
REPORT TO:	HOUSING & COMMUNITY SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	27th April 2006	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	JACK TWOMEY (5856)	DOC:
SUBJECT:	FORMALISING THE MANAGEMENT OF LULLINGTON CROSSROADS GYPSY CARAVAN SITE	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: HCS12

1.0 Recommendations

- 1.1 That Members approve changes to the management arrangements of the Lullington Crossroad Gypsy Caravan site as outlined in the report, in particular:
- The creation of three different plot types on the site, consisting of permanent, semi-permanent and temporary plots;
 - The introduction of a zero tolerance system whereby travellers who cause problems or who break site rules can be removed and prevented re-access to the site.
 - The removal of the current Site Warden's jurisdiction over who is allowed onto the site;
 - That the Head of Environmental Services be authorised to change the site rules to enable the enforcement of this system.

2.0 Purpose of Report

- 2.1 To advise members that the Lullington traveller site is no longer being run as a purely temporary, transient site and to approve changing the site rules, policies and procedures to regularise this.

3.0 Detail

The History of the Lullington site

- 3.1 The Lullington Crossroads Gypsy Caravan site was originally set up around 1984, with the intention of providing a location for transient travellers who enter the district to be directed and where they could have facilities to live. One of the main reasons why the site was originally set up was that the Authority had a statutory duty to provide caravan sites for gypsies and travellers under the Caravan Sites Act 1968.
- 3.2 The Criminal Justice and Public Order Act 1994 removed this duty and gave the Authority and the Police powers to evict gypsies and travellers from unauthorised sites.
- 3.3 Whilst the duty under the Caravan Sites Act 1968 was changed to a discretionary power, this Authority retained the site at Lullington.

- 3.4 The site rules for Lullington detail the general conditions for occupation, the collection of charges and their rates, the parking of vehicles, fire precautions etc. Part of these site rules was the requirement that no caravan would be allowed to remain on the site for longer than 14 days. Re-admission was not to be allowed within two weeks of previous occupation.
- 3.5 Strict adherence to the 14 day time limit rule would have led to a problem of travellers leaving the site after two weeks and then camping, on potentially unauthorised sites for two weeks before returning to Lullington. Clearly, this would have been costly in terms of enforcement and was an unnecessary situation considering that there has, to the knowledge of the current site warden who has been on the site for approximately 10 years, yet to be an occasion where travellers had to be turned away due to the site being full.
- 3.6 For these reasons, the 14 day time limit rule has never been enforced and the rules were changed, adding that the 14 day time limit would remain, *unless the pitch remains available and there are no other caravans wishing to come onto the site*. As this has never occurred, the site has developed to the stage where a number of residents on the site have been there for years, and others for months.

The Current Situation

- 3.7 In 2005, this Authority, together with Derbyshire County Council as the site owners, won a refurbishment grant from the Office of the Deputy Prime Minister (ODPM). 75% of the refurbishment cost was provided by the ODPM, the remainder being provided by Derbyshire County Council.
- 3.8 This grant provided the funds for refurbishment works at both the Lullington site and the Foston site. Aside from general refurbishment of both sites, money was also provided to extend the Lullington site by a further two plots (bringing the total number of plots from 8 to 10) and a further three plots at Foston (the total going from 18 plots to 21).
- 3.9 Refurbishment works are due to be complete around June, though this may of course be extended due to unforeseen delays.
- 3.10 As stated previously there are currently a number of residents on the site at Lullington who have been there for some considerable time. In view of this, it is considered that the use of the site should be reviewed.
- 3.11 The site is currently run with the Site Warden having the authority to allow or disallow new tenants based on the Warden's knowledge of the gypsy community and whether or not the potential new tenant would cause problems for others on the site.

The Proposal

- 3.12 There is certainly a need to take account of the use of the site, and to maintain its use and prevent empty plots with the associated loss of revenue. However, there is also a need to provide temporary plots for transient travellers to be directed to, *without* the ability for the site warden to prevent access for fear of them causing trouble.
- 3.13 It is therefore proposed that a number of plots become permanent, some become semi-permanent (allowing tenants to stay for up to 6 months) and two plots, which can provide for a total of four caravans, to remain available for transients to be

directed to or for travellers who are only staying for a short period of 14 days or less. Regardless of the potential for these travellers to leave the site and set up on an unauthorised encampment, these two plots and their 14 day limit would be strictly enforced.

- 3.14 As Members are aware, the significant amount of unauthorised encampments in the district has reduced dramatically since the installation of the bollards around Gresley Common. However, there are still some unauthorised encampments occurring on Council land and with two plots being available on Lullington for the majority of the time it would smooth the ability for travellers to be evicted from unauthorised sites.
- 3.15 It is proposed that a zero tolerance system be introduced to prevent problems occurring on the Lullington site. This would take the form of allowing *all* travellers access to the site. Should the travellers cause problems or break the site rules then they will be asked to leave and listed as not being allowed to re-access the site in the future.
- 3.16 A shortcoming of the Authority's current eviction process is that we do not generally direct travellers to the Lullington site for fear of the trouble which may be caused. This zero tolerance system would remove any element of subjective decision making by Officers or the Site Warden, making no assumptions as to the behaviour of a group of travellers. In this way the eviction process will be streamlined in a great many cases, and where travellers have been evicted to Lullington in the past and caused problems there will be justification for not directing them there in the future.
- 3.17 It is thought that many transient travellers will not take up the offer of a plot at Lullington due to the need to provide rent for their stay, but the Authority's offer of a place will support any legal action for eviction from unauthorised sites.
- 3.18 It is proposed that the finer detail of how the site would work, the new rules, regulations and procedures, together with detail on the zero tolerance system and the effect on the unauthorised eviction procedures would be created and put into place by the Environmental Protection Unit, as managers of the site.

4.0 Financial Implications

- 4.1 None. The Lullington site is funded by Derbyshire County Council.

5.0 Corporate Implications

- 5.1 The proposals would have a knock on effect in terms of easing the ability of the Authority to deal with illegal traveller encampments on SDDC land and also on Derbyshire County Council land.

6.0 Community Implications

- 6.1 Consideration needs to be given to the needs of the traveller community and in doing so, the Authority puts itself in a better legal position to deal with illegal encampments when they occur.

7.0 Conclusions

- 7.1 The Lullington Gypsy Caravan Site has not been run as a strict short stay site for some time. These proposals reflect this and also allow for better future provision for transient travellers, putting the authority in an improved legal position.

10.0 Background Papers

10.1 None