

<b>Subject:</b>	<b>Hangleton Bottom</b>		
<b>Date of Meeting:</b>	<b>16 October 2014</b>		
<b>Report of:</b>	<b>Executive Director of Environment, Development and Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Rachel Chasseaud</b>	<b>Tel: 29-0753</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The council currently operates a transit Traveller site at Horsdean which will need to be closed for up to one year from circa March 2015 while the site is extended and redeveloped to accommodate a permanent Traveller site. The transit site normally accommodates 23 Households.
- 1.2 This report is recommending that alternative temporary transit provision is made for travelling households for the period that Horsdean Transit site is closed.
- 1.3 This recommendation is also made to reduce potential impacts on the settled community. Without a transit site there are likely to be more unauthorised encampments on City Parks and Public Recreation Grounds. This can not only have an adverse impact on the settled community who may lose the utility of a public park but is also costly to manage.

**2. RECOMMENDATIONS:**

- 2.1 That Policy and Resources Committee grant landowner's consent for the use of council owned land at Hangleton Bottom as a temporary Traveller Transit site while Horsdean Traveller Transit Site is closed for redevelopment.
- 2.2 That Policy and Resources Committee approve the submission of a planning application for use of Hangleton Bottom as a temporary Traveller Transit site of 15 pitches.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Brighton and Hove City experiences a very high number of unauthorised Traveller encampments (UAEs) every year. In 2013/14 there were 71 UAEs. From 1<sup>st</sup> April 2014 until 31<sup>st</sup> August 2014 there were 39 UAEs in the city.
- 3.2 There is very little land in the city available or accessible to Travellers to use for temporary stopping. We also have a population of Travellers who live and work in the city. Part of the definition of a Traveller is that they should lead a nomadic lifestyle (saving in limited circumstances when they retain their status even if not

nomadic). The Equality Act only applies to those with a proven ethnic Traveller background. The provision of a transit site would be in line with Equalities duties.

- 3.3 Horsdean transit site normally accommodates 23 households but in 2013 was closed for major works for a period of 4 months. It has since been opened at a reduced capacity of 10 households. It is notable, and perhaps not surprising, that in 2013/14 the number of UAEs in the city was particularly high when compared to recent years when the transit site was fully opened.
- 3.4 Traveller Transit Pitches are required to enable the Police to direct Travellers who are trespassing to the site under S62a of the Crime and Public Disorder Act 1994. Without a transit site the powers that are available to manage unauthorised encampments will be significantly impacted.
- 3.5 It is therefore very likely that if the city is without a transit site for a year the number of UAEs would be likely to increase, as would the negative impacts on both the travelling and settled communities. The cost of managing UAEs is also high as compared to providing a managed site with basic facilities and where Travellers pay rent and service charges.
- 3.6 Hangleton Bottom is an area of hard stand adjacent to the Hangleton Link Road in North Portslade Ward. It is screened from the road by large earth mounds and vegetation. To the west it is adjacent to farm land. This is leased to a farmer by the city council who uses it primarily for horse paddocks. The site is not close to housing. Access is from a layby on the road. There is a fresh water supply.
- 3.7 This land is owned by Brighton & Hove City Council and was used as a temporary stopping location for Travellers in the past. It is not in the South Downs National Park Area and it is designated as land suitable for waste facilities in the Waste Local Plan but it is very unlikely that the site will be developed in the near future. This site would therefore only be suitable on a temporary basis as an alternative Travellers transit site.
- 3.8 City Parks is currently using part of the site on a temporary basis for the storage of equipment in containers. The secure containers are located in one corner of the site and it will be possible for this space to be used simultaneously for both purposes. City Parks has opened up, but securely gated, the access to Hangleton Bottom. The water supply is being reinstated and a temporary office and rest room located on the site which staff from both services could share.
- 3.9 The proposal is to provide basic facilities for 15 households at Hangleton Bottom on weekly licence agreements for a period of up to 12 weeks per household. The licensees would pay a rent and service charge and for this would be provided with access to water and rubbish facilities and porta-loos.
- 3.10 There would be 24 hours staff presence being either a site warden or a security guard. City Parks has plans to install CCTV although additional CCTV units may be required.
- 3.11 It is possible that additional work will be required to the access road on the site to enable caravans to enter and exit safely. A specialist highways report will be required to confirm this.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 A number of other locations were considered for an alternative temporary transit site but this appears to present the only suitable location. This is largely because other areas of land owned by the city council where Travellers used to stop temporarily are now in use for other purposes and/or are not accessible.
- 4.2 We have considered trying to keep Horsdean transit site open while the permanent site is developed. However we have concluded that this is not viable as it would delay the build time, increase costs and present Health and Safety risk to the families on site. Indeed local Travellers have said that they would not wish to use it during development as they would be concerned for their children's safety.
- 4.3 Alternatively the council could choose not to make alternative transit provision for Travellers during the re-development of Horsdean. However this is very likely to lead to an increase in UAEs and have a negative impact on the settled and travelling communities. It is also likely to lead to a considerable increase in costs.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The relevant departments of the council and the police have been consulted and agree with this proposal as a way of reducing the negative impacts of unauthorised encampments on the city. The Environment Agency has also been consulted and has confirmed that this is not a sensitive location and that there are no concerns about the location of a temporary Traveller transit site in this location. Friends Families and Travellers and the Irish Travellers Women's Group have made representations to the council asking that we consider using Hangleton Bottom as alternative temporary transit provision as they are concerned about the impact of the existing site being closed for a year. Members of the public will be consulted as part of the planning application process.

#### **6. CONCLUSION**

- 6.1 Submission of a planning application to use Hangleton Bottom as a temporary transit site is recommended in order to make provision for the Travelling Community while Horsdean is developed but also for the benefit of the city to reduce negative impacts of UAEs on the settled community and the risk of community tension and to ensure that the costs of managing UAEs do not escalate.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 There will be costs associated with setting up a temporary transit site at Hangleton Bottom and running costs. Based on current projections the set up costs are approximately £0.018m which could be met from current budgetary provision for the Traveller Liaison Service by making savings in other areas. The annual running costs are estimated at £0.120m which could be met from the Horsdean Transit site budget in 2015/16. There would therefore be no additional

cost over and above existing budgets to the council and this would reduce the risk of increased costs from an increased number of unauthorised encampments. See appendix 1 for estimated costs.

*Finance Officer Consulted: Name Michelle Herrington Date: 12/09/14*

Legal Implications:

- 7.2 Before the site can be set up planning permission will be required. We are the relevant planning authority for the proposed site. The proposals in the report are within the powers and duties of the Council and consistent with the Council's obligations under the Equality Act.

The Statutory power to provide a temporary site is contained in section 24 of the Caravan Sites and Control of Development Act 1960. It has to be made clear in any agreements and communication with the users of the site that the site is a temporary site created for the purposes of transit and not permanent as otherwise there is a risk of creating security of tenure. Once security of tenure is achieved on any authorised traveller site, then this has the same force as a secure tenancy in bricks and mortar accommodation. Providing the measures mentioned above are in place, this will not be the case as it will be a transit site where no such rights are granted.

The Human Rights Act is relevant legislation and note should be taken of case law to ensure that the duration of stay is carefully managed to avoid any accumulated rights under the Act.

*Lawyer Consulted: Simon Court and Hilary Woodward Date: 6/10/14*

Equalities Implications:

- 7.3 Provision of an alternative temporary Travellers transit site will assist the council in meeting its duties under the Equality Act 2010 to the Travelling Community. It will also reduce the risk of community tension and so will aid community cohesion. An Equalities Impact Assessment has been completed.

Sustainability Implications:

- 7.4 An ecology assessment will be done as part of the assessment. Very little physical development of the site will be required and any structures will be temporary and low cost

Any Other Significant Implications:

- 7.5 Members of the Travelling community often experience lower life chances than the population as a whole. This includes lower life expectancy, lower educational attainment, poor health. Providing a temporary stopping place enables them to engage with services that can try to help to address such issues. Further to this unauthorised encampment have a significant impact on police resources and making provision will enable them to focus on other areas of work.



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Estimated Set up and Running Costs for use of Hangleton Bottom as a Temporary Transit Site
2. Analysis of sites for Traveller Temporary Stopping and/or alternative Transit Provision

### **Documents in Members' Rooms**

None

### **Background Documents**

1. Equalities Impact Assessment