

# Overview and Scrutiny Committee

Wednesday 26 February 2014

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Wednesday 26 February 2014 at 5.00pm.

## Membership:

	Councillor Mrs A Blacklock (Chairman)	
Councillor A Boad		Councillor Mrs S Gallagher
Councillor Mrs L Bromley		Councillor B Gifford
Councillor R Brookes		Councillor G Guest
Councillor R Copping		Councillor Mrs E Higgins
Councillor Ms J Dean		Councillor G Illingworth
Councillor R Edwards		Councillor M Kinson
Councillor Mrs J Falp		Councillor B Weed

## Agenda

### 1. **Emergency Procedure**

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

### 2. **Substitutes**

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

### \*3. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

**If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.**

**\*4. Gypsies & Travellers Preferred Options for Sites Consultation – Call in of Executive Decision**

To consider a report from Civic & Committee Services. **(Item 4/Page 1)**

**You are requested to bring your copy of the Executive Agenda 12 February 2014 to this meeting to refer to Item 10 – Gypsies & Travellers Preferred Options for Sites Consultation.**

**(Circulated previously)**

**(\*Denotes those items upon which decisions will be made under delegated powers, as previously granted by the Council).**

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**For enquiries about specific reports: Please contact the officers named in the reports.**


**You can e-mail the members of the this Committee at**

**[o&scommittee@warwickdc.gov.uk](mailto:o&scommittee@warwickdc.gov.uk)**

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**Please note that the majority of the meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 412656 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.**

**THE AGENDA IS AVAILABLE IN LARGE PRINT ON REQUEST, PRIOR TO THE MEETING.**

 <b>Overview and Scrutiny Committee</b> <b>26 February 2014</b>		<b>Agenda Item No. 04</b>
<b>Title</b>	Gypsies & Travellers Preferred Options for Sites Consultation - Call-in of Executive Decision	
<b>For further information about this report please contact</b>	Lesley Dury, Civic and Committee Services	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Executive 12 February 2014	
<b>Background Papers</b>	Report to Executive 12 February 2014 "Gypsies & Travellers Preferred Options for Sites consultation". Minutes of the meeting of the Executive 12 February 2014.	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	Yes/No (If No state why below)

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	17/02/2014	Chris Elliott
Head of Service	17/02/2014	Graham Leach
CMT		
Section 151 Officer	18/02/2014	Mike Snow
Monitoring Officer	18/02/2014	Andy Jones
Finance	18/02/2014	Mike Snow
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 On 12 February 2014, the Executive made decisions on a report: item 10 "Gypsies & Travellers Preferred Options for Sites Consultation". In accordance with the Council's call in procedure, three or more Councillors have called-in these decisions to the Overview & Scrutiny Committee for consideration.

## 2. **RECOMMENDATION**

- 2.1 That in respect of the resolution 12 February 2014 made by the Executive on the "Gypsies & Travellers Preferred Options for Sites Consultation", the Overview and Scrutiny Committee takes one of the following actions:
- (i) to allow the decision made by the Executive on 12 February 2014 to be implemented without further delay; or
  - (ii) to refer the decision back to the Executive with further comments; or
  - (iii) to refer the decision to the Council for debate.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The recommendation is in line with the procedure set out in the Council's Constitution under Council Procedure Rules for call-ins.

## 4. **POLICY FRAMEWORK**

- 4.1 A call-in is simply the referral of a decision made, but not yet implemented, to the Overview and Scrutiny Committee. It is a key way of holding the Executive to account. A called-in decision cannot be implemented until it has been considered by the Overview and Scrutiny Committee, which can examine the issue and question the decision maker on the reasons for the decision.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 Budgetary implications have been detailed in the reports that went to the Executive on 12 February 2014.

## 6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 There is no requirement for alternative options because a call-in requires that a set procedure is followed.

## 7. **BACKGROUND**

- 7.1 On 12 February 2014, the Executive met and made its decision on the report (see Appendix 1 for the report and Item 10 from the Executive Agenda 12 February 2014 for the report appendices). Appendix 2 is an extract of the minutes of the meeting which shows the decisions made by the Executive in respect of the report.
- 7.2 On 16 February 2014, Councillors Mrs Bromley, Mrs Falp, Heath, Kirton and Mrs Mellor called-in the report stating the following as their reasons:
- The time scale of six weeks for consultation is not sufficient for a decision as important as this. 12 weeks should be the minimum to allow constructive dialogue from across the District.
  - Concern on only eight sites being consulted. At least ten should be consulted on so to prevent the need to consult again should any, most

or all of the sites are found to not be possible due to consultation results.

- Will sites currently being suggested then be compulsory purchased if the land owners change their mind about being willing to consider their site?


In March 2012 the government published new planning guidance on traveller sites which aimed to strengthen protection of greenbelt and strictly limit new traveller site development in open countryside( DCLG Planning policy for traveller sites paragraphs 4,14 and 23. Labour administration guidance which pressured Councils to compulsory purchase land for traveller sites has been deleted. Senior government politicians therefore feel that compulsory purchase should not be used to acquire sites. Eric Pickles said on 5th August 2013 the planning system should be fair and take into account the needs of all law-abiding sections of society: independent of age, occupation or lifestyle. We have deleted the guidance which pressured councils towards compulsory purchase. These targets prevented councils from adapting their planning policies for travellers to meet the needs of, and deal with then relevant problems in their area. The public want to see fair play in the planning system and I am determined we deliver on that.

Further thought and discussion is needed to agree the recommendation to compulsory purchase land especially when landowners have been willing to consider the options. What message does it send to them if they are then told we are going to have the land anyway!

- One site is in the Green Belt. While reasons why it is seen as possible to argue special circumstances were given, we do not believe that sufficient reasons were given to include this site and dismiss others. We as a District give conflicting reasons why development is or is not possible in Green Belt. We need clear understanding why and not take piecemeal decisions depending on what we do or do not want to see happening.

7.3 On 16 February 2014, Councillor Mrs Higgins also called in the report with an additional concern: the proposed sites were all to the south of the four towns, which she felt was unfair. She felt that they should be spread around the District. The Green Belt argument fails as a gipsy site can be put/planned for a tiny bit of Green Belt.

## Appendix 1 – Report to Executive 12 February 2014

 <b>Executive meeting 12 February 2014</b>		<b>Agenda Item No.</b>  <h1>10</h1>
<b>Title</b>	Gypsies & Travellers Preferred Options for Sites consultation	
<b>For further information about this report please contact</b>	Lorna Coldicott, (Senior Planner, Planning Policy)	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	4 June 2013	
<b>Background Papers</b>	<ul style="list-style-type: none"> <li>• Report of Public Consultation on the Gypsies and Travellers Options for Sites</li> <li>• Site Assessments paper</li> <li>• Gypsies and Travellers Preferred Options for Sites</li> </ul>	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	Yes/No (If No state why below)

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		Chris Elliott/Bill Hunt
Head of Service		Tracy Darke
CMT		Chris Elliott, Bill Hunt, Andrew Jones
Section 151 Officer		Mike Snow
Monitoring Officer		Andy Jones
Finance		Mike Snow
Portfolio Holder(s)		Cllr Les Caborn
<b>Consultation &amp; Community Engagement</b>		
Consultation undertaken on the Options 14th June to 29th July 2013.		
<b>Final Decision?</b>	No	
<b>Suggested next steps (if not final decision please set out below)</b>		
Draft Development Plan Document (DPD)		

## 1. **SUMMARY**

### 1.1 This report seeks:

- To inform members of the results of the 'Options' consultation for the Gypsies and Travellers Site Options and the steps required to progress this work to the next stage of its preparation.
- Approval to carry out a consultation on a Preferred Options for Sites paper.

## 2. **RECOMMENDATION**

2.1 That the Executive notes the results of the public consultation on the 'Options' for Gypsy and Traveller Sites attached at **Appendix 1**

2.2 That the Executive agrees the Preferred Options as set out in **Appendix 2** and agrees that this forms the basis of a 6 week period of consultation commencing no later than 28<sup>th</sup> February

2.3 That the Executive commits in principle to invoke its use of Compulsory Purchase Powers to ensure delivery in the event that an insufficient number of sites set out in PO1 and PO2 come forward with the support of the landowners, to ensure that pitch required numbers are delivered

## 3. **REASONS FOR THE RECOMMENDATION**

### 3.1 **Report of Public Consultation - Options**

In June 2013, a report was brought to the Executive requesting approval for officers to undertake public consultation on the 'Gypsy and Traveller Site Options', alongside that for the Revised Development Strategy of the Local Plan. The report was approved and the consultation was subsequently carried out between 14th June and 29th July.

3.2 The results of the consultation are summarised and attached to this report at **Appendix 1** to inform members and to highlight the main issues raised through the consultation, which includes a high proportion of respondents in opposition to site GT02 (and associated with that site, GT03 and GT04), due in part to a campaign carried out by the landowner. Many of these responses are however, generic and will be afforded weight accordingly. A total of around 3500 responses were received to this consultation alone.

3.3 The next step is to produce a Preferred Options document to reduce the number of sites and areas of search to those which are more likely to meet the criteria in the emerging Local Plan policy. This has required a considerable amount of work on site assessment, not only of the 20 sites and areas of search suggested in the Options consultation paper, but also of the 24 additional sites suggested during the consultation by respondents. Many of these have proven to be unsuitable, but have been subject to full assessment to assure consistency and fairness. The sites assessment paper can be seen at **Appendix 2**.

### 3.4 **Preferred Options Consultation Paper**

The preferred options consultation for Gypsy and Traveller sites is at a different stage to the Local Plan in that we are now suggesting a preference for certain sites and are seeking views on these to enable a final list of sites to be brought forward. This will be taken into account when producing a Development Plan Document for 'Gypsy and Traveller Site Provision'. Once firm proposals have

been drawn up for Gypsy and Traveller sites, a separate Site Allocation Development Plan will be prepared and will be the subject of a further round of consultation before submission to the Secretary of State for examination by a Planning Inspector.

- 3.5 Where landowners do not agree to make their land available for sale, the district council will use its powers of compulsory purchase to bring the site forward.

#### 4. **POLICY FRAMEWORK**

- 4.1 **Emerging Local Plan** - The site choices will need to conform to the Gypsy and Traveller Site Provision Criteria policy within the emerging Local Plan. It will also need to align with the plans of our partners' documents, including the Warwickshire Local Transport Plan.

- 4.2 **Fit for the Future** - The final version of the DPD will need to align with and help deliver the Sustainable Community Strategy (SCS) and the Council's Fit for the Future programme where appropriate. It will also need to align with the Local Plan and our partners documents, including the Warwickshire Local Transport Plan.

#### 5. **BUDGETARY FRAMEWORK**

- 5.1 Undertaking this work will have resource implications on the Council in terms of staff time as well as the costs of publicity, preparation and the printing of consultation material in respect of the Gypsy & Traveller Preferred Options for Sites. These costs will be accommodated within the part of the Planning Reserve set aside for the Local Plan.
- 5.2 If the Council has to invoke its powers of Compulsory Purchase in order to bring forward appropriate sites, there will be a cost implication associated with doing so, not only for the purchase of the land, but also for the legal procedure which can be lengthy if a land owner contests the order.

#### 6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 An option would be to not allocate sites for Gypsies and Travellers, but this would be contrary to national policy and the Local Plan would be found unsound without a commitment to meeting the need demonstrated in the GTAA.
- 6.2 An option would be not to use powers of Compulsory Purchase to bring sites forward, but this would risk the Council not being able to meet its responsibilities in terms of pitch provision and failing to meet its duties under the terms of the Housing Act to provide residential accommodation for its communities. This could result in more unauthorised encampments in the district with the associated costly and lengthy legal and enforcement procedures

#### 7. **BACKGROUND**

*Please refer to the Executive Agenda 12 February 2014, Item 10 pages 4 to 100 for the appendices to this report*



## **Appendix 2 – Extracts from the draft minutes of the Executive 12 February 2014**

### **135. GYPSY & TRAVELLERS PREFERRED OPTIONS FOR SITES CONSULTATION**

The Executive considered a report from Development Services which informed Members of the results of the 'Options' consultation for the Gypsy and Travellers Site Options and the steps required to progress this work to the next stage of its preparation.

The report also requested approval to carry out a consultation on a Preferred Options for Sites paper.

In June 2013, a report was brought to the Executive requesting approval for officers to undertake public consultation on the 'Gypsy and Traveller Site Options'. The report was approved and the consultation was subsequently carried out between 14 June and 29 July 2013.

The results of the consultation had been summarised and attached to the report as appendix 1. The main issues raised through the consultation included a high proportion of respondents in opposition to site GT02 (and associated with that site, GT03 and GT04) and a total of around 3500 responses had been received to this consultation alone.

Officers have, in response, produced a Preferred Options document, reducing the number of sites and areas of search to those which were more likely to meet the criteria in the emerging Local Plan policy. This had required a considerable amount of work on site assessment, not only of the 20 sites and areas of search suggested in the Options consultation paper, but also of the 24 additional sites suggested during the consultation by respondents. The sites assessment paper was attached at appendix 2 to the report.

A Preferred Options Consultation Paper had been produced which proposes 5 Preferred Option sites and a 'reserve list' of a further 8 potential sites that could be considered were any of the Preferred Option sites not to progress or the public consultation demonstrate clear reasons why any of these sites were preferable to any of the Preferred Option sites. Once the consultation is complete and firm proposals can be drawn up for Gypsy and Traveller sites, a separate Site Allocation Development Plan would be prepared and would be the subject of a further round of consultation before submission to the Secretary of State for examination by a Planning Inspector.

The report also advised Members that where landowners did not agree to make their land available for sale, the District Council could use its powers of compulsory purchase to bring the site forward.

An alternative option would be to not allocate sites for Gypsies and Travellers, but this would be contrary to national policy and the Local Plan would be found unsound without a commitment to meeting the need demonstrated in the GTAA.

A second alternative would be not to use powers of Compulsory Purchase to bring sites forward, but this could risk the Council not being able to meet its responsibilities in terms of pitch provision and failing to meet its duties under the terms of the Housing Act to provide residential accommodation for its communities. This could result in more unauthorised encampments in the

District with the associated costly and lengthy legal and enforcement procedures.

The Scrutiny Committees did not discuss this item at their meetings and therefore provided no comments or recommendations to the Executive.

Members thanked officers for the excellent presentation given on Monday evening and for answering their questions. Councillor Mrs Blacklock, Chair of Overview and Scrutiny Committee, requested that thanks be extended to all officers involved in bringing this report forward, particularly Senior Planner, Lorna Coldicott.

The Leader, Councillor Mobbs, reminded Members that this paper was about consultation and needed to be brought forward as part of the Local Plan.

Councillor Mobbs did, however, voice concerns about site GT02, one of the 8 'reserve list' sites, and the impact that this could have on the existing unique business sited nearby. Members discussed the possibility of reviewing the classification of the site but were mindful that this could lead to the need to consider potential reclassifications of other sites and potentially to significant delays in the timetable.

After lengthy discussion it was agreed that, should there be a need to consider any of the reserve sites as a result of the outcomes of the Preferred Options consultation, prior to any final decision the Head of Development Services, in consultation with the Portfolio Holder for Development Services, the Portfolio Holder lead for the Local Plan and the Group Leaders, should consider a review of the sites with specific regard to the potential impact on existing unique businesses.

Councillor Hammon stated that concerns relating to the classification of sites should be identifiable in the consultation responses and felt that the document should be sent out for consultation as proposed.

Concerns were also raised regarding the potential use Compulsory Purchase Order powers. However members felt that the intention that such powers should only be used as a last resorts as highlighted in the report. The Executive was mindful that the Council had to show its intent to deliver the requested sites and noted the risks if the Council was unable to meet its responsibilities.

Having read the report and having debated the issues the Executive decided to agree the recommendations as written and approve a further consultation on the Preferred Options.

**RESOLVED** that

- (1) the results of the public consultation on the 'Options' for Gypsy and Traveller Sites attached at appendix 1 to the report, be noted;
- (2) the Preferred Options as set out in appendix 2 to the report, be agreed and that this forms the basis of a 6 week period of consultation commencing no later than 28<sup>th</sup> February 2014; and

- (3) the use of Compulsory Purchase Powers will be invoked to ensure delivery in the event that an insufficient number of sites set out in PO1 and PO2 come forward with the support of the landowners, to ensure that pitch required numbers are delivered.

(The Portfolio Holder for this item was Councillor Hammon)  
(Forward Plan reference number 583)