



Review of Gypsies and Travellers Site Provision within Leeds

Scrutiny Inquiry Report

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Introduction

1. We were asked in September 2010 by the Executive Board Member with portfolio responsibility for Neighbourhoods and Housing to undertake an inquiry to review the Council's policy concerning gypsies and travellers site provision within Leeds. This will be the third scrutiny inquiry the Council has conducted.
2. Since the last Scrutiny Board inquiry in 2004/05 there continued to be a high number of unauthorised encampments within Leeds particularly during the summer months. Some of these encampments cause considerable local difficulties both in terms of management and impact on local events, the environment and the community as a whole.
3. At the same time the Council and other agencies continue to incur significant costs in what are often cyclical evictions of gypsies and travellers from one unauthorised encampment to the next.
4. We welcomed the opportunity to review the Council's policy with regard to gypsies and travellers site provision within Leeds and have identified a number of positive proposals that if accepted could contribute significantly to easing the current cycle of evictions of gypsies and travellers from unauthorised sites within Leeds.
5. However, we undertook this inquiry without knowledge of the Government's intentions as to whether it will announce further powers to local authorities and the police in relation to unauthorised encampments or issue guidance "in favour" of gypsies and travellers. Any such announcement will need to be taken account of and could affect the Council's legal position and the recommendations contained in our report.
6. We are very grateful to everyone who gave their time to participate in this inquiry and for their commitment in helping us to understand and review this matter.

Scope of the Inquiry

7. At its meeting on 13th September 2010, the Board agreed to undertake an Inquiry into the Council's policy on gypsies and travellers and to consider
 - the Council's approach to tackling unauthorised encampments and the provision of permanent sites for gypsies and travellers within Leeds.
 - whether provision is required and its likely effect upon unauthorised encampments
 - what criteria might be applied in the event that a need is

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identified for selecting a site or sites.

8. We established a working group which met on several occasions and received evidence on the
 - national and local position.
 - legal framework.
 - new Government initiatives that are being proposed that may support or encourage the Board to recommend a particular course of action.
 - Council's current policy on providing sites for gypsies and travellers.
 - extent and nature of unauthorised encampments in Leeds and the region.
 - relevant housing, planning and equality legislation.
 - social, economic and environmental impact of unauthorised and authorised encampments on local communities.
 - Council's policy on tackling unauthorised encampments on its land.
 - need to see how other authorities and the region deal with the issue of unauthorised encampments.
 - direct and indirect costs of removing unauthorised encampments of gypsies and travellers within the city compared with the full capital and revenue costs of providing a permanent site or sites.
 - need to identify whether a distinction can be made

between transient gypsies and travellers and those who remain within Leeds throughout the year.

- the need to determine a view if authorised sites are proved to be more cost effective than undertaking continued enforcement action as to whether a number of smaller permanent sites would be more appropriate than a single large site.

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Current Permanent Site Provision for Gypsies and Travellers

9. We were advised that since the repeal of the Caravan Sites Act 1968 there is no duty on local authorities to provide sites for gypsies and travellers.
10. The Council has one site for gypsies and travellers at Cottingley Springs which provides 41 pitches. It is located in Farnley and Wortley Ward. This site is full based on the current configuration and turnover is low with most families making their long-term home at the site. There is a waiting list.
11. There are no negotiated stopping sites or transit sites in Leeds for gypsies and travellers who are passing through Leeds and need to stay for a few days or overnight. They therefore choose to make unauthorised encampments.
12. We were informed that the Housing Act 2004 places a duty on local authorities to carry out an assessment of the accommodation needs of gypsies and 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.

13. We were advised that the last assessment of the accommodation needs of gypsies and travellers was carried out in May 2008 with the publication of the West Yorkshire Gypsy and Traveller Accommodation Assessment (GTAA). This report was commissioned by the West Yorkshire Housing Partnership and the work undertaken by the Centre for Regional Economic and Social Research at Sheffield Hallam University. It concluded that there was unmet housing need across the sub-region and that Leeds needed a further 48 pitches for gypsies and travellers. It was proposed that these be made available between 2008 and 2015.
14. Whilst this report was never adopted by this authority reference is made to it in the Council's Core Planning and Housing Strategies and was a useful starting point for discussion as to what the unmet demand might currently be.

Unauthorised Encampments

15. We spent a considerable amount of time identifying the scale of the problem with regard to unauthorised encampments. Unauthorised encampments are

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defined as the encampment of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass. Unauthorised encampments range from a couple of vehicles to groups of caravans.

16. From April 2010 to 5th October 2010 there have been 54 encampments in Leeds. 42 of these have been on council owned land and the remaining 12 on privately owned land. Appendix 1 to this report lists in more detail the unauthorised encampments since April 2010 giving details on exact site and ward, and whether court action or police action was used in order to remove the encampment.

17. The table below illustrates the number of encampments experienced within Leeds over the past 5 years.

Year	Public	Private	Total No Encampments	Number of Caravans
09/10	39	33	72 (-54)	614
Avg Days to Resolve	12	24.78		
08/09	69	57	126 (+67)	1164
Avg Days to Resolve	7.1	9.3		
07/08	38	21	59 (+8)	360
Avg Days to Resolve	10.3	16.4		
06/07	27	24	51 (+9)	370
Avg Days to Resolve	12.7	24.5		
05/06	28	14	42	Figures Not available
Avg Days to Resolve	16.9	16	350	2508

18. We were advised that the Council was not able to simply eject travellers, their caravans and other vehicles from Council owned land. The Council, before any other considerations, was obliged to undertake welfare assessments to understand better the housing, medical, educational and other needs of the families involved. Following this assessment the Council must consider whether to immediately evict, whether to tolerate the encampment or part of it and for how long, and finally must consider whether an alternative site can be identified. In order to remove the gypsies and travellers, the Council was required to apply for a court order.

19. In some cases the gypsies and travellers move on within a short period of time without the Council having obtained a court order. When court proceedings are taken it is normal for the gypsies and travellers to move on as soon as a court order was obtained. However in a number of cases where possession proceedings had been instituted, they had sought to defend the claim as they were legally entitled to do by citing public law defences.

20. Since April 2010 until 5th October 2010 the Council has proceeded to court 27 times in order to seek possession of

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land. The gypsies and travellers have defended the claim on three occasions and whilst the Council had been successful in gaining possession of the land each time, defence action had led to longer encampments and therefore a greater impact on the local environment and community.

21. In the same period April 2010 until 5th October 2010 we understand the West Yorkshire Police have used their powers under section 61 of the Criminal Justice and Public Order Act (CJPOA) on 6 occasions. Section 61 of the Criminal Justice and Public Order Act 1994 (power of the Police to direct persons to leave land and remove vehicles in circumstances where there are more than 6 vehicles on land or persons are causing damage/disruption); Section 62(A) of the Criminal Justice and Public Order Act 1994 (power of the Police to direct persons to leave land where there is available accommodation for caravans on a relevant caravan site. This power cannot be used as there are no suitable pitches available).
22. Although there is a protocol concerning the use of section 61 between the Council and West Yorkshire Police, this power can only be exercised by the Police in specific circumstances. Without alternative sites to direct travellers to, the Police are often reluctant to use their powers. Additionally the Police are mindful of the potential impact in terms of civil disturbance of moving by force a large encampment and will also need to consider the potential safeguarding issues arising from arresting parents who refuse to leave the site. It should be noted that it is only in Leeds that section 61 tends to be used by West Yorkshire Police. Force policy is to avoid the use of this power but in Leeds it has been seen as a relevant tactical tool in certain situations. (See recommendation 11)
23. The legal and departmental costs for the period between 2003 to 2010 are estimated to be over £1,994,000. The table below gives a breakdown over this period. These costs do not include those of the West Yorkshire Police which we believe will be substantial.

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Costs of Unauthorised Encampments

	Total costs £	of which, Legal costs £
2003/04	143,560	-
2004/05	232,518	-
2005/06	240,885	24,837
2006/07	135,091	11,203
2007/08	259,806	15,504
2008/09	266,353	42,670
2009/10	335,995	15,073
2010/11	329,853*	*estimated cost to date
Total 2003-2010	1,944,061	

24. We have seen encampments this summer 2010 on other high profile sites where community events are scheduled: for example at Fearnville Leisure Centre where the Gipton Gala was due to take place and at Garforth where similarly the Garforth Gala had been arranged for the weekend after the Travellers arrived. These particular encampments caused a great deal of local anxiety and anger as people living in the area felt that their long established community events were threatened by the presence of encampments. We know that these encampments do have an impact on community cohesion.

25. We have also been informed that this summer the size of encampments in some instances being significantly

larger than in previous years. At the encampment at Fearnville, there were over 57 caravans recorded at one stage and anecdotal evidence that there were for short periods even more present. The size of encampments increases community tensions and the environmental impact and also makes managing the impact of the site far more difficult. Additionally it makes it less likely that the police are able to use their powers under the CJPOA as controlling any eviction becomes difficult. The police would need to deploy significant resources and would have concerns for the safeguarding of children should their parents be arrested as part of the eviction.

26. Officers have reported to us some instances where unauthorised encampments led to significant environmental damage. The Council's Highways and Environmental Enforcement team work with the Gypsy and Traveller team to monitor activity such as fly-tipping at or near encampments and in some instances this monitoring has led to prosecutions. The Highways and Environmental Enforcement team does not record ethnicity in relation to successful prosecutions and often there is no evidence as to who has undertaken such activity when in close proximity to

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encampments. However, during 2010 there have been 5 successful prosecutions for fly-tipping related to encampments or the immediate locality and there are several cases still being processed. The fly-tipping ranges from the unsightly through to dangerous tipping of asbestos waste.

27. Unauthorised encampments also often generate 'household' rubbish and other waste, including human and horse waste. In some instances, the travellers are tidy and little if any waste needs clearing when they leave. In other instances, there is significant cost in terms of both resources required and amount of waste generated at sites. At Spinkwell Lane recreation ground the cleaning of the site alone cost nearly £53,000 and it is not uncommon for costs into thousands of pounds which relate to cleaning of the sites once vacated. While the Council will provide skips and portaloos where travellers are tolerated, or where the court process will be lengthy, it can still be difficult to contain the impact on the environment in such instances. The impact of rubbish and human waste on the locality causes a great deal of anger and community tension especially when the encampment is on a site normally used for recreational activity.

28. We heard that along with the costs of cleaning up unauthorised sites, there are other associated costs. For example, in many cases the authority will either repair security or introduce new security measures to try and prevent further occupation. There have been examples of sports fields having to be re-sown and drained following damage by vehicles: Copperfields and Sprinkwell Lane recreation ground were examples of where this occurred.

29. There are also unquantifiable costs to specific local communities where unauthorised encampments have occurred. For example, East Leeds ARL club being unable to play games, and undertake training sessions, for young people, due to the encampment and damage at Copperfields in 2009. Other examples would be encampments in parks which created a deterrent to people utilising the area for social activity.

30. It is entirely usual for travellers to pass through Leeds, unauthorised encampments can, and do, occur at any time during the year but there is always a concentration during the summer months – the 'travelling season' with this

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increasing in conjunction with horse fairs and other events.

31. However, we know that there are approximately twelve families who tend to remain in the Leeds area throughout the year. The families are closely related to each other and officers approximate that there are 25 adults with 38 children in these groups and between 20 and 25 caravans. Additionally there are 6 families who have doubled - up with relations at Cottingley Springs. Should these arrangements break-down, then this group of 16 adults and 12 children would also be likely to remain travelling within the Leeds area as they have historically done.
32. From April 2010 to 5th October 2010 these twelve 'Leeds' families have been present on just over half of all unauthorised encampments (30 of the 54), including all the larger encampments
33. We understand that three of these local families who are currently travelling together are the families who have defended proceedings repeatedly. One of these families was part of the family on the Spinkwell Lane encampment. They instruct the same local solicitors who have developed a specialism in gypsies and travellers law.
34. We took the view looking at the overall picture that the number of unauthorised encampments in Leeds continues to remain high. Whilst court proceedings continue to be taken by the Council to remove these unauthorised encampments specific families are defending proceedings repeatedly which result in further costs to the Council. In addition we have encampments on high profile sites with the numbers of families and caravans increasing in size. This creates a great deal of anger and community tension especially when the encampment is on a site normally used for recreational activity.
35. We have heard from GATE and representatives from the road side gypsies that a key reason for unauthorised encampments is the lack of permanent sites in the city.
36. We know that further permanent sites will not eradicate unauthorised encampments and incidents of unauthorised encampments will still require robust and co-ordinated management.
37. However, we consider the current policy of the Council in moving what are regarded as "Leeds" gypsies and travellers around the city from one unauthorised encampment to the next to be probably

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untenable and that a new approach must be developed to try and address this issue. This was the view of a number of Members who gave evidence to the Board and some of our own Board Members

38. It is scrutiny's view that as a first step in changing the Council's approach to this problem Leeds could establish negotiated stopping sites like Cheshire Council West, Bristol and Chester Council. We were told about Cheshire Council West's Good Neighbourhood Code that gypsies and travellers must sign up to when using these sites. The negotiated stopping sites are for very short term stays of a few days to a few weeks. They are located in Cheshire on unused bus lanes or roads (hard standing) away from residential properties. Cheshire Council provided a temporary water supply, toilets and collect refuse and these services are paid for by the gypsies and travellers using the stopping site. Cheshire Council West also provides free vouchers to the gypsies and travellers to enable them to use shower facilities at the local Sports Centre.
39. This approach in our view would ease the pressure on the number of unauthorised encampments. It would also be a useful tool to assist enforcement, as this would

allow the Police to take advantage of Section 62A of the Criminal Justice and Public Order Act 1994. The police would be able to direct them to a suitable pitch. Failure to comply would be an arrestable offence and vehicles could be seized and removed. The police would then have to apply to the magistrates Court for an order if the gypsies and travellers failed to leave in accordance with the direction. In addition we were advised by Cheshire West that this approach has improved relationships between gypsies and travellers, the local community and elected members and has also improved intelligence regarding the dynamics and make up of gypsy and traveller families. We noted that this power is available where there is a suitable pitch on a relevant caravan site which is situated in the Council's area. However, we also noted that it will depend on the nature of any negotiated stopping site whether the pitch is "suitable" and so whether this power can be used by the police.

40. We could not support the development of permanent transit sites where gypsies and travellers could spend longer periods of time. One local authority allows gypsies and travellers to stay for up to 13 weeks although there is no legal obligation in that regard as to the time period.

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41. We are aware that the development of negotiated stopping sites would not be without difficulties. We are aware of the mixed experiences of some authorities where sites have become, by default, permanent sites. The Environment and Neighbourhoods Directorate would have to ensure that sites were properly managed and all appropriate legal safeguards established prior to operation. These sites by their transitory nature do carry a high resource implication, notably for enforcement and through the need to ensure site security, to ensure that the utilities on site are not abused and that there are adequate staffing resources in place to manage this. Clearly we are concerned at the pressures on the Council's budget at the present.

42. We appreciate that there will be difficulties in identifying suitable locations for negotiated stopping sites and that they do require planning consent and public consultation.

43. It would necessitate the Council being much more pro active and positive in explaining to the media and communities why it was looking at a new direction in trying to deal with this continuing problem.

44. However, this approach we believe could have a positive

effect in helping to build on relationships once negotiated stopping sites had been introduced as the first step in identifying land for small gypsy and traveller permanent sites in the city.

45. National policy and guidance has not, and probably cannot, create or secure locally sustainable solutions. However, locally agreed solutions are likely to be supported by anticipated national 'light touch' policy and are more likely to result in sustainable local cohesion, although at the time of producing this report the full details and proposals behind this have not yet been issued by the Government.

Recommendation 1

(i) That the Executive Board consider providing negotiated stopping sites for gypsies and travellers in Leeds for very short term encampments and commission the Director of Environment and Neighbourhoods to undertake further work with a view to introducing a pilot scheme and reporting back to the Executive Board.

(ii) In any consideration by Executive Board those ward Members who are affected by proposals on this matter are consulted.

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“Leeds Families” Gypsies and Travellers

46. We then referred to the twelve families who tend to remain in the Leeds area throughout the year. We know that from April 2010 to date these twelve ‘Leeds’ families have been present on just over half of all unauthorised encampments (30 of the 54), including all the larger encampments.
47. We support the principle of trying to identify a number of additional pitches for the 12 “Leeds families” (25 caravans) along with the introduction of negotiated stopping sites.
48. We noted that GATE and the majority of roadside gypsies and travellers favour the establishment of small permanent sites in the city of between 4 to 8 caravans.
49. We recognised that identifying small suitable permanent sites for gypsies and travellers in the city will be difficult and expensive to achieve. It would also require the development of a criteria that could be applied in the event that a need is identified for selecting a site or sites.

Recommendation 2

- (i) That the Executive Board consider the principle of providing an additional 25 permanent pitches for 25 caravans in the city to accommodate “Leeds families” of gypsies and travellers and request the Director of Environment and Neighbourhoods to undertake further work based on national guidance to identify costs, and sources of funding and to develop a criteria for consulting and identifying suitable sites during operation of the pilot in recommendation 1.**
- (ii) In any consideration by Executive Board those ward Members who are affected by proposals on this matter are consulted.**

West Yorkshire and City Region Context

50. We noted that of the five West Yorkshire authorities Wakefield, Bradford and Leeds have permanent provision for Gypsy and Traveller families. Bradford has 47 pitches over two sites and Wakefield has 38 pitches and one emergency pitch.
51. Calderdale and Kirklees have no provision and report very few unauthorised encampments. Wakefield confirmed that they had 48 unauthorised encampments during

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2009/2010 with roughly half of these occurring on public land. Wakefield has been looking to identify new sites but have met considerable opposition to any proposed locations. None of the West Yorkshire authorities have transit provision.

52. We are strongly of the view that any such development by Leeds in providing additional provision for gypsies and travellers in terms of both recommendations 1 and 2 would have to be done as part of the wider City Region picture.

Recommendation 3

That subject to recommendations 1 and 2 the Director of Environment and Neighbourhoods seeks to develop this pilot in the context of a wider strategic approach through the City Region and other appropriate bodies.

Cottingley Springs Site

53. A number of us visited the Cottingley Springs site during our inquiry. This one permanent site is located in the Farnley & Wortley ward. The site, which is split into two areas, contains a total of 41 pitches: 20 in Site A and 21 at Site B. Historically the site was larger: at one point there were 55 pitches. However the site was very difficult to manage and there were several unoccupied

pitches due to both the condition of the site and some tensions between residents. The site is fully occupied on its current configuration. There is currently a waiting list of 18 applicants.

54. We learned that turnover at Cottingley Springs is very infrequent and it is not uncommon for long periods of time to pass with no vacancies occurring.
55. We were surprised to learn that each pitch can accommodate 3 or 4 caravans and on average there are three caravans to each pitch. The site is landscaped and is designed in a cul-de-sac style with one entrance/exit for vehicles. There is CCTV at the entrance to the site. Each pitch contains a brick built utility facility comprising of a kitchen and a bathroom. On Site B, this facility also includes a living area. Cottingley Springs B site was refurbished through a government grant to meet the growing needs of the families living on site. Historically the plots were very small and could not provide families with the necessary space to live comfortably. After a large redevelopment programme, the plot sizes were increased and additional outside green space was provided. Site A has remained the same since being built due to the limitation in

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space although a modernisation programme has been completed for internal works, again funded by grant from central government.

56. The cost of running Cottingley Springs is outlined in Appendix 2 which shows costs over the past 8 years. The weekly rental cost for a pitch at Cottingley Springs is currently £98.12 with an additional charge of £23.76 for each additional caravan. This charge has been effective since April 2007. Housing benefit can be claimed for the rental charge. In 2009/2010 £233,254 was received as income (largely rents) and it is estimated that this will be around £254,000 in 2010/11.

57. We were advised that historically there have been problems between families living at Cottingley Springs and with the behaviour of individuals but this situation had improved in recent years. Although eviction remains an option as part of the license agreement, the service works hard to prevent behaviour escalating to the point of taking action to gain possession of the pitch. The last eviction of a family from Cottingley Springs we understand was in 2000.

58. We were informed that as a consequence of that eviction some of the Leeds gypsies and travellers would not wish to go

to Cottingley Springs. We understand that some of the Cottingley Springs residents would also not wish to see those families return to this site.

59. However, we consider that there could be better use made of the existing location that would enable the provision of several additional caravans.

60. The average costs of providing a pitch is set out in Appendix 3.

61. We understand that the potential cost of increasing pitch provision at the council's Cottingley Springs site would be in the order of £92,802 per unit. A report by Corporate Property Management dated 20th December 2010 is attached as Appendix 4 which provides the details.

Recommendation 4

That irrespective of recommendations 1 and 2 the Executive Board commission a review of the Cottingley Springs site to ascertain whether better use of the site could be made that would allow the provision of additional pitches and identify how this could be funded by January 2012.

62. During our deliberations we received a copy of the licence agreement in use at Cottingley

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Springs. We thought it appropriate for this to be reviewed and updated where necessary.

Recommendation 5

That the Director of Environment and Neighbourhoods with the Chief Officer Legal Licensing and Registration undertake a review of the current licence in use at Cottingley Springs site to update it and incorporate current legislative changes (including the provisions of the Mobile Homes Act 1983 in future tenancy agreements).

63. We believe that the Council should develop and adopt a Good Neighbourhood Code as Cheshire West and Bristol have done which requires all gypsies and travellers using any negotiated stopping site, or permanent site operated by the Council to sign up to.

Recommendation 6

That the Director of Environment and Neighbourhoods Development and adopt a Good Neighbourhood Code which would operate alongside any licence or tenancy agreement which would require all gypsies and travellers using sites operated by the Council to sign up to before being allowed to use these facilities.

64. While the site has improved in terms of behaviour and fewer incidents it is nevertheless the case that at times the residents' unwillingness to engage with the authorities to tackle anti-social behaviour does limit improvements to the management of the site. For example, the service does on occasion receive complaints from neighbouring landowners and sees evidence of vandalism but struggles to get any witness to come forward.

65. We understand that there are informal discussions with residents and an emerging residents group.

66. We believe that this is an area where a stronger residents group with formal meetings would potentially improve management of the site and indeed improve the living conditions of the residents. It could also help to engage more with the local community.

Recommendation 7

That the Director of Environment and Neighbourhoods continues to develop a strong residents group on the Cottingley Springs site that could be the catalyst to engage more with the local community and that this formal arrangement should be established by June 2011.

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Private Sites

67. We heard from a Member representing the Morley Borough Independents that planning approval had recently been granted for 3 permanent caravans on a private site in Gildersome without objection from the community.
68. We are aware of 'lease and self build' schemes which are being worked up in other local authorities and that 'social purpose' management is increasingly evident across the country. There are a number of families in Leeds, to GATE's knowledge, who have the will and resources to buy their own land and build sites given the advice and support of the local planning authority.
69. We accept that appropriately sited new private pitches can significantly contribute to local cohesion and citizenship particularly when early dialogue with local settled communities is facilitated. We noted research conducted by JRF (Richardson 2007) that illustrated the way in which initial local opposition to new sites rapidly declines once small sites are established and local relationships begin to form.

Recommendation 8

That in accordance with the Local Development Framework Policy the Acting Director of City Development continue to encourage and support development of private gypsy and traveller site provision in the city which are appropriate, in keeping with the area and meet the necessary planning requirements.

Education and Health Issues

70. We recognised early in our deliberations that the Council has a duty to those who are homeless and in priority need. Some of those who are homeless may have a cultural aversion to living in traditional bricks and mortar type accommodation which will need to be taken in to account when considering an offer of suitable accommodation. We acknowledged that Romany Gypsies and Irish Travellers both fall within an ethnic group and are covered by the Equality Act 2010, which continues the principles of, and supersedes, the Race Relations Act 1976 (as amended).
71. We recognised the potential vulnerability of travellers as a group and the endangerment of their cultural lifestyle. We know that as a cultural group gypsies

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and travellers have an earlier mortality rate than most groups and that education and health is poor.

72. We received information from the Gypsy Roma Traveller Achievement Service which provides support to the children living at Cottingley Springs including transport to mainstream schools and a mobile nursery van.
73. We were concerned that some gypsy and traveller girls around aged 11 or 12 years of age seem to cease main stream education as they leave primary school and move to home school. We were assured by GATE and the road side gypsies themselves that this was no longer the case. We remain unconvinced and would recommend that some further work be undertaken in this respect.

Recommendation 9

That the Scrutiny Board (Children's Services) be asked to undertake a specific investigation on the national and local position of gypsy and traveller girls school attendance and educational achievements at 11 years and above.

74. We were surprised to learn that historically there were outreach services provided by NHS

Leeds but these have now been withdrawn.

Recommendation 10

That the Primary Care Trust and Director of Children's Services be asked to submit a report to Scrutiny Board (Health) on the services that have been withdrawn from gypsies and travellers and the alternative arrangements that have been instigated to protect this vulnerable group.

75. That with regard to section 61 of the Criminal Justice and Public Order Act 1994 and the joint protocol between the West Yorkshire Police and the Council on its use we were concerned that this was not always applied uniformly across the force and that on occasion local ward members were not notified in accordance with that protocol.

Recommendation 11

That the West Yorkshire Police be asked to ensure that the protocol between the Police and the Council is applied uniformly by Divisional Commanders across the city and that ward members are always informed of unauthorised encampments and when this power is to be used.

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Information Pack

76. We were informed by some residents that they would have found an information pack useful where gypsies and travellers make unauthorised encampments on private land.

Recommendation 12

That the Director of Environment and Neighbourhoods be asked to review and expand the information pack for use by residents and Members where unauthorised encampments occur on private land.

77. We note that a positive approach to our review would reduce the risk of legal challenge in the courts by recognising the unmet demand from gypsies and travellers for site provision and implementing a change in policy that in the long term would reduce the number of unauthorised encampments by at least a half.

78. We have identified that the Council has spent over £1.988,000 over several years in moving gypsies and travellers from unauthorised encampments in the city whilst not taking advantage of Government grants to provide the necessary sites. These grants are currently not available. This expenditure will

continue if changes are not made to the present policy.

79. Clearly the costs of introducing negotiated stopping sites for very short term encampments and permanent small sites for gypsies and travellers will be expensive and will need to be fully costed.

80. As with all policy decisions the allocation of limited financial resources will need to be considered. The Executive Board will need to balance the demand for social/affordable housing and a growing waiting list against the needs of a small transient gypsy and traveller community.

81. We do feel that it is important, before the Executive Board Member or the Director of Environment and Neighbourhoods decide on the best course of action as a result of our inquiry that they do contact the appropriate Government Department for clarification of their intentions or proposals for dealing with gypsies and travellers and also guidance that will be issued to the Planning Inspectorate as to who to deal with planning appeals for sites identified as having potential for site provision.

82. Some of our comments and conclusions drawn in the report and the emphasis put on some

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of them are not necessarily supported by all Members of the Board. This should be borne in mind when decisions are reached.

83. We would also suggest that clarification is sought from the Acting Director of City Development and from the Government on the potential impact or otherwise, the formation of Neighbourhood plans could have if the local view was to make comment about the provision of gypsy and traveller sites in either a positive or negative light.

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Monitoring arrangements

Standard arrangements for monitoring the outcome of the Board's recommendations will apply.

The decision-makers to whom the recommendations are addressed will be asked to submit a formal response to the recommendations, including an action plan and timetable, normally within two months.

Following this the Scrutiny Board will determine any further detailed monitoring, over and above the standard quarterly monitoring of all scrutiny recommendations.

Reports and Publications Submitted

Report of the Director of Environment and Neighbourhoods on the current situation regarding unauthorised encampments compared with the Scrutiny Board inquiry held in 2004/05

Inquiry Report of Scrutiny Board (Neighbourhoods and Housing) on gypsy and travellers sites published in April 2005

Report of the Scrutiny Support Manager to Executive Board on 18 May 2005 concerning recommendations 1 and 2 of the Board's final inquiry report

Report of the Local Government Association, Gypsy and Traveller Task Group, June 2006

Report of the Chief Officer Legal Licensing and Registration setting out the legal background to unauthorised encampments and the Council's legal obligations and powers - 20 October 2010

Report of the Director of Environment and Neighbourhoods setting out current position regarding unauthorised sites, the position with permanent provision and legal position in relation to the accommodation needs of the travelling community - 20 October 2010

Cottingley Springs Update - 13 October 2010

Map of the sites at Cottingley Springs and land surrounding the sites owned by the Council

Map showing unauthorised encampments in the last 12 months

Information about Leeds Gypsy and Traveller Exchange (GATE) including their Memorandum of Association and Articles of Association

Evidence



Reports and Publications Submitted (continued)

Confidential joint report of the Chief Officer Legal Licensing and Registration and the Director of Environment and Neighbourhoods considered by Leader Management Team on 15 July 2010

Paper providing information on the average number of caravans per residential pitch across the Leeds City Region and other regions in the country

Report of the Director of Environment and Neighbourhoods providing additional information requested by the Scrutiny Board relating to further information requested by the Board including unauthorised encampments in Leeds since 2007-15 November 2010

Department of Communities and Local Government circular designing gypsy and traveller sites - May 2008

A briefing note submitted by the Chief Officer Legal Licensing and Registration concerning legal costs of unauthorised encampments and application for Costs order

Gypsy Roma Traveller data of pupils in school provided by the Manager of the Gypsy Roma Traveller Achievement Service, November 2010

National Association of Teachers and Travellers and other Professions (NATT) final report and impact study 2009/10 provided by the Director of Equality and Entitlement, Education Leeds, Final report and impact study (2009 -10)

Improving the outcomes for Gypsy, Roma and Traveller pupils and the research brief provided by the Department for Education - October 2010

Briefing note by the Chief Officer Legal Licensing and Registration on a legal case Manchester City Council V Pinnock

Briefing note by the Chief Officer Legal Licensing and Registration Cottingley Springs licence agreement

Report of the Director of Environment and Neighbourhoods on costings for new pitches at Cottingley Springs and information from other Authorities in the South East and South West of the country regarding the provision of pitches and consultation

Briefing note by the Chief Officer Legal Licensing and Registration on the current unauthorised encampment on private land

Information from GATE and Written submission by Councillor M Dobson

Press cuttings on gypsies and travellers for the period April to December 2010 (18 positive cuttings, 34 negative, and 24 neutral)

Evidence



Dates of Scrutiny

13 September 2010, Scrutiny Board (Environment and Neighbourhoods)
29 September 2010, Gypsies and Travellers Working Group
11 October 2010, Scrutiny Board (Environment and Neighbourhoods) – Terms of Reference
20 October 2010, Gypsies and Travellers Working Group
1 November 2010, Gypsies and Travellers Working Group
8 November 2010, Scrutiny Board (Environment and Neighbourhoods)
15 November 2010, Gypsies and Travellers Working Group
29 November 2010, Gypsies and Travellers Working Group
2 December 2010, Scrutiny Board (Environment and Neighbourhoods)
13 December 2010, Gypsies and Travellers Working Group
6 January 2011, Scrutiny Board (Environment and Neighbourhoods)
17 January 2011, Scrutiny Board (Environment and Neighbourhoods)

A number of Members visited Cottingley Springs site during the course of the Board's inquiry

Witnesses Heard

Cllr Peter Gruen, Executive Board Member for Neighbourhoods and Housing
Cllr John Leslie Carter, Conservative Group Spokesperson
Councillor David Blackburn, Green Party Spokesperson
Councillor Ralph Pryke, Liberal Democrat Group Spokesperson
Councillor Tom Leadley, Morley Borough Independents Spokesperson
Chief Superintendent Mark Milson, West Yorkshire Police Divisional Commander (City & Holbeck)
Chief Inspector Jim McNeil, West Yorkshire Police, Leeds Community Safety
PC 3218 David Stephens, West Yorkshire Police, Leeds Community Safety
Mr R Powell, Senior Research Fellow of the Centre for Economic and Social Research at Sheffield Hallam University
Ms Helen Jones, Chief Executive of Leeds GATE
Ms Eileen Lowther, Chair of Leeds GATE
Ms Kim Maloney, Vice Chair of Leeds GATE
Ms Maddy Connors, Representing roadside gypsies and travellers
Mr James Connors, Representing roadside gypsies and travellers
Mr Michael Maloney, Representing roadside gypsies and travellers
Ms Michelle McGill, Chair of New Wortley Residents Association
Mr Steven Carey, Chief Revenues and Benefits Officer
Ms Bridget Emery, Head of Housing Strategy and Solutions
Ms K Murray, Travellers Service Manager
Mr Gareth Self, Liaison Officer
Mr Ian Spafford, Head of Community Services & Litigation
Ms Karen Blackmore, Team Leader, General Litigation Team
Local Residents in the city

Unauthorised Encampments in Leeds
from April 2010 to date.

Appendix 1



Site Name	Number of Vans	Ward	Owner	Start Date	End Date	Duration Days	Court Proceedings	'Leeds' family
Armley Park	16	Armley	LCC	12-Apr-10	22-Apr-10	10	Yes Section 61 Refused	Yes
Wok Inn	2	City & Hunslet	Private	16-Apr-10	20-Apr-10	4	Yes	Yes
Cambridge Road	22	Hyde Park & Woodhouse	LCC	23-Apr-10	06-May-10	14	Yes Section 61 Refused	Yes
Stainton Lane	2	Rothwell	LCC	22-Apr-10	30-Apr-10	8	Yes	No
Thorpe Park	9	Temple Newsham	Private	22-Apr-10	23-Apr-10	1	No	Yes
Armley Park	9	Armley	LCC	23-Apr-10	24-Apr-10	1	No	Yes
Limewood Approach	6	Killingbeck and Seacroft	Private	26-Apr-10	29-Apr-10	3	Yes	No
WOK Inn	1	City & Hunslet	Private	06-May-10	10-May-10	4	Yes	No
Hook Moor Cottage	9	Kippax & Methley	LCC	06-May-10	24-May-10	18	No	No
Cartmel Drive	16	Temple Newsham	LCC	11-May-10	13-May-10	3	Yes	Yes
BHS, Kirkstall Road	7	Kirkstall	Private	10-May-10	24-May-10	14	Yes	No
Copperfield College	18	Burmantofts & Richmond Hill	LCC	13-May-10	13-May-10	1	Section 61 Used	Yes
Thorpe Road	18	Middleton Park	LCC	14-May-10	15-Jun-10	31	Yes Section 61 Refused	Yes
Hudson Way	3	Wetherby	LCC	19-May-10	24-May-10	5	No	No
Fearnville Sports Ground	57	Gipton & Harehills	LCC	24-May-10	05-Jul-10	41	Yes Section 61 Refused	Yes
Pheonix Way	35	Kippax & Methley	LCC	01-Jun-10	22-Jun-10	21	Yes Section 61 Refused	No
Spenn Common Lane	6	Wetherby	LCC	07-Jun-10	15-Jun-10	8	No	No
Woodlea Approach	1	Guisley & Rawdon	LCC	11-Jun-10	14-Jun-10	3	No	No

Scrutiny Board (Environment and Neighbourhoods) - Final Inquiry Report -
Published 18th January 2011 – scrutiny.unit@leeds.gov.uk

Appendix 1



Site Name	No. Caravans	Ward	Owner	Start Date	End Date	Duration Days	Court Proceedings	
Ninelands Lane	7	Garforth & Swillington	LCC	28-Jun-10	30-Jun-10	2	Yes - Abridged Section 61 Refused	No
Greenhill Lane	5	Farnley & Wortley	LCC	29-Jun-10	30-Jun-10	1	Section 61	No
Oak Road	30	Armley	LCC	30-Jun-10	01-Jul-10	1	Section 61	Yes
Ash Lane	39	Garforth & Swillington	LCC	30-Jun-10	15-Jul-10	15	Yes Section 61 Refused	No
Wykebeck Valley Road	8	Killingbeck and Seacroft	LCC	05-Jul-10	14-Jul-10	9	Yes Section 61 Refused	Yes
Cambridge Road	8	Hyde Park & Woodhouse	LCC	05-Jul-10	06-Jul-10	1	Section 61 Used	Yes
Whitehouse Lane	14	Garforth & Swillington	LCC	06-Jul-10	08-Jul-10	2	No	No
Phoenix Avenue	6	Kippax & Methley	LCC	08-Jul-10	13-Jul-10	5	No	No
Wok In	3	City & Hunslet	Private	08-Jul-10	12-Jul-10	4	No	Yes
Temple Newsam	18	Temple Newsham	LCC	14-Jul-10	16-Jul-10	2	Yes	No
Century Way	24	Kippax & Methley	Private	15-Jul-10	16-Jul-10	1	No	Yes
Cross Green Approach	26	Burmantofts & Richmond Hill	LCC	16-Jul-10	30-Jul-10	14	Yes	Yes
Ramshead Approach	4	Killingbeck and Seacroft	LCC	16-Jul-10	19-Jul-10	3	No	No
Rothwell Haigh	3	Rothwell	LCC	16-Jul-10	20-Jul-10	4	No	No
Phoenix Way	10	Kippax & Methley	LCC	16-Jul-10	02-Aug-10	17	Yes	Yes
King Alfreds Approach	7	Moortown	LCC	26-Jul-10	02-Aug-10	7	Yes	No
Spenn Common Lane	10	Wetherby	LCC	27-Jul-10	02-Aug-10	6	Yes	No
Carlisle Road, Royal Armouries	18	City & Hunslet	LCC	30-Jul-10	10-Aug-10	11	Yes	Yes
Cambridge Road	15	Hyde Park & Woodhouse	LCC	05-Aug-10	06-Aug-10	1	Existing order in place	Yes
Soldiers Field	7	Roundhay	LCC	06-Aug-10	16-Aug-10	10	Yes	No

Appendix 1



Site Name	No. Caravans	Ward	Owner	Start Date	End Date	Duration Days	Court Proceedings	
Wellington Road, Armley Gyratory	23	Armley	LCC	06-Aug-10	19-Aug-10	13	Yes	Yes
Victoria School Playing Fields	8	Burmantofts & Richmond Hill	LCC	09-Aug-10	19-Aug-10	10	Yes	No
Spinkwell Lane	3	Ardsley & Robin Hood	LCC	10-Aug-10	19-Aug-10	9	Yes	No
Ramshead Approach	5	Killingbeck and Seacroft	LCC	16-Aug-10	27-Aug-10	11	Yes	No
Moorfield Road	25	Armley	LCC	19-Aug-10	20-Aug-10	1	Section 61 Used	Yes
Bridgefield Pub	2	Burmantofts & Richmond Hill	Private	20-Aug-10	06-Sep-10	17	Yes	Yes
Beckett Street	2	Burmantofts & Richmond Hill	LCC	23-Aug-10	27-Aug-10	4	No	Yes
Wortley Towers	25	Farnley & Wortley	LCC	23-Aug-10	01-Sep-10	9	Yes	Yes
Wykebeck Valley Road	40	Gipton & Harehills	LCC	01-Sep-10	06-Sep-10	5	Yes - Abridged time	Yes
Cambridge Road	35	Hyde Park & Woodhouse	LCC	06-Sep-10	08-Sep-10	2	Section 61	Yes
Becketts Park	50	Weetwood	LCC	09-Sep-10	10-Sep-10	1	Yes - Abridged time.	Yes
Willow Road	32	Hyde Park & Woodhouse	LCC	10-Sep-10	21-Sep-10	11	Yes	Yes
Pack Horse Pub	3	Farnley & Wortley	Private	21-Sep-10	23-Sep-10	2	Bailiffs Instructed	Yes
Viaduct Road	20	Armley	Private	22-Sep-10	27-Sep-10	5	Yes	Yes
Wallace Arnold	16	Beeston & Holbeck	Private	23-Sep-10	18-Oct-10	25	Yes	Yes
Harry Ramsdens	5	Guisley & Rawdon	Private	05-Oct-10	07-Oct-10	2	Yes	No

Appendix 2



Costs of Cottingley Springs

<u>Costs</u>	<u>2002/03</u>	<u>2003/04</u>	<u>2004/05</u>	<u>2005/06</u>	<u>2006/07</u>	<u>2007/08</u>	<u>2008/09</u>	<u>2009/10</u>	<u>2010/11</u>	<u>Total</u>
	£	£	£	£	£	£	£	£	£	£
Staffing - assume	29,472	50,125	63,610	74,522	68,659	52,118	52,261	59,659	62,588	513,013
Premises Costs	89,878	90,721	34,632	40,083	43,191	115,128	89,853	103,292	122,990	729,768
Supplies & Services	1,269	5,098	3,519	1,400	1,518	1,062	660	1,945	3,668	20,139
Fuel/Transport	3,156	4,295	2,735	4,302	5,050	3,177	2,807	2,241	3,632	31,394
Overheads	-	1,942	6,091	10,786	12,813	14,543	8,152	9,248	9,176	72,750
Receipts										
	-190,168	-203,307	-187,376	-185,147	-218,662	-226,790	-231,903	-233,254	-253,980	-1,930,587
Total Costs	- 66,393	- 51,128	- 76,790	- 54,054	- 87,433	- 40,762	- 78,169	- 56,869	- 51,926	- 563,523

Appendix 3



2009/10 GTSG PROGRAMME - AVERAGE COST PER PITCH - NEW/ADDITIONAL/REFURB NEW PITCHES

Region	Grant	Total pitches on site	New/ additional pitches	New/ additional/ refurb	Grant per pitch	
South West	£77,250	5	5	New	£15,450	
Yorkshire & Humberside	£43,986	2	2	New	£21,993	
East of England	£326,155	9	9	New	£36,239	
North East	£512,549	6	6	New	£85,425	
Yorkshire & Humberside	£1,160,000	10	10	New	£116,000	
North East	£583,009	5	5	New	£116,602	
East Midlands	£475,000	4	4	New	£118,750	
South West	£956,856	8	8	New	£119,607	
South West	£839,051	7	7	New	£119,864	
North West	£1,541,000	12	12	New	£128,417	
East Midlands	£2,891,102	20	20	New	£144,555	Rejected by Secretary of State
South East	£1,163,100	8	8	New	£145,388	Rejected by Secretary of State
South West	£1,455,355	10	10	New	£145,536	Rejected by Secretary of State
South East	£2,609,000	18	10	New	£144,944	Rejected by Secretary of State

ADDITIONAL PITCHES

Appendix 3



Region	Grant	Total pitches on site	New/ additional pitches	New/ additional/ refurb	Grant per pitch
East of England	£279,786	18	2	Additional	£15,544
North West	£278,362	15	2	Additional	£18,557
South West	£418,163	19	2	Additional	£22,009
East of England	£475,000	21	3	Additional	£22,619
North East	£935,007	22	1	Additional	£42,500
West Midlands	£999,600	23	5	Additional	£43,461
East Midlands	£1,248,571	21	2	Additional	£59,456
Yorkshire & Humberside	£1,214,139	20	10	Additional	£60,707
West Midlands	£1,063,000	16	1	Additional	£66,438
East of England	£1,101,051	16	1	Additional	£68,816
South East	£358,072	5	1	Additional	£71,614

REFURBISHED PITCHES

Region	Grant	Total pitches on site	New/ additional pitches	New/ additional/ refurb	Grant per pitch
South East	£106,130	10	0	Refurb	£10,613
South East	£371,728	16	0	Refurb	£23,233
Yorkshire & Humberside	£740,000	10	0	Refurb	£74,000
South East	£850,000	10	0	Refurb	£85,000

Appendix 4



SEE ATTACHED DOCUMENT FROM CORPORATE PROPERTY MANAGEMENT