

Public Document Pack

Supplementary Information for 2nd December 2010 Scrutiny Board (Environment and Neighbourhoods)

Pages 1 – 14: Agenda Item 7 – Further submission submitted by Leeds Gypsy and Traveller Exchange (GATE)

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Leeds Gypsy and Traveller Exchange

November 2010

By 2030, Leeds will be fair, open and welcoming

Leeds will be a place where everyone has an equal chance to live their life successfully and realise their potential. Leeds will embrace new ideas, involve local people, and welcome visitors and those who come here to live, work and learn.

To do this Leeds will be a city where:

- **People from different backgrounds and ages feel comfortable living together in communities;**
- **People are treated with dignity and respect at all stages of their lives;**
- **We all behave responsibly**
- **People have a shared sense of belonging;**
- **There are good relations within and between communities;**
- **The causes of unfairness are understood and addressed;**

Excerpt from Leeds new Vision consultation 'What if Leeds...?'

What do the people of Leeds want?

- To feel pride in the place where they live.
- To live in a city that cares about well being; inclusion and fairness.
- To live in a city where everyone can realise their potential and contribute to a diverse and vibrant local economy.
- To feel that they have the same responsibilities and opportunities as their neighbours.
- To live in an environment that is attractive, safe and sustainable.

What does the City Council need to achieve?

- Good value for the money it spends
- Reduction in the money it spends / increase in the money it generates.
- Adherence to legal duties including with regard to equality, welfare, health and education.
- Locally negotiated and sustainable solutions that enable cohesive and thriving local communities.

How is discussion about Gypsy and Traveller site provision relevant to our vision for Leeds, for what local people want and for what the City Council needs to achieve?

- Because of widely acknowledged waste and inefficiency in use of finance and other resources (including uncalculated costs in policing, crisis led support, detriment to health and education outcomes);
- Loss of potential revenue from council tax, leasing and rents;
- Potential for legal challenge and for failures in safeguarding;
- Unauthorised and uncontrolled encampment causes environmental detriment and hampers local communities' peaceable enjoyment of local amenity;
- Questions as to whether the local authority can succeed in its duty and ambition to promote good relations and cohesion between different groups;
- Housed residents and homeless Gypsy and Irish Traveller people all feel that they are treated unequally and unjustly.

What can be agreed on by local stakeholders to the discussion?

- There are a minimum of 41 adults and 50 children who are permanently resident in Leeds without a suitable authorised location in which to live according to their cultural preference and legal right*.
- Normal population growth will generate further 'local' need in the future.
- There are a further uncalculated number of people who come to Leeds from elsewhere and live on unauthorised encampments for short periods.
- Whilst not legally required to provide new sites, the City Council has *the* key role in promoting the status quo or in facilitating a solution to unauthorised encampment which occurs in Leeds.
- New site provision is unlikely to wholly end unplanned encampment within Leeds.
- The Local Authority site at Cottingley Springs is not a beacon of best practice in site provision or design but appears to be generating an operating surplus averaging £62,000 per year (according to N&E report to scrutiny).
- Gypsies and Irish Travellers living in Leeds, with few exceptions, experience poor health and education outcomes, and are socially and economically isolated from the rest of the city.
- National policy and regulation is currently unclear (successful recent challenge to the removal of Regional Spatial Strategies by Cala homes; recent statement in Parliament by Baroness Hanham that government grants for site provision will resume in 2011, forthcoming 'localism' bill)
- 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.

*N&E report to scrutiny- Leeds GATE believe this is a bare minimum.

What action does GATE suggest?

Research by DH, CRE, EHRC and others* has repeatedly indicated that appropriate site provision is fundamentally necessary to achieving improved outcomes across health, education, economic inclusion and civic participation among Gypsy and Irish Traveller communities. **Without appropriate site provision efforts to effect improvement across these areas of need are undermined, leading to reinforced exclusion and disaffection among Gypsy and Irish Traveller community members and ineffective 'crisis driven' use of resources by a range of agencies.**

We are deeply concerned by the circumstances of the Gypsy and Irish Traveller families we support, particularly those constantly on the roadside and subject to regular eviction. **We consider that we would be negligent in our duty of care if we did not take this opportunity to draw attention to potential failure of safeguarding systems in relation to vulnerable members of these families.** In that light we are continually astonished by decision making in respect of toleration, service provision and eviction given the local authority's certain knowledge of ongoing welfare needs among families who are well known to their officers.

Short and long term solutions are urgently needed. Our role within the Gypsy and Irish Traveller communities leaves us optimistic that solutions can be reached, provided that local stakeholders engage all parties in realistic dialogue. Dialogue alone however is not sufficient. The longer action is delayed the greater the waste of effort and resources and the greater the problems which need to be overcome. **We would respectfully suggest that ongoing policy and process in regards to Gypsy and Irish Traveller homelessness and encampment in Leeds has been successful only in promoting waste and injustice for all concerned.** Partnership work to rapidly identify locations for negotiated stopping and permanent site provision is long overdue.

* The Health Status of Gypsies and Travellers in the UK, Dept of Health, Parry et al 2005

Common Ground, Commission for Race Equality 2007

Inequalities faced by Gypsies and Travellers, Equalities and Human Rights Commission 2009

Roads to Success: Economic and Social Inclusion for Gypsies and Travellers, Bucks New University, Ryder and Greenfields 2010

Negotiated Stopping

There is no disagreement that a reduction in unauthorised encampment by travelling families around Leeds will lead to reductions in cost; environmental impact; unaddressed antisocial behaviour; and community tension. Continued unmanaged encampment raises reasonable questions about the ability of the City Council to genuinely implement the aims of Leeds Vision for all residents of Leeds, and to position Leeds as a beacon of inclusion, welcome and fairness. Despite lack of detail in the evidence presented in the Neighbourhoods and Housing report to this scrutiny inquiry, one can glean that **other authorities (Cheshire, Fenland, Bristol) find it possible to deal with unauthorised encampment without continuous recourse to the courts or police use of Sec 61 (CJPO).** Further evidence is available.

The term 'negotiated stopping' is used to describe agreed short term provision for Gypsy and Traveller caravans. **It does not describe permanent 'built' transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the authority and the (temporary) residents regarding expectations on both sides.** A variety of types of locations have been used by local authorities for negotiated short term stopping, such as disused road, disused or development land which is not to be imminently developed, or brownfield land. There are a number of locations across the city which would not be described as 'sensitive land' but from which travelling families have nonetheless been rapidly evicted. Hindsight might suggest that such land could be used for short term negotiated stopping in preference to unauthorised encampment on 'sensitive land' including school playing fields and other amenity land.

Leeds GATE can see no alternative method to end uncontrolled encampment except via processes which achieve successful short term negotiated stopping and enable use of sec 62(A) (CJPO 1994) by the police (direction to an alternative location), as has been achieved by other authorities.

We believe this is especially important in light of the assertion by Leeds homeless Gypsies and Irish Travellers that their presence on unauthorised encampments around Leeds is attracting travelling families from outside Leeds due to principles of 'safety and anonymity in numbers'. We have every reason to concur with this assertion and to assume that the number of unauthorised encampments in Leeds will reduce significantly once permanent provision has been made. Trial and refinement of processes to deal with unauthorised encampment via negotiation will significantly reduce costs associated with 'non-local' or 'transit' encampment and should allay concerns that permanent provision will not alone resolve issues related to unauthorised encampment.

Leeds GATE suggests that negotiated stopping is used immediately in the interim before new provision for local permanent need is brought forward; and in the longer term to provide cost effective management of any outstanding 'non local' or 'transit' unauthorised encampment which occurs in the future.

New Provision

There are a range of practical, sometimes innovative, routes to the provision of new Gypsy and Traveller sites. **We are given to understand that central government grants and 'incentives' will be available to local authorities for new site provision, which could ultimately generate rental income, in the new year. It isn't necessary however to rely solely on the local authority to bring forward and manage new site developments.** We are aware of 'lease and self build' schemes which are being worked up in other areas and 'social purpose' management is increasingly evident across the country. There are a number of families in Leeds, to our 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.

New sites can significantly contribute to local cohesion and citizenship particularly when early dialogue with local settled communities is facilitated. Research conducted by JRF (Richardson 2007) illustrated the way in which initial local opposition to new sites rapidly declines once small sites are established and local relationships begin to form.

We are resolute in our understanding that small family sized sites located in well serviced residential or mixed use areas are the most appropriate form of provision. We recommend rapid identification of locations for two small (8 to ten pitch) sites to address most urgent need. We believe that a successful process to build two new sites, and embed the residents of those sites into the local communities, will significantly reduce local opposition to any further necessary new site build in the future. We are aware of consistent suggestions that the only likely future provision is via a further addition to Cottingley Springs on Geldard Road, or via another large site on the outskirts of the city. We are in total opposition to either of these suggestions and would comment that difficulties with the management of the existing site at Cottingley Springs detailed in the N&E report to scrutiny is argument enough against these suggestions.

What can GATE offer?

- Direct engagement with Gypsy and Irish Traveller people who are seeking solutions to the ongoing situation of unmanaged encampment and the detriment it causes to their own and their children's health and wellbeing.
- A thriving focus for dialogue, engagement and citizenship activity across all the Gypsy and Irish Traveller communities in Leeds, including those who 'pass through' and are not permanently resident.
- Facilitating dialogue between the City Council and those families who have the resources to provide for themselves (and possibly for others as well).
- Facilitating dialogue with representatives from other areas where negotiated stopping has been successfully implemented.
- A solution focused inclusive partnership approach to negotiated stopping.
- Provide support for rapid and realistic identification of suitable locations for new permanent small sites
- Intermediary and 'sounding board' for dialogue with concerned residents local to suggested new sites.
- Democratic legitimacy in negotiated solutions.

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Submission from roadside families - Compiled by Connors, Maloneys and Herons at current camp. 29/11/10

We would like this submission to represent the majority of roadside families who are local to Leeds, please take time to read these key points we would like to share with the Scrutiny Board.

- Although it is a hard life living roadside with the constant threat of eviction, feeling the coldness of the winter and lack of running water and basic facilities a caravan is where we were born and where our families have lived for many generations, there is no question that we could make a house a home.
- The main thing that adds to our difficulty is the evictions we have to go through; weekly our children arrive home from school not knowing where they are going to sleep that night.
- Many people on the camps are in ill health with poor access to doctors, one man on the camp is recovering from a brain haemorrhage, another has bad angina there are also children who need to attend doctors regularly.
- We could identify 12-15 families who, right now, need a safe place to stay, they are Leeds people who intend to stay in Leeds 11 out of 12 months of the year.
- We would propose a small site for those people or more ideally two smaller sites of 6-7 pitches each to be the solution, we do not think this would stop out of town Travellers coming to Leeds but do feel it would reduce numbers (and open the way for negotiated stopping for them).
- Until a site could be built we ask for negotiated stopping places; we propose a piece of land ideally with a tap be located in an appropriate part of the city (refer to map) where each family could put a deposit down for a toilet each and pay for them as well as paying for skips or just on normal refuse collection routes with wheelie bins.
- We would ask that mistakes made in the creation of Cottingley Springs are learnt from and small, more manageable, less isolated sites are created.
- We ask for open and honest dialog with senior figures in the council and offer an open door to discuss this solvable problem

We would also like to give some examples of positive action from families in the camps in recent months, using the camp on Armley Gyratory for example two people (one a Traveller from Wakefield and one a non-Traveller) were stopped by people on the camp from tipping commercial waste on the site. Secondly, although we know there were complaints about this camp there was also a lot of positive interaction that went on, reports of settled children knocking on the doors of the caravans asking if the children were coming out to play and parents of those children calling in for cups and having very positive conversations.

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LEGAL BULLET POINTS IN RESPONSE TO THE N&E REPORT TO SCRUTINY 2010

- Gypsies and Irish Travellers are recognised ethnic minorities for the purposes of the Race Relations Act 1976. They are probably Britain's most disadvantaged ethnic group:
- "Gypsies and Irish Travellers have the poorest life chances of any ethnic group today: life expectancy for Gypsies and Irish Travellers in Leeds is 28 years less than for the general population; Gypsy and Irish Traveller mothers are 20 times more likely than mothers in the rest of the population to have experienced the death of a child; and, in 2003, less than a quarter of Gypsy children achieved five GCSEs at A*-C grades, compared to a national average of just over half.
- No duty to provide sites for Gypsies & Travellers in its area? This is correct in the sense that the old duty "to provide adequate accommodation for gypsies residing in or resorting to [the council's] area" under s24 Caravan Sites and Control of Development Act 1960 was abolished by the Criminal Justice and Public Order Act 1994. However, as a bald statement it requires significant qualification.
- Local housing authorities have a duty to consider housing conditions in their district and the needs of their district with respect to the provision of further housing accommodation (s8 Housing Act 1985). When undertaking such a review they must carry out an assessment of the accommodation needs of Gypsies & Travellers residing in or resorting to their district (s225 Housing Act 2004). The needs of the Gypsy & Traveller community are thus an essential part of a proper housing strategy. Further, applying public law principles, any authority which subsequently departs from its published strategy would need strong justification for doing so.
- Circular 01/06 "Planning for Gypsy & Traveller Caravan Sites" provides guidance to local planning authorities on the provision of sites for Gypsies & Travellers. It gives guidance as to how appropriate levels of Gypsy & Traveller site provision should be determined under the new planning system set out in the Planning Act 2004. The starting point for

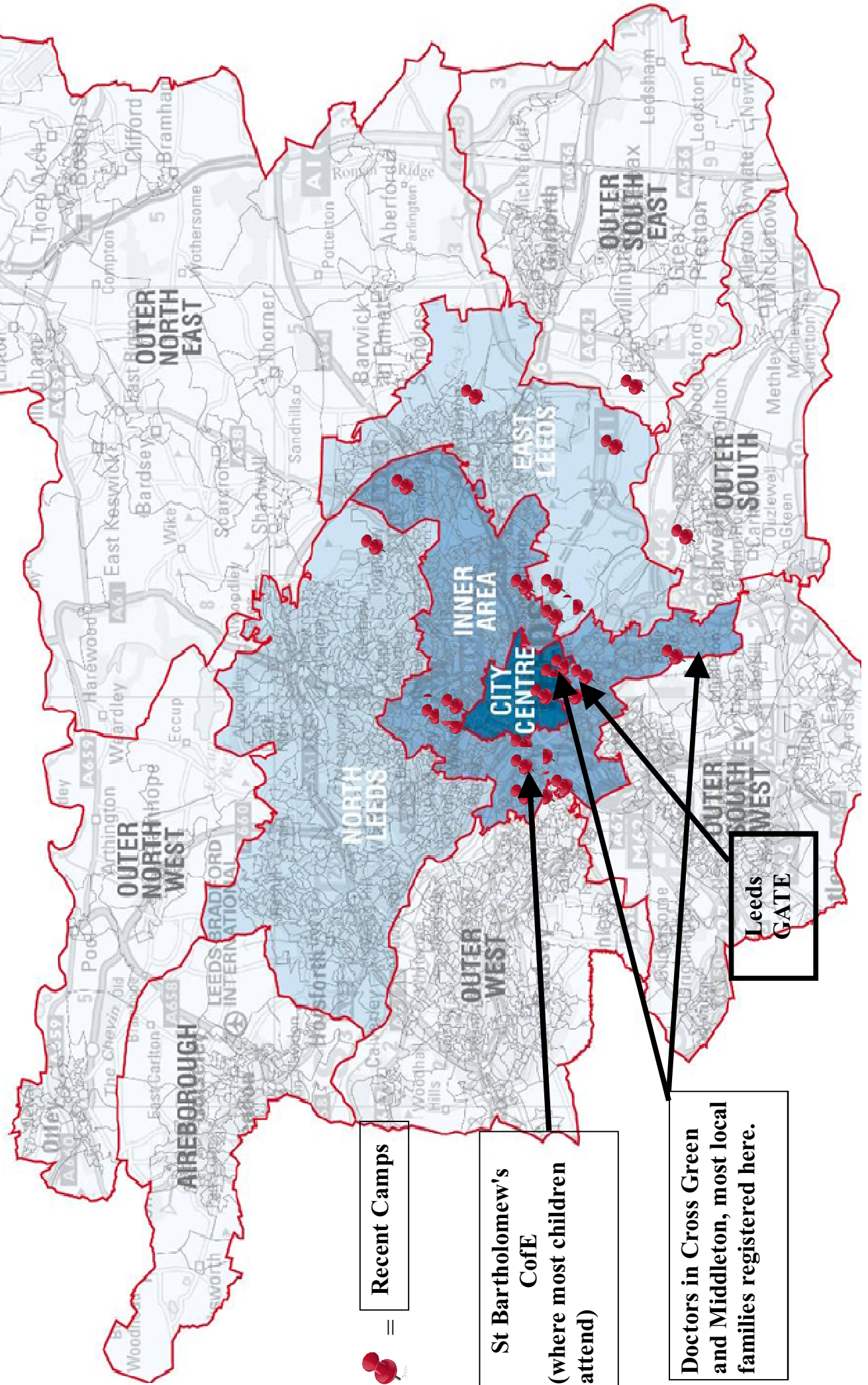
this provision is to be the assessment of the “need” for further sites. The circular remains in force.

- The joint effect of planning law and policy within Circular 01/06 and the obligations on local authorities under the Housing Acts should be, according to the Government, to require them to develop a coherent strategy taking in both housing and planning functions which will result in greater site provision for Gypsies & Travellers and which will help to avoid the cycle of homelessness and evictions that gives rise to the problems referred to above. *Circular 01/06, paragraphs 3, 5 and 10 – 12*
- Thus while the old duty to provide adequate accommodation for Gypsies & Travellers resorting to a local authority area has been repealed, it has been replaced by an overarching policy the purpose of which is to ensure that adequate accommodation is available but which is deliberately drawn more widely in order to allow for diversity in provision.
- The report entitled ‘Identifying Gypsy & Traveller Accommodation Needs in Yorkshire and The Humber’ (July 2006) which is cited in the RSS as forming ‘the evidence for the provisional regional and sub regional pitch requirements set out in part A of the policy’ [H6]
- The Leeds Core Strategy which provides that new Gypsy and Traveller accommodation should be provided in Leeds and that the best option for doing that is by providing a variety of small sites spread around the city close to existing communities, services and infrastructure, for a number of reasons;
- the Council’s obligation to have due regard to promoting equality of opportunity for persons of different ethnic groups; fostering good relations between persons racial groups; and, eliminating discrimination (previously pursuant to Section 71 of the Race Relations Act 1976 (“RRA”) as amended, but now replaced in whole or in part by the Equalities Act 2010 (“EqA”), in particular those set out in Section 149(1)(a) to (c) EqA (“the public sector equality duties”));

- the decision of the Administrative Court in *Cala Homes (South) Limited v Secretary of State for Communities and Local Government* [2010] EWHC 2866 Admin) in which Justice Sales determined that the Secretary of State had acted unlawfully by purporting to revoke the Regional Strategies, with the effect that the Regional Spatial Strategy (RSS) remains in force.
- The Yorkshire and Humber Plan RSS of May 2008, of which policy H6 states expressly that additional site provision is needed, and sets out outcomes and indicators to measure success, the outcome being that 'sufficient accommodation has been provided for and Gypsies and Travellers' and the indicators being 'Provision of sites Gypsies and Travellers' and a 'Reduction in unauthorised pitches'.

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Map of Leeds showing Recent Camps and local facilities families use



Recent Camps



St Bartholomew's CofE
(where most children attend)

Doctors in Cross Green and Middleton, most local families registered here.

Leeds GATE

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