

Report of the Assistant Director of Housing & Community Safety

York Gypsy Roma & Travellers Sites- Rent Increase Petition

Summary

1. On 9 December 2014 the Council received a petition signed by residents of York's three Gypsy Roma & Travellers sites. The petition relates to the 2014/15 travellers site rent increase, the first stage of which was implemented in April 2014 and the second stage of which was implemented on the 1st December. The petition stated 'We do NOT agree to these increased pitch fees'. This report provides the background to this petition and asks for a decision on how to proceed.

Background

2. In January 2014 the Council wrote to all of the then pitch holders and advised them that it proposed to increase their rents to reflect both the rise in the cost of living and a sum (£25pw) needed to address the increased costs of running the sites.
3. Following the letters staff visited the sites to speak to residents and only a small minority verbally objected to the increase, however, a petition was received from the residents on the Clifton site. On the day of the officer's visit, when the petition was handed over, only three out of twenty three households on the Clifton site held a strong view about the rent increase.
4. However, there was considerable objection to the increase by the York Travellers Trust and in light of this and the petition the Council agreed to phase the increases with the cost of living rise implemented from the 1st April 2014 and the second phase of the increase, linked to addressing the increased costs of managing the sites, to be delayed until there had been further discussions with those concerned.

5. Council officers and the Cabinet Member for Communities held a number of in depth meetings with the York Travellers Trust and it was agreed to bring invite an independent expert, (David Bailey from Fenland District Council) to bring a new and wider perspective to discussions, in an attempt to find a resolution. The independent expert provided helpful advice on the future management and improvements that could be made in communications. During these meetings it was proposed to reduce the proposed rent increase from £25 per pitch per week to £12.90. This was on the basis that by appointing an additional staffing resource, issues relating to fly tipping and other forms of Anti Social Behaviour (ASB) would reduce. Unfortunately, despite the negotiations, officers of the Council and the York Travellers Trust where unable to reach an agreement.
6. Officers returned to Cabinet on 9th September 2014 and proposed within the finance monitoring report a second phase increase £12.90 per week.
7. Following Cabinet approval of the recommended increase, all Pitch holders were written to and visited by the Council explaining what decision had been reached and informing them of what action they needed to take if they were in disagreement with the increased pitch fees. No pitch holder confirmed through the formal process required that they were in dispute with this reduced second phase of the increase. The second phase of the increase was then implemented on the 1st December 2014. Following the implementation of the increase an audit of the rent accounts shows that all of the pitch holders have independently accepted the increase by virtue of either paying it themselves or by allowing the additional payment through their benefit payment
8. The Council received a petition on 9 December 2014 signed by residents of the cities three Gypsy Roma & Travellers sites. This was nine days after phase two of the annual increase became effective. At this point the overwhelming majority of pitch holders had already paid the increases and thus independently signified their consent before the petition was received, subsequently all have paid the increase, the Council is therefore entitled to continue to rely on their agreement. However, it is still in the Council's power to review the increase as appropriate. Furthermore, the petition has been signed by at least 7 pitch holders who are not affected by the increase.
9. Over the past years the Council has worked alongside the York Travellers Trust and community members to increase support and management of the sites and repeated requests have been made by them for the Council to increase its staff resources so as to address key

issues associated with the physical environment on sites include fly tipping, fly grazing, animal welfare issues, dog fouling, unauthorised encampments and vandalism.

10. The Council has also received comment from the wider community raising concerns about the support to the travelling community and management of the sites. Significant efforts have been made to address the concerns of these parties as well as local residents from the settled community, including bringing together all aspects of site management into a single Management Plan for the sites. In addition to this a key part of the planning conditions for the extension of the Osbaldwick site were that a "Management Plan" be developed and a permanent community facility "site office" be established as part of the scheme. This requires additional staffing resources to facilitate.
11. Through researching and proposing options regarding improved management of the sites, officers have contacted and visited other organisations and individuals managing sites across the region to learn from their experiences and practice. We have also learnt that rents on other sites across the region and beyond tend to be higher than those charged in York. Information has been provided previously regarding these figures. This additional funding is invested in additional management staffing resources, community facilities on sites.
12. Meanwhile, the York Travellers Trusts objections are thought not to be to the provision of additional staffing resources and facilities, which they have requested and endorsed the benefits of, but rather that the Travellers are being asked to meet the costs of managing the sites. It is the view of the York Travellers Trust that the additional funding requirements should be found from the Councils General Fund.
13. Following a comprehensive dialogue with the York Travellers Trust an agreement could not be reached regarding how the increase would be funded. The reduced rent increase of £12.90 was presented to Cabinet in October 2014 and approved as part of the quarterly finance monitor.

Consultation

14. Over recent years the Council has engaged in numerous discussions with the community, in written and verbal formats, collectively and individually, regarding the escalating costs to the Council of responding to the management issues on the sites, and the potential of a rent increase if these could not be cost effectively managed/reversed with existing resources. The costs of managing the sites, including rubbish clearance and legal costs have increased despite our best efforts.

15. A regular dialogue has been ongoing with the Travellers Trust for many years regarding joint approaches to improving the sites and the need for additional resources. At the time of the Council's approval of the initially proposed rent increase in January 2014 the York Travellers Trust was contacted. In the first instance there was no significant concern raised by them regarding this increase.
16. There has also been an ongoing dialogue with individuals in the community on sites in order to explain the reasons for the increase, the role and purpose of the new site supervisor/manager and the improvements we expect to receive.
17. Organisations across the region have been visited and consulted regarding our proposals to increase rents. Without exception all those consulted charge rents above York's levels to ensure they have adequate resources to meet the costs of managing the sites effectively.
18. A legal officer has also worked alongside officers regarding key aspects of the rent increase.
19. In our successful funding bid to the Homes and Communities Agency (HCA) they endorsed the higher rents charged by York for the new six pitches at Osbaldwick.

Options

20. **Option 1** – Acknowledge receipt of the petition, but recognise that the Council has consulted with the community and their representatives and complied with the legal requirements to increase the rent and therefore continue to support the second phase of the rent increase which was implemented on 1 December 2014.
21. **Option 2** – Request officers to prepare a report for Cabinet recommending the withdrawal of the (second phase of the) rent increase with and not pursue the appointment of a Site Manager/Supervisor.
22. **Option 3** – Request that officers identify other options.

Analysis

23. **Option 1**- Phase two of the increase of £12.90 has been independently agreed to by the vast majority of pitch holders, signalling their agreement to the increase and in all cases the increased rent charge is being paid.

24. The planning consent for the redevelopment of the Osbaldwick site requires the Council to produce and work to a management Plan, as well as erect a permanent community facility in order to address the perceived management issues on the Osbaldwick site. These cannot be achieved without additional management resources.
25. When considering how the new rent charge compares with other organisations across the region for Gypsy Roma & Traveller Pitch's, all other organisations charge rents in excess of that charged in York.
26. York Travellers Trust and the community themselves, have requested improvements to the sites and additional staffing resources for several years. They do not object to the investment of additional staffing but do not want the travelling community to have to pay this increase, but rather that this is funded by the Councils General Fund.
27. With the proposed appointment it is hoped that it will not be necessary to contemplate further "above cost of living" rent increases or outsourcing options although these cannot be ruled out entirely. A lot depends on the success of the post holder in reducing the level of arrears, vandalism, fly-tipping, animal mistreatment etc.
28. **Option 2** - This would satisfy the petitioners' position. The organisers of the petition, The York Travellers Trust, has advocated that the Council should increase the resources allocated to managing the Travellers sites within the city, but that the cost of this should not be borne by the travelling community but from the General Fund.
29. The current allocated budget does not have the capacity to fund the appointment of an additional member of staff. Failure to increase the staffing capacity in this area brings with it significant risks, the Management Plan and community facility would not be adequately resourced and we would not realise the benefits associated with the new facility. Failure to positively deliver these benefits could bring reputational damage to CYC. The management issues on site would not improve and matters could deteriorate making inevitable further "above cost of living" rent increases to cover the costs associated with managing the sites.
30. **Option 3** - Without the rent rise and the appointment it is anticipated that the amenity of the sites will continue to deteriorate both necessitating further rent increases above cost of living and the search for other options.

Council Plan

31. This paper supports the Council plan Priority to “Build Strong Communities”, through increasing the support to the Travelling Community.

Implications

32. The implications arising directly from this report are:

- **Financial** – The £12.90 increase generates additional income of £37,000 per annum, this will be used to employ an additional resource to provide support and increased management of the sites.
- **Human Resources (HR)** - The additional member of staff will be appointed in accordance with the council’s recruitment procedures.
- **Equalities**- A community impact assessment (CIA) was completed in January when the original increase of £25 was proposed. The CIA has been revisited following the change to £12.90. The impact largely remains the same however the financial impact is obviously smaller. Clearly the proposal is intended to have a positive effect by improving the site management. The financial effect of the increase on the vast majority of the residents is mitigated by housing benefit.

It is intended that the improvement will assist with social cohesion on the site and the wider community. In considering the increase the authority has looked at charges on other sites in the surrounding region and these proposals are broadly comparable. The intention to employ a site manager is consistent with national guidance best practice. Officers have attempted to mitigate the increase by offering support on maximising their income

- **Legal** The council’s solicitor has advised that the Council’s actions are in compliance with both the legislation and the facts of the situation The Council has received a pre-action letter indicating a judicial review application from the York Travellers Trust. Counsel’s opinion is being sought on the merits of such an action. The outcome of this will be dealt with separately through the appropriate legal channels.
- **Crime and Disorder**- The increased income is intended to increase the management resource and improve the management of the sites.
- **Information Technology (IT)** – There are no IT implications

- **Property** – There are no property implications
- **Other-** There are no other implications

Risk Management

33. The key risks of not continuing to charge the implemented rent increase include:

- Reputational damage if the Council is perceived to not be able to manage its sites effectively, as has been portrayed in the press and by some individuals and wider community groups.
- Risks the sites become places where the community do not want to live due to stigma, physical deterioration or ASB.
- Potential refusal to support any funding bids from the HCA if it is perceived the Council cannot manage its sites effectively

Recommendations

34. The Cabinet Member is asked to approve:

Option 1: Continue to support the second phase of the rent increase which was implemented on 1 December 2014.

Reason: Phase 2 of the increase has been independently agreed to and paid by all of pitch holders. This additional funding will be used to appoint a site manager/ supervisor to improve the support and management of the sites.

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**Report
Approved**



Date 28 January 2015

Wards Affected: Osbaldwick, Heworth and Clifton,
Rawcliffe and Clifton Without

All

For further information please contact the author of the report

Background Papers:

1. Travellers Site Decision Session Report 19 January 2014
2. Quarterly finance monitor- October 2014

Abbreviations:

CYC - City of York Council

CIA - Community Impact Assessment

ASB – Anti Social Behaviour

HCA - Homes and Communities Agency