



Report of the Director of Environment and Neighbourhoods

Executive Board

Date: December 2009

Subject: Deputation – residents concerned at levels of local authority provision for the travelling community

<p>Electoral Wards Affected:</p> <input checked="" type="checkbox"/> Ward Members consulted (referred to in report)
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<p>Specific Implications For:</p> <p>Equality and Diversity <input checked="" type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>

Eligible for Call In

Not Eligible for Call In
(Details contained in the report)

EXECUTIVE SUMMARY

The Council has received a deputation from residents concerned at levels of local authority provision for the travelling community.

The Housing Act 2004 places a duty on local authorities to carry out an assessment of the accommodation needs of gypsies, travellers, travelling show people and new age travellers and to make reasonable provision for these groups through the planning process. This duty is commensurate with the obligation placed on local authorities to consider and make reasonable provision of housing for the settled population.

The Core Strategy Preferred Approach which has been approved by the Development Plan Panel includes reference to the accommodation needs of the travelling community.

The development of additional permanent sites of accommodation would not necessarily resolve the issues and costs associated with unauthorised encampments. There is not a straightforward relationship between providing sites and reducing costs. Substantial costs arise from dealing with site repair, cleaning and making secure and in some instances anti-social behaviour. Costs associated with unauthorised encampments therefore do not merely relate to the act of trespass.

1.0 Purpose Of This Report

- 1.1 In responding to the deputation to council, this report sets out for Executive Board the council's position in relation to the accommodation needs of the travelling community.
- 1.2 The report also provides information on the impact of unauthorised encampments including detail on the costs.

2.0 Background Information

- 2.1 A deputation has been received by the Council from a Leeds resident. In summary, the key points made in the deputation are:
 - 2.1.1 The cost of unauthorised encampments by travelling communities exceeds the costs of establishing permanent sites.
 - 2.1.2 The current approach does not reflect value for money for council tax payers.
 - 2.1.3 The deputation proposes that the council responds to the accommodation needs of the travelling community by expanding the number of available sites within the city of Leeds.
- 2.2 Accommodation Assessments for the travelling community have been undertaken at a sub-regional level. This has been done to reflect the nature of traveller lifestyle where families may move across administrative borders. The current provision sub-regionally is as follows:
 - Leeds City Council provides 41 units of accommodation
 - Bradford MDC provides 47 units of accommodation
 - Wakefield Council provides 38 units of accommodation
 - Calderdale Council has no provision for travellers
 - Kirklees Council also has no provision for travellers
- 2.3 Within Leeds, provision is located at Cottingley Springs, a long-standing site established in 1969. Responsibility for the management of Cottingley Springs sits within the Environment and Neighbourhoods Directorate. The cost to the council and the tax payer of running this site varies but for example, the annual running cost to the council in 2008/09 was £520,000. This is the gross cost associated with the site and before the receipt of Housing Benefits. After taking account of Housing Benefit payments the net cost to the council of running the site was £289,000. In addition, capital expenditure of £466,000 was incurred in 2008/09. Government grant funded 75% of the capital expenditure incurred.
- 2.4 In addition to managing the site at Cottingley Springs, the Gypsy Traveller Service leads on the assessment of unauthorised encampments within the city and, where these encampments occur on council owned land, the service coordinates further action as appropriate. Such action is taken following the government guidance as required. In coordinating the council's response to unauthorised encampments the service works closely with Legal and Democratic Services, Environmental Health, Community Safety, West Yorkshire Police and Planning Services. The costs to the council associated with unauthorised encampments are around £270,000 per annum.

2.5 The Council takes a positive role in supporting Gypsy and Traveller children and families both at Cottingley Springs and in unauthorised encampments. For example, the Gypsy Roma Traveller Achievement Service works to ensure equal access and opportunity for all children in the travelling community, providing support to raise educational achievement. This service has been recognised for its work and was highly rated in the last Ofsted inspection.

3.0 Main Issues

3.1 The Housing Act 2004 places a duty on local authorities to carry out an assessment of the accommodation needs of gypsies, travellers, travelling show people and new age travellers and to make reasonable provision for these groups through the planning process. This duty is commensurate with the obligation placed on local authorities to consider and make reasonable provision of housing for the settled population. An accommodation needs assessment has been carried out for the five West Yorkshire authorities.

3.2 The Housing Act 2004 also requires local housing authorities to take a strategic approach towards the needs of gypsies and travellers, including how the accommodation needs of these communities will be met, as part of their wider housing strategies.

3.3 In addition, local authorities have to consider whether gypsies and travellers are homeless. Section 175(2)(b) of the Housing Act 1996 (as amended) provides that a person is homeless if he has accommodation which is a moveable structure, vehicle or vessel designed or adapted for human habitation, and there is nowhere that he is entitled or permitted to place it and reside in it. In discharging its duty to secure that accommodation is available for Gypsies and Travellers who are statutory homeless, the provision of bricks and mortar accommodation may be used. The cultural aversion to such accommodation is a relevant factor to be taken into account, but where land is not available or can not readily be made available; it is currently open to a council to provide bricks and mortar accommodation¹.

3.4 Executive Board is advised that Romany Gypsies and Irish Travellers both fall within an ethnic group and enjoy the protection of the Race Relations Act. The Local Planning Authority is under a duty to eliminate discrimination and promote equality of opportunity and good race relations further to s71 of the Race Relations Act.

3.5 The Council has a legal obligation to consider the accommodation needs of the travelling community and to make reasonable provision for their needs. The Leeds Local Development Framework will consider the accommodation needs of Gypsies and other travelling groups identified through the sub-regional assessment, alongside the needs of all other groups of people who are in housing need, within the context of land supply available for housing.

3.6 The Core Strategy Preferred Approach which has been approved by the Development Plan Panel includes reference to the accommodation needs of the travelling community. Following consultation on the Preferred Approach, the Core Strategy will be published and submitted to the Secretary of State in 2010 and subject to public examination in 2011. It will then be modified in line with the Planning Inspector's recommendations and adopted.

¹ Court of Appeal in *Codona v Mid-Bedfordshire District Council* [2004] EWCA Civ 925).

- 3.7 In reaching any decision to develop new sites within the city, the council is mindful that consultation with local communities would be required before final decisions on location of new provision is made.
- 3.8 The Executive Board is advised that the development of additional permanent sites of accommodation would not necessarily resolve the issues and costs associated with unauthorised encampments. The council takes its duties in relation to the travelling community seriously, but resolving the issues of unauthorised sites is not straightforward. For example, there is not a straightforward relationship between providing sites and reducing costs. Substantial costs arise from dealing with site repair, cleaning and making secure and in some instances anti-social behaviour. The cost associated with cleaning, making good and security on unauthorised encampments in 2008/09 was around £270,000.
- 3.9 New sites would not necessarily accommodate all of the travelling community. Some Gypsies and Travellers may choose not to stay on sites and would therefore potentially continue to encamp. Additionally sites developed in line with government guidance would be relatively small and therefore would not be able to accommodate the large groups who on occasion encamp in the city. Sites developed would not necessarily accommodate individuals who have previously been excluded from existing sites as a result of poor behaviour.

4.0 Background papers

- 4.1 The deputation 'Residents concerned at levels of local authority provision for the travelling community' is appended to this report.

5.0 Implications For Council Policy And Governance

- 5.1 There are no specific implications relating to Council policy and governance.

6.0 Legal And Resource Implications

- 6.1 The Council is fully aware of and complies with all legal duties in relation to the provision of services to gypsies and travellers, travelling show people and new age travellers. The LDF will take account of available resources to respond to the housing needs of travelling people.
- 6.2 However it should be noted that this is a complex, ever-evolving area of law and the authority may well be faced with legal challenge in the future by way of judicial review or otherwise.

7.0 Recommendations

- 7.1 Executive Board is requested to note the response to the deputation contained in this report.