

SCRUTINY BOARD (HOUSING AND REGENERATION)

THURSDAY, 8TH AUGUST, 2013

PRESENT: Councillor J Procter in the Chair

Councillors B Atha, D Collins, J Cummins,
P Grahame, V Morgan, D Nagle, C Towler
and G Wilkinson

12 Late Items

There were no late items of business to consider.

13 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

14 Apologies for Absence and Notification of Substitutes

Apologies for absence were submitted on behalf of Councillor M Iqbal and Councillor S Lay.

An apology was reported from Councillor P Grahame that she would be late attending the meeting due to a prior engagement.

15 Minutes - 25th June 2013

RESOLVED – That with a correction to the resolution in minute 10 work schedule by the deletion of the words ‘minute 7 above’ and substitution of the words minutes 7 and 8 above’ the minutes of the meeting held on 25th June 2013 be confirmed as a correct record.

16 External Publication of Employee Interests for High Risk Posts

A report of the Head of Scrutiny and Member Development provided a summary of the current position with regard to three recommendations made by the Scrutiny Board concerning officer declarations of interest.

The Scrutiny Board considered a report of the Director of Resources on the external publication of employee interests for high risk posts which included the Directorates formal response to the Scrutiny Board’s recommendations. The Directorates proposed response to those recommendations had been agreed by the Executive Board on 17th July 2013.

The Principal Scrutiny Adviser reported apologies from Mr Alan Gay, Director of Resources and Mr Phil Crabtree, Chief Planning Officer who were unable to attend for this item due to prior commitments.

The following representatives attended the meeting:

Minutes approved as a correct record
at the meeting held on Tuesday, 24th September, 2013

- Councillor Peter Gruen, Executive Board Member (Neighbourhoods, Planning and Support Services)
- David Almond, Head of Human Resources
- Martin Sellens, Head of Planning Services.

In consideration of this report, a number of issues were identified and discussed which included the:

- Chief Planning Officer's decision to implement the Board's recommendation that planning officers declare no interest on planning applications. It was reported that this had caused concern and some resistance by planning staff.
- Clarification that employees' declarations of interest were not only relevant to the consideration of individual planning applications but also to the site allocation process.
- Need for the process to be open, clear and transparent.
- Ruling by the Information Commissioner against Bolton Council which related to a specific issue concerning the making of information available in response to a Freedom of Information (FOI) request. Concern was expressed that the Commissioner's views had not been sought on the wider issues raised by this Board.
- View that had the Council instigated an approach suggested some years ago that all new Council employees be required to make declarations of interests the current concerns would not apply.
- Concern that despite the support given by the Council's internal auditor to the Board's recommendation that planning officers be required to confirm that no undue influence had been placed upon them in making their recommendation; this had not been accepted by the Executive Board. A discussion ensued as to how undue influence might be defined.
- Offer by the Executive Board Member (Neighbourhoods, Planning and Support Services) to discuss further with the Chair this Board's concerns regarding officer declarations of interest.
- Information by the Executive Board Member that the position would be monitored and reviewed in 6 months.
- Concern that the Director of Resources report refers to the external publication of employee interests for high risk posts when the initial concerns raised by the Scrutiny Board related to all Council employees not just high risk posts. It was suggested that this change in emphasis was against the Council's Constitution. The Principal Scrutiny Adviser stated that the recommendations made by the Scrutiny Board had been addressed by the Director of Resources report but he would review the Constitution and report back if it was necessary to do so.

RESOLVED – That the reports be noted.

(Councillor B Atha attended the meeting at 10.10am during consideration of this item)

17 Enforcement Process - Unauthorised Encampment by Gypsies and Travellers

A report of the Head of Scrutiny and Member Development gave details of the Board's request at the last meeting to review the enforcement process which is applied to unauthorised encampments by Gypsies and Travellers.

The Scrutiny Board considered a report of the Head of Housing Support which summarised the legal powers available to and the legal obligations placed on the Council when responding to unauthorised encampments of Gypsies and Travellers on Council owned and non-Council owned land.

The following representatives attended the meeting:

- Councillor Peter Gruen, Executive Board Member (Neighbourhoods, Planning and Support Services)
- Liz Cook, Chief Housing Officer
- Rob McCartney, Head of Housing Support
- Karen Blackmore, Team Leader, General Litigation Team.

In consideration of this report, a number of issues were identified and discussed which included the:

- 2011 Scrutiny Inquiry Report into site provision in Leeds for Gypsies and Travellers.
- Guidance on Managing Unauthorised Camping issued by the then Office of the Deputy Prime Minister which sets out an obligation for local authorities to make 'welfare enquiries' into the circumstances of the people trespassing on Council land.
- Substantial reduction in the number of unauthorised encampments by Gypsies and Travellers in the city since April 2011 and a consequential reduction in legal and clean-up costs.
- Reduction in unauthorised encampments which have been achieved by maintaining the long standing practice of recovering possession, looking at further opportunities (such as injunctions) within the legal framework and complementing enforcement action with a strategy of toleration.
- 12 Leeds based Gypsies and Travellers and the decision in 2012 to commit to that group and tolerate them to stay on 2 parcels of public land in Bath Road, Holbeck and a former school site at Primrose Hill, Lincoln Green over an 8 month period. It was reported that none of these Gypsies and Travellers were currently trespassing in the city. Some of these families had been rehoused and others are staying with families on the Cottingley Springs site.
- Continued policy of not tolerating trespass by non-Leeds based Gypsies and Travellers in the city.
- Request for an update on the 12 additional pitches to be provided at Cottingley Springs. It was reported that a planning application was due to be submitted within the next week to proceed with the scheme and it

was hoped that the additional pitches would be completed by mid-summer 2014.

- Concern that ward members in Horsforth had not been notified of Gypsies and Travellers trespassing on land adjacent to the ring road on the boundary with Horsforth, but actually in the Kirkstall Ward. It was acknowledged that where trespassing was occurring on or near to ward boundaries all relevant ward members should be informed of the trespass and provided with information so they could advise their constituents of the action being taken.
- Concern at the provision of skips and toilets to unauthorised encampments on Council owned land. It was stated that provision of these facilities was a balance between meeting the Council's service and social responsibilities and reducing the environmental impact on local communities and subsequent clean-up costs.
- Clarification as to whether assistance was offered to private land owners where illegal encampments took place. It was reported that assistance could be given but considered on a case by case basis.
- Clarification regarding Cottingley Springs as to the tenancy agreements they had and residents views as to the proposals for Leeds based Gypsies and Travellers moving to this site in 2014. It was reported that residents at Cottingley Springs had almost the same tenancy agreements as Council house tenants with the ultimate sanction being eviction. The development and management of Cottingley Springs is undertaken like any other Council estate. It was stated that in general Cottingley Springs residents were supportive of the approach being taken.
- Concern that despite the extension of Cottingley Springs all pitches would be allocated for Leeds based Gypsies and Travellers and there would continue to be a need for temporary pitches for Gypsies and Travellers passing through Leeds and the challenges that would inevitably arise.
- Education provision for Gypsies and Travellers in Leeds, particularly for females.
- Securing injunctions covering parcels of land in Burley, Armley and Wortley, against named Travellers and the difficulties that arise with their enforcement. It was stated that there were efforts being made to press the boundaries for injunctions that applied to areas of land and not named Travellers but this would require changes to current legislation.

RESOLVED –

- (i) That the reports be noted.
- (ii) That a further update be provided to this Board in 2014 before the Cottingley Springs extension is completed.

(Councillor P Grahame attended the meeting at 10.25am during consideration of this item)

18 Work Schedule

A report was submitted by the Head of Scrutiny and Member Development which set out in Appendix 1 the Scrutiny Board's work programme for the current municipal year.

Attached as appendix 2 to the report was a copy of the minutes of the Executive Board meeting held on 17th July 2013.

RESOLVED – That the Board's current work schedule be noted and updated to reflect any issues discussed during today's meeting or identified by Members between meetings.

19 Date and Time of Next Meeting

Tuesday, 24th September 2013 at 10.00 am (Pre-meeting for all Board Members at 9.30 am)

(The meeting concluded at 11.47 am)