

MINUTES

Community Services Scrutiny Panel

17th January 2007

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

Also Present: Councillors Carr, Kellett, Marsden, Smith and Stoddart.

1. Apologies for Absence

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

2. Minutes

The Minutes of the Meeting held on 5th December 2006 were confirmed as a correct record.

3. Chairman's Remarks

- (a) Following a question asked at Scrutiny Committee in relation to the Panel's report on Council Garages, the Chair advised Members of the answer which had been given by the Housing Manager.
- (b) It was noted that the next Meeting of the Panel which was due to be held on Tuesday 13th February 2007 clashed with the Mayor's tour of the Cathedral, to which all Members had been invited. Accordingly, it was agreed that the Meeting be re-scheduled to Wednesday 14th February 2007.
- (c) The Chair reminded Members that as the Town Hall was due to close for refurbishment at the end of this month, the Panel's next Meeting would be held at New Acres, Ushaw Moor. Following a request by Members, a location map would be supplied with the Agenda papers.

4. Report on Review of Homelessness

Following discussion, it was agreed that subject to an explanation of the terms DART, DASH and DISC being included, the report was to be forwarded to the Scrutiny Committee for their consideration.

Additional information was requested on the 35 cases who had re-presented as homeless, for example whether accommodation had been provided, what assistance had been provided etc. This information would be provided to the next meeting of the Scrutiny Committee for inclusion in the report submitted to Cabinet.

It was also agreed that the leaflets on domestic violence which were mentioned in the report should be circulated to all Members, and that it would be appropriate to consider the issues surrounding mental health and homelessness in around six months time.

5. Gypsy/Traveller Sites

Consideration was given to the first stage of the draft report on this Scrutiny.

The background and aims as written were agreeable to the Panel, and it was noted that the outcomes and aims would go into much more detail. An additional item considered important to be included in the outcomes was information on gypsies/travellers who travelled for parts of the year and lived in the settled community for the remainder. Members were asked for their views on the

contents of the outcomes, and were requested to forward these to Democratic Services within the next fortnight.

With regard to the suggested recommendations, it was decided to take advice from the County Council as to what constituted a 'small' site, and what a recommended number of pitches would be, and to re-word recommendation no. 2 accordingly. Members also felt that that when recommending the consideration of more innovative ways of providing transit sites, it would be appropriate to do this on a county-wide basis and agreed that the recommendation should be amended to reflect this.

Additionally, two further recommendations were agreed upon. These being:-

- (a) That information on patterns of movement, including peaks and troughs caused by annual events, be requested from the County Council as soon as these are available.
- (b) That procedures with regard to unauthorised encampments and the needs of both the settled and travelling communities be suggested as a future topic for scrutiny.

The report would be considered further by the Panel at a future Meeting.

6. Any Other Business

The Chair advised that the Panel's next topic for Scrutiny was Graveyards, and that the Scrutiny Planning Documents would be circulated shortly.

The Meeting terminated at 6.15 pm

SCRUTINY COMMITTEE

DRAFT REPORT OF THE COMMUNITY SERVICES SCRUTINY PANEL

SCRUTINY OF GYPSY/TRAVELLER SITES

1. Background

In September 2005, the Head of Planning Services presented a report to Cabinet on 'Preferred Options Report for Housing', which identified potential options for future planning policy for housing within the District. The preferred options as set out in the report were agreed. One of these options was to 'seek one additional gypsy/traveller site within the Durham City district'.

The topic had been suggested for Scrutiny to allow further assessment of the District and County prospective with regards to Gypsy and Travelling communities.

2. Aims

The aims of the Scrutiny were:

- To build up more accurate knowledge of the local provision for Gypsies and Travellers, additional services that may be required and the effects;
- To consider the effects of either, providing or not providing, one additional site in the Durham City District, as per the Authority's original preferred option;
- To review the current provision across the district and evidence of need;
- To discuss alternative approaches to accommodation provision;
- To make recommendations based on the above factors.

3. Actions

During the planning of this Scrutiny, a number of witnesses were suggested. Accordingly, following a presentation by the County Council's Welfare Rights & Travellers Liaison Team Manager and the City Council's Policy and Regeneration Manager at the commencement of the topic, the following witnesses attended various Panel Meetings and provided information:-

- Neil Laws - Environmental Health Manager (City of Durham)
- Lynne Boyd - Housing Manager (City of Durham)
- Richard O'Neil - Consultant on Gypsy/Traveller Issues
- Sue Green - Co-ordinator – Ethnic Minority and Traveller Achievement Service (Durham County Council)
- Martin Woods - Consultant on Gypsy & Traveller Needs Assessment

The Panel also felt that it would be beneficial to visit a high quality gypsy/traveller site for comparison. Unfortunately, the lack of such a site locally made this impossible.

4. Outcomes

4.1 Brief Statement of the National Picture

The LGA established a Gypsy and Traveller Task Group in 2004. It was asked to respond to the issues raised by the 2004 circular on Planning for Gypsy and Traveller sites. The initial focus was on enforcement issues but their more recent research, presented in the 2006 Report (Appendix 1),

included valuable information regarding the scale of the challenge, accommodation needs, site provision, unauthorised encampments and delivering the new planning circular on Gypsy and Traveller site provision (ODPM, 10/2006).

The 2006 Task Group Report says:

Currently England needs 16,000 pitches for Gypsies and Travellers but only 12,000 are officially provided. Of the remaining 4,000, around half are currently on unauthorised encampments and half on land bought by Gypsies and Travellers and developed without planning permission. At five per pitch, new accommodation is needed for just 20,000 people. (This may be an underestimate as many Gypsies and Travellers live part of the time in houses.)

The Government has allocated £56 million for refurbishing existing sites and creating some new ones. Local authorities also spend £18 million a year moving people on from unauthorised sites. 'That's a colossal waste of money,' says Cllr Richard Bennett, chairman of the Gypsy and Traveller Task Group. 'It would go a long way to paying for new, legal sites.'

Creating an adequate number of legal and habitable sites would also remove other points of contention between the settled and Gypsy and Traveller Communities. Council Tax would be payable, while the vexed issue of illegally encamped sites on Green Belt and other protected land would wither away because the justification that people have to live there - because of a lack of legal sites - would be seen to be false.

(Comments on Task Group Report in I&DeA 'Councillor' issue 20 Summer 2006)(Appendix 2)

Ann Bagehort MBE, secretary of the Gypsy Council, says: 'Two-thirds of councils do not have the right policies on site development, -----'. Somebody has to say, "We have to do this because it is the law and because it's right." The issue is not going to go away. Gypsies are not going to disappear.'

(I&DeA 'Councillor' issue 20 Summer 2006)

All local authorities must carry out accommodation needs assessments for Gypsies and Travellers within the current round of local development frameworks.

All local planning authorities must prepare local development documentation policies and make appropriate site provision to meet identified needs.

4.2 Current Site Provision

There are 6 gypsy/traveller sites within County Durham, with only Adventure Lane, West Rainton being in City of Durham District. Information on the pitch provision at each site is detailed in Appendix 3. These permanent sites have washing and toilet facilities; some may also have washing machines and microwaves.

Records of occupation of the site at Adventure Lane are maintained by Council Tax/Revenues on a weekly basis. There are rarely any vacancies from the 17 pitches on the site. Government returns also have to be submitted quarterly. The County Council completed these last year, but prior to this, the City Council maintained these records.

The County Council has a budget of £73,000 for the management of the 6 sites in the County. Some sites are being refurbished and the County Council are looking at the possibility of providing solar power on refurbished sites.

4.3 Travellers Liaison Service

The County Council's Travellers Liaison Services has 4 members of staff who are responsible for site management, deal with unauthorised encampments and are responsible for policy development.

The Service has many challenges. Previously, 'toleration' and not 'acceptance' was the policy, however there is a requirement to balance the needs of travellers alongside those of the settled community. There were also statutory educational requirements to be taken into account, along with the sometimes poor quality of facilities on offer. There had been a lack of confidence in the County Council from the Travelling community but this is improving slowly. There had been cases of travellers contacting the Service to advise of their locations. The County Council can provide portals at unauthorised encampments, and arrange for refuse collection as this can often prove to be more cost effective than cleaning up the site once travellers have moved on.

Travellers living in caravans at the roadside are classed as homeless, this being a very complex issue, involving the Homelessness Act, and definitions of Gypsies and Travellers.

4.4 Local Authority's Legal Requirements

Planning legislation requires the Council to make additional provision if the need is evident, and include this information in planning documents.

Work is currently ongoing on the Local Development Framework, which will replace the Local Plan. There is 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.

A guide to local authorities' responsibilities and powers can be found in Appendix 4.

4.5 Diversity of the Travelling Communities

The term Traveller is a generic term which covers several minority groups, each with their individual differences e.g. culture, occupations, language etc. Some groups have ethnic minority status.

These communities include Gypsy Travellers (including English and Welsh Gypsies and Irish and Scottish Travellers), Fairground families, Circus families, New Travellers and Bargees. Defining people as Gypsies, Roma or Travellers also includes those who currently live in houses as ethnicity is not lost when a family settles.

4.6 Summary of Needs of the Settled and Travelling Communities and Effects of Unauthorised Encampments

The Travellers Liaison Service tries to obtain information on all unauthorised encampments (Appendix 5). This information is used when making a decision as to whether to ask travellers to move on. Unauthorised encampments can occur where there is a lack of provision, and also where there are inconsistent levels of demand, particularly for transit sites. No matter where encampments are, they can cause problems with local communities. The County Council have been looking at 'zones of acceptance' where encampments would be permitted on a temporary basis – if encampments are set up on unsuitable sites, travellers could be asked to move onto an acceptable site.

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

4.7 Addressing Educational Obligations and Needs of Ethnic Minority and Traveller Children

The Ethnic Minority and Traveller Achievement Service promotes inclusion and equality of opportunity for ethnic minority and Traveller children, young people and their families. The service supports people for whom English is a second language, aims to increase the achievement of Traveller children, and promotes race equality and cultural diversity. Resources relating to Gypsies and Travellers, culture and communities were produced to support the work of the service in schools (Appendix 6).

Gypsy and Traveller pupils are the most underachieving group nationally; some settled Gypsies and Travellers still underachieved. One of the key tasks of the service is to close this gap in education. Attendance at school is monitored in the same way as children from the settled community, working with the Education Welfare Service to ensure attendance. Penalties for non attendance are the same as for the settled community, however children from Gypsy and Traveller families are allowed time off to travel for the family business. They will however often attend local schools when travelling, although transport to school can sometimes cause difficulties. Children and young people living on official sites generally attend school on a daily basis.

Some schools stand in the way of admitting children from the Gypsy and Traveller community as, for example, travelling time will impact on the school's attendance figures, underachievement can affect SATs results, or class sizes may be exceeded. There is therefore a conflict between inclusion and attainment.

Gypsy and Traveller culture is taught in all County Durham schools and all are required to have a race equality action plan.

4.8 Part Time Travellers

About 80% of Gypsies and Travellers in the North East are North Easterners themselves. Some are settled and travelled for only parts of the year. This has implications for their accommodation and the education of traveller families.

4.9 Views on the 'One Additional Site' Option & Alternative Forms of Provision

If a transit site was available, it could then make the matter of moving travellers on from illegal encampments easier i.e. there could be provision on a site, rather than forcing them to create another illegal encampment. There would be a need, however, to ensure that any transit site was in an appropriate location or it would be poorly used. There could be cost implications in providing/not providing a transit site. It might be more cost effective to provide an additional site(s), than it is to clean up any illegal encampments. This cleaning usually was carried out by the City Council and recharged to the landowner. The costs could run into £1000s.

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

It is possible to obtain 100% grants for the building of new site, and which would also raise income through Council tax and rents.

Smaller sites e.g. 5 pitches, are often preferable to larger ones. They blend into the surroundings better, and are often easier to manage. There is 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 can 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.

4.10 Need to await the Outcomes of Durham County Council (and possibly NE Assembly) Gypsy/ Traveller Needs Assessment

It is a Government requirement to carry out an accommodation needs assessment, and the seven district councils in County Durham, together with the County Council have commissioned this. The objectives include assessing types of accommodation, demand for alternative accommodation, expansion/improvement of existing sites, the need for transit sites and seasonal demand, geographic gaps in current provision, and the affordability of the current and proposed provision. Supporting People and the Health Authority also had an input.

Surveys of the Gypsy and Traveller community, including those living in houses are being carried out, along with secondary data analysis. The project is currently part way through, and is scheduled for completion in March 2007. The assessment is being carried out over a long period of time to take account of varying seasonal demands. Appendix 7 contains further details of the Needs Assessment.

It is acknowledged that due to the complexity of situation and there was a need for City of Durham Council to take positive steps to work with Durham County Council in a joint approach to traveller provision.

5. Recommendations

In view of the evidence presented, the Community Services Scrutiny Panel recommend:-

(i) That Option 2 in the 'Preferred Options Report for Housing', as presented to Cabinet on 12 September 2005, should not be pursued.

(ii) That in preparing the submission version of Planning for Housing, the present preferred option be replaced by a more general approach to Gypsies and Travellers that will take account of the benefits of providing well appointed, smaller, more diverse sites, with a detailed, but not site specific policy drafted to take account of the emerging County and District wide consultation on the Needs Assessment for Gypsies and Travellers.

(iii) That consideration be given to more innovative ways of providing small transit sites, including private sector approaches and possible public/private partnership.

(iv) That this Authority seeks to work positively with the Durham County Council and other District Councils across the County.

(v) That all witnesses who presented information, and shared their views with the Panel, be thanked for their helpful contributions to the Scrutiny.

(vi) That the Scrutiny be reviewed at an appropriate time after the County Council Needs Assessment has been made available and no later than January 2008.

The Panel wishes to record its thanks to all witnesses who presented information and asks that a letter of thanks be sent.

Community Services Scrutiny Panel
January 2007