
A separate report is submitted in the private part of the agenda in respect of this item as it contains details of information required to be kept private in accordance with Schedule 12A of the Local Government Act 1972. The grounds for privacy are that it refers to information relating to the financial or business affairs of any particular person (including the authority holding that information), and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Joint Meeting of Cabinet Member for Community Development, Co-operatives and Social Enterprise and for Policing and Equalities 10 March 2015

Name of Cabinet Members:

Cabinet Member for Community Development, Co-operatives and Social Enterprise – Councillor Abbott

Cabinet Member for Policing and Equalities – Councillor Townshend

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Cheylesmore

Title: Management of Council Land

Is this a key decision?

No

Executive Summary:

The purpose of this report is to update Members on the progress made in respect of the Siskin Drive Gypsy and Traveller site and proposed next steps in order to achieve effective management of the site.

Local Authorities are required to undertake a Gypsy and Traveller Accommodation Needs Assessment when carrying out a periodical review of housing needs under section 8 of the Housing Act 1985, this being a statutory requirement under section 225 of the Housing Act 2004. A Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken in 2014 which indicates that there is sufficient capacity in Coventry at the present time through the Siskin Drive site.

The site in Siskin Drive, Coventry has been used as Gypsy and Traveller accommodation for a considerable period of time. The site is, however, in poor condition and in need of redevelopment in order to provide a suitable standard of accommodation for the Gypsy and Traveller Community.

A bid will be submitted to the Homes and Communities Agency (HCA) under the 'Continuous Market Engagement' process for funds to redevelop the site. The City Council obtained planning permission for the redevelopment of the site in April 2014.

There have been a number of issues in relation to the management of the site which have prevented the re-development work from being progressed sooner. Progress has been made on bringing the site under effective management control and on 16 April 2014 the Council clarified ownership of the northern part of the land by obtaining an 'Order for Possession' which was subsequently enforced. In addition, on 3 February 2015, the Court granted the Council's application to terminate two pitch licences held by people who no longer live on site.

There do however, remain issues of non-compliance with licence agreements for the residents on site. The recommendations in this report establish the steps that will be taken to achieve effective management of the site in this regard.

Recommendations:

Having considered this report and the attached Equality Impact Assessment, Cabinet Members are recommended to:

1. In order to achieve effective management and control of the Siskin Drive Caravan Site, to authorise the Assistant Director of Legal and Democratic Services to commence appropriate legal/enforcement action in respect of any licensees who do not comply with the terms of their licence agreements by 17 March 2015, and against any trespassers on the site.
2. Where costs are awarded in the favour of the City Council as a result of any legal processes to approve the pursuing of recovery of these costs at the discretion of the Assistant Director of Legal and Democratic Services.
3. Approve the submission of a renewed bid for funding to re-develop the site to the Homes and Communities Agency.
4. Give delegated authority for the Executive Director of Place to award the contract for the redevelopment of the site once the site is under effective management and control and subject to sufficient funds having been awarded by the Homes and Communities Agency.
5. To take full account of the Equality Impact Assessment and Welfare Assessment in considering the above recommendations.

List of Appendices included:

None

Background Papers:

None

Other Useful Documents:

Gypsy and Traveller Accommodation Assessment 2014

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Management of Council Land

1. Context (or background)

- 1.1 Local Authorities are required to undertake a Gypsy and Traveller Accommodation Needs Assessment when carrying out a periodical review of housing needs under section 8 of the Housing Act 1985, this being a statutory requirement under section 225 of the Housing Act 2004. The City Council currently meets these requirements through the provision of a Gypsy and Traveller site in Siskin Drive, Coventry, which has been used for this purpose for a considerable period of time.
- 1.2 A Joint Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken on behalf of the City Council in 2014. This concluded that there is a requirement for a further four pitches in addition to the proposed fifteen pitches on the Siskin Drive site over the period 2014/15 to 2018/19. However, if assumptions regarding households in bricks and mortar accommodation are excluded from analysis then the authorised pitch shortfall is minus one, which leads to the conclusion that the Siskin Drive site can provide sufficient capacity at the present time.
- 1.3 The Siskin Drive site is, however, in poor condition and in need of redevelopment in order to provide a suitable standard of accommodation for the Gypsy and Traveller Community. There are no other publicly-owned sites in Coventry for Gypsies and Travellers.
- 1.4 Recognising the condition of the Siskin Drive site and accepting its obligations towards the Gypsy and Traveller Community, in December 2012 the Council secured grant funding of £1.073m from the Homes and Communities Agency (HCA) to re-build the site to a modern standard. A condition of the funding was that practical completion must be achieved by 31 March 2015. Planning permission for the completion of the re-development was secured in April 2014.
- 1.5 The outcome of the resulting tender process for the redevelopment was that the overall cost of works was in excess of the grant available. In addition, as there was no provision for funding to be available beyond 31 March 2015 should the City Council have proceeded with the project and not achieved completion, it would have been liable for the full costs of the project. For these reasons the decision was taken by Cabinet to not proceed with the re-development at that point and apply again for a revised level of funding through the Continuous Market Engagement programme operated by the Homes and Communities Agency which opened on 27 October 2014.
- 1.6 In respect of the management of the site significant progress has been made to bring the site under effective management control. On 16 April 2014 the Council clarified ownership of the northern part of the land by obtaining an 'Order for Possession' which was subsequently enforced. On 3 February 2015, the Court granted the Council's application to terminate two pitch licences for people who no longer live on site. At the same hearing, the court gave directions for the steps the City Council is to take to serve court papers to terminate the licence agreements of a further two people who are not on site. These directions will be progressed and it is anticipated that the termination of these licence agreements will be considered again at Court in April 2015.
- 1.7 There do however, remain issues of non-compliance with licence agreements for the remaining residents on site. These issues include the non-payment of pitch fees and water and electricity charges, which have accumulated over a number of years and which residents will be required to pay in order to continue to reside on the site. These matters have been brought to the attention of the residents through a series of letters in addition to three site visits by Council officers. Support from the City Council's Liaison Officer and the

Citizens Advice Bureau has been offered. Despite these offers of support and continued communication about breaches there has been no remedy of the breaches by residents to date.

- 1.8 There is also a resident living on the site without a licence, effectively creating a trespass. Possession proceedings can be taken against this resident as an unauthorised occupier to remove them from site.

2 Options considered and recommended proposal

2.1 Option One - Enforcement Action– Recommended

Should licensees continue to not comply with the terms of their licence agreements it is recommended that enforcement action is taken in order to bring the site under effective management control.

- 2.2 It is recommended that a further bid is submitted to the Homes and Communities Agency for grant funding to enable the redevelopment of the site to progress. Any contract for the redevelopment of the site will not be awarded until the remaining management issues have been resolved through either residents complying with the terms of their licence agreements or effective enforcement action being taken. If HCA funding is secured the deadline for the completion of the redevelopment will be 31 March 2018.

2.3 Option Two – Maintain the Current Position – Not Recommended

The City Council could choose to take no further action should residents continue to fail to comply with the terms of their licence agreements and effectively maintain the current situation of residents residing on site and not paying licence fees or utilities.

- 2.4 The City Council could submit a further bid to the Homes and Communities Agency for grant funding to enable the redevelopment of the site to progress with existing residents in place and not complying with the terms of their licence agreements. This is not recommended. If HCA funding is secured the deadline for the completion of the redevelopment will be 31 March 2018.

3 Results of consultation undertaken

- 3.1 No formal consultation has been undertaken in respect of the issues highlighted in this report. Residents of the site have been spoken to regarding the arrears and the plans for redevelopment. They have also been informed of the possibility of legal action should they continue to not comply.

4 Timetable for implementing this decision

- 4.1 If enforcement action is approved should residents continue to not comply then proceedings will be issued before 31 March 2015.
- 4.2 The HCA has issued details of the Continuous Market Engagement (CME) process, including a timetable of monthly Board meetings to discuss submissions and determine allocations. CME will continue until the programme funds are all committed, therefore in order to give the greatest possible opportunity for a successful bid an application will be submitted as early as possible.

5 Comments from Executive Director of Resources

5.1 Financial implications

The costs incurred in relation to the issues contained within this report to date total £83k. This figure includes the costs required to secure planning permission, plus legal costs

incurred to date excluding litigation costs. There will be further costs entailed with delivering the project to the revised timescale associated with re-submission. These costs will be funded from the previously identified £191k of unringfenced capital grant to enhance the site.

5.2 Legal implications

Local Authorities are required to undertake a Gypsy and Traveller Accommodation Needs Assessment when carrying out a periodical review of housing needs under section 8 of the Housing Act 1985 this being a statutory requirement under section 225 of the Housing Act 2004.

The completion of the Siskin Drive re-development will assist in ensuring that the City Council can discharge its obligations to Gypsies and Travellers.

This action will require steps to be taken to establish effective management and control of the Siskin Drive Caravan site by the Council, and all necessary legal procedures to achieve this objective.

6 Other implications

6.1 **How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

6.1.1 The recommended proposals will enable the Council to deal with the management problems on the site by taking enforcement action against the remaining non-paying licensees should they continue to not comply, and the trespasser. This action will ultimately allow the Council to improve the site, manage it effectively, and better provide for Gypsies and Travellers in the City.

6.1.2 An improved site will be more attractive and will give Gypsies and Travellers and their children a safer and healthier place to live. Gypsies and Travellers generally have poorer outcomes relative to the settled community in terms of health and education, and a modernised site will benefit this community.

6.2 **How is risk being managed?**

6.2.1 A Risk Appraisal is in place that identifies a number of potential risks and, where possible, mitigating action. The Risk Appraisal will be monitored and kept up to date as matters progress. The risk appraisal includes the management of potential personal risks to key officers involved in this work.

6.2.2 There are a number of variables that can impact on the delivery of the recommendations contained in this report and therefore introduce risk.

6.2.3 It is possible that the redevelopment costs will be too high for the HCA to allocate enough funding to cover the project in which case the City Council would need to allocate its own funds for the redevelopment to be completed. It is also possible that the City Council is unsuccessful through Continuous Market Engagement, leaving the Council with the full burden of funding if the redevelopment is to be completed. Due to the greater level of funding available for Gypsy and Traveller pitches any gap is expected to be lower than was previously the case.

6.3 What is the impact on the organisation?

6.3.1 None

6.4 Equalities / Equality Impact Assessment

6.4.1 The public sector equality duty under section 149 of the Equality Act 2010 came into force on 5 April 2011. In progressing work regarding the site, Council decision makers must have on-going due regard to the Council's obligations under section 149 of the Act which provides as follows:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

An Equality Impact Assessment and Human Rights/Welfare Assessment has been completed in respect of the residents on the site. This has previously been considered by Cabinet Member (Housing and Heritage) and Cabinet Member (Community Safety and Equalities) and updated versions will be considered in the course of decision making.

6.4.2 The Equality Impact Assessment identifies the following potential impacts that need to be taken into account when considering the recommendations:

6.4.3 Impact on Older People – two of the residents are older people. Although no specific vulnerabilities are associated with this Cabinet Members need to be aware of this impact.

The impact of potential homelessness can be mitigated through the offer of temporary accommodation.

6.4.4 Impact on Children and Young People – 6 children reside on the site. None are subject to involvement from Children’s Social Care however there are school attendance issues with one of the children. The City Councils Referral and Assessment Service and appropriate schools will be informed as matters progress.

6.4.5 Impact on Disability – one of the residents has been under the care of Coventry and Warwickshire Partnership Trust (CWPT). As matters progress the City Council will ensure the GP services are informed of any movement of residents.

6.4.6 Gypsies and Travellers – the proposed redevelopment of the site will have a positive impact on Gypsies and Travellers in Coventry and it will help to ensure that there is appropriate provision of a suitable standard for this protected group within the City.

6.5 Implications for (or impact on) the environment

The proposal to modernise the site will have a positive impact on the environment in which Gypsies and Travellers can reside in the City.

6.6 Implications for partner organisations

The City Council is working in close collaboration with West Midlands Police and other agencies on progressing the issues detailed in this report.

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