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COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of a Meeting held on Monday 10 December 2018 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Joanne Wild - In the Chair

Councillors Jason Atkin, Richard Bright, Sue Bull, Martin Burfoot, Albert Catt, Ann Elliott, Chris Furness, Susan Hobson, Vicky Massey Bloodworth, Tony Morley, Dermot Murphy, Joyce Pawley, Irene Ratcliffe, Lewis Rose OBE and Andrew Statham.

Paul Wilson (Chief Executive), Sandra Lamb (Head of Corporate Services), Tim Braund (Head of Regulatory Services), Rob Cogings (Head of Housing), Simon Beynon (Housing Strategy Officer), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

6 members of the public.
1 member of the Press.

The meeting was recorded and broadcast live on YouTube.

APOLOGIES

Apologies for absence were received from Councillors Mike Ratcliffe and Colin Swindell. Councillor Irene Ratcliffe attended as Substitute Member.

276/18 – PUBLIC PARTICIPATION

Councillor Andrew Statham arrived at 6.07pm during this item.

Councillor Judith Twigg (Derbyshire County Council) commented on Item 4 of the Agenda – GYPSIES AND TRAVELLERS – DISCHARGE OF HOMELESSNESS DUTY.

277/18 – INTERESTS

There were no declarable pecuniary interests, but for clarity Cllr Irene Ratcliffe wished it to be noted that as a member of Derbyshire County Council this application fell within her ward, and also that she was a member of the Matlock Bath Development Association.

278/18 – GYPSIES AND TRAVELLERS – DISCHARGE OF HOMELESSNESS DUTY

The Committee considered a report giving an update in respect of a Gypsy and Traveller family who had presented themselves as homeless and to determine an appropriate course of action in order to discharge the Council's statutory duties under the Homelessness Reduction Act 2017.

Two sets of late representations were distributed at the meeting. These comprised copy emails from Cllrs Garry Purdy and Joyce Pawley, including a photo of the current ground conditions of the proposed site at Matlock Bath; copy email from Peak District Mining Museum to Cllr Purdy; copy correspondence from a member of the Matlock & District Rifle club to Cllr Purdy; copy email from the Head of Regulatory Services with photos of the Fishpond Meadows site; map of proposed temporary Travellers site at Matlock Bath; and a copy email from Cllr Pawley including questions regarding the proposal and summary of comments from residents of Matlock Bath and the Parish Council.

The Chief Executive advised that a revised Recommendation had been composed to cover the eventuality that the Council could not formally secure the land at Tinti's Yard.

At a meeting held on 15th November 2018, the Community and Environment Committee resolved to initiate as quickly as practicable a search of land in private ownership and/or offered for sale on the open market with the intention of the District Council purchasing a suitable site subject to Council approval. That process was currently underway, however since that time matters had progressed quickly and the Council was now in receipt of an application for homelessness.

The Homelessness Reduction Act 2017 ('the Act') came into force on 3rd April 2018, and put a legal duty on Local Authorities to offer more support and provide free advice to all residents within the local area. The relevant legislation in connection with this application, together with the new legal duties of the Council under the Act, were set out in the report.

At the present time there was no pitch provision in the Derbyshire Dales outside the Peak District National Park to fulfil the Council's requirement to provide 6 pitches by 2019 and a further 3 pitches by 2034 and the Council was therefore not in a position to discharge its statutory duties under the Act by directing Gypsy and Traveller families to a designated site (temporary or otherwise). Therefore, as set out in the legislation, the Housing Authority may need to provide an alternative temporary solution until a suitable site, or some other suitable option, became available. As such, the District Council needed to determine whether it was prepared to accommodate the Traveller family on a temporary tolerated site pending the provision of a more permanent or suitable option.

It was reported that since Sunday 4th November 2018 the Traveller family had been located on District Council owned land that was not considered suitable in the longer term due to its location, poor ground conditions, lack of services and its required use as a town centre car park. Whilst their stay was unauthorised, the District Council had not yet initiated any legal proceedings to secure their eviction. If this were to happen, it was highly likely that the family would move to another unauthorised site with potential consequences as outlined in the report.

Having regard to the limited supply of land in the District Council's ownership, members were asked to consider the suitability of the site at Tinti's Yard off Station Car Park, Matlock Bath which could accommodate the family on an interim basis, as set out in the report. This temporary solution would enable the Council to discharge its duties and responsibilities under the Act whilst Officers continued to identify a more appropriate, permanent solution. It was, therefore, recommended to utilise Tinti's Yard as a temporary site until March 2019 when the matter would be brought back to Committee to discuss the progress on the identification of a permanent site or a series of temporary tolerated sites which would be suitable for short durations whilst the Council continued to finalise the details of a permanent site.

If agreed that this was a suitable temporary alternative, the District Council could direct the family to leave the current site. However, the family were not compelled to relocate to Tinti's Yard. If, following direction to an alternative temporary site, the family remained in situ or relocated to another unauthorised site, Officers would utilise their delegated authority to consider whether to undertake possession proceedings.

In accordance with Rule of Procedure 19 (d) Councillor Irene Ratcliffe and Councillor Joyce Pawley requested a recorded vote on the proposition

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

- RESOLVED**
1. That the Council acknowledges and accepts its duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017;
 2. That in response to the Council's duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017, and subject to obtaining landowner's consent, land at Tinti's Yard off Station Car Park, Matlock Bath, be agreed as a temporary tolerated site, pending the identification of a more appropriate, permanent solution;
 3. That in the event that landowner's consent is not granted for the provision of a temporary tolerated site on land at Tinti's Yard off Station Car Park, Matlock Bath, land at the Matlock Bath Station Coach Park is approved as an alternative temporary tolerated site until March 2019.

Voting:

For Councillors Jason Atkin, Richard Bright, Sue Bull, Albert Catt, Ann Elliott, Chris Furness, Susan Hobson, Tony Morley, Dermot Murphy, Lewis Rose OBE and Andrew Statham, Joanne Wild. (12)

Against Councillors Martin Burfoot, Vicky Massey Bloodworth, Joyce Pawley, Irene Ratcliffe. (4)

Abstentions (0)

The Chairman declared the motion CARRIED.

MEETING CLOSED 6.58PM

CHAIRMAN