



DERBY CITY COUNCIL

**COUNCIL CABINET**  
**28 November 2006**

Cabinet Member for Neighbourhood, Social  
Cohesion and Housing Strategy

# ITEM 13

## Glossop Street Traveller Consultation

### SUMMARY

- 1.1 This report considers whether it would be appropriate to establish the land at Glossop Street, currently occupied by Travellers, as an authorised permanent Traveller site. In considering this, the report also takes account of the outcome of the consultation exercise that has been undertaken with both the Travellers and surrounding residents. Within that process, other stakeholder views whether received formally or informally have also been taken note of.
- 1.2 The report considers the current poor state of the Glossop Street site and the health and safety risks associated with it, the lack of facilities on site and the impact that these issues, together with the activities undertaken on the site have on the amenities of surrounding residents, the locality in general and the Travellers themselves.
- 1.3 A summary is provided, of the outcome of this consultation exercise, which indicates that the preference of the Travellers is for the land at Glossop Street to be made into an authorised and permanent Traveller site to accommodate those families that currently reside there.
- 1.4 The consultation exercise and other recent responses from surrounding residents indicate that a large majority, of those people who responded, are opposed to the establishment of a permanent Traveller site on the land at Glossop Street.
- 1.5 This report considers three main options in relation to the future use of this site
  - Option 1 Seek to establish the site as a permanent site for those Travellers currently residing there.
  - Option 2 Seek to establish the site as a temporary site until a permanent site elsewhere can be secured and laid out.
  - Option 3 To seek to recover possession of the site but seek an alternative elsewhere within the City.

### RECOMMENDATION

- 2.1 That Members endorse Option 3.
- 2.2 That Members authorise the Corporate Director of Resources and Housing to secure offers of alternative temporary accommodation to the Travellers as a temporary

measure to safeguard their welfare pending the identification and equipping of a permanent site within the Council's administrative area.

- 2.3 That Members authorise the Corporate Director of Corporate and Adult Social Services to take the necessary action to recover possession of the Glossop Street site including, if necessary, instituting legal proceedings for that purpose.

<b>REASON FOR RECOMMENDATIONS</b>
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- 3.1 This recommendation will ensure that the Travellers and surrounding residents are able to live in a safe and healthy environment.
- 3.2 Option 3 proposes taking action which reflects the views and concerns expressed by local residents and other key stakeholders, during the recent consultation exercise.



## **Glossop Street Traveller Consultation**

### **SUPPORTING INFORMATION**

- 1.1 The first Travellers moved onto the Glossop Street site more than two years ago having moved there from the nearby church site at St Bartholomew's. Since that time the number of Travellers on the Glossop Street site, whilst fluctuating, has seen a gradual increase.
- 1.2 Shortly after the Travellers had moved onto the site, the Council started proceedings to recover possession of the site, however subsequent legal advice concluded that such action would not be supported by the courts until the case of Price v Leeds City Council, 'the Leeds Case', had been determined by the House of Lords. The case was determined in April 2006, at which point the Council wrote to the Travellers advising that it reserved its right to recover possession of the site, but that it would enable the Travellers to remain whilst it undertook consultation with both the Travellers and surrounding residents.
- 1.3 Consultation with the Travellers took place in August and September and a postal survey of residents was undertaken in November 2006. Other responses from residents, local businesses and organisations have also been received.
- 1.4 The Glossop Street site currently has no mains water or electric supplies. The site is uneven and poorly surfaced with poor drainage provision and a lack of lighting.
- 1.5 Whilst both the Council and the Travellers have periodically removed some rubbish from the site, there remains an accumulation of other dumped material. In response to recent public health concerns, the Council has recently cleared a large pile of flammable debris from the site that posed a fire hazard generally, and specifically to the Travellers. The Council is currently taking action to remove white asbestos cement which has been dumped on the site and which is located amongst other deposited building materials. There is growing concern that the continuingly hazardous state of the site, despite the Council's best endeavours to keep it clean, is an unacceptable environment for both adults and children to be living in.
- 1.6 In addition, the site has no washing or toilet facilities other than those provided within each caravan. A number of complaints have been received from surrounding residents that the Travellers frequently toilet outside within full view of residents. This is clearly unacceptable both in terms of posing further health hazards as well as in the interest of decency, for both the Travellers and surrounding residents.

- 1.7 The consultation with the Travellers in September revealed that at that time, there were some 15 households on the site comprising of some 40 adults and 20 children. There were 30 Caravans on the site. The Travellers advised that none of them had any special needs and that they were registered locally for GP services.
- 1.8 The Travellers stated that their preference was to be accommodated on an authorised and serviced site at Glossop Street. They advised however that they would accept any legal site within the City. The predominant reason given for their wish to remain on site, related to the success and integration of their children at a local school. They advised that if they were provided with another site within the City they would intend to bring their children back to the current school.
- 1.9 The consultation revealed that the Travellers were unlikely to be able to purchase land themselves for a site, particularly at open market prices, but that they would be willing to pay rent and the other charges normally associated with a fully serviced authorised site. Needs were expressed for the following amenities;
- Toilet and shower facilities, this was the highest priority
  - Electric and water supplies
  - Adequate parking
  - A small day centre building for each pitch, designed to accommodate kitchen and lounge facilities
  - A play area for children
  - Serviced refuse and recycling facilities
- 1.10 The consultation with surrounding residents involved 1208 questionnaires with reply paid envelopes being sent out to those houses closest to the Glossop Street site. The consultation area ranged from the railway line in the west, to Nightingale Road in the east and between Osmaston Road and Osmaston Park Road. Responses received over a three-week period have been included in the final analysis. Some 246 questionnaires have been received equating to an overall response rate of just over 20%.
- 1.11 The first question in the questionnaire asked simply whether residents agreed that a permanent Traveller site should be established at Glossop Street to accommodate those Travellers already on the site. The response rate is as follows;
- 9.3% Yes a permanent site would be appropriate  
 4.5% No preference  
 86.2% No Glossop Street is not suitable for a permanent site
- 1.12 Respondents were asked to explain the reasons behind their opinion and the reasons given by those opposing a permanent site are summarised below;

<b>Table 1</b>	<b>Number of responses<sup>1</sup></b>	<b>% of responses</b>
Would like housing as originally planned	90	15.9
Rubbish	63	11.2
Travellers site will cause more crime and a bad	50	8.8

<sup>1</sup> Multiple reasons given by some respondents

reputation /deprivation		
Anti-social behaviour	42	7.4
They should pay council tax inc water rates etc	38	6.7
The site will reduce property prices	37	6.5
Investing in travellers, not local people	37	6.5
Too close to existing residents and a built up area	33	5.8
Need park for children to play on	32	5.7
Noise	24	4.2
Dogs barking	24	4.2
Tax payers money being used to clear up after the travellers	21	3.7
Money put into improving houses/area	20	3.5
Fear of youths from the site/afraid of the travellers	18	3.2
Going to toilet outside	14	2.5
Rats in the street	9	1.6
Horses let free and other animals	8	1.4
Consultation already undertaken about housing	4	0.7
Burnt out caravans	1	0.2
<b>Total</b>	<b>565</b>	<b>100</b>

1.13 The questionnaires were referenced in a way that has enabled the views of those households whose properties immediately adjoin the site to be identified separately as a group. Of the 68 houses that adjoin the site, 34 replied giving a response rate of 50%. The breakdown of responses is as follows

3% Yes a permanent site would appropriate  
3% No preference  
94% No a permanent site would not be appropriate

1.14 In addition to the formal questionnaire responses, the Council has also, during the consultation period, received two petitions containing a total of 192 signatures opposing the establishment of a permanent site at Glossop Street. A further 74 responses have been made to the Ward Councillors, 41 of which had not responded to the formal questionnaire and can therefore be viewed as additional responses. Of these 41 responses, one stated no preference and the remaining 40 were opposed to the establishment of a permanent site.

1.15 The Council is also in receipt of three further responses to the consultation, which it considers relevant to this report. These are summarised as being:

- The Gypsy Council Romani Kris has advised that it has significant experience and expertise in dealing with the establishment and management of Gypsy sites nationally, and within the County. The letter, while voicing concern that the Gypsy Council was not involved in the consultation exercise expresses the wish to be involved in future discussions. More importantly, it expresses concerns about the unsuitability of establishing a Gypsy site in close proximity to residential housing.
- In a report of the Chief Executive of Derby Homes to the Derby Homes Board, recommendations in it express an understanding of the Council's

social housing duties generally, as well as in relation to the Travellers themselves. However, the surmising view is that the views of the local residents should be paramount and that the proposal for a permanent site on the Osmaston estate should be considered in the context of the wider master planning exercise for this area.

- Derbyshire Enterprise Agency raised objections to the permanency of the site at Glossop Street. It expressed concerns about the visual deterioration of the area which is believed to seriously jeopardise the growth of local businesses. Support is expressed for the site to be used for new housing or landscaping/open space.

1.16 There are three main options to consider in relation to the future use of this site

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| Option 1 | Seek to establish the site as a permanent site for those Travellers currently residing there.                |
| Option 2 | Seek to establish the site as a temporary site until a permanent site elsewhere can be secured and laid out. |
| Option 3 | Seek to recover possession of the site but also seek an alternative elsewhere within the City.               |

1.17 If Members are minded to follow option 1 or option 2, the Council will need to apply for planning permission. [Any planning application would have to be considered against national guidance set out in Circular 01/2006 \(Planning for Gypsy and Traveller Caravan Sites\) and Policy H15 of the City of Derby Local Plan Review.](#) The main issues regarding suitability in planning terms are likely to revolve around whether or not the site would cause unacceptable harm to the living environment of nearby residential properties and businesses, whether the location provides satisfactory living conditions, including access to services, for the Travellers and whether the use of the site would cause unacceptable harm to the appearance of the area. If the planning application were successful, the Council could bid for government funding, through the Gypsy and Traveller unit, to pay for the necessary infrastructure and facilities required for the establishment of a permanent site. Fully worked submissions for the current bid round would need to be submitted by February 2007.

1.18 If Members are minded to follow option 3, the Council could offer the Travellers accommodation in the form of Council or Housing Association property as a temporary solution to their housing needs. This would enable them to maintain their links within the local area, including the continued local schooling of their children, whilst ensuring that they were living in a safe and decent environment. The Council would be able to acknowledge that this was a temporary solution whilst it secured and developed a permanent site. The travellers would then be given access on a priority basis to the authorised site when completed.

## OTHER OPTIONS CONSIDERED

2.0 The site could be established as a joint site for both the existing Glossop Street Travellers and new transient Travellers passing through the City. This option

however would contradict government guidance in relation to the establishment of Traveller sites. The location of the site is also not considered suitable in planning terms for establishment as a transient site.

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<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial**

1. There is currently no funding allocated for provision of a travellers' site within the capital programme. A successful application for funding for a permanent site could provide funding for a site, but it is unclear at this point what level of funding – if any – could be secured through this route. Costs of the proposal might therefore fall on the Council, and would then have to be provided from the overall capital programme for housing. This would be dependent on the proceeds of other housing land sales being used for this purpose.

**Legal**

- 2.1 The decision in the Leeds case raises the potential for the Travellers to claim that the land has become their 'home' on account of the length of time for which they have been resident there, together with the local connections which they arguably have since established.
- 2.2 The licence to occupy the land granted them by the Council following that decision means that the Council owes a duty of care to the Travellers. That duty of care places an onus on the Council to safeguard the welfare of the Travellers as occupiers of the site. The increasingly unhygienic condition of the site and the health and safety implications of the controlled waste dumped on it impose further statutory obligations on the Council which it cannot ignore.
- 2.3 Central government guidance is increasingly pointing towards the need for local authorities to increase traveller site provision nationally. Whether or not the Glossop Street site becomes a permanent traveller site, and whether for permanent or transient occupiers, there is an inevitability to the need to address this issue.
- 2.4 It is arguable that the condition of the site and the inability to maintain it in a habitable state, however temporarily, while decisions are made about identifying and equipping alternative sites within the Council's administrative area would suggest that the site is unsuitable for occupation by the Travellers.
- 2.5 The proposal to offer bricks and mortar accommodation pending those decisions being made is therefore not unreasonable. Central government guidance, and indeed the county-wide protocol which the Council is a signatory to, while acknowledging that such accommodation should not be a permanent substitute for site provision does acknowledge this option as being reasonable as a short term measure for meeting traveller needs.
- 2.6 While it must be understood that the aim of the consultation exercise was primarily to inform of local views and aspirations for the site, and was not a vote, even if its outcome was emphatically in favour of retaining the Travellers where they are, which it does not, there is a strong argument that the Council would be failing in its responsibilities to the Travellers if it allowed them to remain on the site in the knowledge that it appears to be unsuitable for their needs, and is unsafe.



## Personnel

3. None

## Equalities impact

4. The proposal will help to ensure that both the Travellers and surrounding residents are able to live in a safe and healthy environment.

## Corporate priorities

5. The proposal comes under the Council's objectives of providing **healthy, safe and independent communities** and **improve the quality of life in Derby's neighbourhoods**
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