

Draft Minutes of the Extraordinary Meeting of the Executive held on Thursday 3rd July 2008 in the Sports Hall, Olympiad Leisure Centre, Sadlers Mead, Monkton Park, Chippenham commencing at 7.00pm.

Present: Councillor R.L. Tonge in the Chair

Councillors R.M.H. Berry, A.M. Bucknell, C. Crisp, V.H. Greenman, C.V. Ramsey, R. Sanderson and V.A. Vines

Non-Executive Councillors Present:

Councillors D.B. Allen, C.M.R. Boase, S. Bodman, S.K. Doubell, P. Doyle, I.J. Henderson, A.K. Hill, P.J. Hutton, J. Lay, R.B. MacGregor, E. Marston, B. Roberts, P. Roberts, and A.J. Trotman

Officers Present:

L. Bell (Deputy Chief Executive), D. Burbidge (Chief Executive), P. Jeremiah (Legal Services Manager), S. McGregor (Assistant Chief Executive), L. Pullin (Democratic Services Officer), L. Robertson (Head of Policy & Performance), M. Todd (Senior Democratic Services Officer)

E19. Apologies for Absence

No apologies were received.

E20. Declarations of Interest

There were no declarations of interest made.

E21. Leader's Announcements

The Leader, Councillor R.L. Tonge made the following announcements:

With the agreement of the Executive, a revised Agenda would be followed for the meeting from that published on 25th June 2008. Revised copies had been circulated to all those present at the meeting.

Agenda Item 6 allows for public questions from the floor. Thirty minutes will be allowed for questions. When you ask your question could you please give your name.

You will know from the Area meetings that many of you will have attended and from the press that this Council has to make provision for people of a 'nomadic way of life'. Every Council up and down the Country has this responsibility. The instruction comes from Central Government, it is not a decision made by this Council in isolation.

The first action we had to take was to consider publicly owned land that fits the criteria set by Government and we have to consult you, the public. That is what we have been doing for the last two months.



We do realise the stress that this process has caused and apologise for it – but we had no alternative.

E22. Introduction to Report No. 6

The Lead Member for Housing – Councillor V.H. Greenman gave an introduction to the Report on the Agenda and explained the process followed during the consultation period and what would happen next.

E23. Written Public Questions/Receipt of Petitions

The following written question was received in advance of the meeting:

Question from Mr Trefor Williams:

In light of Report Number 6 will the Executive now publicly declare that the development of all six named sites for the use of Gypsy/Traveller sites will not now or in the future go ahead?

Response: The Executive Report contains the recommendation that Executive agrees that NONE of the six publicly owned sites are suitable. This will be a matter for the Executive to discuss and make a decision at the meeting this evening.

E24. Public Question Time

The following public questions were received in respect of Agenda Item 6 – Gypsy and Traveller Site Provision: The Use of Publicly Owned Land.

1. Paul Venton

You state that some private sites have been considered – will we hear where these are tonight?

Response: The public consultation carried out was in two parts – seeking views on the 6 publicly owned sites and a call for private sites to be put forward. We will not be brow beaten in North Wiltshire to find a private site and not aggressively seeking for private sites. Any site that does come forward would be subject to the usual planning process and we feel the search should be county wide. We are unable to comment on current private sites that are being considered.

2. Bearing in mind you have disregarded the original proposals and rejected these six sites – will this decision be appealed?

Response: There is no right of appeal - it does not form part of this process.

3. Mike Welton

If you decide to put a Gypsy site on Longs Close we say that this is a children's play area and that it should be designated as a park and would wish to make an application for this.

Response: This request should be addressed to your District Councillor or to the Leader of the Council.

4. Mrs Gough, Calne

Why are potential sites being considered now and not when we merge to become one Council for Wiltshire, also where are there no sites in Kennet.

Response: We agree that this should be looked at as a county wide issue. There is a difficult situation in North Wiltshire because there are already existing sites – there are no gypsy settlements in the Kennet area and that is why there is not a requirement there. We feel that the formula used by central Government to calculate the number of pitches needed is fundamentally flawed.

5. Verina Hyland, Minety

We are days away from the Minety appeal hearing – what do you have to say to the people of Minety now you tell us you are not actively pursuing private sites – what have you done for us over the last 5 years?

Response: We cannot comment on what the appeal decision might be and we are trying to secure a satisfactory solution. Failure to secure an alternative site does not mean that the Minety gypsies will win their appeal. We are happy to discuss this further with the residents of Minety.

6. Rhona Jack, Wootton Bassett

In Lachlan Robertson's presentation we are told that the number of pitches required are rising and double the amount have been dumped into North Wiltshire – Will you be challenging this at a higher level?

Response: Yes there has been a 100% increase for sites in North Wiltshire and we do not feel this is justified. We have already written to the Government – you can help us too by writing to your MP with your views.

7. Mr Eaton

I note that you are going to refuse the sites, but you need to look at the smaller sites seriously (approx 6 pitches) as this is better than what you have got at Minety (approx 16 pitches) – and the sites should be in sustainable locations.

Response: We do have a duty to provide sites, but the numbers are challengeable. We have met with gypsies and travellers and they also prefer smaller sites. We feel this should be progressed on a county wide basis and I am comfortable with what we have done so far.

8. Anne Satchell

If you decide the sites are not suitable – are Central Government able to over rule your decision?

Response: If sites are not identified in the long term we could be forced to provide sites. A duty has been placed on us but we feel it is challengeable and flawed and we will make representations to the Government to this effect.

9. Mrs Buridge, Calne

Why do the gypsies get a choice of where they want to live and we have to take what is offered to us?

Response: You will need to contact your MP on this issue – Central Government come up with the policies and we have a duty to carry out what they say.

10. Duncan Hames

Why you are not releasing the identify of the privately owned sites that have come forward – under Freedom of Information rules this information should be disclosed.

Response: We disagree with this – this information is not in the public domain as there is an exemption covering this under the Freedom of Information and we are entitled to retain this information.

11. Louise Warwick, Wootton Bassett

Your selection criteria are wrong and as it stands it will force the gypsies too close to our town developments. Are your criteria fixed and what have you learned?

Response: The Government have set the criteria, but we do not think it is right. If we do have to apply the criteria as set down it will lead sites closer to towns and that is why the Government pushed looking at publicly owned land first. We know that the gypsies prefer a more rural location.

12. Nancy Bryant – County Councillor, Calne

What is the timescale set by the Government for you to find a suitable site?

Response: The Office of the Deputy Prime Minister first issue a paper on this in March 2005 and the Executive looked at it at that time, but there is no specific timeframe.

Will you challenge the Government's decision?

Response: Yes we will challenge the criteria and the numbers it has arrived at.

Have you got a specific time in which to find a site?

Response: At a meeting with the Government Office of the South West I asked if we have made North Wiltshire vulnerable to another Minety situation and I feel we have not.

13. Carole Soden – County Councillor, Minety

Is it right that even if an alternative site is found that there is no guarantee that they Minety gypsies would lose their appeal and be forced to move?

Response: We are sorry for the situation at Minety, but this will not impact one way or the other on the Minety situation – it needs to be explored county wide.

14. Why have you only just realised that the sites were unsuitable?

Response: It was not until the consultation had finished that we could analyse the results and come to this conclusion.

15. Steve Cripps

Does this cover the transit sites, i.e. the travelling Irish gypsies?

Response: No, these are not included – the County Council are responsible for transit sites – not us.

16. Comment from a Gypsy, Minety

We feel that this process has been carried out in a non biased way. We are people. We set up in Minety in desperation as we didn't have anywhere else to go. We haven't fallen out with anyone in Minety, we are normal people and we would like to get settled as soon as possible.

17. Sylvia Hawthorn

The consultation you carried out has highlighted potential gypsy sites – does this now make us vulnerable for squatters to occupy these sites?

Response: - No our advice is that we are not vulnerable and if we had carried out the process in secret, people would have been furious that they were not told of what might be happening near them.

E25. Questions from Non Executive Councillors

The following question was received from a Non Executive Councillor in advance of the meeting:

Question from Councillor P. Doyle:

Could the Executive comment on the opinion of the Regional Planning Body, as outlined in the Regional Spatial Strategy, that there is no sufficiently robust information on which to determine pitch numbers on a district wide basis and on the expectation that any government guidance relating to site provision for gypsies and travellers may well change with the publication of the final version of the RSS by the Secretary of State towards the end of this year?

Response: It will be appropriate to await the publication by the South West Regional Assembly on the modifications to the Draft Regional Spatial Strategy (RSS). If the Panel Report recommendation is accepted to increase the pitch numbers for North Wiltshire from 24 to 48, this Council will make representations during the consultation period that begins when the modifications are published.

Councillor R.B. MacGregor asked the following questions at the meeting:

The Inspector will not move the gypsies on from Minety until you find another site for them to go to. If you don't find a site will the Government Office of the South West just pick one and what will happen then? Minety do not believe that the Inspector will move them out of an area in which they are now settled having been there for 5 years to a site a few miles down the road.

Response: We would like the County to take this issue forward and will arrange for a mechanism to be put in place and we don't believe we will be forced to find a site.

If you have not made a decision on a site before the end of NWDC will the Wiltshire Council have to address this and will they re-look at the sites you have already considered as they will then be the asset holders?

Response: The County Council are aware of the consultation undertaken and they are fully engaged in what we are doing – we are not doing it in isolation.

Councillor C.M.R. Boase commented that we could create any amount of sites but that there was no guarantee that the gypsies would want to move to a new site.

E26. Gypsy and Traveller Site Provision: The Use of Publicly Owned Land

Consideration was given to Report No. 6 (circulated with the Agenda) which considered the appropriateness of six publicly owned sites potentially identified for the provision of a Gypsy and Traveller Site following the public consultation exercise which concluded on 20th June 2008.

Issues discussed during consideration of this item included:

- Thanks to all of those who have participated in the consultation by writing letters, emails, signing petitions and attending Area Committee meetings;
- The need to enter into discussions with Wiltshire County Council as the preparing authority to agree a countywide approach to meet the gypsies and travellers needs; and
- That the Government's selection criteria had made this a difficult process.

Resolved that the Executive:

1. Notes the summary of the 6 week consultation period and thanks the people of North Wiltshire for their active participation in this process.
2. Agrees that none of the 6 publicly owned sites are suitable.
3. Being mindful of the imminent Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008, which transfer responsibility for the Local Development Framework to the Implementation Executive of the preparing authority (Wiltshire County Council) and also mindful of the limited time span of North Wiltshire District Council, request that early discussions take place with Wiltshire County Council to agree a countywide approach to meeting the accommodation needs of the gypsy and traveller community – such discussions to include the consideration of any potential private sites.
4. Request Officers to seek clarification from the Government and request objective evidence as to why the number of pitches to be provided in North Wiltshire has been doubled from 24 to 48

Extraordinary Meeting of the Executive Minutes – 3rd July 2008

disregarding the findings of the report commissioned by the Wiltshire Councils.

5. Reports back the concerns of the Council and the people of North Wiltshire to the appropriate Government Minister and to the MPs for the District about their recommended method and criteria of satisfying the accommodation needs of the Gypsy and Traveller community.

The meeting commenced at 7.00pm and concluded at 8.10pm.

There were 152 members of the public were present.