



LEEDS

CITY COUNCIL

Report of Scrutiny Board
(Neighbourhoods and Housing)

Inquiry into Gypsy and Travellers Sites

Date of Publication: April 2005

Report of Scrutiny Board (Neighbourhoods and Housing)

Inquiry into Gypsy and Travellers Sites

SESSIONAL EVIDENCE

Reports and Publications Submitted

2003/04

- Report of Acting director of Neighbourhoods and Housing, September 2003
- Report of Acting Director of Neighbourhoods and Housing, November 2003
- Report of Legal and Democratic Services - Briefing note in relation to Traveller encampments
- Report of Superintendent Grove, City and Holbeck Division, West Yorkshire Police
- ODPM - Guidance on Managing Unauthorised Encampments
- Report from Race Equality Advisory Forum (REAF)

2004/05

- Report from Race Equality Advisory Forum (REAF)
- Report from Gypsies and Travellers Exchange (GATE)
- Report from Morley Borough Independents (MBI)
- Submission from Councillor Tom Leadley
- Report of the Director of Neighbourhoods and Housing, February 2005
- Executive Summary of the report on the Health and Site Needs of the Transient Gypsies and Travellers of Leeds produced by Marion M Horton
- ODPM - Planning for Gypsy and Traveller Sites Consultation Paper - Summary
- Govt. Response to Select Committee Report on Gypsy and Travellers Sites
- Notes of a meeting held with Director of City Services

(copies of the written submission is available on request to the Scrutiny Support Unit)

Witnesses Heard

2003/04

- Acting Director of Neighbourhoods and Housing
- Group Manager - Housing Needs
- Strategic and Service Improvement Officer, Neighbourhoods and Housing
- Superintendent Tim Grove, West Yorkshire Police
- Written evidence from Leeds City Council elected Members
- Chair of the Travellers Working Group of the Race Equality Advisory Forum

2004/05

- Director of Neighbourhoods and Housing
- Manager - Housing Needs
- Councillor Les Carter - Executive Member, Neighbourhoods and Housing
- Councillor Tom Leadley, MBI
- Chair of the Travellers Working Group of the Race Equality Advisory Forum
- Helen Jones, GATE
- Kim Maloney - Traveller

Dates of Scrutiny

2003/04

- 24th July 2003
- 25th September 2003
- 20th November 2003
- 25th March 2004
- 22nd April 2004

2004/05

- 14th December 2004
- 15th February 2005
- 15th March 2005
- 19th April 2005

Site Visits

- Cottingley Springs
- Royds Lane LS12 (Unauthorised encampment on private Land)
- Moorlands Crescent LS27 (Unauthorised encampment on Leeds City Council Land)
- Church Street LS10 (Unauthorised encampment on Leeds City Council Land)
- Hugh Gaitskell Primary School (Former site of an unauthorised encampment)

Report of Scrutiny Board (Neighbourhoods and Housing)

Inquiry into Gypsy and Travellers Sites

1.0 INTRODUCTION

- 1.1 The issue of sites for Gypsies and Travellers first came to this Scrutiny Board in June 2003. At that time Members agreed to undertake an Inquiry into the Council's policy on Gypsies and Travellers, with a particular emphasis on the Council's approach to tackling unauthorised encampments.
- 1.2 The purpose of this initial Inquiry was to make an assessment of and, where appropriate, make recommendations on the following areas:
- The scale of the issue of unauthorised encampments within the Leeds area and the ability of the Authority to respond
 - The Council's policy on tackling unauthorised encampments
- 1.3 The driving force for the Inquiry in 2003 was the serious and negative effect the use of unauthorised sites by Gypsies and Travellers had on the settled community and the environment. It was this anti social behaviour and its associated cost which became the focus of our evidence gathering.
- 1.4 A significant amount of evidence was received by the Board in 2003/04 including the views of Leeds City Council Race Equality Advisory Forum (REAF), Gypsies and Travellers Working Group.
- 1.5 In May 2004 the Board resolved *to conclude that, at this stage, the Board would not recommend the development of transit travellers sites in the city for tackling unauthorised encampments.*
- 1.6 In July 2004, the newly appointed Members on the Scrutiny Board concluded that with the changes outlined in proposed legislation, in relation to the duties of local authorities to respond to the needs of Gypsies and Travellers, there was sufficient reason for Scrutiny to revisit the question of site provision. Consequently in December 2004 and February 2005 we asked REAF and GATE (Gypsy and Travellers Exchange) to submit further evidence to the Board on the issue of permanent and transit site provision. The Board also agreed to receive evidence from the Morley Borough Independent Group. In addition we asked the Department of Neighbourhoods and Housing to respond to a series of written questions.
- 1.7 A summary of the evidence considered in arriving at our conclusions is presented at Appendix 1.

2.0 THE SCOPE OF THE INQUIRY

- 2.1 In re-visiting this Inquiry, our objective was to review new legislation, (the Housing Act 2004) government guidance and consultation documents, namely "Planning for Gypsy and Traveller Sites", a review of the DOE guidance 1/94 "Gypsy sites and Planning", which seeks to update and improve on previous guidance.

2.2 We also wished to consider the implications of the comments made by the Government in its response to the ODPM Select Committee's Report on Gypsy and Traveller Sites.

2.3 The purpose for this was to review whether as a Scrutiny Board we would now arrive at a different conclusion to the one reached in May 2004.

3.0 THE BOARDS CONCLUSIONS AND RECOMMENDATIONS

3.1 It is clear to us that both nationally and locally there is considerable focus on Gypsy and Traveller Communities and their impact on the wider community.

3.2 The Commission for Racial Equality (CRE) has identified the Travelling Community as one of the key groups to work with in the future. We are aware of the CRE's Inquiry into the treatment of Gypsies and Travellers and of its visits to Leeds and Cottingley Springs, although we were unhappy with the breaking of their pledge not to publicise their visit at the time.

3.3 With the proposed abolition of the CRE and the merging of its functions into a single commission - the Commission for Equality & Human Rights (CEHR), we hope the new commission will engage more energetically with local authorities in order to vest its findings with greater authority.

3.4 We are also aware of two high profile cases locally, one concluding in the European Court and one involving a large unauthorised encampment case. We are also reminded of the Council resolution of 8th September which read;

"This Council notes the distress caused to local residents when unauthorised sites are established and the damage that can be caused to local property and the environment. This Council undertakes to:

a) Reinstate Council land back to its original use after the travellers have left

b) Call upon her Majesty's Government to ensure all Local Authorities provide sites for travellers in the same way as Leeds

3.5 We are aware that nationally there is a recognised shortage of pitches for Gypsies and Travellers. The Government suggests a shortage of between 4000 to 6000 authorised pitches. We have been advised that there is likely to be a shortage of site provision Regionally and across West Yorkshire.

3.6 Against this backdrop we acknowledge that many Members will have had some experience of unauthorised encampments and the problems this often brings. In 2003 there were 64 encampments and in 2004 76. The core costs of these encampments, which includes staff time, legal and clean up costs totalled £143,560 in 2003 and £232,518 in 2004. We also heard that there are an estimated 100 people in Leeds all year round with nowhere permanent to stay.

- 3.7 We have heard from both REAF and GATE that a key reason for unauthorised encampments is the lack of permanent sites in the Leeds Metropolitan District and they have offered a solution by recommending the development of five small permanent sites and five small transit sites. This solution of course, is based on the assumption that, firstly there are insufficient sites and secondly the establishment of additional permanent sites would eradicate unauthorised encampments.
- 3.8 In the absence of a robust and comprehensive 'unmet demand' survey, we feel unable to evidence, with any statistical data, a lack of provision. However there is sufficient information to suggest that this is the case.
- 3.9 The Housing Act 2004 places a statutory duty on local authorities to undertake an assessment of the accommodation needs of Gypsies and Travellers residing or resorting to its district by including this community within the requirements for assessment within the Local Housing Assessment process undertaken by authorities. Furthermore the legislation requires that from that needs assessment, local authorities ensure that a strategy is developed in respect of meeting those needs. Guidance on this assessment process is awaited from Government.
- 3.10 We acknowledge that Government guidance on how this needs assessment should be carried out has yet to be published. A further confusion for the Council is that as the Regional Housing Body is to be abolished, and the ODPM has not yet announced which other regional bodies will take over its functions, no-one knows who will provide this guidance, or when. Nevertheless we concur with the Executive Member for Neighbourhoods and Housing that it would be premature to begin such an assessment until such time as guidance is issued. However we feel it right to seek the acceptance of the Executive Board to our recommendation that, upon receipt of the appropriate Government guidance a full and comprehensive needs assessment is undertaken. We would recommend that a completion timetable is produced upon receipt of the guidance.

RECOMMENDATION 1

That the Executive Board, upon receipt of the appropriate government guidance, instructs the Director of Neighbourhoods and Housing to undertake a housing needs assessment of the accommodation needs of Gypsies and Travellers and that this assessment is completed within a planned timeframe.

- 3.11 Following on from the completion of the needs assessment will be the requirement to develop a strategy in respect of meeting those needs. We are of the view that this strategy will only have full legitimacy if developed in partnership with Gypsies and Travellers. We believe officers already have much of the necessary information, but we acknowledge that it will need to be updated and properly consulted upon. We recommend therefore that the Executive Board instruct officers to develop meaningful and demonstrative ways in which the views and opinions of the Gypsy and Travellers Community can be considered when drafting a strategy for Gypsies and Travellers. We are of the view that this work can begin immediately especially as the Government has so far given no indication of when guidance will be given to commence the housing needs assessment.

RECOMMENDATION 2

That the Executive Board instruct officers to develop meaningful and demonstrative ways in which the views and opinions of the Gypsy and Travellers Community can be considered when drafting a strategy for Gypsies and Travellers.

- 3.12 We learnt during our Inquiry that the Housing and Homeless Strategy makes little reference to the Gypsy and Travellers Community. We consider this to be a significant shortcoming. We are encouraged to learn that the yearly review (2005/06) provides an opportunity to redress this. We are of the view that the strategy arising from the needs assessment should dovetail with the Housing and Homeless Strategy with the latter document being significantly strengthened in its acknowledgement of the needs of Gypsies and Travellers. It is also apparent that this community receives little mention in the Leeds Housing Strategy or the Regional Housing Strategy and every effort must be made to ensure the needs of this community are properly represented.

RECOMMENDATION 3

That the Director of Neighbourhoods and Housing ensures that the Housing and Homeless Strategy is strengthened in the yearly review 2005/06 to incorporate the needs of Gypsies and Travellers and that this is reflected within the Leeds Housing Strategy and within its Regional counterparts.

- 3.13 We are pleased to see the existence of the Travellers Interdepartmental Group. We feel that this body has a role to play in ensuring the effective development of services to the Gypsy and Travellers Community. We would recommend that this group be charged with ensuring that all relevant Council strategies incorporate services to Gypsies and Travellers, including the Community Cohesion Strategy

RECOMMENDATION 4

We would recommend that the Travellers Interdepartmental Group be charged with ensuring that all relevant Council strategies incorporate services to Gypsies and Travellers, including the Community Cohesion Strategy

Unauthorised Encampment and Transit Sites

- 3.14 It is clear from the written evidence provided by individual Ward Members, the discussions held within the Scrutiny Board, the evidence provided by our witnesses and from our own site visits, that the issue of Gypsies and Travellers illegally encamping within Leeds is a problematic community issue. It is an issue which becomes even more acute for those neighbourhoods where these encampments occur, as the testimony from Ward Members illustrates.
- 3.15 Recent media coverage of unauthorised encampments clearly shows the level of antagonism between the local community and Travellers. This has been a recurring theme throughout our Inquiry. We acknowledge that on occasions the Travelling Community have been blamed for incidents which are not of their making and in fact we make a specific recommendation in this report to try and address those incidents. However, we cannot make such a recommendation without at the same

time clearly stating that Gypsies and Travellers must be responsible for their own actions. Travellers cannot expect local communities to look sympathetically on their needs if the reality of unauthorised encampments is school playing fields being hijacked and damaged, fences being broken, rubbish being left to pile up and rot and other anti-social acts being considered as acceptable behaviour. We have witnessed this ourselves first hand at Hugh Gaitskiell Primary School where a trail of debris and rubbish has been left after an unauthorised encampment. It is our view that when such incidents occur the Gypsy and Travellers community are their own worst enemies and should not expect public sympathy or be surprised when faced with what they call prejudice.

- 3.16 There is also, in our view, an unacceptable cost to the Council as a result of illegal encampments. The evidence received suggests that approximately 600 individuals cost the City Council in the region of £232K per annum. In effect this is negative expenditure.
- 3.17 We are of the view that it is unlikely that the provision of additional permanent sites would eradicate unauthorised encampments. This view is endorsed by the Department of Neighbourhoods and Housing. We conclude therefore that whatever the outcome of the needs assessment, incidents of unauthorised encampments will still require robust and co-ordinated management.
- 3.18 We are of the view that there are two issues to consider in relation to unauthorised encampments. Firstly whether the City supports the provision of transit sites as a means of reducing unauthorised encampments and secondly, how, when such encampments appear, the City Council and its partners respond.
- 3.19 It is scrutiny's view that if Leeds was to establish transit sites this could become a useful tool to assist enforcement, as this would allow the Police to take advantage of the Anti Social Behaviour Act 2003 and remove an unauthorised encampment and move it to such a site. We learnt that a By-law covering the transit sites could be enacted to empower the Council to act without further recourse to the Courts.
- 3.20 We are however aware that the development of transit sites would not be without difficulties. We are aware of the mixed experiences of some authorities where transit have become, by default, permanent sites. The Department of Neighbourhoods and Housing would have to ensure that sites were properly managed and all appropriate legal safeguards established prior to operation. Such sites by their transitory nature do carry a high resource implication, notably through the need to ensure site security, to ensure that the utilities on site are not abused and there are adequate staffing resources in place to manage this. We concur therefore with the views of both REAF and the Department of Neighbourhoods and Housing that any such development would have to be part of the wider regional picture.
- 3.21 We recommend that the Department of Neighbourhoods and Housing works through the appropriate Regional bodies to determine the Region's position on the provision of transit sites.

RECOMMENDATION 5

That the Department works through the Regional bodies to determine the Region's position on the provision of transit sites.

- 3.22 There is a perception to many in the community that the City Council and its partners do not respond quickly enough or robustly enough to unauthorised encampments. Having read of illegal encampments being set up elsewhere in England on a Friday, after council offices have closed, and becoming well-established with hard-standing, water and electricity supplies by the following Monday, we were pleased to hear that this has not happened in Leeds. It would appear that the apparent slowness of reaction is a direct consequence of the requirements of the law. Having investigated suggestions that neighbouring authorities take more immediate and possibly unlawful action against unauthorised encampments, we are satisfied that they take the same action as Leeds City Council. It is our view that there is, rightly, an expectation from the public, for immediate action on the part of the City Council and Police when an encampment occurs.
- 3.23 We considered a report on a consultation paper published by the Office of the Deputy Prime Minister which gave operational guidance on dealing with unauthorised encampments by Gypsies and Travellers. This guidance is based on the Government's belief that the following basic principles should be followed:
- Unauthorised encampments are not a 'right' for Gypsies and other Travellers (or anyone else) to stop where they want. That such encampments become a focus for antisocial behaviour and that the impact on the wider community is often negative.
 - Policies should seek to manage encampments to minimise disruption for all concerned and ensure that any anti-social behaviour is tackled firmly. There are some situations where action should be taken to remove encampments as quickly as possible. Effective joint working between the Police and local authorities is likely to be judged on how the outcomes of these most difficult cases meet with public expectations.
 - Standards of behaviour expected of Gypsies and Travellers at encampments should be those expected of a settled community, and enforcement should be based on uniform expectations which should be effectively communicated to Gypsies and Travellers.
- 3.24 The guidance suggests that local authorities should produce an unauthorised encampment strategy and protocol. This strategy should, amongst other things:
- Identify the action to be considered in respect of land not owned by the local authority
 - Identify the responsibilities of different authorities and agencies
 - Provide identified action plans to minimise problems and the need to deal with everything on a crisis basis

- 3.25 The Council Officers Encampment Group was a recommendation of the original LCC policy on unauthorised encampments but was never formally convened. The aim was to form a group of Council departments and outside partners to ensure a swift response to unauthorised encampments. We recommend that this group be established. We would also recommend that this group review the current 'Unauthorised Encampment Procedure' in line with Government guidance for publication as soon as possible.

RECOMMENDATION 6

That a Council Officers Encampments Group be established and that this group review the current 'Unauthorised Encampment Procedure' in line with Government guidance for publication as soon as possible.

- 3.26 We would additionally recommend that this review considers what pro-active steps the Council could make in reducing the potential environmental damage caused by unauthorised encampments. Particularly we would wish to see the Council provide a collection service for *domestic* refuse on unauthorised encampments. We do not see this as a sign that the Council has in any way accepted the unauthorised encampment or indeed condones it, but a realistic response to the reality of the mess unauthorised encampments can generate. Similarly we are of the view that consideration should be given to providing portable toilets on authorised encampments. However we acknowledge that this may have significant cost implications and would therefore wish the Department of Neighbourhoods and Housing to ascertain the revenue costs of such a proposal and then to test the robustness of the suggestion in a pilot exercise

RECOMMENDATION 7

That the City Council provides a collection service for *domestic* refuse on unauthorised encampments.

RECOMMENDATION 8

That the Department of Neighbourhoods and Housing estimate the revenue costs of providing portable toilets on unauthorised sites and pilot their use.

- 3.27 It has been suggested by REAF and GATE that on occasions the non Travelling community use the existence of an unauthorised site to deposit trade waste on unauthorised encampments, resulting in the Travelling Community getting the blame. We have discussed this with the Director of City Services and have concluded that we should recommend the introduction of a policy of carrying out checks on vehicles entering unauthorised sites for trade waste. Such checks would need the assistance of the police. This policy would also need the support of Travellers. However given the Travellers comments that it is others leaving trade waste there should be no reason not to be supportive.

RECOMMENDATION 9

That the established Council Officers Encampments Group consider the practicalities and operational benefits of introducing a policy of carrying out checks on vehicles entering unauthorised sites for trade waste.

Report Agreed by the Board on 19th April 2005

.....

Signed by the Chair of Scrutiny Board (Neighbourhoods and Housing)

Report of Scrutiny Board (Neighbourhoods and Housing)

Inquiry into Gypsy and Travellers Sites

Summary of written and verbal evidence

1.0 Evidence Received by Scrutiny Board (Neighbourhoods and Housing) in 2003/04

The Nature of the Issue

- 1.1 The initial driving force for this Inquiry, was the serious negative effect the use of unauthorised sites and illegal encampments by Gypsies and Travellers has on the settled community and the environment. It is this anti social behaviour and its associated cost which has been the focus of our evidence gathering.

The Scale of the Issue

- 1.2 Our starting point was to obtain an understanding of the scale of the issue. We therefore commissioned officers to provide a snap shot of travelling family movements in the period June to September 2003 and then extrapolate those figures into annual totals. The table below provides a summary of the findings.

Travelling Family Movements - June to September 2003
8 families (133 members) encamped for a total of 171 days
3 Leeds based families (25 members) encamped for a total of 32 days
Annual Extrapolation
Estimated Volume of 40 family groups totalling approximately 600 individuals encamping in Leeds during the course of a year.

The National Position

- 1.3 Travelling communities comprise people of different cultures, backgrounds and practices who are governed by differing legislation:
- Romany Gypsies and Irish Travellers (people deemed to have a cultural history within the terms of Race Relations legislation);
 - New Travellers (people deemed to have adopted a nomadic lifestyle);
 - People living on authorised (private and public) Gypsy sites;
 - People living within unauthorised encampments on public / private land.
- 1.4 Local Authorities do not have a duty to provide sites for Gypsies and Travellers. They do, however, have the power to do so.
- 1.5 Unauthorised encampments are defined as the encampment of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting

trespass. Unauthorised encampments rang from a couple of vehicles to groups of caravans.

- 1.6 The location of unauthorised encampments may range from those hidden away and unobtrusive to neighbours, whilst others are highly visible and intrusive. Similarly the behaviour of those illegally camping can vary from those causing no nuisance to others, to those who make the lives of the surrounding community intolerable.
- 1.7 The environmental impact of illegal encampments also vary from those groups who leave a site tidier than when they arrived, to those who leave a site damaged, strewn with fly-tipped waste, (both trade and domestic), to be cleared and cleaned by private landowners or the local authority.
- 1.8 The three main factors influencing unauthorised camping were seasonal travelling, work opportunities and visiting other Gypsies and Travellers in the area. The most common sites for unauthorised encampments were vacant or derelict land, industrial estates, car parks and roadside or verges.¹

Guidance on Managing Unauthorised Encampments

- 1.9 We considered a report on a consultation paper published by the Office of the Deputy Prime Minister which gave operational guidance on dealing with unauthorised encampments by Gypsies and Travellers.

The consultation document has a number of objectives:

- To help strike an appropriate balance between the needs and legitimate expectations of members of the settled community, local businesses and landowners, and Gypsies and Travellers;
- To set out recommended courses of action which all local authorities and police forces should follow to provide an effective solution to unauthorised camping in their area;
- To encourage a more consistent approach across the country, building on current good practice and sharing experience;
- To be practical yet creative in the face of a difficult reality;
- To show how to engage the settled community and Gypsy and Traveller communities in order to engage them in the strategy to ensure effective implementation.

- 1.10 This guidance is based on the Government's belief that the following basic principles should be followed:

- Unauthorised camping is unlawful; there is no 'right' for Gypsies and other Travellers (or anyone else) to stop where they want, for as long as they want or to behave without regard to others
- Policies should seek to manage encampments to minimise disruption for all concerned and ensure that any anti-social behaviour is tackled firmly. There are some situations where action should be taken to remove encampments as quickly as possible. Effective joint working between the Police and local

¹ The Management of Unauthorised Camping: Monitoring the Good Practice Guide, Edinburgh College of Art/Heriot - Watt University.

authorities is likely to be judged on how the outcomes of these most difficult cases meet with public expectations.

- Standards of behaviour expected of Gypsies and Travellers at encampments should be those expected of a settled community, and enforcement should be based on uniform expectations which should be effectively communicated to Gypsies and Travellers.

1.11 The guidance suggests that local authorities should produce an unauthorised encampment strategy and protocol. This strategy should, amongst other things:

- Identify the action to be considered in respect of land not owned by the local authority
- Identify the responsibilities of different authorities and agencies
- Identify the standard of behaviour expected from unauthorised campers
- Provide identified action plans to minimise problems and the need to deal with everything on a crisis basis

Experiences and Views of Elected Members

1.12 To get a feel of the frequency of illegal encampments and the extent to which Elected Members consider it to be an issue of importance, we canvassed the views of all 99 elected Members. A summary of Members' views are detailed below.

1.13 The only official gypsy and traveller camp in Leeds is at Cottingley Springs in Wortley ward, but the area also attracts unauthorised camping, mostly unconnected with the official site which is full. Five wards have no problems with travellers, whereas travellers do pose a problem in 11 wards. Problems can range from illegal encampments 4-6 times a year which are quickly moved on, to huge problems with litter and excrement on sites, such as on a playing field in Holbeck/Hunslet. Problems seem to be perceived as worst by councillors in the areas of Barwick and Kippax, Beeston, Hunslet, Wortley, City and Holbeck, and Morley North.

1.14 Problems also occur (seemingly on a less concerning scale) in Aireborough, and Armley, including problems such as travellers occupying private land when it is being sold. Other issues mentioned by concerned councillors include problems with litter, social inclusion of the transient community, anti-social behaviour, crime, provision of education, waste, health and other services which is expensive and difficult, and lack of action from officers when dealing with illegal encampments.

1.15 Members have suggested actions to deal with the problems. These include finding additional legal sites, a height bar for entry to sites, making unoccupied ground secure, use of the appropriate powers to enforce removal of illegal encampments, and asking that travellers obey simple rules to try and make sure they are welcome when they arrive. Measures related to planning include possible provision of temporary sites, clearer rules about granting planning permission for caravans, clearer rules about the placing of a caravan on site whilst a permanent structure is built. Measures related to business include crackdowns on illegal and unauthorised business activity, to make Leeds seem less attractive as a place for shady business, and provision of training for gypsies and travellers on running modern businesses. Other actions to help reduce the problems could incorporate education of residents about travellers and gypsies, and education for travellers and gypsies on dealing with waste.

Evidence from West Yorkshire Police

- 1.16 In providing evidence to the Inquiry, the police representative offered a number of recommendations for Members to consider. These were:
- That the Authority identify transit sites across the Leeds area in order to take advantage of the provisions within the Anti Social Behaviour Act 2003.
 - That a By-law covering the transit sites be enacted to empower the Council to act without further recourse to the Courts.
 - That a By-law covering the whole Leeds area which prohibits unauthorised camping and empowers the Police and Council to act without further recourse to the Courts.
 - That consultation takes place with the Crime and Disorder Partnership to establish a multi-agency group to progress these issues and provide a long term sustainable solution

2.0 Evidence Received by Scrutiny Board (Neighbourhoods and Housing) in 2004/05

- 2.1 The Board has held two evidence gathering sessions this municipal year. At the first session we reviewed the evidence received in 2003/04. At this same meeting we also heard from REAF and GATE (Gypsy and Travellers Exchange). In addition we received evidence from the Morley Borough Independent Group.
- 2.2 We received a briefing on the legal position vis a vis Travellers which set out the law relating to travellers and unauthorised occupation of land.

The Legal Position

- 2.3 We learnt that there are two main provisions under which the Council takes action against unauthorised encampments. The first relates to land which is owned by the Council and which is vested in one of the land owning departments. In such circumstances, the travellers encampment constitutes trespass on the land and the Council utilises it's powers as land owner to obtain an eviction order in the County Court under Civil Procedure Rules Part 55. On the obtaining of such an Order the Council can issue a warrant which authorises the Bailiffs to remove the unauthorised encampment. Two clear days notice of a hearing in the County Court must normally be given to the travellers. That means if the case is issued at Court and papers served on a Monday the hearing will normally be on Thursday. This time can be shortened if there is actual or threatened assault to a member of Council staff or local resident or actual or threatened serious damage to the property or the property of a local resident. If the travellers move off voluntarily after a possession order is made the order stands and can be enforced with a warrant for up to six years. If a warrant is obtained and the land is re-entered within 12 months a further warrant can be obtained. After 12 months fresh proceedings must be started.
- 2.4 We were advised that the Council has successfully obtained orders against travellers trespassing on Council land using this procedure on numerous occasions. The courts have consistently made an order for possession on the basis a trespasser has no defence against a claim for possession by the owner of the land.

However, in June 2004 a claim for possession of land off Spinkwell Lane, Tingley, Leeds was defended (*Leeds City Council v Maloney and others*). The travellers claimed that they had a human rights defence under Article 8, the right to respect for private and family life. His Honour Judge Bush gave his judgement on 25 October 2004 and made an order for possession in favour of the Council. Judge Bush confirmed that he was bound by existing case law (*London Borough of Harrow v Qazi*) which meant the travellers could not raise a human rights defence. The Defendants applied for a stay of execution of the possession order pending their appeal. His Honour Judge Bush dismissed their application, taking into consideration the impact of the encampment on the local area and residents and the length of time the case had taken to come to trial. The Defendants are appealing to the Court of Appeal.

- 2.5 The second main area of powers are contained in Section 77 of the Criminal Justice and Public Order Act 1994. Section 77 empowers the Local Authority to issue a direction to persons residing in a vehicle or vehicles on any land forming part of a highway, any other unoccupied land or on any occupied land without the consent of the owner, to leave the land and remove the vehicle or vehicles and any other property. It is an offence to fail to comply with the direction issued under Section 77 and under Section 78 of the Act a Magistrates Court may issue an Order for removal if it is satisfied that persons and vehicles remain on the land in contravention of a direction given under Section 77. The Order authorises the Authority to enter on the land and to take steps to remove any vehicle or property. Before doing so the Local Authority must give the owner and occupier at least 24 hours notice of the intention to do so.
- 2.6 We were advised that the Council generally employs powers as land owner rather than under Section 77. The reason for this is that a direction under Section 77 must require removal within a reasonable time, which is usually at least 24 hours. Only on failure to comply with the direction can a complaint be laid for a removal order. There must then be a Court hearing and then 24 hours notice must then be given of the intention to forcibly remove property. In addition the direction only relates to those who are on the land at the time the direction is issued and not those who subsequently join. Re-entry on the land can only be dealt with for 3 months after the date of the Order as opposed to land owner proceedings where re-entry can be dealt with by warrant of restitution up to 12 months after the date of the possession order.
- 2.7 We learnt that it is currently not Council policy to take action on land which is owned and occupied by another as it is considered that the land owner has sufficient powers to act and it is not an appropriate expenditure of public money in these circumstances.
- 2.8 We were told that when the Criminal and Justice Order Act 1994 became law the then Department of the Environment issued circular guidance to Local Authorities on the powers contained within it. That circular (number 18/94) is still relevant and current and applies to a decision to evict travellers using either the Public Order Act powers or the Council's powers as land owner (*R-v- Leeds City Council ex p Maloney*).
- 2.9 Paragraph 6 of circular 18/94 is headed "Policy of toleration towards unauthorised gypsy encampment". That provides that in some circumstances it may be in the

public interest to evict an unauthorised encampment, but where gypsies are camped unlawfully on Council land and are not causing a level of nuisance which cannot be effectively controlled, an immediate forced eviction could give rise to greater nuisance. Accordingly, we were advised that Authorities should consider tolerating presence for a short period and could examine ways of minimising the level of nuisance on such tolerated sites, for example by providing basic services such as toilets, a refuse skip and a supply of drinking water. The circular also recommends that Local Authorities identify possible emergency stopping places as close as possible to recognised transit routes where families would be allowed to camp for short periods. Basic services could be provided on the temporary site.

- 2.10 In addition to the circular guidance, the Government has issued good practice guidance on the management of unauthorised camping. This guidance has been around for a number of years and is well established. The Government recently issued a consultation paper on a new set of guidance on the management of unauthorised encampment. The closure date for the consultation was the 23 May 2003.
- 2.11 Within the good practice guide, the question of tolerating unauthorised sites is addressed in more detail. Each encampment must be considered on its merits against criteria such as health and safety, traffic hazard, public health risk, serious environmental damage, genuine nuisance to neighbours and proximity to other sensitive land use. The guidance indicates that public authorities need to be able to demonstrate consideration of the welfare needs of the encampment prior to making a decision to evict. Sample investigation forms are contained within the guidance.
- 2.12 In summary, therefore, we were advised that before making a decision to evict an unauthorised encampment, whether under trespass powers or under the Public Order Act, the Local Authority must first consider whether the site should be tolerated. In doing so, it will consider the location and effect of the encampment and the needs of the individuals who are members of the group. These should then be balanced against the environmental and nuisance factors. The decision to evict having taken into account these criteria, is a decision that is subject to judicial review. Leeds City Council has been reviewed on more than one occasion in relation to its policy and the adequacy of its investigations and it is considered that the current policy adequately protects the Council in law against such challenges.
- 2.13 In addition to Local Authorities, the Criminal Justice and Public Order Act of 1994 gives powers to police officers to direct that travellers leave land on which they are camped without the consent of the owner. These provisions are contained in Section 61 of the Act.
- 2.14 The Anti Social Behaviour Act 2003 contains powers to allow the police to move travellers from an unauthorised encampment immediately if there is an alternative site he can go to. This means a local authority site including a transit site. It is a criminal offence not to move if directed to do so by the police or to return to the unauthorised site within 3 months.

3.0 Evidence Received From REAF

- 3.1 We had previously received evidence from REAF in 2003/04. In December we received an addendum to this evidence.
- 3.2 This addendum provided details of a census completed in June 2004 on behalf of REAF. We were advised that the census revealed that 42 families (120 people were living on unauthorised sites in Leeds. We were advised that these Travellers were all Leeds born or with long standing connections with Leeds. REAF stated that the information from the census confirmed the contention made in their evidence in 2003/04 of the need for five permanent sites in Leeds.
- 3.3 REAF argued that all evidence, both nationally and locally from the Traveller and Settled communities and the local authority survey (ODPM Niner 2003) indicated that small (8-10 caravans) sites worked best. REAF stated that smaller sites are better managed, less intrusive and generate positive relationships with local communities.
- 3.4 It was argued by REAF that five small sites distributed throughout the City would be fairer to the settled community than one or two large sites concentrated in one or two wards. REAF also argued that small sites were more likely to meet the Council's social inclusion agenda.
- 3.5 REAF also provided us with a 'business case' detailing the costs of a site providing for 8-10 family units. REAF compared these figures to the same provision but within Social housing. Finally these costs were compared to the cost of unauthorised sites.
- 3.6 REAF, in its evidence, argued that the provision of transit sites was important for a community in which nomadism is an essential element of its culture. REAF stated that it was its view that the provision of transit sites was a regional issue not just an issue for Leeds.

4.0 Evidence Received From GATE

- 4.1 GATE presented a comprehensive paper providing us with the historical, legal and social context of the Travelling Community both nationally and in Leeds.
- 4.2 GATE stated in its written submission to us that in Leeds the immediate scale of unauthorised encampment would be significantly addressed by the provision of five temporary transit sites big enough for up to fifteen caravans, (that assumes more than one caravan to each 'nuclear unit' of the family).
- 4.3 GATE also submitted the view that in the longer term there is also the need to develop permanent site accommodation appropriate to the needs of a growing population, alongside transit accommodation. GATE argued that this could be assessed in the first place by reference to the waiting list for pitches on Cottingley Springs. However GATE stated that this must be qualified by two considerations:
 - That some families currently homeless in Leeds would not put their name on the Cottingley Springs list.
 - The changing and developing needs of the community.

4.4 GATE also made the following submissions:

- That to date serious consideration of that need by LCC has only ever been conducted as a small scale and last minute bolt on to more general needs assessment.
- That this has been desperately inadequate.
- That working directly with the community involved in some depth would provide more accurate data.
- That sites must be built on ground that would be acceptable for housing. (There is land defined within the UDP review for new build housing).
- That settled people must be persuaded to recognise the current problems they experience as an indication of need for sites.
- That any site provision must be planned alongside concerted consultation and community development work with both settled and Gypsy/Traveller communities.
- That a joint management approach will encourage ownership by the community and avoid traditionally troublesome issues.
- That the provision of sites in surrounding local authority areas would do nothing to solve the need for accommodation of those Gypsies and Travellers who consistently live around Leeds.

5.0 Evidence Received From Morley Borough Independents

- 5.1 In their submission the Morley Borough Independents (MBI) reminded us that since 1994, the obligation for local authorities to facilitate authorised encampments has been withdrawn. The MBI suggested that this withdrawal of statutory requirement alongside the amount of development city-wide has meant that little has been done to facilitate additional travellers sites. The MBI stated that there had been little political will across the Political Groupings to address this issue and that this was compounded by the refusal of Central Government to adopt a practical approach to the problem.
- 5.2 The MBI in their submission stated that the need to address the issue of unauthorised encampments was pressing and the only way to do this was to facilitate small permanent and transit sites sufficient enough to take the known 8 extended families “from the ‘merry-go-round’ of being pushed from pillar to post”. The MBI further argued that such transit sites should cater for about 5 or 6, perhaps even up to 8 vans (based on extended family hierarchy) and have appropriate facilities such as, connection to the utilities, refuse collection and all the associated services that traditional householders take for granted but. The MBI also told us that there needs to be some facility for collections of council tax from Gypsies and Travellers.
- 5.3 The MBI advised us that in their view all ward members must come forward and try and identify sites. The MBI stated that other areas in the City must accept that an obligation exists to contribute towards resolving the problem. It was argued that there existed a strong view that as the problem is predominately a South Leeds problem and that other areas can avoid getting involved in a solution. It was further suggested that one of each type (permanent and transit camps) in each area wedge would go some way to getting a compromise solution from both Gypsies and Travellers and traditional house dwelling communities.

- 5.4 The MBI argued another Cottingley Springs site was not needed. The MBI also argued that it was their view that what was needed was a more flexible approach by both sides in this contentious issue. The MBI suggested that whilst Gypsies and Travellers do feel threatened by the majority and do feel vulnerable, they do not help their cause by the desecration and rubbish deposited (on land that is not theirs) by their unauthorised encampments. It was acknowledged by the MBI that this has cost thousands of pounds in the city-wide cleaning up operation. Moreover, because of PPG3 requirements (Planning Guidance), many 'brownfield' sites which have historically been utilised by Gypsies and Travellers at no great cost to the local authority have been taken from the equation. It was argued by the MBI that as these sites are now being developed extensively throughout the city a new tendency to encamp on land belonging to Parks & Countryside has developed, which has severe detrimental amenity effects on local communities.
- 5.5 The MBI stated that it was their view that this was why the public felt threatened and vulnerable when they are descended upon by Gypsies and Travellers. Therefore, the MBI argued, Gypsies and Travellers must accept they make a significant impact on local communities and local amenities by their unauthorised encampments.
- 5.6 The MBI also argued that Gypsies and Travellers must refrain from unacceptable behaviour. An example given was the dumping of refuse both domestic and commercial. It was argued by the MBI that if there were permanent and transit sites with sufficient and appropriate amenities in *situ* on a city-wide geographical spread, then this is less likely to happen.
- 5.7 In summary the MBI stated that in was their view that small sites, both permanent and transit sites, must be found with hardstanding, utilities, refuse collection, payment facilities incorporated within the site
- 5.8 We were also advised that the MBI supported the reintroduction of the obligation on local councils to provide permanent sites to make sure that the provision of sites is based across the West Yorkshire area. The MBI stated that they would support a recommendation from the Scrutiny Board that representations should be made for Central Government to reintroduce the obligation and provide the appropriate financial support to resolve this problem. The MBI also stated that they would encourage the Council to identify brownfield sites that may be suitable for sites in the future.
- 5.9 The MBI also asked us to place on record that, Gypsies and Travellers do have an obligation to mitigate their "own public relations disasters" by keeping all sites tidy and free from rubbish. The MBI argued that it was unfair on all council taxpayers that very little action is taken against them and in their view this needs to be addressed.

6.0 Evidence Received From the Department of Neighbourhoods and Housing

Site Provision

- 6.1 We were advised by the Department of Neighbourhoods and Housing that there is a nationally recognised shortage of pitches for Gypsies and Travellers (recent estimates from Government suggest between 4000-6000). This equates to an

approximate 10% shortage in accommodation for the Travelling Community nationally. The requirement for Local Authorities to provide sites was removed in 1994. Since then very few sites have been built. Central Government policy has been to encourage Travellers to secure their own sites. However this has not proved successful, as planning consent is hard to come by.

- 6.2 We learnt that current policy was created in line within the framework of the then prevailing legislation and guidance. (DETR Circular 18/94 - updated 2000, and its supporting Good Practice Guide for managing Unauthorised Encampments - updated 2000)
- 6.3 We were advised however that this policy would require review in light of new legislation (the Housing Act 2004) enacted in November 2004, although the Department advised that they had not yet received any updated guidance from the ODPM.
- 6.4 We learnt that the key provisions in relation to this community are:
- “Every Local housing authorities must, when undertaking a review of housing needs in their district, carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district.
 - Further, from that needs assessment the LA must ensure that a strategy is developed in respect of meeting those needs.
 - Furthermore the Government has circulated for consultation (deadline for response 3 March 2005) “Planning for Gypsy and Traveller Sites” a review of the DOE guidance 1/94 “Gypsy sites and Planning” (See Appendix D), which is seeking to update and improve on previous guidance.

Regional context

- 6.5 We were told by the Department that there is a potential shortage of site provision across West Yorkshire. Leeds, Bradford and Wakefield all have permanent site provision where Travellers can base themselves and where they return when they are not travelling. Calderdale and Kirklees do not have any sites. No Authority in West Yorkshire currently has a transit site (where short term stays are permitted).
- 6.6 We were told that there is a National twice yearly spot count led by the ODPM and West Yorkshire. Overall this shows a small increase in total number of vans and in the number of unauthorised encampments. In West Yorkshire the headline figures are:

Location	Spot count 04	No. of pitches	Number of sites	Waiting list
Wakefield	124 vans	38	1	
Leeds	120 vans	41	1	13
Bradford	53 vans	47	2	
Kirklees	8 vans	0		
Calderdale	5 vans	0		

Unauthorised Encampments

- 6.7 We were provided with details of unauthorised encampments. We were told that there were 64 encampments in 2003 (the earliest figures we have available). Of these, 28 were on LCC land and legal action was started in 13 instances. In 2004 there were 76 encampments of which 33 were on LCC land and legal action was started in 18 instances. Where action was not taken in respect of unauthorised encampments on LCC land, this was due to the occupiers leaving prior to any legal action being instigated. Of the sites on private land the majority will have resulted in legal action but we do not receive any accurate data currently to enable this to be recorded. Additionally for such sites we similarly do not have any accurate data on costs associated with removal, business disruption or clean up.
- 6.8 Core costs have been calculated (on the basis of the calendar year). These cost include the teams staff time, legal and clean up costs. They do not include additional costs of other services staff involvement, indirect costs (e.g. staff involved in clean up may not be available to undertake other duties, impact of frequent moves on health of travellers.) or the additional cost to education services and the traveller children of disrupted education.

Core costs in calendar year 2003 are	£143,561.6
Core costs in calendar year 2004 are	£232,518.9

Cost of Providing New Sites

- 6.9 We learnt that little formal work has been undertaken in this area, as current policy does not require further such developments. It was noted by the Department that the chair of REAF had indicated that costs to establish a site for a around 10 vans could be in the region of 120K, a figure with which the department would broadly agree, but one which is dependent on the cost of the land for such a development. The income estimate from REAF that accompanies this (32K) is based on a core rent in the region of £60 paw and this is dependent on the nature of the site and the services provided. It is estimated that this yearly income would largely meet the staffing and maintenance costs of the site.
- 6.10 The ODPM advised councils in December 2004 that it would be extending the criteria of the Gypsy Site Refurbishment Grant, to include 100% funding for new sites. However the bid deadline is 28 February 2005. In a written response to the Chair of the Scrutiny Board (Neighbourhoods and Housing) the ODPM state that they will not extend this grant beyond the current bidding year 2005/6, but to vest this power within the Regional Housing Boards and the single regional pot.

Additional Information

- 6.11 As part of its submission to the Scrutiny Board we asked the Department to answer a number of specific questions. These are detailed below.
- 6.12 **Is the Gypsy & Travellers Community included in the Housing and Homeless Strategy for the City?**
- Whilst there are references to the needs of this community, it is acknowledged that the Regional Housing Strategy, the Leeds Housing Strategy and the Homelessness strategy all have given insufficient weight to the issue. In all these areas the yearly review (2005/6) will ensure that this is strengthened

6.13 What advantages would there be for removing the enforcement aspect of the service out of the Housing Needs section?

- The team have a dual role of assessing support needs and either providing these or signposting to relevant services, whilst also undertaking the enforcement action to ensure unauthorised encampments are removed in a timely manner. The dual role can lead to tensions both with the travelling community and with the wider public, as the team can be seen as the 'enemy' of both. However this dual role is also part of the legal process and ensures that the needs of the Gypsy Travellers are balanced against those of the settled community. There are no clear advantages to separating these roles.

6.14 In the opinion of the Department, are further sites required?

- There is a lack of definitive information and it is clear that a formal assessment of housing need should be undertaken to provide an informed view.
- Progress on this issue should only be taken when the authority has undertaken the formal assessment of accommodation need (as required by the Housing Act 2004). This would ensure that service developments would be part of a wider National response.

6.15 Are Transit Sites a valuable enforcement tool - Does the department want to see transit sites developed?

- Any such development would have to be part of the wider regional picture. The changes in legislation indicate that a regional viewpoint should be taken to such developments.
- If Leeds were to establish transit sites this could become a useful tool to assist enforcement, as this would allow the Police to remove an unauthorised encampment and move it to such a site. However if such sites were not of sufficient size or were already in use, this would present an impossible dilemma for the Police. Clearly further discussion with the Police (as well as the wider community) would have to be held prior to any such development. Currently it is unclear what the demand would be for such sites and this would indicate the need to undertake some formal research prior to any further progress being undertaken.

6.16 What is the Departments view to the statement that 'transit sites soon become permanent sites'?

- There is mixed experience in other parts of the country regarding whether transit site is likely to turn into a permanent site, but clearly if there are insufficient permanent stopping places in the region this could be a risk. The Department would have to ensure that sites were properly managed and all appropriate legal safeguards established prior to operation. Transit sites appear to have significantly reduced the number of unlawful encampments and the costs of service provision in some parts of the country. Enquires are underway with Bristol, Lincoln and Stoke to

improve our understanding of this issue. However despite their potential to provide some financial return, such sites by their transitory nature do carry a high resource implication, notably through the need to ensure site security, to ensure that the utilities on site are not abused and there are adequate staffing resource in place to manage this.

6.17 REAF talk of 42 families (120 people) requiring permanent sites in Leeds. Do you agree with these figures?

- The volume of unauthorised sites, the pressure on the existing site at Cottingley Springs and the National picture, indicates a need to consider expansion in the number of locations available for this community to live on. REAF have undertaken a census in 2004 and from this have advanced the figure of 42 families (120 people) who make a claim to be Leeds born, or with Leeds as a strong connection. Unfortunately this census has yet to be published and thus we have not had the opportunity to study the data that established this figure. Our data from the unauthorised encampments is not robust (as many families refuse to identify themselves or complete an assessment) but our current estimate would put this figure at nearer 100 people.

6.18 Can the Council restrict who lives on permanent sites to Leeds families only?

- If permanent sites were to be established, access and occupancy would be managed within the framework of a formal allocation policy (as is Cottingley Springs at present). To ensure that appropriate priority is given to those with a relevant local connection, such a connection can be made a core criterion of the policy.

6.19 In the Department's view, would the creation of transit sites and permanent sites solve the issue of unauthorised encampments or would they still exist?

- It may mitigate the problem but not eliminate it.
- At certain times of year traditional gatherings, fairs or social events are likely to exceed resources and consideration should be given to making particular arrangements for such occasions which though short lived can have a strong impact on the settled communities effected. Should provision be extended, further review would be necessary to monitor growth or contraction in the community. It should be noted that, as with all residents, this authority would carry through a strong line on anti-social behaviour. Where behaviour of this nature results in bans from sites, such families would continue to provide a pressure.

6.20 Do you think there is a regional solution to the issue of the provision of sites, permanent or transit. If so what discussions are taking place?

- Overall it is the Departments view that any discussion in respect of transit sites should be taken forward in a West Yorkshire or even a Yorkshire and Humberside context, as there is clear potential for any such provision to act as an attraction to additional families who are travelling through the region. There is no solid research on this matter and as such this should be qualified by the community's assertion that 'traditional' routes and stopping places are preferred and that any such sites if established in non 'traditional' areas would not be used.

- Within West Yorkshire there is no provision at present in either Calderdale or Kirklees.
- This has been discussed in the West Yorkshire of the Gypsy Traveller operational Liaison Group and at WYSPAH (West Yorkshire Supporting People and Homelessness Group) but little progress has been achieved.
- The ODPM announced in January that it would vest the Regional Housing boards with the 'powers' to decide how many traveller sites there should be in any area. This decision would be informed by the assessments undertaken by the local authorities. This indication of direction is contained within the government's proposals on the future of planning for Gypsy Traveller sites.

6.21 If a number of permanent sites were established could the Council provide the necessary additional support to families i.e., education, health provision etc?

- There are strong links established with other support service providers (Education, social Services, Health and groups representing the community) and these are being strengthened by the service and by the work of the Gypsy Traveller Interdepartmental Group.
- All these services have indicated that in principle that their ability to deliver their services to this community is hindered by its transient nature and that permanent/transit sites would improve their ability to work with this community.
- The Gypsy Traveller community is identified within the Supporting People Shadow Strategy as a potential gap in service and it is indicated that research be undertaken to establish what those support needs are. This research was indicated as planned for 2005/6, however the ODPM reduction of the overall supporting people budget has made this unlikely.

6.22 Notwithstanding the legitimate views of local ward Members, what process should the Council go through in determining the most appropriate location for additional sites, i.e. what criteria should be considered and what critical requirements should be met for a location to be considered suitable?

- Although we are waiting updated planning guidance the core guidance already establishes the practical steps that should be considered within any ongoing consultation and decision-making process of establishing such sites.

Key steps are:

- Assessment of Housing Need to establish what is required.
- Consultation with the wider community and the Gypsy Traveller community
- Examination of existing zoning or planning on any proposed sites.
- Having consideration if it is sited sympathetically for the potential occupiers and the local community.
- Accessibility both in terms of services, shops, schools, health and in terms of managing the site.
- Is it possible for the site to be located near, or in the same area as traditional stopping places or family ties.

- 6.23 Notwithstanding the need to proceed through a proper assessment, there is clear recognition of likely community resistance. Whilst the Authority has a clear role to dispel prejudice and cater for the needs of all communities, the Gypsy Traveller community and their representatives have a key role in ensuring that the Community accept its responsibilities to challenging illegal or unacceptable behaviour. A step that would greatly assist the wider community in understanding the challenges this group face.

7.0 Evidence Received From the Director of City Services

- 7.1 We asked the Director of City Services to comment on the issue of litter and refuse left by unauthorised encampments.

Domestic Waste Collection

- 7.2 The Director stated that he considered the provision of a collection service for *domestic* waste on unauthorised encampments to be both appropriate and achievable.
- 7.3 It was proposed by the Director that when notified of an unauthorised encampment, City Services would issue a supply of domestic bins and incorporate their emptying into an existing collection route.
- 7.4 It was stressed by the Director that these bins would be for domestic waste only and that the Department would not collect trade waste.

Commercial/Trade Waste

- 7.5 We were advised that Trade waste can only be disposed of at sites licensed by the Environment Agency. The fly tipping of commercial waste on unauthorised encampments is therefore illegal. Where this occurs, the City Council has very limited enforcement powers and effective enforcement requires a multi agency approach involving the police and the Environment Agency.
- 7.6 The suggestion that skips should be provided on unauthorised sites was rejected by the Director on the grounds that the provision would be establishing, in all but name, an unlicensed trade waste site, for which the Council does not have the powers.
- 7.7 The Board recalled that it had been suggested by REAF and GATE that on occasions the non Travelling community use the existence of an unauthorised site to deposit trade waste, resulting in the Travelling Community getting the blame. The Director suggested that consideration should be given to the introduction of a policy of carrying out checks on vehicles entering unauthorised sites for trade waste. Such checks would need the assistance of the police. This policy would also need the support of Travellers. However given the Travellers comments that it is others leaving trade waste there should be no reason not to be supportive.

8.0 Site Visits

8.1 We made the following site visits;

- Cottingley Springs
- Royds Lane LS12 (Unauthorised encampment on private Land)
- Moorlands Crescent LS27 (Unauthorised encampment on Leeds City Council Land)
- Church Street LS10 (Unauthorised encampment on Leeds City Council Land)
- Hugh Gaitskell Primary School (Former site of an unauthorised encampment)

8.2 These visits confirmed first hand our views of the impact unauthorised encampments have on the community.

