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Report of the Director of Environment and Neighbourhoods

Scrutiny Board (Environment and Housing) Working Group

Subject : Inquiry into Gypsy and Travellers Site Provision within Leeds – Unauthorised Encampments and Permanent Provision

Date: 20th October 2010

Electoral Wards Affected: All

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

There is no duty on Local Authorities to provide sites for Gypsies and Travellers. In common with all other groups, the Council has a duty to consider and make reasonable provision of housing for Gypsies and Travellers.

The Council has one site for Gypsies and Travellers, Cottingley Springs, which provides for 41 pitches. Nevertheless the city experiences significant challenges in relation to the number, size and type of unauthorised encampments on both public and privately owned land. Residents of encampments can be categorised into those who are traveling through Leeds, and those who predominately travel within Leeds.

The Council has taken proactive steps to respond to unauthorised encampments on public land to minimise length of stay/disruption to local communities whilst at the same time being mindful of the needs of those encamped.

In recent months there have been changes to the type and size of encampment and the response of the Travellers to the claims for possession made by the Council.

The Council incurs significant costs in relation to unauthorised encampments including legal costs, response to environmental damage/anti-social behaviour and staff time. There are also unquantifiable costs associated with disruption to community and individual activities.

1 Purpose of the report

- 1.1 The report outlines the current position regarding unauthorised encampments within the city and the impact these have on local communities.
- 1.2 The report also sets out the position with regard to permanent provision within Leeds.
- 1.3 The Council's legal position in relation to the accommodation needs of the travelling community is set out in the report prepared by the Chief Officer Legal Licensing & Registration although some background information is set out within this report for contextual purposes.

2 Background Information

- 2.1 Since the repeal of the Caravan Sites Act 1968 there is no duty on local authorities to provide an authorised site for gypsies and travellers.
- 2.2 The Housing Act 2004 places a duty on local authorities to carry out an assessment of the accommodation needs of gypsies, travellers, travelling show people and new age travellers and to make reasonable provision for these groups through the planning process. This duty is commensurate with the obligation placed on local authorities to consider and make reasonable provision of housing for the settled population.
- 2.3 The Housing Act 2004 also requires that the needs of Gypsies and Travellers, including how the accommodation needs of these communities will be met, as part of their wider housing strategies.

3 Current Situation

- 3.1 Although unauthorised encampments can be experienced at any time of the year, (and indeed can vary from one or two caravans to several dozen caravans with associated vehicles etc), numbers tend to rise during the summer months. Consequently much time and resources are expended by Council officers both in Environment and Neighbourhoods and Legal Services in addressing unauthorised encampments and taking steps which are legally necessary.
- 3.2 The table below illustrates the number of encampments experienced within Leeds over the past 5 years.

Year	Public	Private	Total No Encampments	Number of Caravans
09/10	39	33	72 (-54)	614
Avg Days to Resolve	12	24.78		
08/09	69	57	126 (+67)	1164
Avg Days to Resolve	7.1	9.3		
07/08	38	21	59 (+8)	360
Avg Days to Resolve	10.3	16.4		
06/07	27	24	51 (+9)	370
Avg Days to Resolve	12.7	24.5		
05/06	28	14	42	Figures Not available
Avg Days to Resolve	16.9	16		

- 3.3 From April 2010 to date there have been 54 encampments in Leeds. 42 of these have been on council owned land and the remaining 12 on privately owned land. The table at Appendix A lists in more detail the unauthorised encampments since April 2010 giving details on exact site and ward, and whether court action or police action was used in order to remove the encampment.
- 3.4 In some cases the travellers move on within a short period of time without the Council having obtained a court order. When court proceedings are taken it is normal for the Travellers to move on as soon as a court order is obtained. However in a number of cases where possession proceedings have been instituted, they have sought to defend the claim as they are legally entitled to do by citing public law defences.
- 3.5 Since April 2010 the Council has proceeded to court 27 times in order to seek possession of land. The Travellers have defended the claim on three occasions and whilst the Council has been successful in gaining possession of the land each time, defence action has led to longer encampments and therefore a greater impact on the local environment and community.
- 3.6 In the same period the West Yorkshire Police have used their powers under section 61 of the CJPOA on 6 occasions.
- 3.7 It is entirely usual for travellers to pass through Leeds, with this increasing in conjunction with horse fairs and other events. However, there are approximately twelve families which tend to remain in the Leeds area throughout the year. The families are closely related to each other and we approximate that there are 25 adults with 38 children in these groups and between 20 and 25 caravans. Additionally there are 6 families who have doubled- up with relations at Cottingley Springs. Should these arrangements breakdown, then this group of 16 adults and 12 children would also be likely to remain traveling within the Leeds area as they have historically done.
- 3.8 From April 2010 to date these twelve 'Leeds' families have been present on just over half of all unauthorised encampments (30 of the 54), including all the larger encampments.
- 3.9 Three of these local families who are currently travelling together are the families who have defended proceedings repeatedly. One of these families

was part of the Spinkwell Lane encampment. They instruct the same local solicitors who have developed a specialism in Travellers law.

- 3.10 A defended claim usually results in the Court adjourning the hearing for further evidence to be filed by the travellers and consequent further evidence by the Council, and so that sufficient court time can be allocated to a contested hearing. In that event inevitably there are delays sometimes of weeks, even months on occasion. In such circumstances, the complaints of local residents are exacerbated and the kind of public debate which resulted in the deputation to Council last year ensues.
- 3.11 There has been a noticeable change in the location of encampments in Leeds this summer. For example, encampments have taken place in Garforth and Soldiers Fields, Roundhay: sites not normally associated with encampments and which have never or very rarely been used in recent years. Many sites traditionally used by travellers which have now been sold or developed.
- 3.12 This summer has also seen encampments on other high profile sites where community events are scheduled: for example at Fearnville Leisure Centre where the Gipton Gala was due to take place and at Garforth where similarly the Garforth Gala had been arranged for the weekend after the Travellers arrived. These particular encampments caused a great deal of local anxiety and anger as people living in the area felt that their long established community events were threatened by the presence of encampments. Such encampments have an impact on community cohesion.
- 3.13 Additionally this summer the size of encampments in some instances has been significantly larger than in previous years. At the encampment at Fearnville, there were over 57 caravans recorded at one stage and anecdotal evidence that there were for short periods even more present. The size of encampments increases community tensions and the environmental impact and also makes managing the impact of the site far more difficult. Additionally it makes it less likely that the police are able to use their powers under the CJPOA as controlling any eviction becomes difficult. The police would need to deploy significant resources and would have concerns for the safeguarding of children should their parents be arrested as part of the eviction.
- 3.14 In some instances unauthorised encampments lead to significant environmental damage. The Council's Highways and Environmental Enforcement team work with the Gypsy and Traveller team to monitor activity such as fly-tipping at or near encampments and in some instances this monitoring has led to prosecutions. The Highways and Environmental Enforcement team does not record ethnicity in relation to successful prosecutions and often there is no evidence as to who has undertaken such activity when in close proximity to encampments. However, during 2010 there have been 5 successful prosecutions for fly-tipping related to encampments or the immediate locality and there are several cases still being processed. The fly-tipping ranges from the unsightly through to dangerous tipping of asbestos waste. Attached at Appendix B are details of prosecutions processed by the Highways and Environmental Enforcement Team.
- 3.15 Unauthorised encampments also often generate 'household' rubbish and other waste, including human and horse waste. In some instances, the travellers are tidy and little if any waste needs clearing when they leave. In other instances,

there is significant cost in terms of both resources required and amount of waste generated at sites. At Spinkwell Lane the cleaning of the site alone cost nearly £53,000 and it is not uncommon for costs into thousands of pounds to relate to cleaning of the sites once vacated. While the Council will provide skips and portaloos where travellers are tolerated, or where the court process will be lengthy, it can still be difficult to contain the impact on the environment in such instances. The impact of rubbish and human waste on the locality causes a great deal of anger and community tension especially when the encampment is on a site normally used for recreational activity.

3.16 Along with the costs of cleaning up unauthorised sites, there are other associated costs. For example, in many cases the authority will either repair security or introduce new security measures to try and prevent further occupation. There have been examples of sports fields having to be re-sown and drained following damage by vehicles: Copperfields was an example of where this occurred. The authority also incurs legal costs every time a claim for possession is made. Appendix C summarises the total costs of unauthorised encampments from a Council perspective.

3.17 There are also unquantifiable costs to specific local communities and therefore the cities where unauthorised encampments occur. For example, East Leeds ARL club being unable to play games, and undertake training sessions, for young people, due to the encampment and damage at Copperfields in 2009. Other examples would be encampments in parks which created a deterrent to people utilising the area for social activity.

4 Current permanent provision

4.1 The council currently has one permanent site Cottingley Springs which is located in the Farnley & Wortley ward. The site, which is split into two areas, contains a total of 41 pitches: 20 in Site A and 21 at Site B. Historically the site was larger: at one point there were 55 pitches. However the site was very difficult to manage and there were several unoccupied pitches due to both the condition of the site and some tensions between residents. The site is currently fully occupied.

4.2 Each pitch can accommodate 3 or 4 caravans and on average there are three caravans to each pitch. The site is landscaped and is designed in a cul-de-sac style with one entrance/exit for vehicles. There is CCTV at the entrance to the site.

4.3 Each pitch contains a brick built utility facility comprising of a kitchen and a bathroom. On Site B, this facility also includes a living area. Cottingley Springs B site was refurbished through government grant to meet the growing needs of the families living on site. Historically the plots were very small and could not provide families with the necessary space to live comfortably. After a large redevelopment programme, the plot sizes were increased and additional outside green space was provided. Site A has remained the same since being built due to the limitation in space although a modernisation programme has been completed for internal works, again funded by grant from central government.

4.4 The site also contains an office and a member of staff is generally present during standard working hours although when there are a large number of

encampments the staffing will be less. The Gypsy and Traveller team employs a handyperson/site officer who undertakes small repairs and deals with day-to-day issues as they arise. The majority of repair work needed on site (both reactive and planned) is undertaken by the Corporate Property Management team.

- 4.5 The cost of running Cottingley Springs is outlined in Appendix D which shows costs over the past 8 years. The weekly rental cost for a pitch at Cottingley Springs is currently £98.12 with an additional charge of £23.76 for each additional caravan. This charge has been effective since April 2007. Housing Benefit can be claimed for the rental charge. In 2009/2010 £233,254 was received as income (largely rents) and it is estimated that this will be around £254,000 in 2010/11.
- 4.6 There is currently a waiting list of 18 applicants. Turnover at Cottingley Springs is very infrequent and it not uncommon for long periods of time to pass with no vacancies occurring.
- 4.7 Over the last 10 years, structural improvements, refurbishments and a modernisation programme have greatly assisted the quality of life for residents. A developing and consistent housing management approach has also ensured that the experience for many residents living on site has greatly improved. The success of this in part is due to the constant presence of staff on site and proactive response to local issues. On the occasions when there are difficulties with site management these issues require an increase in inter-agency working and a robust response. At times the intensity of these issues can be very difficult to manage and there is often no immediate resolution.
- 4.8 Services to the site include a weekly bin collections, a bottle bank located on Site B, a monthly road sweep, regular pest control visits to deal with rodent problems, a twice-yearly drain clearing programme to alleviate problems with blocked drains and a bulky waste collection as needed. These services have significantly improved the environmental condition of the site. Other ad-hoc environmental action is taken as the need arises: for example earlier this year areas of ragwort were treated as the plant presented a significant risk to the residents' horses grazing on the grassed areas around the site.
- 4.9 Loose dogs continue to be a problem on the site: some residents allow their dogs to roam free. The service tackles this by discussion with the dogs' owners reminding them of the terms of the license agreement. The dog warden service has visited the site to not only take enforcement action but also to provide a free dog chipping service.
- 4.10 Historically there have been problems between families living at Cottingley Springs and with the behaviour of individuals but this situation has improved in recent years. Although eviction remains an option as part of the license agreement, the service works hard to prevent behaviour escalating to the point of taking action to gain possession of the pitch. The last eviction of a family from Cottingley Springs was in 2000.
- 4.11 While the site has improved in terms of behaviour and fewer incidents it is nevertheless the case that at time the residents' unwillingness to engage with the authorities to tackle anti-social behaviour does limit improvements to the management of the site. For example, the service does on occasion receive

complaints from neighbouring land-owners and sees evidence of vandalism but struggles to get any witness to come forward. There are informal discussions with residents and an emerging residents group but the service believes that this is an area where a stronger residents group with formal meetings would potentially improve management of the site and indeed improve the living conditions of the residents.

- 4.12 The Gypsy Roma Traveller Achievement Service provides support to the children living at Cottingley Springs including transport to mainstream schools and a mobile nursery van. Historically there were out-reach services provided by NHS Leeds but these have been withdrawn.

5. Situation in other Local Authority areas.

West Yorkshire

- 5.1 Of the five West Yorkshire authorities Wakefield, Bradford and Leeds have permanent provision for Gypsy and Traveller families. Bradford has 47 pitches over two sites and Wakefield has 38 pitches and one emergency pitch.
- 5.2 Calderdale and Kirklees have no provision and report very few unauthorised encampments. Wakefield confirms that they had 48 encampments during 2009/2010 with roughly half of these occurring on public land. Wakefield has been looking to identify new sites but have met considerable opposition to any proposed locations. None of the West Yorkshire authorities have transit provision.

Bristol

- 5.3 This authority has confirmed that it uses engagement as a method of managing unauthorised encampments, as opposed to enforcement. They have two sites; one permanent and one transit with a total of 34 pitches. They were unable to provide details on the number of unauthorised encampments dealt with during the past year. They were however able to confirm that they dealt with the encampments they experienced through negotiated move on rather than court action.

Fenlands

- 5.4 Fenlands confirmed that they have 66 pitches within the district but that their GTAA identified the need for between 106-205 additional pitches. The council does not keep figures on unauthorised sites but they have recognised the need for transit provision. As such they have recently opened a 9 pitch transit site. This is managed by an on-site warden from within the community. There is a good standard of accommodation offered, including facilities. The charge is £30 a week and the families are allowed to stay for a three month period. The council did not provide information on how they would deal with 'over-stayers'.

Birmingham

- 5.5 Birmingham CC has confirmed that they have one permanent site which has 16 pitches. The GTAA undertaken in their area identified the need for an additional 44 pitches by 2017. The council were not able to provide any

information on numbers of unauthorised encampments or how these are dealt with.

Cheshire West and Chester

- 5.6 Cheshire West and Chester Council have commented that Gypsies and Travellers are the highest ethnic minority group in Cheshire and that they work in close collaboration with the police to resolve issues around unauthorised encampments. However they have not yet sent though more details on how they work and the numbers of encampments/Gypsy and Traveller families they deal with.

Scotland and Wales

- 5.7 The laws and regulations which apply to Gypsies and Travellers in England with respect to accommodation, eviction, planning, education and health apply equally to those in Wales; although Welsh Office Circulars have different numbers from their equivalents in England, their content is identical.
- 5.9 Scottish law is distinct from that in England. Nevertheless, the broad principles of law in relation to accommodation and eviction are the same in both countries.

6 Implications for Council Policy and Governance

- 6.1 There are no implications in relation to governance as such but clear implications with regard to a shift in Council policy.

7 Legal and Resource Implications

- 7.1 The legal implications are outlined in the accompanying report prepared by the Chief Officer Legal Licensing & Registration.

8 Recommendations

- 9.1 It is recommended that Scrutiny Working Group note the contents of this report.