sites should be a significant material consideration in any subsequent planning application when considering applications for the grant of temporary planning permission. There is no presumption that a temporary grant of planning permission should be granted permanently. The lack of a 5-year supply of deliverable sites to meet identified needs however, weighs in favour of the development and there is a requirement for applications to be assessed and determined in accordance with the presumption in favour of sustainable development.

Paragraph 24 of the PPTS also requires local planning authorities (LPAs) to consider the availability (or lack) of alternative accommodation for the applicants, other personal circumstances of the applicant and advises that LPAs should determine applications from any travellers and not just those with local connections. Finally Paragraph 24 of the PPTS requires local planning authorities (LPAs) to consider the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites. The criteria set out in Policy HC6 is therefore relevant in this respect.

As discussed, having regard to the above guidance and the objective criteria set out in Policy HC6 of the Adopted Derbyshire Dales Local Plan, there are concerns with regard to compliance with criteria c) and g). The scale of the proposed development is such that it would not result in a level of traffic that would be inappropriate for roads in the area in my view. You may wish to make separate enquiries with the Local Highway Authority with regard to whether the site will be served by a safe and satisfactory vehicular and pedestrian access off the existing access serving the complex of buildings at [REDACTED] [REDACTED]. I note that services to the pitches can be provided and I am satisfied that the other criteria could be complied with based on the level of development proposed.

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In terms of compliance with Part c) of Policy HC6 and guidance contained within the National Planning Policy Framework regarding sustainability of location it is not considered that the site is a suitable one for traveller pitches in terms of access to local amenities and services including schools, shops, health services, and employment opportunities to allow access by sustainable means. This assessment aligns with the PPTS which requires that local planning authorities should very strictly limit new traveller site development in the open countryside that is 'away from' existing settlements or outside areas allocated in the development plan. The nearest settlement is ■■■■■, which is some 1.5km away to the south of the site. The basic limited services within the village, comprising a primary school, small village store and public house can only be accessed by an unlit country lane with no dedicated footways. The site does not therefore meet the objectives of criteria c) and national guidance in my view.

Criteria g) of Policy HC6 of the development plan requires that the development is well planned and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets. I note that the amenity buildings have been grouped and have an agricultural appearance. This design approach is considered to minimise the impact on the landscape, particularly when viewed with the existing agricultural storage building adjacent to the site. The addition of caravans and associated infrastructure (hardstanding etc) is likely to result in some harm to the character and appearance of this part of the countryside and local landscape. I would encourage supplementary planting to filter views of the development and that any application is accompanied by a proportionate landscape and visual impact assessment.

In summary it is recognised that there is a clear need for traveller sites in the district and that the council does not have a five year supply of sites at this time. The provision of 4 no. pitches therefore weighs in favour of the development. However, the unsustainable location of the site and the potential effects of the development on the local landscape / character and appearance of this part of the countryside are a concern. Whilst consideration can be given to the personal circumstances of the occupants of the pitches with regard to the need for a site away from existing settlements, this would be unlikely to outweigh the above concerns in my view. Notwithstanding the above, any application that you may decide to submit is likely to be considered sensitive by the Development Manager and, in this respect, require planning committee consideration regardless of the number of representations received (which is another trigger for planning committee consideration).

Should you decide to proceed with a planning application, I would advise that the application includes:

- The relevant fee - which would be the higher of operation development or the floorspace of buildings
- Site location plan
- Block plan
- Proposed site layout plan, including details of hard and soft landscaping
- Proposed amenity buildings floor layout and elevations plan
- Topographical survey and details of any engineering works
- A proportionate landscape and visual impact assessment, and

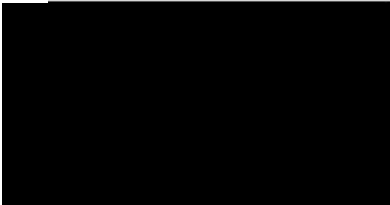
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- A support statement setting out the merits of the proposal, having regard to the location of the site and any personal circumstances of the intended occupants.

As you will appreciate the above comments represent the views of an officer and do not prejudice any formal decision made by the Local Planning Authority in respect of any application you may decide to submit.

Yours faithfully



Development Manager

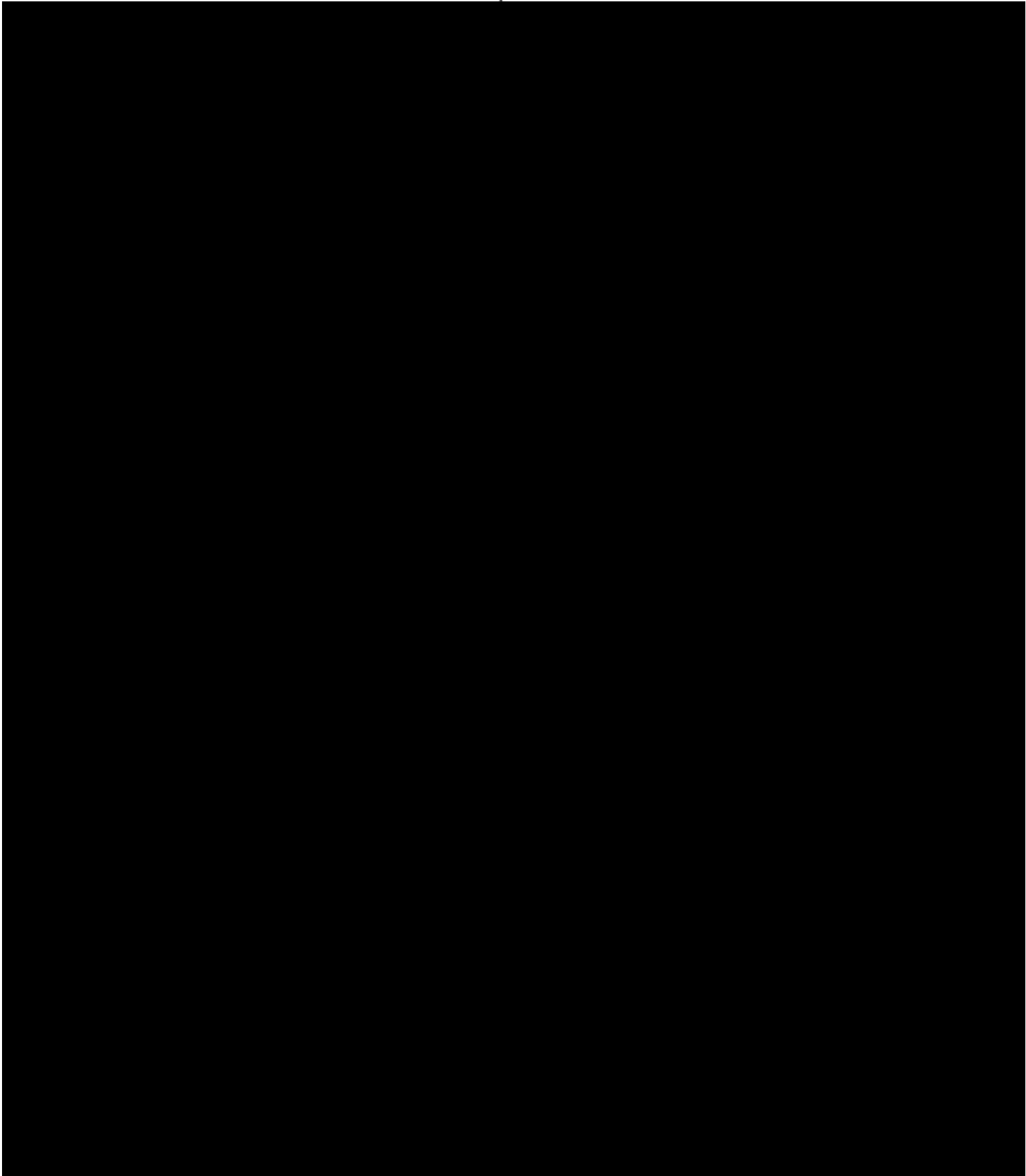
**Paul Wilson, MCD, Dip TP, Dip Mgmt, MRTPI
Chief Executive**

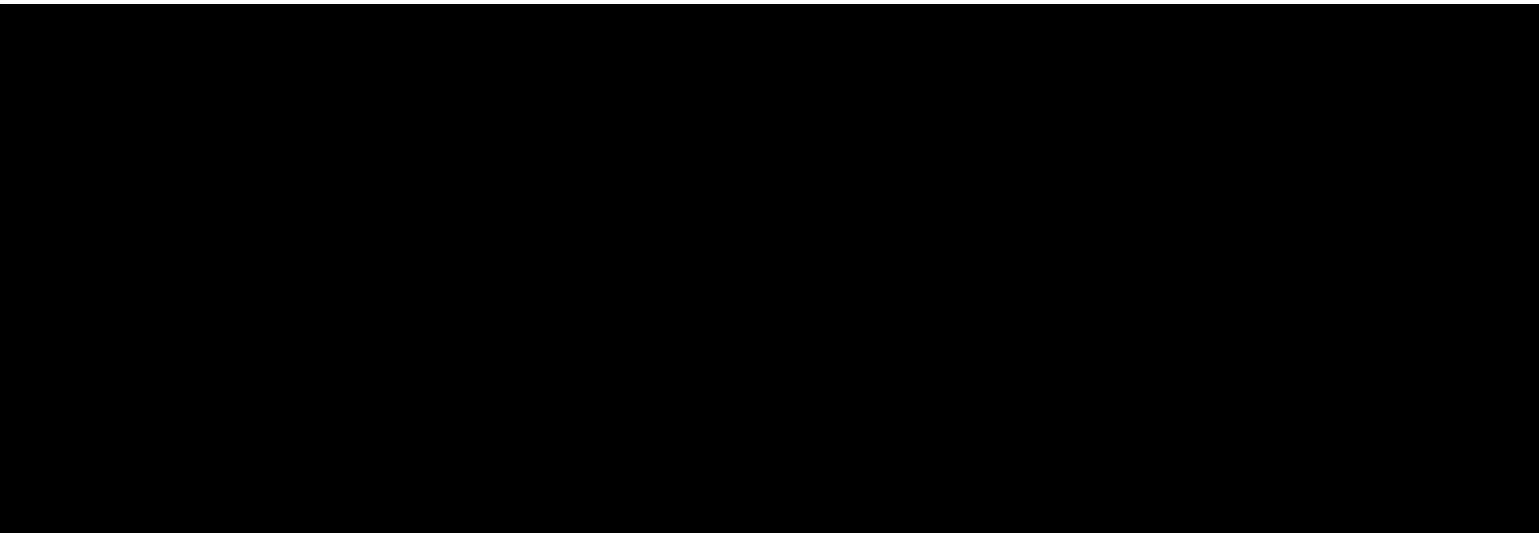
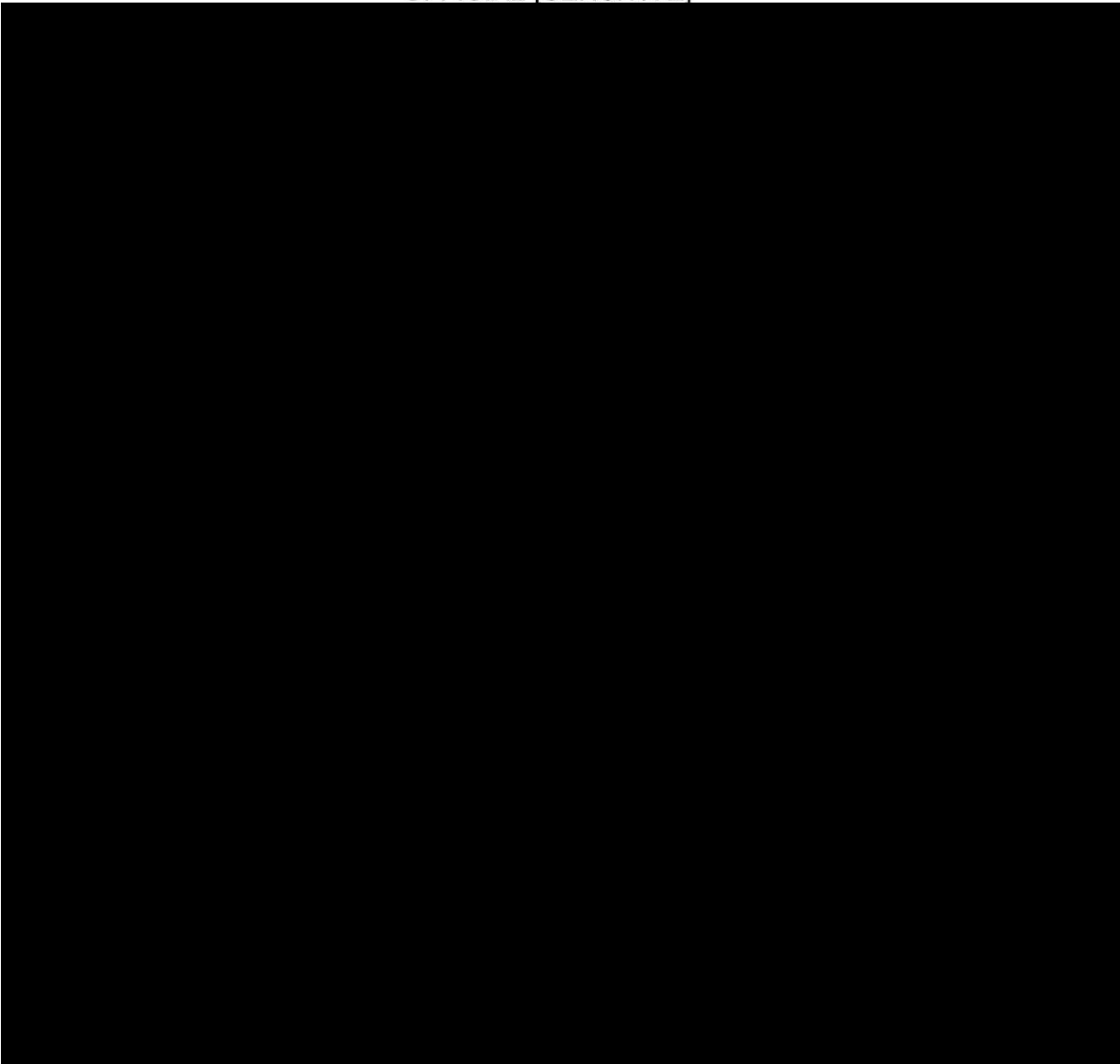
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OFFICIAL-[SENSITIVE]

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)
PLANNING CONTRAVENTION NOTICE**

ISSUED BY: DERBYSHIRE DALES DISTRICT COUNCIL (“the Council”)





Wilson, Paul

From: [REDACTED]
Sent: 21 February 2023 13:07
To: [REDACTED]; Flitter, Steve; Ratcliffe, Mike; Buttle, Neil; [REDACTED]
Cc: Wilson, Paul; Braund, Tim; [REDACTED] Cogings, Robert
Subject: [OFFICIAL (SENSITIVE)] [REDACTED] - DRAFT statement

Importance: High

Dear Group Leader,

It was agreed at last night's working group that you would be given the opportunity to sign off the authority's statement on [REDACTED].

Here is a draft:

Derbyshire Dales District Council has renewed its appeal to local landowners to come forward with suggestions for a permanent Traveller site after deciding not to pursue further farmland that had been under discussion at [REDACTED], near Wirksworth.

It had originally been envisaged that officers would present a report on the [REDACTED] site to a full meeting of the council on 16 March, but the authority has now agreed as part of its due diligence process that the site is not financially viable or sustainable and that it would not have been possible to take a positive recommendation to the meeting.

A spokesperson said: "This isn't the first time that a potential commercial land negotiation has failed at this stage. What makes this case unusual is the public interest in this particular site ahead of the start of the democratic process and a process of public consultation.

"We would add only that the preliminary discussions and evaluations that have taken place over recent months are no different to discussions that take place on many potential development opportunity sites and that the process to date has been carried out properly and would have included extensive public consultation had the proposal been taken forward for Council decision and a possible planning application."

For your information, unfortunately someone has leaked the agreed outcome of last night's session to Sarah Dines, who is publicising it on her social media channels – ahead of the conversations we planned to have with the Traveller family and [REDACTED] before issuing a statement.

Kind regards,

[REDACTED]

[REDACTED]
Communications & Marketing Manager



Town Hall | Matlock | Derbyshire, DE4 3NN



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