

Report of the Head of Scrutiny and Member Development

Report to Scrutiny Board (Safer and Stronger Communities)

Date: 12th September 2011

Subject: Recommendation Tracking

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" 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. This report sets out the progress made in responding to the recommendations arising from the previous Scrutiny review of Gypsies and Travellers Site Provision within Leeds.
2. This follows the report of the Director of Environment and Neighbourhoods to the Executive Board in July 2011 which also summarised the progress made in responding to the 12 recommendations arising from the Scrutiny review.
3. The Scrutiny recommendation tracking system allows the Scrutiny Board to monitor progress and identify completed recommendations; those progressing to plan; and those where there is either an obstacle or progress is not adequate. The Board will then be able to take further action as appropriate.

Recommendations

4. Members are asked to:
 - Agree those recommendations which no longer require monitoring;
 - Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

1 Purpose of this report

- 1.1 This report sets out the progress made in responding to the recommendations arising from the previous Scrutiny review of Gypsies and Travellers Site Provision within Leeds.

2 Background information

- 2.1 Following its review of Gypsies and Travellers Site Provision within Leeds, the former Environment and Neighbourhoods Scrutiny Board published its final report and recommendations in January 2011.
- 2.2 The Scrutiny recommendation tracking system allows the Board to monitor progress and identify completed recommendations; those progressing to plan; and those where there is either an obstacle or progress is not adequate. The Board will then be able to take further action as appropriate.
- 2.3 This report follows the report of the Director of Environment and Neighbourhoods to the Executive Board in July 2011 which also summarised the progress made in responding to the 12 recommendations arising from the Scrutiny review.

3 Main issues

- 3.1 A standard set of criteria has been produced to enable the Board to assess progress. These are presented in the form of a flow chart at Appendix 1. The questions in the flow chart should help to decide whether a recommendation has been completed, and if not whether further action is required.
- 3.2 To assist Members with this task, the Principal Scrutiny Adviser has given a draft status for each recommendation. The Board is asked to confirm whether these assessments are appropriate, and to change them where they are not. Details of progress against each recommendation is set out within the table at Appendix 2.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Where internal or external consultation processes have been undertaken with regard to responding to the Scrutiny Board's recommendations, details of any such consultation will be referenced against the relevant recommendation within the table at Appendix 2.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Where consideration has been given to the impact on equality areas, as defined in the Council's Equality and Diversity Scheme, this will be referenced against the relevant recommendation within the table at Appendix 2.

4.3 Council Policies and City Priorities

- 4.3.1 This section is not relevant to this report.

4.4 Resources and Value for Money

- 4.4.1 Details of any significant resource and financial implications linked to the Scrutiny recommendations will be referenced against the relevant recommendation within the table at Appendix 2.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This report does not contain any exempt or confidential information.

4.6 Risk Management

- 4.6.1 This section is not relevant to this report.

5 Conclusions

- 5.1 The Scrutiny recommendation tracking system allows the Board to monitor progress and identify completed recommendations. Progress in responding to those recommendations arising from the Scrutiny review of Gypsies and Travellers Site Provision within Leeds is detailed within the table at Appendix 2 for Members' consideration.

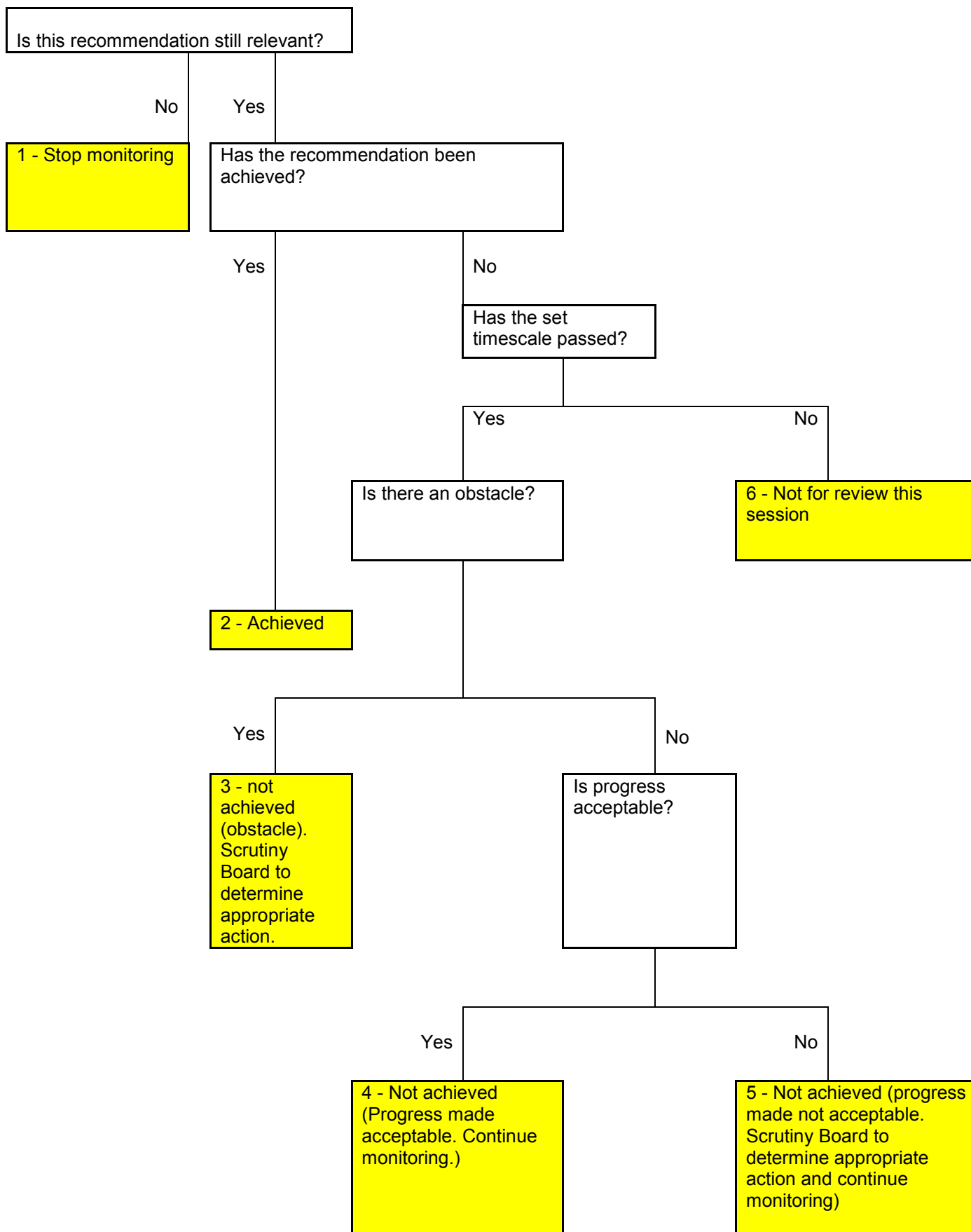
6 Recommendations

- 6.1 Members are asked to:
- Agree those recommendations which no longer require monitoring;
 - Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

7 Background documents

- 7.1 Review of Gypsies and Travellers Site Provision within Leeds – Scrutiny Inquiry Report. January 2011.
- 7.2 Report of the Director of Environment and Neighbourhoods to Executive Board on 27th July 2011. Gypsies and Travellers – Progress on Scrutiny Board Inquiry Recommendations.

Recommendation tracking flowchart and classifications:
Questions to be Considered by Scrutiny Boards



Review of Gypsies and Travellers Site Provision within Leeds

Categories

- 1 - Stop monitoring
- 2 - Achieved
- 3 - Not achieved (Obstacle)
- 4 - Not achieved (Progress made acceptable. Continue monitoring)
- 5 - Not achieved (Progress made not acceptable. Continue monitoring)
- 6 - Not for review this session

Recommendation for monitoring	Evidence of progress and contextual information	Status (categories 1 – 6) (to be completed by Scrutiny)	Complete
<p>Recommendation 1</p> <p>(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.</p> <p>(ii) In any consideration by Executive Board those ward Members who are</p>	<p>Formal Response (received March 2011)</p> <p>The Director of Environment and Neighbourhoods will undertake work to enable Executive Board to deliberate on the recommendations. The West Yorkshire Police state that there are no issues re the provision of a negotiated stopping site that would accommodate the traveling families that are and have been Leeds based for many years. This would ideally be located near to services such as health and education. The Leeds Travellers have made it quite clear that they will not use a site that is an extension of the current provision at Cottingley Springs.</p>		

<p>affected by proposals on this matter are consulted.</p>	<p>Current position:</p> <p>The July Executive Board approved the recommendation for officers to commence the search for new Gypsy and Traveller sites. The search will cover both temporary and permanent site options. Officers recommend that the focus is placed on identifying permanent site options as temporary sites will serve to defer rather than resolve the challenge of unauthorised encampments: the Council will still be faced with the challenge of finding longer term options/taking possession action if the occupants fail to leave once the temporary agreed period of residence has elapsed. Temporary stopping sites are therefore primarily about non-Leeds based Travellers and officers believe that such provision could attract more people to encamp in the city and that the existing legal powers should be used to respond to encampments by non-Leeds based Travellers. ACTION CLOSED</p>	<p>1 - Stop monitoring</p>	
<p>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.</p>	<p>Formal Response (received March 2011)</p> <p>The Director of Environment and Neighbourhoods will undertake work to enable Executive Board to deliberate on the recommendations. The West Yorkshire Police refers to the provision of 25 pitches for 25 caravans. Currently each pitch provided by the Council is able to accommodate up to 3/4 additional caravans. This recommendation could result in a stopping site that could accommodate up to 100 caravans unless we are specific about the permitted numbers. The police have grave concerns about our ability to manage such potentially large sites, which have previously seen grave anti-social behaviour and environmental issues and could also pitch different family groups together and add to the various current feuds and infighting amongst this community.</p>		

<p>(ii) In any consideration by Executive Board those ward Members who are affected by proposals on this matter are consulted.</p>	<p>Current position: Officers recommended in the Executive Board report that a focus was placed on addressing the housing needs of the 12 Leeds based Travellers who invariably are occupants of unauthorised encampments. A pitch is defined as being an area on a site where a family has sole use to park their caravans/vehicles and exclusive access to the facilities contained within the pitch. Therefore, officers believe there is a need for 12 pitches. Work has commenced on developing the pitch/site criteria that will be used to inform the identification of sites. It is intended that officers will be able to identify a possible site(s) for consideration at a future meeting of Executive Board. ACTION ONGOING</p>	<p>4 - Not achieved (Progress made acceptable. Continue monitoring.)</p>	
<p>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.</p>	<p>Formal Response (received March 2011) The Director of Environment and Neighbourhoods supports this recommendation and confirms that early dialogue with neighbouring authorities will commence immediately, with a focus on Calderdale and Kirklees where the Executive Board will note, there is currently no provision for Gypsies and Travellers. The West Yorkshire Police state that joint pitches with Wakefield and Bradford Districts may be an option.</p> <p>Current position: Unauthorised encampments in Leeds primarily comprise of Leeds based Travellers and people who are passing through the city as part of their nomadic lifestyle. For both parties, the development of additional provision in neighbouring authorities is likely to have a limited impact. Nevertheless, officers have committed to working with other authorities to develop a more consistent City Region approach. ACTION ONGOING</p>	<p>4 - Not achieved (Progress made acceptable. Continue monitoring.)</p>	

<p>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.</p>	<p>Formal Response (received March 2011) The Director of Environment and Neighbourhoods will undertake work on the feasibility and costs of this proposal in order to enable Executive Board to deliberate on the recommendations. The police state that there could be clear policing issues with an extension of Cottingley Springs. Smaller sites could be more easily be absorbed into the structure of neighbourhood policing and therefore a more effective service given to both the Travellers and the settled community</p> <p>Current position: Government guidance states that sites should not contain more than 15 pitches. Cottingley Springs, over two sites, comprises 41 pitches. This, along with concerns expressed by the police over site management and the Traveller’s views that they would not want Cottingley Springs to be expanded, leads officers to recommend that Cottingley Springs should not be increased in size. As reported to Executive Board on the 27th July 2011 ACTION CLOSED</p>	<p>1 - Stop monitoring</p>	
<p>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).</p>	<p>Formal Response (received March 2011) The Director of Environment and Neighbourhoods and the Chief Officer Legal, Licensing and Registration agree to this recommendation. The review will be shaped by proposed changes to legislation and, as with any change to council licence or tenancy agreements, will need to be conducted in consultation with current residents at Cottingley Springs.</p>		

	<p>Current position: The 2004 Housing Act amended the 1983 Mobile Homes Act so that Gypsy and Traveller sites are now covered by the definition of ‘protected site’. This means that residents of Gypsy and Traveller sites have enhanced tenancy rights including security of tenure/protection from eviction. This amendment was implemented at the end of May 2011 and the Council has responded by issuing all Cottingley Springs residents with new tenancy agreements. ACTION CLOSED</p>	2 - Achieved	
<p>Recommendation 6 That the Director of Environment and Neighbourhoods develop and adopt a Good Neighbourhood Code with 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.</p>	<p>Formal Response (received March 2011) The Director of Environment and Neighbourhoods agrees to this recommendation and suggests that the work to develop a Good Neighbourhood Code is undertaken in the next few months so that the Code is ready for introduction at the point the government implements the relevant sections of the Mobile Homes Act 1983 referred to in recommendation 5. Executive Board is asked to note that in developing the Code, reference will be made to similar Good Neighbourhood Codes in operation in other areas of the country in order to capture best practice.</p> <p>Current position: The ‘express terms’, those agreed between the occupier and the site owner, have been reviewed as part of the tenancy conversion changes set out in Recommendation 5. These include provisions relating to acceptable behaviour. Officers will be further reviewing the ‘express terms’ of the tenancy agreement to ensure that they cover all aspects of good behaviour. The review will be completed by December 2011 ACTION ONGOING</p>	4 - Not fully achieved (Progress made acceptable. Continue monitoring.)	

<p>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.</p>	<p>Formal Response (received March 2011) The Director of Environment and Neighbourhoods agrees to this recommendation and asks Executive Board to note that work to develop a stronger residents group has started and that in recent years there has been a better engagement between the local community and residents at Cottingley Springs than was historically the case. It is acknowledged that this has been largely informal and therefore formal arrangements will be established in the next few months.</p> <p>Current position: A Cottingley Springs residents group has been established and is being facilitated by the Leeds Tenants and Residents Federation. Attendance has been disappointing to date and Council officers are meeting with Federation representatives to look at ways in which this can be improved. Initial action completed – follow up action required to establish & embed processes ACTION ONGOING</p>	<p>4 - Not fully achieved (Progress made acceptable. Continue monitoring.)</p>	
<p>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.</p>	<p>Formal Response (received March 2011) The Acting Director of City Development states that the recommendation is acceptable on the basis that it is about the application of planning policy. The Directorate will engage with Gypsy and Traveller communities and will encourage and support their proposals when these accord with planning criteria. This recommendation does not mean that the Directorate will actively seek sites for private development. This initiative has to come from the Gypsies and Travellers themselves as private sites only happen if they have the necessary funding in place. The Directorate also points out that there is yet no Local Development Framework policy as there are no LDF documents adopted. The existing policy is in the UDP.</p>		

	<p>Current position:</p> <p>The position set out in March 2011 remains the position of the Council.</p> <p>ACTION COMPLETED</p>	2 - Achieved	
<p>Recommendation 9</p> <p>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.</p>	<p>Formal Response (received March 2011)</p> <p>The Director of Children’s Services has made no comment as this will be considered by Scrutiny Board (Children’s Services) when considering its work programme.</p> <p>Current position:</p> <p>The Children’s Services Scrutiny Board received a report prepared by the Gypsy, Roma and Traveller Achievement Service within Children’s Services at its meeting on 21 April</p> <p>This was considered at the same meeting as the annual standards reports on both primary and secondary schools, providing a detailed breakdown of achievement across all ethnic groups in the city, thus providing additional context to the specific report on Gypsy, Roma and Traveller children.</p> <p>Members discussed the following key points:</p> <ul style="list-style-type: none"> • families moving between temporary camps around the city are in a similar position to those that move around private rented accommodation in terms of access to services • the advantages of small permanent sites based in local communities in encouraging families to access education • girls seen to be key to breaking the cycle • noted success at ensuring primary age children attending school • a long cultural tradition of non-attendance at school to be overcome, especially at secondary level • the legal right to choose home education 	4 - Not achieved (Progress made acceptable. Continue monitoring.)	

	<p>The Board was concerned at the levels of attendance and achievement and agreed to monitor this on an ongoing basis alongside future annual school standards reports</p> <p>ACTION ONGOING</p>		
<p>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.</p>	<p>Formal Response (received March 2011) The Director of Children’s Services challenges the suggestion that services have been withdrawn from Gypsies and Travellers. As with many services at the current time, some areas of support that do benefit Gypsies and Travellers are being reviewed to ensure the Directorate are targeting limited resources towards meeting priorities. However, we recognise that Gypsies and Travellers are a vulnerable group and that there is a need to reflect this in future decisions. It would be helpful to understand the detail of what is believed to be being withdrawn so that a more informed response can be provided. We are keen to address any specific concerns within the Gypsy and Traveller communities and we will be happy to respond to questions and concerns about this in any way that helps to assists the scrutiny board.</p> <p>Current position: The position set out in March 2011 remains the position of the Council. Scrutiny to pursue this matter further and report back separately.</p> <p>ACTION ONGOING</p>	<p>6 - Not for review this session</p>	
<p>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</p>	<p>Formal Response (received March 2011) The West Yorkshire Police state that the Leeds District Protocol for the management of unauthorised encampments does not contain a requirement to notify local ward members when Section 61 is to be used. The police believe however that this would be good practice for a number of reasons. This practice could be incorporated in a future review of the protocol however it must be understood that the decision whether or not to use the Section 61 power will remain</p>		

<p>this power is to be used.</p>	<p>an operational one for the police alone to take. The responsibility could rest with a member of the Gypsy Traveller Service or the local NPT Inspector (particularly when out of office hours), which the police could agree locally. The notification on each occasion of the presence of unauthorized encampments to local members should be a matter for LACK to resolve internally. The police agree also that the protocol should be applied consistently across the 3 police divisions but that this can be best dealt with through locally arranged inputs utilizing the skills and knowledge of the Traveller Liaison Officer. The police would also like to add to the recommendation that we should also take the opportunity to promote clear understanding of the protocol amongst all the Leeds ward members.</p> <p>Current position: A joint working protocol is in place between the Council and West Yorkshire Police regarding the use of section 61 powers. The police have used the powers where appropriate: to remove Travellers from Wortley Recreation Ground in June 2011. The powers should only be used where the trespassers are displaying nuisance or threatening behaviour. The decision to apply section 61 powers is an operational one for the police and resources/other incidents will be important considerations for them in terms of using the powers. The Council must also ensure that it is not circumventing the obligation to ordinarily recover possession through a court process by asking the police to use section 61 powers. The Council has been able to speed up the court process where the encampment is considered to have particular affect on the land/local community. Two such examples are Killingbeck Fields which is an area of Special Scientific Interest and Burley Village Green in May 2011 because of the proximity to a polling station. ACTION CLOSED</p>	<p>2 - Achieved</p>	
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<p>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.</p>	<p>Formal Response (received March 2011) The Director of Environment and Neighbourhoods agrees to this recommendation and will ensure that the information currently available for Members and for residents is updated and expanded to cover all relevant aspects of unauthorised encampments on private land. This will be completed by April 2011.</p> <p>Current position: An updated guide has been drawn up and will be circulated to all Members by the 30th September 2011 Action Closed when updated guide has been circulated to Members ACTION ONGOING</p>	<p>4 - Not achieved (Press made acceptable. Continue monitoring.)</p>	
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