

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

25 OCTOBER 2007

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Housing and Community Safety - Lead Cabinet Member - Councillor Nelson
Environment – Lead Cabinet Member – Councillor Beaumont
Regeneration – Lead Cabinet Member – Councillor Cook

TRAVELLERS TRANSIT SITE – SITE SELECTION

1. Summary

This report recommends that a piece of scrutiny work is undertaken by either a short life Members Working Group or by Select Committee, to advise on the best site for a travellers transit site.

2. Recommendations

That Cabinet request the Executive Scrutiny Committee to include an additional piece of scrutiny work within the Scrutiny Work Programme to advise on the preferred site for a travellers transit site, in accordance with the terms of reference and timescale set out at **Appendix C**.

3. Reasons for the Recommendations/Decision(s)

To establish as broad a consensus as possible about the preferred site.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same

purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;

- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

This report recommends that a piece of scrutiny work is undertaken by either a short life Members Working Group or by Select Committee, to advise on the best site for a travellers transit site.

RECOMMENDATIONS

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DETAIL

1. On 6 October 2005 Cabinet made the policy decision to establish a travellers transit site, subject to the availability of Government grant funding. This decision was based on the availability of grant funding, a marked increase in traveller activity within the Borough, and the costs to the Council of managing without dedicated facilities.
2. Records of the numbers of unauthorised traveller sites on Council land dealt with by the Council's Security Services team show a continuing need for an official transit site, i.e.
2004/05 - 56
2005/06 - 48
2006/07 - 11
2007/08 to end of September - 12 (i.e. half year only)
3. It is considered that the provision of a purpose built site would have the following advantages:
 - a) improvement in the health and welfare of travellers (including provision of proper sanitation).
 - b) a substantial reduction in the impact of unauthorised sites on permanent residents.
 - c) a reduction in the costs of enforcement action and cleaning up after fly tipping following unauthorised use of Council land.
 - d) a substantial reduction in the impact of unauthorised sites on local businesses and other non-Council landowners.

4. The Council is required to carry out a Gypsy and Traveller Assessment (GTAA). Further details are given at **Appendix A**. The sub-regional study for the Tees Valley is drawing on local evidence, including the numbers set out at paragraph 1 above, and it is very unlikely that it will not recommend an increase in transit site provision.
5. The availability of proper transit provision would considerably strengthen the Council's scope for action in its role as planning authority. An assessment of the current situation is set out at **Appendix B (1 and 2)**. For sake of clarity, it should be pointed out that the Planning Enforcement Team deals with contraventions of planning law, and the Neighbourhood Enforcement Service responds to short term unauthorised encampments.
6. The Government has invited bids against a new round of the Gypsy and Traveller Site Grant by 31 October 2007, and a bid is being prepared, based on a possible site at Belasis Avenue / Leven Street, Haverton Hill which is in close proximity to the site identified as the leading option in the October 2005 Cabinet Report. A planning application for this site was submitted in August 2007, based on an earlier version of the scheme, but was subsequently withdrawn following a meeting with representatives of the Department for Communities and Local Government (DCLG) who suggested a number of changes to the proposed approach, primarily:
 - a) an upgrade from the provision of a communal amenities (toilets and showers) to include provision for each pitch;
 - b) a subsequent reduction in the number of pitches (now planned as twelve);
 - c) a new layout for vehicle entry and exit, to allow for more effective site control
 - d) a significant increase in the overall budget, based on DCLG expectations of average site costs.Work will now take place to revise the scheme and submit the bid. The application for planning permission will be put on hold. If a new preferred site is identified as a result of the process proposed by this report, then discussion will take place with DCLG about the scope for switching any grant approved to their new preferred site. It is not anticipated that this would prove to be a stumbling block, because the DCLG main interests are in securing provision, quality of facilities and overall cost, rather than in the choice of site, which is a matter for local determination.
7. During the period when consultation was taking place on the planning application which was subsequently withdrawn, a number of objections were received.

FINANCIAL IMPLICATIONS

The scheme will only proceed if a Government Grant is made available. It is not yet possible to fix a precise revenue budget but it is considered that the costs to the Council of operating this facility will be less than the costs of responding to unauthorised sites. Turnover will depend on occupancy levels, and the site fee will be set at a level to recover the new running costs, including electricity, water and NNDR, and will be adjusted if necessary to cover any repair costs.

LEGAL IMPLICATIONS

There will be no new legal implications arising from this report.

RISK ASSESSMENT

The selection of a site itself is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk. Any failure to select a site is likely to lead to increased risks, in relation both to the scope for taking effective planning enforcement action and to responding to unauthorised encampments, plus the risk of a statutory

duty to provide a transit site being imposed in the future, without the availability of a Government Grant.

COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport – the action is intended to place a positive impact on the local economy, reducing the costs to local businesses of dealing with unauthorised sites.

Safer Communities – the scheme will reduce nuisance to permanent residents.

Children and Young People – the groups of travellers in question do not travel with children of school age, with the exception of girls of the age of about 13 upwards. The provision of a stable site with proper sanitation will improve their welfare and make it easier to provide services to them.

Healthier Communities and Adults – the provision of proper sanitation will help to improve health.

Liveability – a properly managed facility will substantially reduce the impact from fly tipping and other nuisance on sites across the Borough.

CONSULTATION INCLUDING WARD/COUNCILLORS

The exercise to be carried out will ensure that all the site options are reviewed and appraised, and the resulting preferred site option will be subject to consultation via the planning application process. A discussion with representatives of the Billingham Partnership and Billingham Town Council is due to take place on 16 October.

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Background Papers Report to Cabinet 6 October 2005 'Traveller Transit Site Provision'

Ward(s) and Ward Councillors: All Wards

Property The new site would be an addition to the Council's property portfolio, managed by the Community Protection Division. If Government Grant is awarded then there will be an addition to the capital programme for 2008/09.

