

## Appendix 4

### Call in of cabinet decision – appendix to scrutiny report

- 1 The report to cabinet on July 31<sup>st</sup> gave details of how the Council had carried out work to comply with the provisions of the Housing Act 2004 which requires local authorities to assess the accommodation needs of Gypsies and Travellers and have a strategy that sets out how the identified needs will be met. This was work therefore to fulfil a legal duty placed on the Council.
- 2 A Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2005 clearly identified a need for up to 14 permanent pitches in Brighton & Hove.
- 3 Government guidance ( Circular 1/2006) requires local authorities to plan for Gypsy and Traveller sites by identifying suitable sites within their development Plan Documents and the Council must ensure this provision is "deliverable".
- 4 As well as meeting an identified need for permanent accommodation for Gypsies and Travellers making such provision gives the Council a firmer basis for the use of the full range of enforcement powers and for resisting any challenge to legal action that may be taken. NB in the view of the Government Task Group on Site Provision and Enforcement "site provision is the key to effective enforcement against the small minority of Gypsies and Travellers that do not wish to behave in an acceptable manner"
- 5 A detailed site search was carried out in order to identify any possible options. Having identified part of the former BMX site off Wilson Avenue as a possibility then, with the knowledge that this area had historically had a variety of mixed uses, a more detailed and independent contaminated land survey was commissioned.
- 6 Whilst some contamination of the site was identified a letter from the consultants, dated 10<sup>th</sup> July, states "Having considered the data collected to date and proposed site layout we are able to provide a proposed remedial approach which we consider would allow the site to be developed in line with the "suitable for use" approach set out in planning guidance document PPS23 (Planning and Pollution Control)".
- 7 Until this information was received, and able to be considered, a report identifying the preferred site could not be written nor a

date set for a Cabinet meeting at which Councillors could meet to discuss the issues and recommendations.

- 8** The Cabinet report contained details of how the site search had been carried out and the conclusion of the contaminated land survey. Officers were on hand at the Cabinet meeting to answer questions on both these areas of the work and to assist the debate and the decision making process.
- 9** As soon as possible after writing the report, and before it was published, officers met with Ward Councillors to fully brief them on the report and its recommendations.
- 10** Consultation with local residents had always been arranged to take place immediately after the cabinet decision. This consultation is in addition to the formal consultation process that is required by any planning application. Without the certainty of a Cabinet decision it would have been inappropriate to raise issues that may not have developed.
- 11** Officers and Councillors were aware that part of the former BMX site had already been used for some time as a “tolerated site” during which period there have only been isolated issues raised by any member of the local community, councillors or other stakeholders for the area. Part of the consultation and information process underway will focus on raising awareness of Gypsies and Travellers, listening to genuine concerns and promoting community cohesion which we have a duty to promote within the city.
- 12** From previous work carried out in the area it was made clear to officers that Traveller children were both welcome and accepted at the local youth facility.
- 13** Should the development go ahead there will be a full time Site Manager, funded via rental income from the site, who, in conjunction with the Travellers Liaison Service, will monitor the site and minimise any impact on the local community.
- 14** The local police are aware of the proposal, and the preferred location, and have raised no particular issues with officers. They have acknowledged the advantage that arises from the strengthening of enforcement powers by the council providing for recognised accommodation needs.
- 15** The need for a special meeting and its timing arose from circumstances beyond the council's control. If the Council was to benefit from a 100% grant (to cover all capital and

remediation costs) then the decision had to be made by the 31<sup>st</sup> July 2008 in order to submit the bid for funding. The Government Office for the South East confirmed that there was no certainty of 100% funding in any future bidding rounds.

- 16** The procedure for Special Cabinet meetings is laid down in the Council's Constitution.

