

Overview and Scrutiny Sub-Committee for Strong, Healthy and Safe Communities



LIGHT TOUCH REVIEW WORKING GROUP

GYPSIES AND TRAVELLERS

April 2008



Making a difference where you live

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Section One – Context, Introduction and Review Focus

Context

- 1.1 The Overview and Scrutiny Work Programme for 2007/08 was informed by a number of factors, including views from Corporate Directors, Cabinet Portfolio holders and non-executive members, both individually and collectively.
- 1.2 The work programme consisted of larger (typically cross-cutting) scrutiny projects and a number of smaller light touch reviews.
- 1.3 One of the key aims of the light touch reviews was to promote closer working between officers and members, in looking at specific issues, typically over 3-4 meetings.

Introduction

- 1.4 Gypsies and Travellers are one of the largest ethnic minority groups in County Durham. The nature of their lifestyle can mean that access to education for children and access to health for all age groups are particular issues of concern.

Focus of Review

- 1.5 The conditions on some existing authorised Gypsy and Traveller sites - with a lack of cooking facilities, damp and concerns relating to health and safety issues were an issue that members of the Light Touch Review Working Group decided should form the main area of focus for their investigation.
- 1.6 The first meeting of the Working Group was held on 24 January 2008. **The Group consisted of Councillors E Foster and Mrs J Fergus, plus the Chair/Vice-Chair of the Overview and Scrutiny Committee (Councillors Armstrong and Stradling). The Group was supported by Tom Bolton, Principal Scrutiny Support Officer, Scott McNally, Strategic Manager – Community, Adult and Community Services, and Emma Rothwell and Ashleigh Greathead, Traveller Liaison Service.**
- 1.7 There were two meetings of the Working Group - on 24 January and 14 March 2008. The first focused on Gypsy and Traveller issues and the second involved visits to a number of sites and consideration of health issues.

Section Two – The Gypsy and Traveller Community

Introduction

- 2.1 The Housing Act 2004 defines gypsies and travellers as ***“persons of nomadic habit of life, whatever their race or origin, including such persons who, on grounds only of their own or their family’s or dependants educational or health needs or old age, have ceased to travel temporarily or permanently and all other persons with a cultural tradition of nomadism and/or caravan dwelling”***. This includes the minority ethnic groups known as gypsies (whether English, Scottish or Welsh) and Irish Travellers, whether mobile, of limited mobility, or no longer living a nomadic way of life, but living in housing or in caravans on public or private sites and so called “new” travellers, some of whom are second, third or even fourth generation travellers and who in some cases have gypsy or traveller antecedents.
- 2.2 Many well known people have come from Gypsy or Traveller backgrounds, including Bill Clinton, Charlie Chaplin, Bob Hoskins, Michael Caine and Elvis Presley.
- 2.3 The County Council, both as an employer and a provider of services, has a statutory duty under the Race Relations (Amendment) Act 2000 to eliminate unlawful racial discrimination, promote equal opportunities and promote good relations between people of different racial groups.
- 2.4 Services for the Gypsy and Traveller Community in County Durham are co-ordinated by the Traveller Liaison Service which is part of Adult and Community Services.

Perceptions about the Gypsy and Traveller Community

- 2.5 The Group was advised that there is often adverse press coverage when gypsies and travellers are out on the road or when encampments are made. Local people can feel uncomfortable about having gypsies and travellers in their village, with concerns about increased levels of crime and fearful for their own safety and that of their property. There may also often be concerns about animal welfare (i.e. in relation to horses). These attitudes are often unwarranted. Where there are concerns about issues such as litter the Traveller Liaison Service works hard to try to arrange for portable toilets, water supplies and litter receptacles, to ensure that problems on sites are kept to a minimum and the sites are left in a clean condition when gypsies and travellers move on.

- 2.6 Reference was made to a number of awareness training sessions about Gypsies and Travellers which had been organised for members, but had been very poorly attended. Members referred to the need to have a point of contact when there were unauthorised encampments in their areas and were advised that the service did try to liaise with members when unauthorised encampments occurred, but due to resourcing issues, this is not always possible.

Discrimination

- 2.7 Discrimination against Gypsy and Traveller families is widespread. According to a Mori Poll in 2001, one in three respondents admitted personal prejudice against these groups. Lord Avebury's 2003 survey of travellers and homelessness found that 90% of Travellers who apply for planning permission to settle on their land are refused. The Group was advised that statements such as:

- 'We don't want those people coming to our town'
- 'I want zero tolerance towards these people.'
- 'I don't call them Gypsies or Travellers, I call them pikeys

were all too commonplace.

Section Three – Accommodation Issues

Introduction

- 3.1 The Housing Act 2004 placed a duty on all Local Housing Authorities to make an assessment of the accommodation needs of gypsies and travellers who reside in or resort to their area by the end of 2007.
- 3.2 The County Council provides six sites for gypsies and travellers across County Durham. There are issues however associated with the condition of facilities on these sites and a lack of pitches. These are discussed in more detail later in the report.
- 3.3 One of the most causes of tension between gypsies and travellers and local community occurs when there are unauthorised encampments. This involves encampments of caravans and/or other vehicles on land without the landowner or occupier's consent, which constitutes trespass.

Unauthorised Encampments

- 3.4 In circumstances where there are unauthorised encampments, the Criminal Justice and Public Order Act 1994 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. It was emphasised that the County Council tried to resolve issues through negotiation and that recent Government guidance now leans towards the way the Authority operated.
- 3.5 The Police also have discretionary powers under Section 61 of the Criminal Justice and Public Order Act 1994 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. S61 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.
- 3.6 In relation to County Durham, the Group was informed that unauthorised encampments in the County are relatively rare, with only one or two incidents per year. However, research had shown that many of the problems encountered were tracked back to accommodation, whether it was as a result of the state/condition of accommodation, or the lack of it. Great emphasis is now placed on working with Gypsies and Travellers in an attempt to ensure more co-operative working when future visits are made to the County.
- 3.7 Reference was made unauthorised encampments at Stainton Grove in 2006 and Winston in 2007. It was advised that, in relation to Winston, the travellers cannot be accommodated until land is acquired, so work was ongoing to encourage the travellers not to stop in Winston but to move on to other areas. One of the difficulties in terms in identifying and providing areas for encampments at periods when Gypsies and Travellers were nomadic was that of land availability. This was compounded by the fact that all seven District Councils across the County had different policies in relation to Gypsies and Travellers. It was hoped that the creation of the new Unitary Council would provide an opportunity to bring some consistency of approach.
- 3.8 The Group was advised that there were a number of issues to address in relation to authorised sites with poor living condition at some of the sites, i.e. no cooking facilities, damp and health and safety issues, with some sites not meeting the legislative requirements. In terms of Good Practice Guidance, it was said that the Authority does well in terms of community engagement but fails on accommodation.
- 3.9 The Group was provided with the following statement from research carried out by the University of Sheffield which reported in 2004 - *'Our findings confirm and extend the practice-based evidence on poorer health in Gypsy Traveller populations. There is now little doubt that health inequality between the observed Gypsy Traveller population in England and their non-Gypsy counterparts is striking, even when compared with other socially deprived or excluded groups and with other ethnic minorities'*

3.10 It was suggested that accommodation provided for Gypsies and Travellers needs to be:

- Fit for purpose
- Need for resources to repair, maintain and build.
- Resident involvement
- Active site management
- Access to appropriate services

Site Availability in County Durham

3.11 There are currently six sites in County Durham as follows:

Site	Number of Pitches
Tower Road, Greencroft, Stanley	14
Drum Lane, Birtley	14
Adventure Lane, West Rainton	17
St. Phillips Park, Coundon Grange	25
Green Lane, Bishop Auckland	20
East Howle, Ferryhill	23
Total	113

3.12 Durham County Council provides approximately 38% of pitches in the North -East. Although there are six sites, they tend to be full for most of the year and the Council still has to meet the needs of Gypsies and Travellers who have unauthorised stopovers. The Council has adopted a policy of acceptance towards most unauthorised stopovers and is working towards the development of a strategy for services for Gypsies and Travellers who visit County Durham.

3.13 The review of accommodation for Gypsies and Travellers has shown that there is a need for new site provision, with:

- A current shortfall of 61 pitches
- 37 further pitches needed 2007 - 2015
- A need for smaller (12 pitch maximum) sites which will mean more sites needed
- Work required to identify and acquire suitable locations

Operation of Sites

- 3.14 The management of sites is vitally important. The Review Group was provided with evidence about the role of site managers, the majority of whom were drawn from the Gypsy and Traveller Community, typically living on the site, who then applied for the post and were resident all year (whereas other families may travel around during the summer months). There was a move to introducing standard conditions for this role.

Site Management

- 3.15 The Group was advised that site management brings with it particular challenges. There were issues linked to developing good relationships with local community and the condition of facilities on many sites was a concern given a lack of funding to address the necessary repairs.

Condition of Current Sites

- 3.16 The review Group was informed that there was a lack of investment in relation to sites with the overall budget for refurbishment across the Country £16m. However the north east is to receive only £405,000 (having asked for over £1m to refurbish one site). This bid had been refused.

A Study of the Accommodation and Support Needs of Gypsies and Travellers in County Durham

- 3.17 A study into the accommodation and support needs of Gypsies and Travellers in County Durham, commissioned by the Council from David Cumberland Housing Regeneration Ltd., reported in July 2007. The key recommendations in that report were:
- **The need to establish an executive level standing multi-agency group (Traveller Task Group)** to ensure that there is a co-ordinated, county-wide approach to Gypsy and Traveller issues across County Durham (i.e. planning policy, hate crime, eviction policies, awareness raising, etc.) and which will also oversee implementation of the other recommendations in the report..
 - **The provision of new permanent sites (between 3 and 5 small permanent sites of up to 12 pitches)** – indications from some consultees identified Teesdale and the route to Appleby, but there was no clear distinction between permanent or temporary sites in the consultation response.

- **The urgent refurbishment of all six local authority permanent sites in County Durham** – although on some sites it was suggested that refurbishment may not be sufficient.
- **To continue to develop policies to manage unofficial encampments**, and to explore potential possibilities for the expansion of temporary stop-over places across the County.
- **To develop strategies and services which meet health, welfare and housing-related support needs among the Gypsy and Traveller community** – there are particular concerns around the need to undertake further research to identify the contributory causes of the high incidence of mental health problems in Gypsy and Traveller people.
- **To ensure that high quality training is provided to those people who work with, or have responsibility to the Gypsy and Traveller community** – this includes training for elected members.
- **To make sure that effective monitoring of issues relating to Gypsies and Travellers to provide relevant information that can inform policies** – It is suggested that the Traveller Task Group undertake this function.

3.18 The Light Touch Review Group was advised that one of the above recommendations (the need to establish an executive level group to ensure the recommendations are implemented through a co-ordinated, county-wide approach) had already been established. The Group had met and a Sub-Group had been established to undertake the work required.

Light Touch Review Working Group Site Visits

3.19 Members of the Light touch Review working Group were keen to observe for themselves the condition of County Council provided sites. Two visits were undertaken on 14 March to view the sites at Green Lane, Bishop Auckland and Drum Lane, Birtley. Members were accompanied by the Traveller Liaison Service officers and viewed the sites and met with the Site Wardens.

Green Lane, Bishop Auckland

3.20 The Green Lane site was observed to be in a poorer condition than the Drum Lane site. There were 20 pitches on the site and the road through the site was in a very poor condition. There was no footpath running through the site. Pitches are on a slope (gas bottles should be on a level base) and are situated very close together. The sheds were

in a very poor state of repair/condition, were damp and cold, with rotten windows and door frames and cracked concrete floors. There was poor heating in the 'sheds', and many heaters did not work. The cost per pitch was £37 per single pitch and £41 per double, with tenants also paying Council tax.

Drum Lane

- 3.21 There are 14 pitches on the Drum Lane site. The site has a good access road with speed humps. In addition the pitches are clearly defined as they are separated by fences and the 'sheds' are bigger and better equipped. There is, however, dampness in the 'sheds' and a lack of heating. There is a waiting list for pitches, but vacant land is available for this purpose at the bottom of the site. The cost to install a new pitch was £40,000 approximately.

Funding for Provision Existing Sites

- 3.22 The Light Touch Review Working Group was advised that the County Council's Cabinet is likely to be asked to support refurbishment of all 6 existing sites at a cost of £8m. However, after deducting the £1.2m (for all sites in 2007/08) and the £825k for Coundon (which came from the £1m pot of funding for the North East region for this year), a further £6m will need to be spent over the next 3 years. This would amount to £2m per year, with 2 sites to be refurbished each year).
- 3.23 It was emphasised that if sites were refurbished to the CLG standards then they should last a further 40 /50 years.

Section Four – Health in the Gypsy and Traveller Community

Introduction

- 4.1 The Review Group was advised that health in the Gypsy and Traveller Community was worse than that in the settled community.
- 4.2 In the Gypsy and Traveller Community:
- Male life expectancy is 10 years less than the settled community
 - Female life expectancy is 12 years less than the settled community
 - Mothers are twenty times more likely to experience the death of a child than in a settled community.
- 4.3 The second meeting of the Light Touch Review Working Group focused on health equalities issues. Two visits were undertaken to Gypsy and Traveller Sites. A report about health issues at St Philips Caravan Site, Coundon, by County Durham Primary Care Patient and Public Involvement in Health Forum in November 2007 was also considered.

Research by the County Durham Primary Care Patient and Public Involvement in Health Forum (PPIH)

- 4.4 The PPIH visit in November 2007 was undertaken by the Travelling Community Working Group of the Forum. The Forum had previously unsuccessfully attempted to carry out this piece of work in 2006. Members were briefed about the Gypsy and Traveller community and then met with residents on the site and devised a questionnaire. The commentary below sets out the findings in the report.
- 4.5 At the meeting, residents were frustrated at the failure of the County Council to secure a £1.2 million grant for improvement of amenities on the St Philips site. The grant had been assured to the community for over two years and the grant application was now blocked for a third time (August 2007), apparently on a technicality. The Group was told that Central Government had changed the goal posts every time the grant decision was made.
- 4.6 The PPIH Working Group felt that the amenities issue had direct impact on general health concerns within the community and the discussion was essential in helping to formulate an appropriate health questionnaire.
- 4.7 Some 14 interviews with individual family members (13 females and 1 male, representing 40 children) were conducted by the PPIH Working

Group. This was considered sufficiently representative of the then St Phillips community of 23 residential families. A total of 7 families had been on the site longer than 13 years, 4 of these were for more than 21 years. The other 6 had been on site for between 2 and 8 years, while one family had only arrived 3 months previously.

4.8 St Phillips site was stated to be situated amongst open fields, tucked on one side onto a railway embankment (Bishop Auckland – Darlington railway), below which flowed a stream. A protective fence on this side was a matter of dispute among the travellers with young children. Fear was expressed that it was not safe enough for children to play outside without constant supervision. A metal swing bridge which normally protected the site was said to have been out of order since March 2007 and had not at the time of the interviews been repaired by the Council, who were in the process of considering quotes for the repair. This had resulted in cars being driven at high speed across the road bumps.

4.9 Each pitch on the site had an amenities block (known as “the shed”), consisting of a shower cubicle, a sink and a toilet. The toilet area was said to completely lack any privacy and the small heater was viewed as inadequate, particularly for the very young and elderly. It was observed that the sheds were damp, cold, and smelled, due to leaking drainage pipes. They were said to be very crowded; as most sheds had washing machines and dryers crammed in next to the sink, depriving the residents of adequate washing space. At least one resident used to switch on the dryer to heat up the space.

4.10 A number of issues were raised in relation to the site as follows:

- Broken tarmac
- Not clean and safe for children
- Sheds are damp, cold, with inadequate cooking facilities and sewage leaks
- Young people coming onto site at night shouting abuse
- Joy-riders
- Barrier needed to be fixed
- Rats and vermin
- Lack of disability aids in showers
- No bath on site
- Frequent electricity cuts
- Low water pressure
- Power showers not adequate

4.11 Site residents made a number of suggestions for improvement

- Bigger sheds, improved heating
- Proper fencing
- Cleaning up the site
- Separate cooking facilities

- New metal barriers to site
- Separate office accommodation for the site warden
- Too many speed bumps on site
- Improve electricity supply and increase water pressure
- More electrical sockets in sheds
- Suitable recycling area (present bins tend to be blown away in strong wind)
- Sewage pipes to be checked and repaired
- Power showers to be improved

4.12 In addition to considering the condition of the site the PPIH Working Group also looked at health issues associated with occupancy of the site. The following were stated to be associated health issues:

- Frequent colds in children
- Depression
- Accidents due to road surface becoming slippery in rain and frost
- Low morale
- Skin conditions
- Asthma

4.13 The breakdown of health issues recorded was as follows:

- Asthma: 8 children, 5 adults
- Ear: 1 child
- Skin: 1 child, 1 adult
- Kidney: 1 adult
- Osteoarthritis: 3 adults
- Stress: 1 adult (at least - most probably more)
- Heart: 1 adult
- Obesity: 1 child, 1 adult

4.14 The PPIH Working Group felt that the high occurrence of asthma seemed worrying and might be linked directly to the poor state of amenities at St Phillips.

4.15 All respondents were registered with a GP surgery and appeared to have no difficulties in accessing GP services, although a number of residents (6) had never seen a health visitor. Most of the residents seemed quite satisfied with GP and nurse services provided, but one Practice was singled out in terms of dissatisfaction with health services provided.

Conclusion of the PPIH Study

4.16 The PPIH Working Group concluded that the poor state of amenities on the site had a detrimental effect on the health and morale of the community. The high incidence of asthma amongst children and

residents was felt worrying and in the opinion of the PPIH needed urgent attention. The Group urged that the £1.2 million revamp for amenities at the St Phillips site be implemented as a matter of highest priority and that the new Local Involvement Networks (LINKs) be commissioned to prepare a more detailed survey and report on all permanent sites, to discover where and what improvements must be made in health care of all the travelling community in the North East.

Traveller Liaison Service Comments on PPIH Report

- 4.17 Reference was made to the Light Touch Review Working Group, following its site visits, that the funding issues identified in the PPIH report were incorrect and that the Authority had not withdrawn funding from the site. It was explained that the County Council had £1.2m per year for all sites within County Durham. A feasibility study had been undertaken and it was identified that the site at Coundon needed £1.5m for its refurbishment. A grant for the Coundon site had been received amounting to £825,000.

Section Five – Conclusions and Recommendations

Introduction

- 5.1 The Gypsy and Traveller community forms one of the largest minority ethnic groups in County Durham. The Council in its role as both an employer and provider of services has a statutory duty, together with its partners, to ensure that this group is not discriminated against and that adequate provision is made for Gypsy and Traveller needs in relation to issues such as accommodation.

Conclusions

- 5.2 In comparison to some other authorities in the north east, it might be said that the County Council has been exemplary in providing 6 sites for Gypsies and Travellers, amounting to over 38% provision regionally. However, those sites are now in a state of disrepair. There are concerns linked to the condition of sites impacting on the health and wellbeing of residents. The projected demands for further pitches and the need to develop smaller sites in new areas will require sensitive handling in relation to the location of those sites. Although the Group was advised that a significant level of funding had been obtained for refurbishment of the St Philips site, provision for refurbishment of the remaining sites should be considered as a matter of urgency.
- 5.3 Recent studies and the establishment of a multi-agency Task Group and Sub-Group should go some way towards developing a more holistic and co-ordinated approach to Gypsy and Traveller issues across the County. There is a need to ensure that this Group is maintained and supported to operate effectively. Issues for the future will require development of a regional approach; more co-ordinated activity; shared intelligence; consistent behaviour and approach; and a celebration of Celebration of Gypsy and Traveller Culture.
- 5.4 Public perceptions of Gypsies and Travellers are often misconceived. Gypsies and Travellers will not go away and their way of life can enhance our communities. Working and living together is easier than conflict. Elected Members can have a key role to play in addressing public concerns when there are encampments in their localities, recognising that the settled community also has a view too. The Light Touch Review Group was advised that, although a number of opportunities had been afforded for members to learn more about Gypsy and Traveller issues, turnout had been extremely low.

- 5.5 The Group was advised that the work now undertaken with Gypsies and Travellers to ensure that encampments can be managed was paying dividends in terms of future visits and the willingness of Gypsies and Travellers to co-operate in relation to sites and length of stay. There are, however, still problems in some areas, such as Winston. Officers advised the Light Touch Review Group that they are working to identify possible temporary sites, but there are difficulties on some occasions in identifying and obtaining land. It was hoped that this issue might be better addressed in the future Unitary Authority when the amount of land under the control of the local authority will increase.
- 5.6 Officers advised the Group that, because of resourcing issues, there were difficulties on some occasions in elected members contacting a representative from the Traveller Liaison Service when there were unauthorised Gypsy or Traveller encampments in their areas. In a previous scrutiny investigation some years ago which looked at the consequences of an unauthorised Traveller encampment at Belmont School, one of the concerns voiced by members was the need to have access by telephone to an officer at all times (including weekends and evenings) when unauthorised encampments occurred. Members of the Light Touch Review Group understand that, when unauthorised encampments do occur, they cannot be immediately removed if they are a serious nuisance, but nevertheless, feel that the existing arrangements for members to have immediate access to advice, and also to be kept up to date about Gypsy and Traveller issues in their localities need to be improved.

Recommendations

- 5.7 **The Light Touch Review Working Group makes the following recommendations:**
- (a) Cabinet should be asked to consider, as a matter of urgency, provision for refurbishment of all Gypsy and Traveller sites within County Durham, given the health and safety concerns linked to those sites.**
 - (b) The establishment and continued operation of the Multi Agency Traveller Task Group should be supported.**
 - (c) A new programme of seminars/member development opportunities about Gypsy and Traveller issues should be drawn up and delivered to Councillors following the May 2008 elections. Members should be strongly encouraged to attend. This should be undertaken in consultation with Human Resources Division and also include alternative methods of learning (i.e. CD's, DVD's).**

- (d) **The Traveller Liaison Service, in conjunction with Estates Division (or, alternatively, via the Traveller Task Group) should seek, over the coming year, to identify potential areas of land likely to fall within the control of the new Unitary Council which may provide opportunities to ameliorate some of the existing difficulties (i.e. in areas such as Winston) and ensure future temporary provision for Gypsy and Traveller encampments.**

- (e) **Adult and Community Services should review the existing arrangements for member contact with officers from the Traveller Liaison Service, with a view to ensuring that members have opportunities to receive advice and guidance in cases of urgency. The manner and mechanisms by which members are advised of Gypsy and Traveller issues in their respective Divisions should also be reviewed.**

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Chair of the Light Touch Review Working Group**

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