

**Meeting of Scrutiny Board (Environment and Neighbourhoods)
Gypsy and Travellers Working Group held at 2pm
on 1st November 2010**

Present:

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

Others Present

Councillor D Blackburn (DB), Spokesperson Green Party Group
Councillor R Pryke (RP), Spokesperson Liberal Democrat Group
Councillor T Leadley (TL), Morley Independent Member
Councillor P Gruen (PG) Executive Board Member, Neighbourhoods and Housing
Chief Superintendent Mark Milson (MM), West Yorkshire Police Divisional
Commander City & Holbeck
Chief Inspector Jim McNeil (JM), West Yorkshire Police, Leeds Community Safety
David Stephens (DS), PC3218, West Yorkshire Police, Leeds Community Safety
Ms B Emery (BE), Head of Housing Strategy and Solutions
Ms K Murray (KM), Travellers Service Manager
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
1.0	Introduction and Welcome	
1.1	The Chair welcomed everyone to the meeting and briefly referred to the agenda and the issues before the Working Group.	
2.0	Note of Last Meeting	
2.1	Members approved the note of the meeting of the Working Group held on 20 th October 2010.	
3.0	Matters Arising	
3.1	There were no matters arising that were not included on the meetings agenda.	
4.0	Confidential Items	
4.1	A discussion took place regarding the confidential nature of the joint report of the Chief Officer Legal and Licensing and Registration and Director of Environment and Neighbourhoods, considered by Leader Management Team on 15 th July 2010. A copy of this report had been provided to the West Yorkshire Police as witnesses to this inquiry. The representatives from the West Yorkshire Police agreed to hand these confidential papers back to the Principal Scrutiny Adviser at the end of the meeting.	

5.0 Witnesses

- 5.1 The Chair invited witnesses to comment on the Board's inquiry and to give their perspective on the issues, problems and concerns they have in dealing with unauthorised and authorised encampments in the city on a regular basis.

West Yorkshire Police

- 5.2 (MM) by way of introduction stated that the issue of unauthorised encampments had proved to be an intractable problem and happened on a regular basis in the city. He was well aware of the deep seated concerns within communities when unauthorised encampments occurred. There were often environmental issues and criminal damage on sites where unauthorised encampments took place. This was unacceptable and West Yorkshire Police often had to address a criminal element on these sites. The Police always endeavored to work with the Council in a pragmatic way to assess each situation in order to determine how quickly the gypsies and travellers would be moved. They also worked with all the agencies to provide the necessary support for the gypsies and travellers whilst occupying an unauthorised site. It was a fact that it did not matter whether the police or Council sometimes got something wrong as both were blamed. He also accepted that Police divisions were not averse to passing the problem of an unauthorised encampment to another area in the city.
- 5.3 (MM) referred to the pressures placed on the Police and Council staff to act quickly when an unauthorised encampment was reported, and outlined some of the reasons delays and conflicts that can occur between the police and other agencies.
- 5.4 (MM) did not have a particular view on the provision of additional pitches but thought this may ease the situation. Similarly a transient facility for vehicles passing through the city would help them to take action more quickly. He stated that whatever the Council wished to do to try and address the current situation of moving a number of families from one site to another in the city, the Police would take a supportive position.
- 5.5 (RG) referred to a former Executive Board Member who had suggested that the Council was looking at particular sites in the city for another gypsies and travellers site which was not true.
- 5.6 (LM) suggested that the Police were not always completely helpful. Whilst they might be good at contacting Council officers they did not always speak to or involve elected members when illegal encampments occurred.
- 5.7 (GH) asked the police representatives whether additional official sites would help. (MM) responded that there were strengths and weaknesses in this approach, but a transient site would allow the Police to move more quickly because they would have a location to take the gypsies and travellers to.

- 5.8 Reference was made to the use of Section 61 of the Criminal Justice and Public Order Act 1994 and the joint protocol between the Council and West Yorkshire Police on this matter. This Section gives power to the police to direct persons to leave land and remove vehicles in circumstances where there are more than 6 vehicles on the land or persons are causing damage and or disruption. A discussion took place on the powers which can be used to address the problem of unauthorised encampments and reference was made to the information provided in the joint report submitted to the Council's Leader Management team
- 5.9 (DS) and (MM) referred to the fact that Section 61 was subject to a degree of subjectivity in terms of its interpretation and application.
- 5.10 (DB) referred to the "not on my patch" mentality and the need for the Police to work closely with officers and members of Council when unofficial encampments occur. (MM) referred to the more robust and consistent approach being applied across the city ensuring early assessment of the site, identifying problems and working with all the agencies to achieve a satisfactory conclusion. (MM) expressed a view that you would expect the community to be massively intolerant towards an illegal encampments but this was often not the case. Similarly crime figures and anti social behavior was not as big a problem as might be expected on these sites.
- 5.11 (TL) expressed the view that Section 61 should not be used because there were no alternative sites for gypsies and travellers to be taken to.
- 5.12 (PE) expressed concern at the costs associated with moving gypsies and travellers around the city.
- 5.13 (LM) referred to the maps showing illegal encampments which had taken place in the last 12 months within the city. She asked that the department provide a map showing illegal sites for the past 3 years which was **agreed**.

BE/KM

Executive Board Member

- 5.14 (PG) thanked the Environment and Neighbourhoods department for providing this working group with the information it had requested for the Board's inquiry. He referred to a number of issues which needed to be considered and addressed including:
- The national perspective as to what the new Government Guidelines on funding and philosophy for gypsies and travellers sites will be
 - The regional perspective and the fact that the problem was not just Leeds based but had a regional dimension to it that required us to work with the City Region to come up with solutions. He referred to the initiative being undertaken by Wakefield Council to endeavour to provide another gypsies and travellers site in their area and the fact that Kirklees and Calderdale have no provision.

- The legal and police perspective and the advice of Counsel and the difficulties in sustaining the current situation of moving families who want to stay in Leeds from illegal encampment to illegal encampment
- The economic factors that the city had suffered 7,000 illegal days of occupation of sites by gypsies and travellers. It was estimated that the Council between 2003 and 2010 had spent at least £2m in moving families on from unauthorised site to unauthorised site in the city. Is this value for money and what is the true cost of this approach?
- The fact that that this current policy is unsustainable in that the current economic climate and spending review requires the Council to look at local options and solutions which are not necessarily revolutionary but could be applied incrementally that would help break the current cycle.

5.15 (RG) referred to the 25 families waiting for a pitch at Cottingley Springs and the large numbers on the waiting list for Council housing.

5.16 (BA) referred to the 25 families waiting for a pitch and the fact that 1600 caravans are estimated to pass through Leeds each year. He expressed a view that some of the pitches on Cottingley Springs (which can accommodate up to 4 caravans) could be divided into two in order to provide an increase in the number of pitches that are available.

BA

5.17 (BA) asked what size a pitch had to be and whether there was a definitive definition. He would raise this at the Scrutiny Board meeting on 8th November as the planning officers would be giving evidence to this inquiry at that meeting

Political Group Spokespersons and Morley Independent Councillor

5.18 (TL) referred to the fact that Cottingley Springs was an unsuitable location as it was not near any local services and isolated from the community as a whole. He would not recommend this site being made any larger and would favour smaller sites being provided in the community for gypsies and travellers. He referred to the fact that in Morley North a small piece of land had been purchased privately and pitches provided for 3 modern gypsy caravans. When the planning application for this site was submitted there had been no objections. There was an increase in the number of unauthorised encampments occurring in Morley. (DB) had similar views regarding the Cottingley Springs site.

5.19 (RP) expressed concern at the number of caravans allowed on each pitch at Cottingley Springs. (IS) referred to the fact that this had been allowed and was set out in the license agreement.

5.20 The Police stated that Cottingley Springs was a difficult site to manage and could be better designed from a policing perspective. It required them to deploy a significant number of resources when they were required to attend the site because it was so large.

5.21 (LM) expressed concern that creating smaller sites may result in the doubling up of caravans as many gypsies and travellers had large families.

5.22 (GH) asked for clarification as to the GTAA report and how the figure of 48 additional pitches was assessed and identified as being needed in Leeds. (GH) also enquired about the numbers of gypsy and travellers that are Leeds based, and require pitches.

BE/RM

5.23 (BA) **Agreed** that Ryan Powell the report author of GTAA be asked to attend the next working group or provide details of how the conclusions in the report were arrived at.

5.24 (PG) suggested that a number of options could be included in the Board's final inquiry report concerning Cottingley Springs, the provision of smaller sites, the use of private land and other initiatives that could be brought forward.

5.25 A number of comments were made about the legal costs of removing illegal encampments and whether costs were awarded against the gypsies and travellers for clearing up the sites and carrying out necessary repairs. Do we pursue their assets such as vehicles? Do we work with Inland revenue and other relevant agencies to recover costs whenever it is feasible to do so? (IS) stated that costs were recovered when it was possible to do so but possession orders required them to be served on an individual person and often they were not identified. (IS) stated that he was prepared to pursue this issue further.

5.26 (RP) stated that he was in favour of the provision of smaller sites for gypsies and travellers. They do contribute to the economy. At the same time the Council has a responsibility to reduce the number of illegal encampments. He expressed concern at the criminal damage done to playing field and parks as a consequence of illegal encampments.

5.27 (BA) thought that more work could be done to work with the residents at Cottingley Springs and the surrounding community to integrate more with each other through the Information exchange.

5.28 (DB) stated that the Cottingley Springs site on Gelderd Road was very isolated and although it was in his ward it was not connected at all. There was intolerance despite the fact that there were a lot of good people on the site.

5.29 A Member asked about the provision of a transient site and who would enforce gypsies and travellers to move on. The police stated that it could be operated on a 3 day limit with signs posted to that effect after which time they would be moved on.

6.0 Information Requested at the last Meeting

6.1 The following information requested at the last meeting was circulated and noted by Members of the Working Group

- a. West Yorkshire Gypsy and Traveller Accommodation Assessment (GTAA)
- b. Press release from the Department of Communities and Neighbourhoods dated 11th October concerning the rights for travellers who play by the rules and protection for Councils.
- c. The consultation results on the inclusion of travellers sites into the Mobile Homes Act.
- d. License Agreement for Cottingley Springs.
- e. Map of the sites at Cottingley Springs and one showing the land surrounding the sites which is owned by LCC.
- f. Map showing unauthorised encampments over past 12 months.

7.0 Supplementary Information

- 7.1 The following additional supplementary information was circulated and noted by Members of the Working Group
- g. Map 11069 which had been circulated had now been withdrawn. The land near to the farm is no longer LCC owned. A new map had been provided 11069/A which shows the correct land now owned by the Council.
 - h. Leeds Gypsy and Travellers Exchange (GATE)
 - Information about Leeds GATE
 - Memorandum of Association of Leeds GATE
 - Articles of Association Leeds
 - i. Confidential Joint report attached of the Chief Officer Legal Licensing and Registration and the Director of Environment and Neighbourhoods which was considered by Leader Management Team on 15th July 2010. The Working Group was advised that the confidential legal parts of the report were:
 - Para 6 whole paragraph
 - Para 7.1 whole sub paragraph
 - Para 7.6 last two sentences
 - Para 7.7 last sentence
 - Para 7.8 whole paragraph
 - Para 9 whole paragraph
 - Para 10 the words from " but as quickly as possible" to the end of the sentence
 - j. Paper on gypsies and travellers sites showing the average number of caravans per residential pitch

8.0 Agenda Content for Next meeting and Witnesses

- 8.1 It was agreed that this be determined by the Chair of the Working Group.

9.0 Date and Time of Next Meeting

- 9.1 It was noted that the next meeting of the Working Group would be held on 15th November at 12noon in Committee Room 3 Civic Hall.