

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday, 21 May 2003 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

As appointed at Annual Council on 15 May 2003.

and all other Members for information

AGENDA

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr B.A. Fleckney, Administration & Leisure Department, Committee Section, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425620). E-mail: bernard.fleckney@runnymede.gov.uk**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

COMMITTEE SECTION



LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

- a) Exempt Information
(No reports to be considered under this heading)
- b) Confidential Information
(No reports to be considered under this heading)

1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

2. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 16 April 2003 (Appendix 'A') as a correct record.

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

5. PLANNING APPLICATIONS (DTS)

A list of the planning applications to be determined by the Committee is attached.

If Members have particular queries or interests in certain applications, the application files will be available for inspection and Officers present from 7.00 p.m. prior to the meeting in the ante room of the Council Chamber. This will be an informal opportunity for Members to see further details of applications and representations and to discuss and clarify issues. Copies of all letters of representation will also be placed on the table in the Chamber prior to the meeting and will be available for inspection by Members.

OFFICERS' RECOMMENDATION that -

the said applications be determined as indicated and any permission granted be subject to the conditions authorised.

(TO RESOLVE)

Background Papers

A list of background papers is available at the Technical Services Reception

6. MANAGING UNAUTHORISED CAMPING, OPERATIONAL GUIDANCE – CONSULTATION PAPER (DTS)

1. Purpose of Report

1.1 **To seek Members' views on a consultation paper published by the Office of the Deputy Prime Minister.**

2. Background Information

2.1 This Consultation Paper gives operational guidance on dealing with unauthorised encampments by gypsies and travellers, and seeks views by 23rd May. It indicates that the Government believes that certain basic principles should be followed in relation to unauthorised camping:

- Unauthorised camping is unlawful;
- However, in the short-term, until more authorised sites have been provided, unauthorised camping will take place and policies should seek to manage encampments to minimise disruption for all concerned, and ensure that any anti-social behaviour is tackled firmly;

- Standards of behaviour expected of gypsies and other travellers at encampments should be those expected of the settled community.
- 2.2 The note refers to various developments which have taken place since the publication of previous guidance in 1998. This includes a reference to the Human Rights Act 1998, and the fact that any eviction and enforcement decisions must be "proportionate". It also makes reference to the Race Relations Act 2000 whereby both Romany Gypsies and Irish Travellers are now recognised as ethnic minorities against whom discrimination is unlawful. Attention is also drawn to a £17 million gypsy sites refurbishment grant and the Government's publication of a White Paper "Respect and Responsibility" which sets out the Government's view on anti-social behaviour.
- 2.3 The guidance document aims to strike an appropriate balance between the needs and expectations of the settled community, businesses, landowners and travellers, and has set out a recommended course of action for Local Authorities and Police Forces. It encourages a more consistent approach which is practical and engages both the settled and traveller communities.
- 2.4 The guidance refers to the twice-yearly gypsy caravan count carried out by Local Authorities. It indicates that over the last 20 years, the total number of gypsy caravans has increased by some 70%. It suggests that between 2,000 and 2,500 additional authorised transit/mobility pitches are estimated to be needed before 2007. It also recognises that there is a significant minority of problem families amongst the travelling community who are associated with criminal and anti-social behaviour.
3. Report
- 3.1 The Consultation Paper suggests that to be effective in dealing with unauthorised encampments, a strategy and protocol should be developed. This will enable pre-planning rather than reactive response and ensure that the needs and expectations of all parties are considered. It will also enable roles and responsibilities to be clarified between different organisations.
- 3.2 There are a number of essential elements which should be considered in any strategy. This includes the legislative background, local information, protocols for information sharing, the approach to be taken on site provision and the policy to be followed when unauthorised encampments arise. It suggests that working arrangements for different agencies and protocols need to be agreed, resources identified, arrangements for communicating the strategy widely and for monitoring its implementation, and involvement of different parts of Local Authorities, including planning, education and social services.
- 3.3 A diagrammatic indication of key stages in developing the strategy is shown at Appendix 'B'. Also included in that Appendix is an Annex attached to the guidance which suggests those interests that should be involved in the development of a strategy for unauthorised camping. In relation to site provision, the guidance indicates that all Local Authorities which have experienced unauthorised encampments should review the provision of sites for travellers. This includes provision of residential sites providing long-term accommodation, transit sites, less formal and emergency stopping places.
- 3.4 Furthermore, it suggests that all Local Authorities experiencing unauthorised encampment should provide either transit sites or stopping sites to cater for travellers moving within their areas. It confirms an intention to link enhanced Police powers for eviction to the adequate provision of transit sites and stopping places by Local Authorities.
- 3.5 In terms of dealing with unauthorised encampments, the guidance suggests that a policy statement should be produced by a Local Authority. This should confirm such matters as action to be taken in respect of land owned or not owned by a Local Authority and alternative courses of action which might be taken. The guidance suggests that there are some locations where encampments will not be acceptable under any circumstances. This could include school car parks, village greens or verges of busy roads.
- 3.6 The guidance emphasises the requirement to make welfare enquiries prior to taking any decision to evict. Guidance is given as to the procedures for making enquiries prior to reaching decisions as to appropriate action.

- 3.7 Lastly, the guidance gives details of existing powers for various authorities and also guidance on managing unauthorised encampments.
4. Comments
- 4.1 Many of the issues identified in the Consultation Paper have been practiced in Runnymede for some years. In 1997 a protocol was agreed with the Police in terms of dealing with unauthorised encampments and this has since been revised. Runnymede has already identified the need to again up-date this protocol and extend it to other agencies, such as health, social services, and education.
- 4.2 In the guidance consultation draft it is clear that the Government is maintaining its stance that the minority of travellers who act anti-socially should not be tolerated. This minority needs to be identified and their activities curbed if the settled community is ever going to accept the activities of the majority. The document also gives clear guidance on the type of sites where unauthorised encampments are generally unacceptable.
- 4.3 Whilst the guidance aims to address the problem of unauthorised camping, it fails to address the fundamental lack of national guidance in relation to the responsibility for provision of gypsy sites and assessment of need (both quantitative and type of site) and how and where they might be provided, and funded.
- 4.4 The Consultation Paper suggests that in areas which suffer from unauthorised encampments, greater provision of both permanent and transit sites should be provided. This, however, is too simplistic a response. Many areas such as Runnymede which has already made substantial provision, attract further travellers either seeking to use those facilities or visiting others in the area, whereas authorities which have made no provision attract few travellers as they know there are no facilities for them. It cannot be assumed that areas of little apparent demand should not also be required to provide their reasonable share of provision.
- 4.5 A research paper carried out on behalf of the Office of the Deputy Prime Minister by the Centre for Urban and Regional Studies of the University of Birmingham which informed this Consultation Paper, raised a number of fundamental issues which the Government has not addressed. Foremost amongst this is their concern that there is a lack of any clear, widely understood national policy towards accommodation for gypsies and other travellers in England.
- 4.6 That research also recognised that the bi-annual gypsy caravan counts are very inconsistent and a poor basis for judgement of future provision. Secondly, there is a need for a national and regional assessment of need. At present, need for caravan sites is based on unfettered demand rather than defined need, and includes family groups breaking into smaller units to travel. General housing needs for the settled community are defined taking into account market and environmental factors and these should equally be applied to need for caravan sites.
- 4.7 It is strange that in the Consultation Paper the Government advocates provision of transit sites by individual Local Authorities. In its research paper the University of Birmingham highlights the fact that transit sites are not proved to be a satisfactory form of accommodation and being so few in number their usage has been difficult to assess. Secondly, they clearly indicate that transit sites in isolation do not work and would only work if set up as part of a network of stopping places. This again points to the need for national or regional strategies relating to gypsy sites rather than to individual provision by Local Authorities working in isolation or in small local partnerships.
- 4.8 It is considered that the Government should be urged to set out a policy statement on provision of gypsy sites across the country, including responsibility and financing arrangements. There is also a need for clearer planning guidance in relation to gypsy and traveller sites which should also be tied into a national framework. This could then be used as a legitimate basis to require provision on an equitable basis across the country.
- 4.9 Until such time as a proper assessment of need has been established together with an assessment of current site provision across the country it is felt premature to urge individual authorities to make independent provision as an ad hoc reaction to unauthorised encampments.

OFFICERS' RECOMMENDATION that:-

the comments in Section 4 of this report be forwarded to the Office of the Deputy Prime Minister as this Authority's formal views on the Consultation Paper.

(TO RESOLVE)

Background Papers

Managing Unauthorised Camping Operational Guidance a Consultation Paper, Office of the Deputy Prime Minister/Home Office, April 2003-05-01
The Provision and Condition of Local Authority Gypsy/Traveller Sites in England, Office of the Deputy Prime Minister

7. APPEAL DECISION

The Planning Inspectorate has recently determined the appeal mentioned below. The appeal decision is available for inspection in the Members' Room.

<u>Site/Development</u>	<u>Decision</u>
170 Station Road, Addlestone - planning appeal regarding erection of a storage building (02/0041)	DISMISSED

(FOR INFORMATION)

Background Papers

Appeal decision

8. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES

A list of planning applications recently determined by the Director of Technical Services under his delegated powers is attached at Appendix 'C'. If Members have any particular matters they wish to raise, prior notice to the Chairman would be of assistance.

(FOR INFORMATION)

Background Papers

None

9. STANDING ORDER NO. 42 - URGENT ACTION (DAL)

Acting in accordance with Standing Order 42 the following action has been undertaken by the Officer shown below after consultation with the Chairman:

<u>Officer</u>	<u>Action Taken</u>	<u>Central Index No.</u>
Director of Administration and Leisure	Withdrawal of Enforcement Notices in respect of Shepley House, Shepley Drive, Virginia Water	526

(FOR INFORMATION)

Background Papers

Proforma on Head of Corporate Administration's Standing Order 42 file

10. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing reports in private, it is the

OFFICERS' RECOMMENDATION that -

where appropriate, the press and public be excluded from the meeting during discussion of report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the appropriate paragraph of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)