



Monday, 23 May 2022

To all Councillors:

As a Member of the Council, please treat this as your summons to attend the Extraordinary Council meeting on **Tuesday, 31 May 2022 at 6.00 pm at Council Chamber - Town Hall**

This meeting will be recorded and published for viewing after the conclusion of proceedings on the District Council's website at [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk) or via our YouTube channel.

Yours sincerely,

A handwritten signature in black ink, appearing to read "James McLaughlin".

James McLaughlin  
Director of Corporate and Customer Services

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

## AGENDA

### 1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence.

### 2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE**

**WORKING DAY PRECEDING THE MEETING.** As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

**3. INTERESTS**

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at the time.

**4. REQUEST FOR TEMPORARY TRAVELLER SITE - DOVERIDGE BURIAL GROUND**

**3 - 6**

This report informs Members of an urgent request for the provision of a suitable temporary Traveller site, intended to provide a reasonable living environment whilst a member of a homeless Traveller family recovers from surgery.

**NOTE**

For further information about this Agenda or on "Public Participation" call 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

NOT CONFIDENTIAL – For public release

Council

26 May 2022

Report of the Director of Regulatory Services

## **REQUEST FOR TEMPORARY TRAVELLER SITE – DOVERIDGE BURIAL GROUND**

### **PURPOSE OF REPORT**

This report informs Members of an urgent request for the provision of a suitable temporary Traveller site, intended to provide a reasonable living environment whilst a member of a homeless Traveller family recovers from surgery.

### **RECOMMENDATION**

1. That Council determines whether to approve the use of Doveridge Burial Ground as a temporary negotiated stopping place for a homeless Traveller family for a period of up to 8 weeks from first occupation;
2. That Council determines whether to authorise the use of the sites listed in paragraph 3.5 of this report as negotiated stopping places for the use of the homeless Traveller family;
3. That Council determines whether to delegate authority to the officers specified in paragraph 3.6 of this report to direct the homeless Traveller family to one or more of the sites listed in paragraph 3.5 of this report.

### **WARDS AFFECTED**

Doveridge and Sudbury, all Wards outside the Peak District National Park, plus Bakewell.

### **STRATEGIC LINK**

The District Council's duties under Planning and Housing legislation underpin its corporate objectives in relation to the whole of the District. The delivery of a permanent Traveller site is a specific priority for the Council within its Corporate Plan, under the theme of 'Prosperity: Supporting better homes and jobs for you'.

### **1 REASON FOR URGENCY**

- 1.1 This report has been accepted as an item of urgent business by the Chairman of the Council in order to make a decision within prescribed timescales which cannot wait until the next meeting of the Council.

## **2 BACKGROUND**

- 2.1 Members are aware of two Traveller families who have been identified as homeless, in that although they live in caravans, they have no sites on which they are legally able to site those caravans. As they have been accepted as homeless, the Council owes them a duty to provide access to a permanent site, and access to one or more suitable temporary sites, whilst no permanent site is available.
- 2.2 In July 2021 Council resolved not to identify certain named sites for use as 'negotiated stopping places' and not to delegate authority to named Council officers to direct homeless Traveller families to those sites for temporary occupation. This has had the effect of leaving officers without authority to identify suitable temporary sites and therefore meant that powers to move those families from one site to another are effectively unusable, since possession action cannot be taken without providing access to another suitable site. Consequently one family has remained in occupation of a site in Matlock since that decision, whilst the other family moved from a site in Bakewell to a roadside location just outside the Derbyshire Dales shortly after that meeting.
- 2.3 Members are also aware that there is no immediate prospect of a permanent site becoming available. Therefore there remains a need and a duty on the Council to identify one or more suitable temporary sites, potentially for a significant period of time.

## **3 REPORT**

- 3.1 On 25 April 2022 the Director of Regulatory Services received a telephone call from Dr Spencer of Derbyshire Gypsy Liaison Group. During this conversation he was informed that a member of the Traveller family currently residing at a roadside location just outside the Derbyshire Dales was due to undergo a surgical procedure. This procedure would render that family member immobile for a period of time and therefore unable to undertake household chores or assist with caring duties within the family. The site on which the family was located had no access to running water, with all of the family's drinking and washing water having to be fetched in the form of bottles. The medical procedure was described as imminent and access was requested to a site in Council ownership with ready access to running water. At this stage two potential sites were identified by Derbyshire Gypsy Liaison Group: Doveridge Burial Ground and Fishpond Meadows Overspill Car Park, Ashbourne. It was the view of Derbyshire Gypsy Liaison Group that a site in the south of the District was essential in this case, as the family's support needs would be provided by their daughter, who lives in Uttoxeter and would need to visit the site on a daily basis. Derbyshire Gypsy Liaison Group considered it likely that the site would be needed for up to 8 weeks.
- 3.2 Derbyshire Gypsy Liaison Group were informed that officers had no ability to authorise access to either of these sites, or indeed any other site, and that the views of Members would need to be sought. Consultation was undertaken with the Leader and Deputy Leader of the Council and with the Ward Members for the affected Wards. This consultation revealed that whilst there were no specific objections to the Doveridge site, there were objections to the Ashbourne site. However, Members did seek reassurance as to the temporary nature of any encampment, the limitation of the encampment to members of the homeless family and consultation with Doveridge Parish Council, before any agreement could be made in relation to the Doveridge site. In the meantime Derbyshire Gypsy Liaison Group also indicated that Doveridge would

be their preferred site, by virtue of its more southerly location and its ready access to a supply of running drinking water – there is no running water on site at the Fishpond Meadows site whereas there is at Doveridge.

- 3.3 Doveridge Parish Council was consulted on this proposal. They have responded that whilst they are sympathetic to the position of the Traveller family, they do not believe the site to be suitable as it is consecrated ground and that they fear that it would not be vacated in a timely manner. They have also indicated that they would be unwilling to take over the land as part of a planned asset transfer with the Traveller family in occupation.
- 3.4 As the response from Doveridge Parish Council indicates, the burial ground site is indeed consecrated and work is well advanced in transferring the land from the District Council to the Parish Council. The District Council's legal team is currently negotiating with the Parish Council's representatives over the details of the transfer and it is therefore not possible to give a date as to when the transfer might be completed. However, the consecrated nature of the site does add complications in that the effect of consecration gives legal protection to the land against its use in an unfitting way. In particular leases or licences may only be granted under the authority of a faculty and only in limited circumstances.
- 3.5 Whether or not Members decide to give authority for the use of Doveridge Burial Ground as a temporary negotiated stopping place for this family, it remains necessary to provide at least one suitable temporary site and to identify alternative sites that may be used for this purpose. Officers do not consider that the Doveridge site is suitable for this purpose in the longer term as, quite apart from the consecrated status of the land, it is intended to provide a functioning burial ground and to be transferred to Doveridge Parish Council. It is also worth reminding Members that unless at least one other alternative site is identified officers will be unable to take possession action to remove the family from the site, if they do not leave voluntarily. Previously officers identified seven sites that they considered could be used as negotiated stopping places for up to 8 weeks at a time. This list of sites had been compiled from officers' knowledge of District Council owned sites where encampments comprising the homeless families had previously been managed successfully and was made up of the following:
- Agricultural Business Centre, Bakewell
  - Old Station Close, Rowsley
  - Matlock Station Car Park
  - Artists Corner Car Park, Matlock Bath
  - Matlock Bath Station Car Park
  - Land at Middleton Road, Wirksworth
  - Fishpond Meadows Overspill Car Park, Ashbourne
- 3.6 It remains the view of officers that these sites are the most suitable for this purpose that are within the District Council's ownership. In order to prevent the establishment of a longer term temporary encampment of any Council owned site it is recommended that Council identifies one or more of these sites as suitable for use as a negotiated stopping place and authorises officers to direct the homeless families to these sites as required. As previously suggested, it is recommended that authority is delegated to specified members of the Corporate Leadership Team and that any such decision must be agreed to a minimum of 2 such officers in consultation with each other. It is

recommended that the specified officers be the Chief Executive, Director of Regulatory Services, Director of Housing, Director of Community and Environmental Services and Director of Corporate and Customer Services.

## **4 RISK ASSESSMENT**

### **4.1 Legal**

As the Council has accepted that it owes a duty to the families it must provide temporary or permanent accommodation for those families that are suitable for their needs. As the site needs running water for medical reasons, the present site is no longer suitable as such the Council is under a duty to provide alternative accommodation. Therefore the risk of a breach of duty if a site is not provided is high

### **4.2 Financial**

As the Doveridge Burial Ground site already has the facilities required, there are no additional costs. The financial risk of approval of the Doveridge site and approval of the other two report recommendations is assessed as low. The financial risk of a breach of duty (see legal risk assessment above) could be medium to high.

## **5 OTHER CONSIDERATIONS**

5.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **6 CONTACT INFORMATION**

6.1 Tim Braund, Director of Regulatory Services, Tel: 01629 761118, Email: [tim.braund@derbyshiredales.gov.uk](mailto:tim.braund@derbyshiredales.gov.uk)

## **7 BACKGROUND PAPERS**

7.1 None

## **8 ATTACHMENTS**

None