

**Meeting of Scrutiny Board (Environment and Neighbourhoods)  
Gypsy and Travellers Working Group held at 9am  
on Wednesday 20<sup>th</sup> October 2010**

**Present:**

Councillor B Anderson (BA), Chair  
Councillor R Grahame (RG)  
Councillor G Hyde (GH)  
Councillor L Mulherin (LM)

**Others Present**

Ms B Emery (BE) Head of Housing Strategy and Solutions  
Ms C Gentles (CG) Senior Manager Environment & Neighbourhoods  
Mr I Spafford (IS) Head of Community Services & Litigation  
Ms K Blackmore (KB) Team Leader, General Litigation Team  
Mr R Mills (RM) Principal Scrutiny Adviser

No	Note	Action
<b>1.0</b>	<b>Introductions and Welcome</b>	
1.1	The Chair welcomed everyone to the meeting and briefly referred to the agenda and the issues before the Working Group today.	
<b>2.0</b>	<b>Note of Last Meeting</b>	
2.1	Members approved the note of the meeting of the Working Group held on 29 <sup>th</sup> September 2010.	
<b>3.0</b>	<b>Matters Arising</b>	
3.1	GH stated that he had not received the circulars referred to in minutes 5.1 of the last meeting and it was <b>agreed</b> that a hard copy of these be sent to him.	<b>RM</b>
<b>4.0</b>	<b>Legal Position</b>	
4.1	Members discussed the report of the Chief Officer, Legal Licensing and Registration which set out the legal background to the continuing problems of unauthorised encampments and the Council's legal obligations as well as making reference to practice and policy.	
4.2	(IS) drew attention to the appendix to his report on pink paper which was exempt/confidential under Access to Information Procedure Rules 10.4 (5).	
4.3	The report updated matters and reviewed the Council's legal position by reference to Counsel's advice and judges' remarks in relation to applications for possession orders. This was provided in the context of the Council considering its policies with regard to alternative sites, and the speed in which those policies are implemented.	

No	Note	Action
4.4	A number of issues and comments within the report were discussed including	
	(a) The fact that there is no duty on local authorities to provide an authorised site for gypsies and travellers. However, the Council has a duty to consider and make reasonable provision of housing for gypsies and travellers like any other group.	
	(b) That a Gypsy and Travellers Accommodation Assessment (GTAA) was carried out for the 5 West Yorkshire Authorities in 2004*. The GTAA identified a need for additional provision across the West Yorkshire sub-region (Leeds, Kirklees and Calderdale) for an additional 67 pitches and recommended an additional 48 pitches in Leeds and that these should be provided between 2008 and 2015. However the GTAA has never been formally accepted by the Council, despite reference being made to it by some departments. Whilst the Council no longer has to undertake such an assessment, Members thought that a further assessment may be worth while. At the very least the Executive Board should consider whether to accept or reject the current GTAA, but this should not be dealt with in isolation but form part of a wider Housing Needs assessments.	
	(c) It was <b>agreed</b> that a copy of the GTAA be provided to all Members of the Working Group.	<b>CG/RM</b>
	(d) Referring to Appendix C of the Director of Environment and Neighbourhoods report it was noted that the Council had spent £1.944.061m between 2003 and 2010 in dealing with unauthorised sites.	
	(e) That the Regional Spatial Strategy (RSS) was abolished in July 2010.	
	(f) (BA) asked if this Government had issued any guidance with regard to the future provision of gypsy and travellers sites and (IS) responded that there had not.	
	(g) A number of comments from GH expressing personal views concerning life choices and noted that the local authority has a duty to facilitate the gypsy and travellers way of life. Local Authorities have a duty to gypsies and travellers who are statutory homeless to give careful consideration to any cultural aversion and the degree of that cultural aversion to bricks and mortar accommodation.	
	(h) That Section 175 (2) (b) of the Housing Act 1996 is not often used by gypsy and travellers as a means of declaring themselves homeless as the majority want to continue their culture and way of life.	
	(i) Members enquired about the criteria used to allocate pitches to gypsy and travellers and (BM) stated that this could be discussed under her report.	

- (j) Reference was made to the large number of people on the Council's housing waiting list and the waiting list at Cottingley Springs.
- (k) The Race Relations Act 1976 (as amended) and the fact that Romany gypsies and Irish travellers both fall within an ethnic group and are protected under this Act.
- (l) The difficulties associated with anti-social behaviour particularly on unauthorised sites where it is difficult to identify offenders, with constant moves and apply for anti social behaviour orders. Gypsy and travellers living on authorised sites are subject to the terms of the license. (CG) commented that there was a tendency not to report anti-social behaviour at Cottingley Springs, which required constant supervision and support.
- (m) The fact that legal services had never had any instructions to enforce breaches of bye laws prohibiting camping.
- (n) Reference was made to Councillor P Ewens concerns about ensuring that gypsies and travellers are able to vote. It was clear that if they have a postal address on a fixed site and are registered they would be able to vote. In addition a person with no fixed address may be registered at the address of, or which is nearest to, a place in the UK where they commonly spend a substantial part of their time day or night. It was **agreed** to inform Councillor Ewens.
- (o) (IS) Confirmed that there had been no further proposal from the Government to make the act of unlawfully occupying land a criminal offence.
- (p) (IS) did refer to a press release from the Communities Minister Andrew Stunell on outline plans and consultation for improved tenancy rights for travellers on authorised sites. It was **agreed** that a copy of the press release be circulated to all Members of the Working Group.
- (q) The police powers for eviction of unauthorised encampments. In particular, the protocol concerning the use of Section 61 between the Council and West Yorkshire Police which can only be exercised by the police in special circumstances. It is only in Leeds that the police tend to use this power because of the many unauthorised sites in the city as it has been seen as a relevant, tactical tool in certain situations. Reference was made to the three Divisional Police Commanders and the use and interpretation of the protocol and the potential tensions that could arise with the introduction of a Police Commissioner.

RM

RM

No	Note	Action
	<p>(r) The fact that the Director of Environment and Housing is under a duty to assess welfare needs with a view to deciding whether or not a particular unauthorised encampment should be tolerated before instructing Legal Services to commence possession proceedings.</p>	
	<p>(s) Members raised the question of the report that had been submitted to Leader Management Team on this issue and following a freedom of information request by an elected member, information was provided to the press. (IS) and (BE) stated that the report contained only tentative suggestions on two possible temporary sites but by the time LMT considered this report a scrutiny inquiry had been established. Both officers stressed that no site was under consideration. Members asked to be provided with this report. (IS) <b>agreed</b> to consider this request and determine whether this could be provided to the Working Group.</p>	IS
5.0	<b>Unauthorised Encampments and Permanent Provision</b>	
5.1	<p>Considered a report of the Director of Environment and Neighbourhoods on unauthorised encampments and permanent provision.</p>	
5.2	<p>Members discussed the definition of what was meant by a “pitch”. There are 41 pitches at Cottingley Springs site but there can be up to 4 caravans on each pitch to accommodate family members. They pay additional rent for each caravan on the pitch. (BA) suggested that it could be argued that because of over occupation Leeds is already providing the additional 48 pitches recommended in the GTAA. (BE) thought that when the assessment was done this over occupation was already provided for within the calculations.</p>	
	<p>It was <b>agreed</b> that the Working Group at its next meeting be provided with the following information:</p>	BE
	<ul style="list-style-type: none"> <li>• A copy of the GTAA</li> <li>• A copy of the licence agreement for Cottingley Springs</li> <li>• Details of the legal minimum pitch size that is required to accommodate a single caravan and other legislative requirements</li> <li>• Approximate costings both revenue and capital to provide and staff 10 pitches and one of 50 pitches.</li> </ul>	
5.3	<p>Discussed the information provided on what other local authorities are doing and <b>agreed</b> that further progress was needed prior to the next meeting. This included:</p>	BE
	<ul style="list-style-type: none"> <li>• Continuing to pursue information that has been requested of other local authorities</li> <li>• Details of other local authorities definition of what is meant by a pitch particularly that of Leicestershire</li> <li>• Costs of provision of pitches both capital and revenue</li> </ul>	

No	Note	Action
5.4	It was noted that from the information gathered to date gypsy and travellers on a permanent site would not want transient pitches on the same site.	
5.5	Reference was made to the view that some pitches at Cottingley Springs seem to be operating a business from the site. It was reported that the current licence agreement makes reference to ensuring scrap metal is kept tidy (and therefore implies running a business is allowed) and that if travellers are to be given the same rights and responsibilities of Council tenants this would need revision. It was <b>agreed</b> that this be considered when reviewing the licence agreement.	KB
5.6	With reference to paragraph 3.3 of the report it was <b>agreed</b> that a coloured map that plots the unauthorised encampments from April 2010 be circulated to all Members of the Working Group.	BE/RM
5.7	With reference to appendix D of the report, relating to costs at Cottingley Springs, it was <b>agreed</b> that clarification be provided to the Working Group on whether there are any additional repair and maintenance costs undertaken by Corporate Property Management (CPM).	BE
5.8	Discussed the possibility of establishing a community forum for residents on the Cottingley Springs site with other communities in the area.	
5.9	<p>With reference to the Chair's visit to Cottingley Springs it was <b>agreed</b> that</p> <ul style="list-style-type: none"> <li>• All Members of the Working Group be offered the opportunity to visit the Cottingley Springs site on an individual basis.</li> <li>• Officers give consideration to identifying suitable witnesses from the gypsy and travellers community on Cottingley Springs site to give evidence to the Board.</li> <li>• Information be provided on the role and purpose of GATE and that a copy of its constitution be submitted to the next meeting of the Working Group</li> </ul>	CG
<b>6.0</b>	<b>Agenda Content and Witnesses</b>	
6.1	That the agenda content and witnesses to be called to the next meeting be determined by the Chair.	
<b>7.0</b>	<b>Date and Time of Next Meeting</b>	
	It was agreed that the date and time of the next meeting be held on 1 <sup>st</sup> November 2010 at 20pm in the Conservative Group Office 2 <sup>nd</sup> Floor East Civic Hall.	

### Post Meeting Notes

The Chair has agreed that representatives from the political groups and the police be invited to the meeting of the Working Group on 1<sup>st</sup> November 2010.

**No**

**Note**

**Action**

The Head of Community Services and Litigation subsequently reported that the assessment was not carried out in 2004, but is dated May 2008 and according to the 100 page final report:

“This research was commissioned by the West Yorkshire Housing Partnership in August 2007 and was managed by a steering group comprising representatives from the five West Yorkshire authorities wish to comment on this further but it should be noted that, other sub-regional stakeholders and members of the gipsy and traveller community . . . this research was led by CRESR (The Centre for Regional Economic and Social Research at Sheffield Hallam University) a multi-disciplinary research centre in the field of housing, regeneration, urban and regional policy.”

It does indeed conclude that the “total requirement for extra pitches 2008-2015” is 48 for Leeds.

Meeting ended 11.45am RLM / Scrutiny E&N WG20.10.10

DRAFT