CABINET

DATE 30 August 2017

REPORT OF Councillor Matthew Patrick – Portfolio Holder for Finance, Community Assets, Governance and Tourism

RESPONSIBLE OFFICER Sharon Wroot – Director of Finance, Resources and Operations

SUBJECT Gypsy and Traveller – Designated Stopover Site

STATUS Open

FORWARD PLAN REF NO. 05/17/02

CONTRIBUTION TO THE COUNCIL PLAN / STRATEGIC AIMS
The provision of a “Designated Stopover Site” (DSS) will contribute to the aim of ‘stronger communities’ by providing a specific managed site within North East Lincolnshire to accommodate Gypsies and Travellers visiting the area; thereby reducing the instances of unauthorised encampments. Such a provision would support the delivery and adoption of the new Local Plan.

EXECUTIVE SUMMARY
Local Authorities are responsible for assessing the permanent and temporary needs of the Gypsy and Traveller communities which now also includes meeting those identified needs. This report refers to the requirement of temporary needs only. There are currently no temporary sites in North East Lincolnshire. The recent Gypsy & Traveller Accommodation Assessment for North East Lincolnshire identified that a minimum of five temporary pitches are needed to meet accommodation need for Gypsy & Traveller groups choosing to visit the North East Lincolnshire area. If that need is not met, the new Local Plan is likely to be determined as ‘unsound’ at examination (see section 1.2 of this report).

To meet our legal obligations the Council must look at direct provision. Following an assessment of all Council and non-Council owned sites, none were found to be available, suitable or deliverable under the set criteria. It has been necessary to review the Council owned sites which could be subject to flood risk and re-apply the criteria to identify a selection of suitable sites.

A Scrutiny Working Group assessed 21 potential sites and 4 car parks and selected a preferred list of 5 sites to be considered by the relevant Scrutiny Panel. Scrutiny Panel recommended one site – the car park at Orwell Street/ Nacton Street. However, prior to cabinet receiving a report to agree a site, Planning Officers did not recommend any of the sites capable of being developed for this purpose as outlined in section 1.11 of this report.

As a result, officers have been tasked to undertake a consultation exercise to determine a suitable site or sites that will meet this provision, either Council or privately owned. The purpose of this report is to update Cabinet on the latest position in this process.

RECOMMENDATIONS
It is recommended that Cabinet:

1. note the current position outlined in this report in seeking a suitable ‘Designated Stopover Site’ for Gypsy & Travellers travelling through North East Lincolnshire;
2. reject the preferred site as recommended by Scrutiny at Orwell/Nacton Street Car Park, following the advice of Planning officers, outlined in section 1.11 of this report;

3. approve the commencement of a consultation exercise to outline options for potential ‘Designated Stopover Site’ for Gypsy and Travellers which will result in either one site, based on space for 15 pitches or multiple sites each based on space for 5 pitches,

4. receives a further report by way of an update following such consultation exercise

REASONS FOR DECISION
Historically, local authorities have been required by the Government to objectively assess the need for both permanent and temporary Gypsy and Traveller sites. Where a Housing need is identified the Council should endeavour to ensure that need is met with suitable accommodation.

Changes to planning policy now require Council’s to not only objectively assess and identify need, but to ensure sites are delivered to meet that need. Failure to do so would result in the new Local Plan being determined as ‘unsound’.

Currently, North East Lincolnshire has two permanent but no temporary sites. The recent Gypsy & Traveller Needs Assessment established an identified requirement of a minimum of five temporary pitches. The Council has to take positive steps in delivering a temporary stopover site in order to support the adoption of the Local Plan and to reduce the instances of unauthorised encampments within North East Lincolnshire.

1 BACKGROUND AND ISSUES
1.1 The assessment of Gypsy & Traveller Accommodation needs and provision of Gypsy & Traveller Accommodation to meet the identified need is:

- a requirement in the Local Plan;
- a Housing Duty;
- enables the Police to exercise their powers under section 1.1 (under Section 61 and Section 62 of the Criminal Justice & Public Order Act 1994) to immediately move unauthorised encampments (providing there was adequate space) reducing their occurrence, minimising costs and improving community relations.

1.2 A Gypsy & Traveller Accommodation Assessment (commissioned and delivered by Opinion Research Services Nov 2014) identified a need for an additional 12 permanent pitches by 2029 and an additional need for 5 temporary pitches for visiting Gypsy & Traveller groups.

1.3 The need for permanent pitches relates to a resident Gypsy & Traveller family living on an existing privately owned site in the Borough with sufficient land available to increase the number of pitches to meet the family’s needs with no Council intervention needed.

1.4 An internal assessment of data relating to Gypsy & Traveller visitors gathered over several years identified that a 5 pitch Transit site would not offer adequate accommodation for the size of groups which regularly visit the area and therefore would not enable the Police to exercise their powers of move on should visitors camp
on unauthorised sites. It was found that a site which would accommodate up to 15 pitches would better accommodate larger and multiple groups of visitors during the travelling season (early March to late September).

1.5 It was identified that provision of a Designated Stopping Place would enable the Council, working in partnership with the Police, to better manage illegal encampments and related issues as this would be a temporary site designated for use during the traditional travelling season and would restrict visitors to one location with facilities provided and managed, rather than negotiating ad hoc camps across the area or creating a permanent Transit Site with block facilities.

1.6 Following assessment of and stakeholder consultation on, Availability, Suitability and Deliverability, all Council Asset sites and private market sites advertised for sale were eliminated.

1.7 As approved by Cabinet (October 2015) the Council published a Public Notice to seek offers of private market sites to be put forward for assessment under the same criteria as was applied to Asset sites and Advertised sites.

1.8 This resulted in a number of sites which were eliminated and as such, the Council sites were once again reviewed and those which failed due to flood risk previously, were put through the assessment criteria.

1.9 This resulted in 21 sites and 4 car parks which were considered by a Scrutiny Working Group of the 28 March 2017 who, following a robust assessment of each site, reduced the list to 5 sites to be considered by the relevant Scrutiny Panel.

1.10 Scrutiny Panel at a meeting of the 4 April 2017 recommended one site – the car park at Orwell Street/ Nacton Street. Following this strong public and political opposition against the proposed car park was received and following a consultation meeting held with local businesses and residents where it was proposed that all 5 sites again be reviewed and discussed with Planning Officers.

1.11 Further to a meeting with Planning officers of the 15 May 2017, high level comments were provided:

1.11.1 Nunsthorpe Youth Centre - Burwell Drive / Land at Winchester Ave / Torksey Drive
The location of these sites are acknowledged and it considered that one of the main issues would be that the proposed land use would be at odds with well-defined and established residential character of the area. Moreover the sites would be in close proximity to residential areas and there would be issues of potential impact on local amenity. It is considered that in land use terms there are reservations over the acceptability of these sites.

1.11.2 Cromwell Road - Grimsby
This site is on a main route to key community facilities being the Auditorium and the new Leisure Centre. It is highly prominent in the street scene and again it is considered that there would be concerns over visual intrusion and impact on the character of the area. The proximity to residential property is again noted. The site is also within a flood risk area as defined on the Environment Agency flood risk maps and the Councils Strategic Flood Risk Assessment (SFRA). It would be important to engage in detail with the Environment Agency over the exact nature of the sites occupancy. Having
regard to the issues raised again, in land use terms, there are reservations over the acceptability of the site.

1.11.3 Orwell Street/ Nacton Street Car

This site lies to the rear of main routes and is within a mixed commercial area. Though there are residential flats it is acknowledged that this is not a main housing area though there are established residential areas in relative proximity to the south of Cleethorpes Road. Again issues of character would need to be considered along with the impact on local businesses. This would need to include an assessment on the loss of parking. The site is also within a flood risk area and again the exact details would need to be discussed with the Environment Agency in terms of acceptability of use. We also discussed how this site would accord with the overall aims to enhance the area around Riby Square in relation to key economic investments taking place on Grimsby Docks. Should there be a preference to pursue this site it is suggested that it would be prudent to discuss the details on how a site would be developed (size, boundary treatments, associated structures etc.), to understand the views of local businesses and seek the views of consultees such as the Environment Agency and those in relation to Environmental and Community Safety. It would be important to ensure that there are no issues in relation to the sites proximity to the Riby Square designated Air Quality Management Area (AQMA). It would also be necessary to consult the Health and Safety Executive (HSE planning land use advice service) to ensure no conflict with designated hazardous installations on Grimsby Docks.

1.12 As a result of the above, it is recommended the next stage will result in a Public consultation to understand any further potential sites that are in private ownership as well as to engage and receive the views of those sites which will be reviewed again and which are owned by the Council.

1.13 As part of the feedback received from a representative of the Gypsy and Traveller community, it has also been suggested that ‘popup’ sites could be an option as a potential and suitable alternative to a ‘fixed’ temporary site which would still fulfil the necessary requirements. This alternative site setup will be explored alongside the feedback received from the public consultation.

2 RISKS AND OPPORTUNITIES

2.1 Risks:

   i. Multiple sites vs. one site will result in increased capital and revenue resources to be met by the Council in establishing and managing a DSS(s);

   ii. Delays to identifying and delivering a site. This would impact on both the timetable for the Local Plan and management of future visits. This risk has been mitigated through the formation of an appropriately resourced cross service project team;

   iii. Financial. If land is actively being sought by the Council, prices may increase and the costs of acquiring and delivering a site become unviable;

   iv. Management of the site. Officers will need to identify the resources and expertise to effectively manage a site. This risk has been mitigated through the formation of an appropriately resourced cross service project team;
v. Public opposition. The nature of this form of development can create local resistance. This will be mitigated by working with the Council’s communications team to enable effective communication and engagement and consultation throughout the process.

2.2 Opportunities:

i. The provision of an adequate DSS would enable the Police to utilise their powers to move unauthorised encampments (providing there was adequate space) reducing their occurrence, minimising costs and improving community relations;

ii. There is the opportunity to generate an income through site fees to offset revenue costs and effect savings from the impact of managing and clearing of unauthorised sites;

iii. Delivery of a DSS on a Council owned site rather than purchasing or leasing a private market site will reduce the cost to the Council;

iv. Enabling the Police to exercise their powers of move on and reduce cost of Police Officer hours with repeated visits to remove visitors from illegal encampments, evict etc.

v. As the site is a temporary provision, the cost of a potential capital receipt from the sale of the site is not affected as the DSS can be relocated should an offer be made for the land.

vi. As this would be the first DSS in the region it would set the standard for DSS provision in the Humber area;

vii. There is the opportunity to offer greater consistency in support services to Gypsy & Traveller families;

viii. Contributes toward the Local Plan to be determined as ‘sound’ and adopted.

3 OTHER OPTIONS CONSIDERED

3.1 Do nothing would result in no provision of an adequate DSS to enable the Police to utilise their powers to move unauthorised encampments (providing there was adequate space) reducing their occurrence, minimising costs and improving community relations. Failure to address the temporary accommodation needs of gypsies and travellers could place the local plan at risk through the examination process;

3.2 Encourage a third party to deliver a DSS – following approaches made to Social Housing Providers and other appropriate organisations all indications to date are that there are no third parties interested in delivering a DSS in the area. Reliance on this would likely result in a ‘do nothing’ approach as above.

3.3 Consider provision on a site in another Local Authority area this option was investigated and approaches made to Neighbouring Local Authorities, but no available / suitable site or agreement to lease could be secured. Any leasing agreement would need to ensure that space on a site was available between March and October otherwise illegal encampments in NEL could not be managed. NEL are the first Local Authority in the region to provide a Designated Stopping Site so no equivalent provision is available in other areas. Other authorities have permanent or transit sites which offer more facilities and are more costly to provide; therefore rarely
have surplus availability as they will have been provided to meet the Local Authority’s own local need.

4 REPUTATION AND COMMUNICATIONS CONSIDERATIONS

4.1 The identification and delivery of a site to be used as a DSS for Gypsy and Travellers will have both positive and negative reputational and communication implications.

4.2 The process requires a communications plan, sufficient consultation and includes briefings for Elected Members of those Wards potentially affected.

5 FINANCIAL CONSIDERATIONS

5.1 The following table shows the estimated average costs to the Council for managing unauthorised encampments since 1 April 2013.

<table>
<thead>
<tr>
<th></th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16</th>
<th>2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Clearance</td>
<td>£19,060</td>
<td>£12,779</td>
<td>£7,965</td>
<td>£3,240.00</td>
</tr>
<tr>
<td>Site visits</td>
<td>£9,187</td>
<td>£3,732</td>
<td>£4,306</td>
<td>£5,820.00</td>
</tr>
<tr>
<td>Legal Costs</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>£1,682.50</td>
</tr>
<tr>
<td>Total</td>
<td>£28,247</td>
<td>£16,511</td>
<td>£12,271</td>
<td>£10,742.50</td>
</tr>
</tbody>
</table>

* Legal costs not available for 2013/14 to 2015/16.

5.2 Should one site be established for a DSS which would accommodate 15 pitches and managed by the Council, it is anticipated that the costs in relation to the management of one site, which would be mainly offset by charges to visiting groups for the use of the site and facilities to be provided by and via the Council, are outlined below. The cost of multiple sites will result in increases to costs which will be quantified in a further report.

<table>
<thead>
<tr>
<th>Annual Gypsy &amp; Traveller site management costs based on an example of 15 Gypsy &amp; Traveller visits per year 14 days duration.</th>
<th>15 x visits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refuse delivery &amp; collection</td>
<td>Deliver 10 x 240 litre standard household bins £150</td>
</tr>
<tr>
<td></td>
<td>Emptying each bin per occasion £12.00</td>
</tr>
<tr>
<td>Porta loos – 4 x dual use units</td>
<td>£22 per week (4 week minimum hire), £30 delivery, £30</td>
</tr>
<tr>
<td>Grass cutting per occasion….or fortnightly</td>
<td></td>
</tr>
<tr>
<td>Tree maintenance Annual trimming back of screening</td>
<td></td>
</tr>
<tr>
<td>Security Locking &amp; unlocking the gate/standpipe £100 per visit</td>
<td></td>
</tr>
<tr>
<td>Indicative total cost for 15 x visits to the site.</td>
<td></td>
</tr>
</tbody>
</table>

5.3 A minimum budget of approximately £20,000 will be required to enable site surveys, reports and plans to be prepared for submission with the planning application; and associated planning costs. This cost is likely to rise should there be multiple sites identified.
5.4 Additional capital budget, as shown in the table below, would also be required to ensure a site is fit for the proposed use. Costs for providing a water supply and hard-core access road to the site and onsite are dependent upon the location, distance from existing services, ground conditions, configuration and number of site locations.

<table>
<thead>
<tr>
<th>Site Development Cost – variable according to site size, shape, location, conditions etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palisade fence/ hedging screening – 100m</td>
</tr>
<tr>
<td>Secure gates</td>
</tr>
<tr>
<td>Hard core road - to lay and compact type 1 stone – m2</td>
</tr>
<tr>
<td>Installing water pipe/tap/hydrant</td>
</tr>
</tbody>
</table>

6 CONSULTATION WITH SCRUTINY

6.1 The October 2015 Cabinet decision was called in to Scrutiny for responsibility for approval of spend of the approved funds to be reassigned from the Director of Finance to Cabinet.

6.2 Scrutiny requested that car parks were reassessed and the findings were reported to Scrutiny.

6.3 A Scrutiny Working Group met and considered a list of 21 sites and 4 Car Parks at a meeting of 28 March 2017 and recommended a shortlist of 5 sites to Scrutiny Panel.

6.4 The Regeneration, Environment and Housing Scrutiny Panel met on the 4 April 2017 and recommended one site - the car park at Orwell Street/ Nacton Street.

7 FINANCIAL IMPLICATIONS

7.1 The report outlines some minimum financial requirements for progressing a designated stopover site. The cost of this option could increase significantly if a suitable site is not identified from the Council’s own land and a site has to be purchased.

7.2 Although the development of a site is expected to reduce the number and cost of unauthorised encampments it is not possible to accurately forecast the extent of any reduction.

7.3 As options are further developed, including the potential for multiple sites and ‘pop-up’ sites, the financial implications of each will need to be reviewed.

8 LEGAL IMPLICATIONS

8.1 The legal basis identifying the need and delivery of such a site(s) is as set out in the body of the report.

8.2 The recommendations sought do not raise any further legal implications at this stage and are consistent with the Constitution.
9 HUMAN RESOURCES IMPLICATIONS
9.1 There are no direct HR implications arising from the contents of this report.

10 WARD IMPLICATIONS
10.1 This report has potential implications for Immingham Ward and impacts on all Wards.

11 BACKGROUND PAPERS
11.1 North East Lincolnshire Gypsy and Traveller Accommodation Assessment (2014).
11.2 Report to Cabinet 14 October 2015.
11.5 Report to the Regeneration, Environment and Housing Scrutiny Panel 4 April 2017.

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