

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 17

Brighton & Hove City Council

Subject: Gypsies and Travellers; requests for Scrutiny
Date of Meeting: 5 September 2011
Report of: Strategic Director Resources
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report sets out formal requests for scrutiny from Gypsies and Travellers from Councillor Geoffrey Theobald received on 2 June 2011 and Councillor Liz Wakefield, submitted in July as part of the current public consultation on topics for Scrutiny. (Appendices 1 and 2).
- 1.2 Final consultation responses on suggested scrutiny topics are to be reported to Overview and Scrutiny Commission in October; however a number of these are already known to relate to gypsies and travellers.
- 1.3 Each Overview and Scrutiny Committee can determine whether to undertake scrutiny activities on specific issues (such as requesting an officer report, setting up round-table discussions or establishing an in-depth scrutiny panel to undertake short, focused reviews) or whether Members are reassured that the current position and planned actions are suitable.
- 1.4 It is suggested that 'protest encampments' referred to in Cllr Theobald's letter be considered separately from matters that relate more directly to gypsies and travellers.

2. RECOMMENDATIONS:

- 2.1 That the Environment and Community Safety Overview and Scrutiny Committee consider the requests for scrutiny, and scoping information, and determine what action to take with regard to:
 - (i) Protest Encampments
 - (ii) Gypsies and Travellers

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Councillor Goeffrey Theobald's letter requesting scrutiny appears as Appendix 1 to this report.

3.2 Councillor Liz Wakefield's submission appears as Appendix 2 to this report.

3.3 In establishing scrutiny action, Members need to be mindful of:

- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
- Whether there is evidence that the decision-making rules in the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
- The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services;
- What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Executive Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.);
- The proposed scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests.

Gypsies and Travellers

3.4 It is evident that the issue of gypsy and traveller encampments, support services and numbers have a high profile within the city at the present time.

3.5 A report to Cabinet in June (appendix 3) set out proposals for a review of the current Gypsy and Traveller Strategy (appendix 4).

3.6 There are essentially three options open to Members with regard a scrutiny review into gypsy and traveller issues:

- Decline to undertake any scrutiny work – accept that the agreed Cabinet review of the strategy should provide sufficient reassurance as to council policy and practice
- Agree to be involved in the Cabinet review at points in the process as set out in appendix 5, as well as undertaking specific pieces of additional research e.g. comparisons with other councils. If Members wish to take this route a decision is required whether to undertake this through the full ECSOSC or have a smaller panel undertake the work. The Cabinet report of the 14 July stated 'It is hoped that the Environment & Community Safety Overview and Scrutiny Committee will be involved in the strategy development.
- Establish a separate panel review process to undertake an independent review of the gypsy and traveller strategy and current practice.

3.7 Any scrutiny review of the gypsy and traveller strategy conducted separately from that agreed by Cabinet would require considerable resource to:

- Consult with all council partners
- Undertake a review of current legislation

- Evaluate current council policy and practice and compare it to other local authorities
- Consult with both settled and traveller communities
- Gain an understanding as to the need and level of resource of available to support the traveller community
- It could not seek to identify specific areas for future pitch provision

3.8 Involvement in the Cabinet review would not prevent scrutiny from making separate recommendations to Cabinet based on targeted pieces of research undertaken through the review process. For example if having evaluated the position statement members wanted to undertake a comparative study on other local authorities and their approach to the topic this would be possible.

Protests and Protest Encampments

3.9 “There has also been a change of policy locally with regard to encampment protests, for example, on council park land at the Old Steine. I believe that the implications of this change of policy on the local economy and tourism are serious and have not been properly thought through. As such, I believe this would benefit from being part of the proposed scrutiny review.”

(Extract from Request for Scrutiny 2nd June 2011, Councillor G Theobald)

3.10 This request refers to a protest group pitching tents in May 2011 at the Old Steine acting in solidarity with campaigners in Spain.

3.11 Speaking at 6 June Cabinet, the Cabinet Member for Communities and Community Safety, Councillor Ben Duncan pointed out that “in relation to the protester camp at the Old Steine, the Administration were supportive of the right to protest peacefully, however, the presence of the camp contravened city byelaws; action had been taken and the protesters had agreed to vacate the site.”

3.12 Councillor Bowden, Cabinet Member for Culture Recreation and Tourism reported to the same meeting “that views on the encampment, including those of local residents, visitors and business, had been equally split between those who supported it and those against it.”

3.13 If scrutiny were to look at the issue a suggested approach could be:

- a) a summary of national legislation and local bye-laws relating to protests/protest encampments and the Human Rights law.
- b) current policy and practice in Brighton & Hove and nationally, of Council and partners. Whether there has been a change to policy?
- c) the history and experience of protest encampments in Brighton & Hove, on both public and private land as well as the experience of other local authorities for instance the Parliament Square protest.
- d) the key issues and concerns of local people, businesses and partners regarding protest encampments eg potential for disruption, for affecting tourism and local economy, potential costs of enforcement action and the practical implications of enforcing.

- 3.14 Scrutiny could take account of balancing a support for the democratic right to peaceful protest; with detrimental effects of protest encampments and recommend whether any changes are needed, to the current approach to protest encampments.
- 3.15 A suggested list of witnesses would include:
- Police & Community Safety Officers
 - Local businesses
 - Groups that have sought to protest

4. CONSULTATION

- 4.1 Full consultation responses on subjects for scrutiny received from residents, Members, officers and partner organisations will be reported to OSC in September. Meanwhile a number of suggestions submitted via the Consultation portal are known to relate to Gypsy and Traveller issues.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Work will be undertaken within the existing resource allocated to scrutiny. In deciding whether to support a scrutiny intervention Members should consider the available scrutiny resource and prioritise accordingly.

Legal Implications:

- 5.2 The recommendation at 2.1 is consistent with the statutory framework for overview and scrutiny committees under section 21 of the Local Government Act 2000.

Equalities Implications:

- 5.3 Equality implications will be taken into account by any scrutiny activity

Sustainability Implications:

- 5.4 Sustainability implications will be taken into account by any scrutiny activity.

Crime & Disorder Implications:

- 5.5 None directly in relation to this report

Risk & Opportunity Management Implications:

- 5.6 There is an opportunity for scrutiny to influence some of the key issues facing the city.

Corporate / Citywide Implications:

- 5.7 The scrutiny function can take an active role on issues that affect the city as a whole.

SUPPORTING DOCUMENTATION

Appendices:

1. Request for scrutiny; Letter dated 2 June 2001 from Councillor G Theobald
2. Request for scrutiny from Councillor L Wakefield, July 2011

3. Report Gypsy and Traveller Strategy Review - July 2011 Cabinet
4. Current Brighton and Hove Gypsy and Traveller Strategy
5. Draft timetable for the Gypsy & Traveller Strategy Review

Documents in Members' Rooms

None

Background Documents

None

