

BRIGHTON & HOVE CITY COUNCIL**COUNCIL****4.30pm 21 JULY 2011****COUNCIL CHAMBER, BRIGHTON TOWN HALL****MINUTES**

Present: Councillors , Wells (Deputy Chair), A Norman, Barnett, Bennett, Bowden, Brown, Buckley, Carden, Cobb, Davey, Deane, Duncan, Farrow, Fitch, Follett, Gilbey, Hamilton, Hawtree, Janio, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Lepper, Littman, MacCafferty, Marsh, Meadows, Mears, Mitchell, K Norman, Oxley, Peltzer Dunn, Phillips, Pidgeon, Pissaridou, Powell, Randall, Robins, Rufus, Shanks, Simson, Smith, Summers, Sykes, C Theobald, G Theobald, Turton, Wakefield, Wealls and West

PART ONE**7. PETITIONS FOR COUNCIL DEBATE****7(b) Gypsies and Travellers****15(f) Responsibilities Towards Travelling Communities**

- 7.16 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning Gypsies and Travellers.
- 7.17 She also reminded the Council that she intended to take the Notice of Motion listed as Item 15(f) Responsibilities Towards Travelling Communities on the agenda at this point, so as to enable one debate on the matter. She would however take the various recommendations and amendments separately during the voting on the petition report and the notice of motion.
- 7.18 The Mayor invited Councillor Simson to present her petition.
- 7.19 Councillor Simson thanked the Mayor and stated that a total of 2,309 people had signed the combined paper and e-petition which read as follows:

"We the undersigned petition the council to take immediate and effective action when gypsies and travellers set up unauthorised encampments on parks and open spaces within the city's boundary. Immediate action should mean requesting Sussex Police to use their powers under the Criminal Justice and Public Order Act 1994 rather than using the long-winded process of repossession of the land through the courts. We also petition Council to recognise that providing a permanent site in the city will only accommodate a small number of travellers who wish to remain in the city and will not

deal with the problems of the many who have permanent sites elsewhere and come to the city looking for work.”

- 7.20 Councillor Simson stated that the petition had resulted from the need of residents to express their views and feel that they were being listened to and to get some clarity on what action could be taken when areas of land were taken over by unauthorised encampments. It had become clear when such encampments occurred the police would not take any action immediately but would rather monitor the situation. She also noted that the travelling community tended not to use the transient site at Horsdean. She believed that the police should be encouraged to use the powers available to them at the earliest point in time and that access to important areas should be prevented.
- 7.21 The Mayor then invited Councillor Simson to move her amendment to the recommendation contained in the report.
- 7.22 Councillor Simson moved the amendment on behalf of the Conservative Group and stated that the current administration needed to clarify its position in regard to the treatment of gypsies and travellers and unauthorised encampments.
- 7.23 Councillor Wells seconded the amendment and noted that he had sought the assistance of the Cabinet Member concerned to deal with an unauthorised encampment, but had been referred to the police instead. He believed the responsibility lay with the Cabinet Member and hoped that he would respond to the matter.
- 7.24 The Mayor then invited Councillor West to move his notice of motion.
- 7.25 Councillor West moved the notice of motion on behalf of the Green Group and stated that he believed there were no more travellers in the city than there had been last year. He accepted that the council had a duty to its residents, but stated that there was also one to gypsies and travellers who were often a marginalised group. He was fully aware of the concerns being raised and had asked for an urgent review of the Travellers' Strategy and to look at possible sites that could be used for short-term toleration.
- 7.26 Councillor Randall formerly seconded the motion.
- 7.27 Councillor G. Theobald moved an amendment on behalf of the Conservative Group and stated that he believed the number of incursions had increased significantly. There had been five separate instances in Patcham and Withdean recently and he believed that if the council requested the police to take action, then the police could use their powers to move the travellers on and refer them to Horsdean.
- 7.28 Councillor K. Norman seconded the amendment and referred to the recent encampment at 19 acres, which was an area of environmental interest and had previously been closed off but was opened to enable access for travellers. He also noted that the Leader of the Council had apologised to the Ward Councillors for the failure to inform of the decision to open up the 19 acres site, but he asked for confirmation as to who was consulted on the decision.
- 7.29 Councillor Mitchell moved an amendment on behalf of the Labour & Co-Operative Group and stated that whilst she could agree with a lot of the actual motion, she felt that

there was a lack of clarity from the Administration which had not been helped by the statements from the MP for Pavilion. The Labour & Co-Operative Group had supported the intention to identify permanent plots for travellers with a local connection and recognised that it was not possible to prevent incursions but there should be a clear and uniform means of dealing with such incursions.

- 7.30 Councillor Hamilton seconded the amendment and stated that he felt the council needed to have a co-ordinated approach to dealing with issues and was concerned about recent newspaper articles which he felt had not helped the situation. He hoped that an understanding could be reached with the police so that available powers could be used and any incursions dealt with quickly and calmly.
- 7.31 Councillor C. Theobald stated that she felt the Administration had not been fair to residents in their approach to gypsies and travellers and that tolerated sites had been identified. She also queried whether the costs associated with maintaining those sites had been taken into account.
- 7.32 Councillor Simson stated that there was a need to balance both the needs of residents and those of the travelling community. However, it had become apparent that the needs of residents were not being taken into account, hence the petition and she hoped that some action could be taken to redress that balance.
- 7.33 Councillor Mears suggested that residents were confused and did not understand the position of the Administration and a clear message needed to be given in respect of how the council would respond to any unauthorised encampment.
- 7.34 Councillor Follett stated that he was concerned about the reaction of certain councillors and welcomed the comments from Councillor Hamilton in regard to the issues that were being raised. He believed that consideration needed to be given to the needs of the travelling community and that action should be taken appropriately.
- 7.35 The Mayor congratulated Councillor Follett on his maiden speech.
- 7.36 Councillor Randall stated that an apology had been made to the Ward Councillors in respect of the action taken to open up 19 acres, however there was a need to address a difficult set of circumstances. He also believed that previous attempts to resolve the problem of unauthorised encampments had not achieved anything and that there was a need for the council to find a solution. The site at Horsdean offered permanent transient sites but was not liked by the travelling community and therefore a better understanding of why that was the case was required. He also felt that there should be consultation with both residents and the travelling community to see if a more balanced approach could be found.
- 7.37 Councillor West stated that he could not accept the Conservative Group's amendment and noted that the MP for Pavilion had signed an early day motion which had cross-party support. He also recommended the recent Cabinet report to all Members and asked that they support its intentions.

- 7.38 The Mayor noted that an amendment had been moved along with the recommendation to refer the petition to the Cabinet Meeting and stated that she would put them to the vote.
- 7.39 The Mayor then put the Conservative Group's amendment to the vote, which was lost.
- 7.40 The Mayor then put the recommendation as listed in the report to the vote which was carried.
- 7.41 **RESOLVED:** That the petition be referred to the Cabinet Meeting for consideration.

15(f) Responsibilities Towards Travelling Communities

- 15.1 The Mayor then stated that she would deal with the Notice of Motion, Item 15(f) and noted that two amendments had been moved.
- 15.2 The Mayor then put the Conservative Group amendment to the vote, which was carried.
- 15.3 The Mayor then put the Labour & Co-Operative Group amendment to the vote, which was lost.
- 15.4 The Mayor then put the following motion as amended, to the vote:

"This council shares the concerns expressed by residents about the behaviour of some members of the Gypsy and Traveller groups visiting the city, and it condemns anti-social or criminal behaviour by anyone. Where such behaviour is evidenced and substantiated, the Police should take appropriate and proportionate action.

The council should continue to adopt a fair but firm approach to the issues raised by unauthorised Traveller encampments. Working in partnership with the Police, it should use:

- Government guidance introduced by the previous Government and new guidance in "Planning for Traveller Sites", once adopted
- Brighton and Hove City Council's Traveller Strategy, which the previous administration introduced in June 2008.

This council recognises Gypsy and Traveller communities' heritage and the right to continue their nomadic lifestyle, as enshrined in law. It will continue to work with Friends and Families of Travellers and other organisations to address the problems faced by travelling communities and with residents' groups, local action teams etc. to address the problems faced by the local residents.

It also acknowledges the excellent work of the council's Traveller Liaison Team and urges all Council Members to behave in a mature, respectful and tolerant way when debating the presence of Gypsy and Traveller groups in the city, in accordance with relevant codes of conduct.

Therefore

1. This Council resolves to ask the Cabinet:

- (a) To continue the search for another permanent Traveller site in the city taking into account the thorough work of previous Conservative and Labour Administrations;
- (b) To continue to work with other local authorities to seek a regional solution to the provision of Traveller sites;
- (c) To follow the firm but fair approach adopted by the previous Administration to the issues raised by unauthorised Traveller encampments, working in partnership with the Police on special initiatives like Operation Monza, where necessary;
- (d) To establish a cross-party review of the Traveller Strategy as soon as possible to relieve the pressures created by unauthorized Traveller encampments; and

(2) The Council welcomes government proposals to 'raise awareness amongst councillors of their leadership role in relation to traveller site provision; [1]."

[1] 'Planning for Traveller sites' Consultation, Department for Communities and Local Government, April 2011.

15.5 The motion was carried.

