

Minutes

Community Services Scrutiny Panel

Town Hall, Wednesday 13th September 2006 at 5.30pm

Present: Councillors Howarth (in the Chair), Griffin, Kinghorn, Moderate, Robinson, Taylor, Walton and Young

Also Present: Councillors Cowper and Woods.

Lynne Boyd	- Housing Manager
Gavin Scott	- Policy & Regeneration Manager
Neil Laws	- Environmental Health Manager
Scott McNally	- Welfare Rights & Travellers Liaison Team Manager (DCC)
Richard O'Neill	- Travellers Representative

1. Apologies for Absence

Apologies for Absence were received from Councillors Hopgood, Norman and Wolstenholme.

2. Minutes

The Minutes of the Meeting held on 26th July 2006 were confirmed as a correct record, subject to it being noted that Councillor Griffin had submitted his apologies for absence.

3. Gypsy/Traveller Sites

Following a request by Members at the last meeting of the Panel, the Environmental Health Manager circulated information on the total number of caravan sites in the District, together with their pitch provision. This information is attached at Appendix A. Details of unauthorised encampments in the District over the last two years would be circulated prior to the next meeting.

Richard O'Neill introduced himself. He explained that he was born on a caravan site in Easington Colliery, and is now a consultant who works with organisations around the country on Gypsy and Traveller issues. He is also involved in storytelling days in schools. He tried to make people aware of the Gypsy and Traveller culture and solve problems, which can be caused by negative attitudes portrayed in the media.

He advised Members that about 80% of Gypsies and Travellers in the North East are North Easterners themselves. Some were settled and travelled for only parts of the year.

Members questioned why Local Authorities were required to provide sites for Gypsies and Traveller, yet there was no requirement to provide pitches for holiday caravans. They were advised that this was because Local Authorities had a duty to provide accommodation for Gypsies and Travellers, as they would for any other part of the community. There was no requirement to provide holiday accommodation i.e. pitches for holiday caravans.

The media had a perception of Gypsies and Travellers, and tended to give prominent publicity to applications for new sites. There was a need to talk to communities about siting and design when planning for new sites.

Scott McNally advised Members that it was possible to obtain 100% grants for the building of new site, and which would also raise income through Council tax and rents.

Problems with litter and fly-tipping were not just restricted to Gypsies and Travellers; a minority in any community will behave in an anti-social way and the travelling community would accept fair legal redress.

Members asked if, say, 2 additional sites were built in the County, would there be less unauthorised encampment. They were advised that this would probably be the case, providing enough consultation took place with the Gypsy and Traveller community; however, there would always be a minority who did not wish to stay on authorised sites.

The County Council had a budget of £73,000 for the management of the 6 sites in the County. Some sites were being refurbished and the County were looking at the possibility of providing solar power on refurbished sites. The Gypsy and Traveller lifestyle was environmentally friendly.

Smaller sites e.g. 5 pitches, were often preferable to larger ones. They blended into the surroundings better, and were often easier to manage. There was a need for different types of site depending on the area e.g. sites where people could stay for only one night, several weeks, years etc. The Gypsy and Traveller community could run these types of site, given any necessary assistance to apply for planning permission etc, while the Travellers Liaison Service has a good idea of where in the County it would be useful to have additional provision.

Needs assessments were currently being undertaken, and information was circulated regarding this. (Attached at Appendix B)

The Policy & Regeneration Manager advised Members that work was currently ongoing on the Local Development Framework, which would replace the Local Plan. There would be a need to take into account recommendations from the County Council's Needs Assessment and there could therefore be a need to delay work on this aspect for the time being.

Note: Councillor Kinghorn left the Meeting at 6.35pm

The County Council had a draft Strategy on Gypsy and Traveller provision and was currently developing detailed policy statements.

Note: Councillor Robinson left the Meeting a 6.40pm

Members were advised that the best type of new site would be an eco-friendly one, using, for example, solar power, blending into the landscape, and having amenity block constructed of local materials.

Richard O'Neill was pleased to have been invited to speak with Members.

The County Council were happy to continue to work with the City following this Scrutiny. It was also suggested that a Portfolio Holder be given responsibility for Gypsies and Travellers as this would demonstrate leadership on the issue.

The Chair felt that someone from the Travellers' Education Service would have useful information, and should be invited to the October scrutiny Meeting. Scott McNally advised he would liaise.

The Chair thanked all Officers and guests for their attendance at the meeting.

4. Any Other Business

The Panel would be reviewing Council House Repairs at their next meeting. The Chair advised Members that there was an option for using the microphone and recording system at this meeting, however after due consideration, Members agreed that this was unnecessary.

The Meeting terminated at 6.55 pm

Summary of Concerns & Recommendations (September 2005)

4.1 To avoid misplaced messages and delay, Councillors and members of the public are advised to report repairs via the Council Info System. The efficiency of the repair service is therefore directly affected by the effectiveness of that communication system.

Recommendation:

That continued effort is made to improve the operation of the Council Info System.

4.2 Call handling with regard to repair details requires the special training of staff. This will become particularly important when the new repair handbook comes into use.

Recommendation:

That the training needs of repair system operators, now and in the future, be satisfactorily addressed.

4.3 Numerous reasons were given to explain the recent increase in re-let times and circumstances that may cause delay in completing responsive repairs.

Tenancy agreements were not always being forced quickly enough to prevent substantial deterioration of some properties thereby increasing the workload.

It was also reported that a significant number of tradesmen had left the Authority's employ since the introduction of Single Status Pay Scales. Durham City Council's levels of pay compare very favourable with those offered across the County, but better remuneration is available in the private sector. More agency staff are needed to be brought in to keep up with repairs.

Recommendation:

It is questioned whether workforce numbers are adequate to meet repair demands. We therefore urge the Council to review staffing quotas in order to improve the service and alleviate potential stress. All efforts need to be made to recruit and retain staff.

4.4 Repair service delivery seems beset with problems inherent in outdated paper and computer management systems.

Recommendation:

That the acquisition of the most suitable, effective, one code, modern electronic system is progressed as a matter of urgency.

4.5 Re-let times are reviewed in January, 2006

Recommendation:

That this scheduled review be broadened to monitor progress in all relevant aspects of Repairs to Council Properties.

4.6 The above recommendations were agreed by the Community Services Scrutiny Panel on October 11th, 2005.

4.7 The Panel wished to draw attention to its proposal to Review Repairs to Council Properties again in January, 2006. This could appropriately be done with reference to progress in relation to the above recommendations.

4.8 The Panel wished to thank The Head of Property Services, The Operations Manager and The Portfolio Holder for Housing, for their participation in the Review.

REPORT OF COMMUNITY SERVICES SCRUTINY PANEL

REVIEW OF COUNCIL HOUSE REPAIRS

Background

In September 2005, the Community Services Scrutiny Panel carried out a review of their Scrutiny of Council House Repairs. At that time, it was agreed to carry out another review early in 2006.

Actions

The Executive Director, Head of Community Services, Head of Property Services, Customer Services Manager and Operations Manager, together with the Portfolio Holder for Housing were in attendance at the Panel's Meeting on 15 March 2006.

Panel Members were advised as to progress made on the recommendations made in their previous report, and also discussed other problems and possible solutions.

Outcomes

A summary of the Panel's discussions is attached as Appendix A.

Recommendations

Staff Training

1. That progress is maintained in the training and support of staff to deal effectively with Council House Repairs.
2. That recruitment continues to be pursued to increase the availability of sufficient staff to meet peak period demands on the telephone service.

Telephone System

1. That 'Customer Care' remains the priority in decisions affecting the choice of additional software needed to meet Repairs Service needs.

Re-let Times

1. That the Void Tracking System continues to be developed to identify problems and help streamline the procedure.
2. That there is increased dialogue between Property Services and Housing Services aimed at reducing re-let times.

Computer Management System

1. The Panel notes the urgent need to replace the Northgate System, and strongly recommends its replacement with the most advantageous, fit for purpose management system be progressed as soon as possible.
2. That the result of the consultation to identify the most appropriate IT management system, scheduled for April 2006 be reported to the Community Services Scrutiny Panel as soon as possible.

General

1. That Council House Repairs be reviewed again in October/November 2006.

COMMUNITY SERVICES SCRUTINY PANEL SCRUTINY OF GYPSY/TRAVELLER SITES – NOTES FROM SCOTT MCINALLY

The North East Assembly needs assessment has just completed phase 2 and is due to meet to discuss the interim report on 25 September. I believe that they are hoping to have the whole thing completed within the next few months. The Consultants are White Young and Green. I think it is fair to say that I have some reservations as to the value of the work that is being done, although we are cooperating with it, and attending the steering group. This is a region wide assessment and they are trying to get the cooperation of all LAs and Gypsies and Travellers. It is more of a desktop rather than a fieldwork approach.

The other needs assessment is a joint venture between DCC, the 7 district authorities, the PCTs, Supporting People and the Health Authority. This too is entering its second phase and it is proposed to have a completion date towards the end of this financial year. The consultants are David Cumberland Housing Regeneration, and they are engaging with the LAs, health education and Gypsy and Travellers on unauthorised encampments, authorised sites and in housing.

I am not sure how the assessments will link to any national approach, but that is sure to be discussed nearer completion.

DCC has a draft strategy on Gypsy and Traveller provision, but lack of resources has delayed the implementation of the strategy and has hampered the development of the detailed policy statements. A growth bid has been submitted.

The 56 million allocated for site provision translated into £605,000 for the North East for 2006-08.

The National Gypsy and Traveller Unit communicates with ourselves on an occasional basis. We have invited them up, and they have accepted- we are now trying to coordinate dates.

The current enforcement procedure is as follows:

Local Authority Enforcement Powers

- A landowner (including a local authority) can obtain a possession order in the civil courts requiring the removal of trespassers from property, including land. Under the Civil Procedures Rules Part 55 the claim must be issued in the County Court in whose jurisdiction the property or land is situated. Exceptionally the claim may be issued in the High Court if there is substantial risk of public disturbance or of serious harm to persons or property, which properly require immediate determination.

- The Criminal Justice and Public Order Act 1994 (CJPOA) gives local authorities in England and Wales powers to make directions to leave land being used by itinerant groups (S77). It is an offence to fail to comply with such a direction. If the direction to leave is not complied with, the local authority can apply to a magistrates' court for an order requiring the removal of vehicles and any occupants from the land (s78). It is a defence for the accused to show that his failure to leave or to remove the vehicle or other property as soon as practicable, or his re-entry with a vehicle, was due to illness, mechanical breakdown or other immediate emergency.

Use of either of these powers requires a local authority to carry out a number of checks relating to the welfare of those Gypsy Travellers illegally encamped. These checks take into account considerations of common humanity, and local authorities must honour the other statutory duties they may have towards the campers. Gypsy Travellers can be represented at the court hearing.

Decisions can be similarly challenged by means of judicial review on the grounds that they have been reached improperly.

This procedure, if done properly, can take some time – as much as two weeks if there is a large encampment. There is no means by which a local authority can circumvent these requirements,

nor should they be seeking to do so. More importantly, the Government believes that local authorities should always follow a route that requires a court order. Local authorities and other public bodies cannot escape considerations of common humanity or other statutory duties, and must ensure that the human rights of campers are safeguarded.

Police Enforcement Powers

Under s61 of the CJPOA, the police have discretionary powers to direct trespassers to leave land. The senior police officer present can direct trespassers to leave if reasonable steps have been taken by or on behalf of the occupier to ask them to leave and there are two or more people intending to reside on the land. Any one of three further conditions must also be met:

- If any of those persons has caused damage to the land or to property on the land; or
- Used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee of his; or
- Those persons have between then six or more vehicles on the land. Section 61 cannot be used on land on the highway. S62e (inserted by the Antisocial Behaviour Act 2003) gives the police powers to direct trespassers to leave land and remove vehicles to a suitable pitch on a relevant caravan site in the same local authority area. (This latter power cannot be used within County Durham at the present time, due to a lack of suitable pitches on relevant caravan sites in the same local authority area, as the sites are permanently full.

There are no imminent changes to the current provision that I am aware of.

Temporary Stop Notices operate to prevent the growth of unauthorised developments (as opposed to unauthorised encampments) and they are designed to prevent large scale unauthorised developments from taking hold.

I would see a cooperative and proactive approach between DCC and Durham City Council as a necessity, and the same goes for our other district partners. Without an agreed joint approach there will be little hope of any issues being positively resolved.

Scott McNally- Welfare Rights & Travellers Liaison Team Manager
The Rivergreen Centre
Aykley Heads Estate
Durham
DH1 5TS

CURRENT CARAVAN SITES WITHIN CITY OF DURHAM

SITE	RESIDENTIAL & PARK HOMES PITCHES	TOURING PITCHES	TENTS	RESIDENTIAL HOLIDAY LET	TOTAL
LOW CARRS CARAVAN PARK**	50				50
FINCHALE ABBEY****	25	40	40	90	195
COCKEN LODGE	7	10		33	50
STRAWBERRY HILL		44	20	6	70
THE GRANGE*		75	20		95
GARTH LODGE	14				14
TOTAL	96	169	80	129	474

* MANAGED BY CARAVAN CLUB AND THEREFORE EXEMPT FROM REQUIREMENT TO OBTAIN SITE LICENCE

** CURRENTLY CHANGING CARAVANS TO PARK HOMES THAT WILL REDUCE NUMBERS A LITTLE ON COMPLETION

**** CURRENTLY UNDERGOING REDEVELOPMENT. ON COMPLETION THERE WILL BE ONLY 50 RESIDENTIAL PARK HOMES + 50 TOURING CARAVANS OR MOTOR HOMES. NO TENTS ARE TO BE ALLOWED.

Certified Sites – Authorised by Caravan Club and exempt from licensing (each with a max of 5 occupied pitches at any one time)

- Grove Farm, Hett
- Baxter Wood Farm, Crossgate Moor
- Ragpath Cottage, Esh Winning
- Durham City Rowing Club
- The Bungalow, Hartside

Unauthorised Encampments 2004

Date of Arrival	Stated date of departure	Location	Land Ownership	District	Reasons for Site (where poss)	No of vans	No of Travellers	No of school age children	Agencies involved	Trav Ed informed (Y/N) Date	Facilities Offered	Actual date of departure	Was site left in good order
18-Jun-04		Coxhoe	Private	D		3				21-Jun-04		28-Jun-04	
01-Jul-04		Luke Tce (rear) Cassop	County	D		1				N		21-Jul-04	
03-Sep-04		Leamside (Rear Three Horseshoes)	Private	D	Horse Fair	41+10 HD						09-Sep-04	Yes
13-Sep-04	23-Sep-04	Belmont Business Park	Private	D		14	56	15	Police, District Council, Private Company (Birks Sinclair)	15-Sep-04		15-Sep-04	Yes
07-Oct-04		Shincliffe	County	D		1+1 HD				08-Oct-06		10-Oct-06	Yes

Unauthorised Encampments 05/06

Date of Arrival	Location	Land ownership	District	Reason for Site (where poss)	No of vans	No of horse drawn	No of travellers	No of school age children	Agencies involved	Trav Ed informed (Y/N) Date	Facilities offered	Leaflet handed out?	Acutal date of departure	Was site left in good order
16-May-05	Whitworth		D		1					Yes			25-May-05	
01-Jun-05	Sherburn Hill		D		1								06-Jun-05	
13-Jul-05	West Rainton		D		1								15-Jul-05	
21-Jul-05	Langley Moor		D		2								16-Aug-05	
12-Aug-05	Bowburn - near Capes		D		12								22-Aug-05	
15-Aug-05	Langley Moor		D		2	2							16-Aug-05	
15-Aug-05	Coxhoe tip road		D		8	4							19-Aug-05	
16-Aug-05	Coxhoe tip road	County	D		12	4							19-Aug-05	
18-Aug-05	Bowburn - near Capes	Private	D		8								22-Aug-05	
25-Aug-05	Leamside	Private	D		100								01-Sep-05	
30-Aug-05	Gilesgate Magdelaine Heights	Private	D		4								06-Sep-05	
30-Aug-05	Byers Garth, Sherburn	County	D		10								15-Sep-05	
05-Sep-05	Byers Garth, Sherburn	County	D		9								15-Sep-05	
19-Sep-05	Tursdale	County	D		4								04-Oct-05	
21-Sep-05	Sherburn	District	D		1								27-Sep-05	
25-Nov-05	Byers Garth, Sherburn	County	D		2								01-Dec-05	
16-Mar-05	Bowburn Ind Est	Private	D	On way to Leeds	6		12		Police				18-Mar-05	Y

Unauthorised Encampments 06/07

Date of Arrival	Location	Land ownership	District	Reason for Site (where poss)	No of vans	No of horse drawn	No of travellers	No of school age children	Agencies involved	Trav Ed informed (Y/N) Date	Facilities offered	Leaflet handed out?	Actual date of departure	Was site left in good order
20-Apr-06	Byers Garth, Sherburn	County	D		2		5	1		N			07-May-06	N
15-May-06	Sherburn Hospital	Private	D	Visiting Relatives	5		6	2		Y			22-May-06	N
15-May-06	Coxhoe - Metal Bridge	County	D	Grandchild in hospital	1		5	2		Y			17-May-06	Y
05-Jun-06	Bowburn Ind Est	County?	D	Homeless	4		10	5		Y			08-Jun-06	Y
12-Jun-06	Coxhoe - tip road	County	D	Funeral	2	1	10	5		Y	toilets		18-Jun-06	Y
16-Jun-06	DLI car park	County	D	Vehicle trouble/ healthcare	3		9	1		Y	toilets		03-Jul-06	Y
02-Jul-06	Coxhoe	District	D	Evicted from private land Thrislington	6		10	6		Y			10-Jul-06	Y
02-Jul-06	Stonebridge	Private	D		2					Y			10-Jul-06	Y
03-Aug-06	Meadowfield Ind Est		D										04-Aug-06	