

Report of Kerrie Murray Principal Housing Advisor Leeds Housing Options

Report to Neil Evans Director Resources and Housing

Date: 2nd February 2018

Subject: Kidacre Park

Are specific electoral wards affected? If yes, name(s) of ward(s): City & Hunslet	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Council's Core Strategy sets out the need to deliver 62 accommodation pitches for the Gypsy and Traveller community by 2028. This figure includes 25 Local Authority-managed pitches.
2. In 2015, Planning approved the temporary use of Kidacre Street, to provide eight temporary amenity buildings; the site is potentially on the proposed HS2 railway line for which construction is due to commence in mid-2020. A subsequent application to extend the use of the site to 10 years was submitted and approved, this ties into when construction for the HS2 line is due to commence in the area. As part of this application it was agreed that modular buildings would be used so as to access further HCA grant funding. A procurement request was approved to develop the site, construction commenced in September 2016. The site will be completed in February 2018, allocation of the pitches will need to commence approximately two weeks prior to site completion.
3. In order for the Local Authority to allocate pitches and ensure the sustainability of the site for a 10 year period, a number of policies need to be in place: a Local Lettings Policy which sets out the procedures for allocations, a Tenancy Agreement which sets out the rights and responsibilities of our tenants and Leeds City Council as the landlord and a Rent Agreement which reflects the provision.

Recommendations

The Director of Resources & Housing agrees:

The approval of a Local Lettings Policy, this policy sets out the procedures for allocations at the Kidacre Park site. **See appendix 1**

The approval of a Tenancy Agreement for the Kidacre Park site. Pitches will be let on a tenancy agreement under the Mobile Homes Act 1983, it will include the Leeds City Council's 'Express Terms'. **See appendix 2**

The approval to set the pitch rent for the Kidacre Park site. **See appendix 3**

1. Purpose of this report

- 1.1** To seek approval of a Local Lettings Policy for the Kidacre Park site
- 1.2** To seek approval of a Tenancy Agreement for the Kidacre Park site
- 1.3** To seek approval to set the pitch rent for the Kidacre Park site

2. Background information

- 2.1** The Council has experienced significant challenges in recent years relating to the cycle of unauthorised encampments by a group of Leeds based 'roadside' Gypsies and Travellers. The cycle of unauthorised encampment and eviction also failed to meet the housing needs of the Gypsies and Travellers and adversely affected local settled communities who lived in close proximity to where the unauthorised encampments took place.
- 2.2** A Scrutiny Inquiry was carried out in 2010/11 concerning better meeting the housing needs of Gypsies and Travellers. The inquiry report was published in January 2011 and made 12 service improvement recommendations. The first two recommendations related to increasing the provision of both permanent and temporary pitch (a parcel of land on which a Gypsy and Traveller household can station their caravans and vehicles) provision.
- 2.3** The Council has calculated, as part of the Leeds Core Strategy, that there is a need for 62 additional pitches (comprising 28 private/25 public/9 temporary stopping) by 2028. It is expected that suitable sites will be identified through the Site Allocations process and through the submission of planning applications.
- 2.4.** In 2015 Planning approved the temporary use of Kidacre Park, to provide eight temporary amenity buildings. The site is situated on the proposed HS2 railway line for which construction is due to commence in mid-2020. A subsequent application to extend the use of the site to 10 years was submitted and approved, this ties into when construction for the HS2 line is due to commence in the area. As part of this application it was agreed that modular buildings would be used so as to access further HCA grant funding.

- 2.5** A procurement request was approved to develop the site and construction commenced in September 2016. The site will be completed in February 2018, allocation of the pitches will need to commence approximately two weeks prior to site completion

3. Main issues

- 3.1 The Local Lettings Policy** sets out the procedures for allocations at the Kidacre Park site, the site is provided on a 10 year temporary basis by the Local Authority for Gypsies and Travellers, as defined by the Race Relations Act 1976 (amended in 2000). The Local Lettings Policy operates alongside the Local Authority's Lettings Policy and takes account of the Gypsy and Traveller Site Management Good Practice Guide published in July 2009 by the Department for Communities and Local Government. The Local Lettings Policy ensures that those Gypsy and Travellers with unmet housing need and local connection to Leeds are safeguarded within the first preference for allocations.
- 3.2 The Tenancy Agreement** for the Kidacre Park site will be let on a tenancy agreement under the Mobile Homes Act 1983 and will include Leeds City Council's 'Express Terms'. The 'Express Terms' in place for current tenants at Cottingley Springs are inadequate and as such have been significantly rectified to reflect operational practice and improve tenant satisfaction. The Tenancy Agreement has been significantly re-structured to improve comprehension for tenants. The amendments to the express terms have been made to incorporate and unify the existing terms with the secure tenancy terms and conditions for tenants in bricks and mortar properties. In addition, the amendments are an opportunity to strengthen the agreement in response to 'Tenant Survey' which identified a number of areas of improvement including: Car parking, Rubbish and litter, Dog fouling and problems with pets and animals, Anti-Social Behaviour and Quad Bikes.
- 3.3 The Rent Setting for Kidacre Park.** Cottingley Springs and Kidacre Park are the only accommodation provision for Gypsy and Travellers in the city. The two Leeds sites are very similar in nature and it is most appropriate that the same weekly rent should be charged at both locations. It is recommended the Cottingley Springs weekly rent should be charged at Kidacre Street, which will result in social rent being applied to both sites. The provision of Leeds City Council services such as refuse collections, repairs and street cleaning are managed in the same way for both sites. The Housing Management responsibility for both sites includes services provided primarily for tenants. These functions include, rent collection and arrears management, repairs and maintenance, voids and allocations, tenancy and environmental management and tenant participation

4. Corporate considerations

4.1 Consultation and engagement

The Local letting Policy has been consulted on with Leeds GATE and the families who are going to be allocated pitches under Preference 1 of the policy, amendments were agreed by all parties.

There is no obligation to go out for consultation on the Tenancy Agreement for the Kidacre site. Consultation will take place with existing tenants at Cottingley Springs

who will be encouraged to sign the revised Tenancy Agreement. This consultation will take place with key partner agencies.
Our Executive board member has been consulted on the proposed policies.

4.2 Equality and diversity / cohesion and integration

An Equality Impact screening exercise is attached to this report.

4.3 Council policies and best council plan

The Best Council Plan vision for Leeds to be the best city in the UK, one that is compassionate with a strong economy, which tackles poverty and reduces the inequalities that still exist. We want Leeds to be a city that is fair and sustainable, ambitious, fun and creative for all with a council that its residents can be proud of; the best Council in the country.

The development of pitches for Gypsy and Travellers is a key requirement in the Local Authority's Core Strategy, the completion of Kidacre Park contributes to this by providing 8 pitches for families. The commitment of the Local Authority to provide accommodation which reflects the diversity within the city is a key contributor to successfully implementing the objectives of the Best Council Plan:

- Being and feeling safe and feel safe
- Enjoy happy, healthy, active lives
- Live in good quality, affordable homes within clean and well cared for places
- Do well at all levels of learning and have the skills they need for life
- Enjoy greater access to green spaces, leisure and the arts
- Live with dignity and stay independent for as long as possible

4.4 Resources and value for money

The Council aims to ensure its housing stock is managed efficiently and best use is made of the limited resource, for example, by tackling anti-social behaviour, taking action to prevent tenancy fraud, maximising rental income and maintaining the condition of housing stock.

The Local Lettings Policy's ensures that the people with the greatest unmet housing need are allocated provision first.

Undertaking a significant review of the Tenancy Agreement for new tenants to Kidacre Park represents the commitment to managing and sustaining provision.

It is recommended the Cottingley Springs' weekly rent should be charged at Kidacre Street, which will result in a social rent being applied to both sites.

4.5 Legal implications, access to information, and call-in

The Local Lettings Policy and Tenancy Agreement has been drawn up in conjunction with Legal Services and counsel opinion has been obtained. Rents will be applied to Kidacre Park to ensure coherence with the existing site at Cottingley

Springs. This approach has been accepted by Homes England and social rents will be applied at both sites.

The proposals set out in this report are not subject to call in.

4.6 Risk management

The Council's Core Strategy sets out the need to deliver 62 accommodation pitches for the Gypsy and Traveller community by 2028, this figure includes 25 Local Authority-managed pitches. Kidacre Park supports this by providing 8 pitches for families. The failure on part of the Local Authority to make reasonable provision to meet the needs of Gypsy and Traveller housing need could result in legal challenges and have further implications in respect of future planning applications.

Conclusions

The Local Authority has provided Kidacre Park to support the housing need of 8 Gypsy and Traveller families, the site will be ready in February 2018. This report sets out how with the implementation of a number of policies the Local Authority will do this successfully enabling the site to be occupied and sustainable for the next 10 years whilst bringing in revenue for the Local Authority.

Recommendations

The Director of Resources & Housing agrees:

The approval of a Local Lettings Policy, this policy sets out the procedures for allocations at the Kidacre Park site.

The approval of a Tenancy Agreement for the Kidacre Park site. Pitches will be let on a tenancy agreement under the Mobile Homes Act 1983, it will include the Leeds City Council's 'Express Terms'.

The approval to set the pitch rent for the Kidacre Park site.

Background documents¹

None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.