

Agenda

General scrutiny committee

Date: **Monday 11 September 2017**

Time: **10.30 am**

Place: **The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX**

Notes: Please note the time, date and venue of the meeting.

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Agenda for the meeting of the General scrutiny committee

Membership

Chairman **Councillor WLS Bowen**
Vice-Chairman **Councillor EJ Swinglehurst**

Councillor BA Baker
Councillor JM Bartlett
Councillor PGH Cutter
Councillor JF Johnson
Councillor A Warmington

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES</p> <p>To receive details of members nominated to attend the meeting in place of a member of the committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by members.</p>	
4.	<p>MINUTES</p> <p>To receive the minutes of the meetings held on 11 July 2017 and 21 August 2017.</p>	9 - 22
5.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public.</p> <p>Details of the scheme and related guidance are available here:</p> <p>https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p> <p>The deadline for the receipt of questions is Wednesday 6 September 2017 at 5.00 pm.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p>	
6.	<p>QUESTIONS FROM MEMBERS OF THE COUNCIL</p> <p>To receive any written questions from members of the council.</p> <p>Deadline for receipt of questions is 5.00 pm on Wednesday 6 September 2017.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p>	
7.	<p>TRAVELLERS' SITES DEVELOPMENT PLAN DOCUMENT</p> <p>To ask the committee to determine whether it wishes to make any recommendations to the executive on the draft pre-submission Travellers' Sites development plan document (DPD) which would strengthen the emerging policy approach.</p>	23 - 134
8.	<p>YOUTH JUSTICE PLAN 2017-2018</p> <p>To endorse the Youth Justice Plan 2017/18 for approval by full Council and consider whether there are any comments the committee would wish to make that would inform the production of the Plan for 2018/19.</p>	135 - 180

9. WORK PROGRAMME

To review the committee's work programme.

10. DATE OF NEXT MEETING

The next scheduled meeting is Tuesday 26 September 2017.

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- Inspect minutes of the Council and all committees and sub-committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all committees and sub-committees.
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The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to General Scrutiny Committee

Scrutiny is a statutory role fulfilled by councillors who are not members of the cabinet.

The role of the scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

Council has decided that there will be three scrutiny committees. The Committees reflect the balance of political groups on the council.

The General Scrutiny Committee consists of 7 Councillors.

Councillor WLS Bowen (Chairman)	Herefordshire Independents
Councillor EJ Swinglehurst (Vice-Chairman)	Conservative
Councillor BA Baker	Conservative
Councillor JM Bartlett	Green
Councillor PGH Cutter	Conservative
Councillor JF Johnson	Conservative
Councillor A Warmington	It's Our County

The committees have the power:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to council or the cabinet with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area
- (f) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the council with respect to the discharge of those functions. In this regard crime and disorder functions means:
 - (i) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (ii) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (iii) a strategy for the reduction of re-offending in the area

- (g) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised or to be consulted by a relevant NHS body or health service provider in accordance with the Regulations (2013/218) as amended. In this regard *health service* includes services designed to secure improvement—
- (i) in the physical and mental health of the people of England, and
 - (ii) in the prevention, diagnosis and treatment of physical and mental illness
 - (iii) And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.
- (h) to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

The specific remit of the general scrutiny committee includes:

- Services within the economy, communities and corporate directorate
- Corporate performance
- Budget and policy framework matters
- Statutory flood risk management scrutiny powers
- Statutory community safety and policing scrutiny powers

Who attends general scrutiny committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Pale Blue	Cabinet Members – They are not members of the committee but attend principally to answer any questions the Committee may have and inform the debate.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
Green	People external to the Council invited to provide information to the committee.
White	Other councillors may also attend as observers but are not only entitled to speak at the discretion of the chairman.

**Minutes of the meeting of General scrutiny committee held at
The Council Chamber - The Shire Hall, St. Peter's Square,
Hereford, HR1 2HX on Tuesday 11 July 2017 at 10.30 am**

Present: Councillor WLS Bowen (Chairman)
Councillor EJ Swinglehurst (Vice-Chairman)

Councillors: BA Baker, JM Bartlett, EPJ Harvey and JF Johnson

In attendance: Councillors PM Morgan (Cabinet Member), PD Price (Cabinet Member) and P Rone (Cabinet Member)

Officers: A Blackman, (Admissions and Transport Policy Manager) S Burgess (Head of Transport and Access Services), J Callard (Transportation Strategy Manager), S Hodges (Directorate Services Team Leader), X Middleton (Emergency and Resilience Officer); and Richard Perkins (Asset Management Team Leader, Balfour Beatty Living Places), J Coleman (Democratic Services Manager/Statutory Scrutiny Officer).

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor A Warmington.

2. NAMED SUBSTITUTES

Councillor EPJ Harvey substituted for Councillor A Warmington.

3. DECLARATIONS OF INTEREST

Agenda item 7: Local Flood Risk Management Strategy

Councillors BA Baker and WLS Bowen declared non-pecuniary interests as Council appointees to the River Lugg Internal Drainage Board.

4. MINUTES

RESOLVED: That the minutes of the meeting held on 9 May 2017 be approved as a correct record.

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

None.

6. QUESTIONS FROM MEMBERS OF THE COUNCIL

None.

7. SUSTAINABLE MODES OF TRAVEL TO SCHOOL STRATEGY

The Committee's views were sought on the council's draft Sustainable Modes of Travel to School Strategy (SMOTS) to inform cabinet's consideration of the strategy.

The Transportation Strategy Manager (TSM) gave a presentation. A copy of the presentation slides had been previously circulated.

In the course of discussion the following principal points were made. (References in brackets are to the page number in the published agenda papers.

- (p30) It was suggested that there was some ambiguity in figure 4, travel choices by settlement.
- (p28) The reference to the possibility of the vacant seat payment scheme being withdrawn at any time was questioned. The Admissions and Transport Policy Manager (ATPM) clarified the operation of the scheme. The Head of Transport and Access Services (HTAS) suggested that whilst factually correct the rather technical wording in the SMOTS needed to be refined.
- It was asked whether journey times and air quality should form part of the targets in the strategy.
- It was asked what the cost of undertaking the work on the strategy was. The TSM and HTAS replied that it was not costed as such and commented on the amount of officer time involved and various funding sources that were available.
- The response rate to the questionnaire issued to parents was extremely low making it difficult to have confidence in the robustness of the conclusions being drawn from the data. Councillors could not support and defend policies based on such poor data. It was questioned whether a more focused approach to securing data would be more cost effective and more beneficial.

The HTAS commented that prior to the requirement to produce SMOTS schools had been required by Government to complete the pupil level annual school census (plasc). There had been a move away from this top down approach.

- The cabinet member – health and wellbeing commented on the public health benefits that could be gained from behavioural change and encouraging healthier modes of travel to school and the importance of securing the input of the public health team. A Member suggested that it was important that schools were made aware of the public health data.
- It was asked whether there was any correlation between accidents and where travel plans were not in place. The HTAS agreed to seek clarification.
- (p38) The HTAS agreed to clarify why the bikeability scheme was delivered to level 2 and not to level 3.
- (p15) The TSM clarified that the reference to the Hereford Transport packages being **likely** to include cycling and walking measures simply reflected the fact that the transport packages were evolving. There was a wide range of proposals. These would be subject to public consultation.
- In relation to a concern questioning the way in which updating of the strategy had been undertaken the HTAS explained that the original strategy had been produced in 2009. Guidance did not specify review dates but required the strategy to be published every year. There had been updates to elements of the strategy but these had not been co-ordinated. The refreshed strategy aimed to consolidate the position.
- It was suggested that the strategy was not just a schools issue. Unless up to date and supported by reliable data there was not a firm basis to make sound decisions on investment in transport infrastructure.
- Advantage had not been taken of the scope to engage with Councillors who were school governors to encourage a greater response to the consultation process using the networks available to them.

- It was complex to prioritise actions and be sure as to what their impact was likely to be.
- The ATPM commented that the school capital investment strategy was on the website and this demonstrated the impact of the exercise of parental preference in seeking school places. The cabinet member – transport and roads commented on the adverse effects parental choice had had on the transport network.
- It was suggested that improved mapping of the effects of actions at various locations and breaking down the analysis to show the effect on different school types and locations would assist in matters such as negotiations over S106 contributions at the pre-planning application advice stage and in developing neighbourhood development plans.
- It was critically important that an implementation plan translating strategy into action was developed to accompany the strategy. This needed to join up actions required across the authority including education, transport and planning and have regard to priorities and all other relevant plans. The TMS commented that a prioritisation framework would be helpful as part of such a plan.
- It was observed that the Sustrans contract was part way through its duration yet the strategy had not been published. The relationship of that work to the strategy needed to be considered to ensure that that work contributed to the delivery of the strategy.
- It was suggested that the council should seek support from local MPs to assist in resolving transport issues and that their attention should be drawn how valuable Plasc surveys had previously been in assessing needs.

RESOLVED:

- That**
- (a) the strategy should clearly link targets to the strategy’s aims and objectives and ensure that it showed how actions can deliver on those objectives;**
 - (b) the wording in relation to the vacant seat payment scheme should be modified;**
 - (c) the strategy should contain a clear timetable for review of the strategy;**
 - (d) the executive should again be asked to request schools to update their school travel plans making clear to them the potential benefits to schools of doing so and drawing on the support of councillors who are school governors to encourage this work to take place;**
 - (e) officers be requested to liaise with public health colleagues to assist in the development of effective targets;**
 - (f) the executive be asked to ensure that relevant council held data is actively shared with schools to prompt them to share their own data for the SMOTS;**
 - (g) the executive be requested to explore means of data collection for the SMOTS, to seek to secure more robust data to inform policy and assist in prioritising actions, with regard also being had to NHS data;**
 - (h) accident information in the strategy and methods of data collection should be clarified;**
 - (i) the executive be requested to seek support from local MPs to assist in resolving transport issues and that their attention should be drawn to the value that Plasc surveys had previously been in assessing needs;**

- (j) the executive is requested to ensure that the SMOTS makes clear the evidence used to inform the strategy, the efforts made to secure evidence and any deficiencies in collecting evidence;
- (k) the executive be requested to ensure that the capacity and performance measures in the Sustrans contract are aligned to the strategy;
- (l) the executive be requested to ensure that an implementation plan translating strategy into action is developed to accompany the strategy;
- (m) the Sustrans contract was part way through its duration yet the strategy had not been published. The relationship of that work to the strategy needed to be considered to ensure that that work contributed to the delivery of the strategy; and
- (n) the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matters requiring consideration by the Committee.

(The meeting adjourned between 12:05 and 12:18.)

8. HEREFORDSHIRE LOCAL FLOOD RISK MANAGEMENT STRATEGY

The Committee was invited to review the draft high level strategic document and determine any recommendations to improve its effectiveness.

The Directorate Services Team Leader gave a presentation. A copy of the presentation slides had been previously circulated.

In the course of discussion the following principal points were made:

- The sustainability of the expectation placed on local communities to self-help was questioned.
- Regarding the mitigation of flood risks identified within the strategy, there was a feeling that the requisite proactive preventative work was not being carried out. Confirmation was sought that the allocation of funding within the current contract with Balfour Beatty Living Places (BBLP) was capable of mitigating the flood risks identified within the strategy. In response it was clarified that a risk-based approach was taken targeting resources and funding at those areas that were most susceptible to flooding.

The Asset Management Team Leader (AMTL) commented that the contract was recognised nationally as performing well and efficient. Resources were in place to deliver the contract. Work had to be prioritised.

A Member questioned whether the contract was actually working efficiently commenting that there were a number of instances where the contractor seemed unresponsive and drainage problems occurred regularly and repeatedly at the same locations.

- There was a lack of clarity about the respective responsibilities of landowners and the council, for example in respect of clearing ditches, and communication needed to be improved.
- There was a lack of connection between the strategy and the facts on the ground.
- An implementation plan was needed to ensure that actions identified were completed in a co-ordinated way.

- It was remarked that water courses ran through some of the strategic housing sites in the core strategy. It was asked if the Environment Agency models could be relied upon and to what extent the council could review the Agency's assessments or had to take them at face value. It was also asked if the council drew on local knowledge as part of its evidence gathering.

The ATML commented on the complexity of flood modelling. BBLP did review planning applications and did draw on local knowledge. He also confirmed that the firm did also explore sources of available funding including s106 contributions. Funding was limited and priority was given to where funding from the environment agency could be secured.

The cabinet member – infrastructure commented on the work of the Regional Flood and Coastal Committee (RFCC) and the Environment Agency's strategy to manage fluvial flooding.

- Surface water run off needed to be managed and respective responsibilities of all the agencies involved made clear.
- Section 10.1 of the report acknowledged that changes to land use and land management affected flood risk but it was questioned whether the approach to mitigate this risk was sufficiently joined up; and whether local knowledge from the lengthsman and parish councils was actively sought
- It was also asked how much proactive work and how much reactive work was undertaken and how it was ensured that measures were proportionate to the risk.
- Clarification was sought on what arrangements were in place to ensure that Sustainable Urban Drainage Schemes (SUDS) were maintained.

The ATML commented in response that the council did offer to adopt SUDS assets seeking to ensure that there was a sustainable long term solution for their management. There was a proactive approach to the emptying of highway gullies with a programme to deal with every gully within the next 18 months to years. Reactive work took place in response to specific issues. In terms of issues arising from land use the firm was working closely with the Wye Catchment Partnership and the Wye and Usk foundation. The Environment Agency tended to take the lead on run off from fields because it had greater powers available to it to act. Locality stewards were working with lengthsman to improve understanding of issues. Gullies were being recorded and marked. Asset mapping had taken place and the action plan accompanying the strategy identified the need to develop and maintain a register of assets that were considered to have a significant effect on a flood risk. He also reported that Welsh Water was actively developing a rainscape solution to manage the amount of surface water entering sewers. Developers were not permitted to increase surface water run off. SUDS were required.

- It was asked whether sufficient data was being provided by Severn Trent.
- A public facing document needed to be produced
- It was suggested that the Herefordshire and Gloucestershire Canal Trust had useful information and skills in relation to water management that could be drawn upon.

RESOLVED:

- That**
- (a) the strategy should recognise the importance of clear and effective communication of responsibilities in respect of all relevant parties;**
 - (b) the executive be advised of the importance of preparing a joined up implementation plan;**
 - (c) careful consideration be given to how land use and management affect flood risk, ways of educating people on this point and developing mitigating measures;**

- (d) a public facing document be produced setting out what to do in the event of flooding and relevant legal remedies for those affected;
- (e) BBLP be requested to seek information from lengthsman and local councillors on local conditions and identified flood risks as a matter of course; and
- (f) the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matters requiring consideration by the Committee.

9. WORK PROGRAMME

The Committee reviewed its work programme.

The Chairman undertook to explore with the Vice-Chairman a request that the delivery of housing growth targets should be included in the work programme.

RESOLVED:

- That
- (a) the draft work programme as set out at appendix 1 to the report be approved;
 - (b) the committee should contribute to the response to the consultation on West Mercia Fire and Rescue Governance as requested; and
 - (c) a standing panel of up to 5 members be appointed to maintain a watching brief as proposals for the Minerals and Waste local plan develop, with Councillors Bowen (Chairman) and Swinglehurst appointed to it and other nominations to be sought from Group Leaders.

10. DATE OF NEXT MEETING

Monday 11 September 2017

The meeting ended at 1.12 pm

Chairman

Minutes of the meeting of General scrutiny committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Monday 21 August 2017 at 2.00 pm

Present: Councillor WLS Bowen (Chairman)
Councillor EJ Swinglehurst (Vice-Chairman)

Councillors: JM Bartlett, JA Hyde, JF Johnson, MT McEvilly and A Warmington

In attendance: Councillors AW Johnson (Cabinet Member) and DB Wilcox

Officers: J Coleman (Democratic Services Manager/Statutory Scrutiny Officer), and G Rees (Finance Manager).

11. APOLOGIES FOR ABSENCE

It was reported that Councillor PGH Cutter had been appointed to fill the vacancy on the Committee but was unable to attend the meeting.

Apologies were received from Councillors BA Baker and PGH Cutter.

12. NAMED SUBSTITUTES

Councillor JA Hyde substituted for Councillor PGH Cutter and Councillor MT McEvilly for Councillor BA Baker.

13. DECLARATIONS OF INTEREST

Agenda item 7: West Mercia Police and Crime Commissioner Consultation on Fire Governance.

Councillor WLS Bowen declared a non-pecuniary interest as a member of the West Mercia Police and Crime Panel.

14. MINUTES

The Chairman reported that the minutes of the previous meeting had not been finalised and would be submitted to the Committee's next meeting.

15. QUESTIONS FROM MEMBERS OF THE PUBLIC

None.

16. QUESTIONS FROM MEMBERS OF THE COUNCIL

None.

17. WEST MERCIA POLICE AND CRIME COMMISSIONER CONSULTATION ON FIRE GOVERNANCE

The Committee's views were invited on recommendations it might wish to make to Cabinet in response to the West Mercia Police and Crime Commissioner's (PCC) consultation on fire governance.

The Committee had accepted the Leader's request to submit comment to the executive to inform the executive's response.

The Chairman invited the PCC and the Chairmen of Hereford and Worcester Fire Authority and Shropshire and Wrekin Fire Authority to make opening statements.

The PCC made the following principal points:

- He referenced the legislative change that had permitted PCCs to consider what role they might wish to play in fire governance, his decision to commission an initial business case (IBC) (cost £35k refunded by government) to see if such an initiative was sensible and the launch of his 3 month consultation.
- If his proposal was adopted this would mean the abolition of the two fire authorities and the PCC becoming responsible for fire governance.
- The two fire authorities were not failing entities. However, fire authorities and the police would continue to need to make further financial savings. The PCC view was that resources should be focused on frontline activity.
- Replacing the two fire authorities would save £570k, half saved by the transfer of governance. However, this was not a huge sum in itself and was not the principal purpose underpinning the decision to consult. Rather, the emphasis was on ensuring that what bureaucratic activity needed to take place was as joined up and efficient as possible. He compared the proposal to the merging of local authorities within Herefordshire to create the current unitary authority. The intention was to create a faster pace of decision making.
- The proposal did not reduce the frontline service but he considered that it had implications for it. It freed resource to continue to deliver frontline services into the future avoiding difficult contentious choices on service delivery that would otherwise need to be considered, allowing as much money as possible to be spent on frontline services.
- The two fire services would retain their individual identities and branding.
- He was proposing an alliance that would deliver savings and a more effective relationship between the fire service and West Mercia Police.
- The IBC suggested a saving of £4m per year could be achieved. This made the proposal worthwhile in preference to potential reductions in frontline services.
- He had invited leaders of the four top tier authorities to suggest to him ways in which, if the proposal proceeded, they thought they could continue to play a role in relation to the fire service through a form of reference group and maintain links to local communities.
- If accepted by government the aim was for a transfer of governance to come into force on 1 April 2018.

Councillor RJ Phillips, speaking in his capacity as chairman of the Hereford and Worcester Fire Authority (CHW), made the following principal points:

- The financial pressure on public services and the need for the efficient use of resources was recognised. The authority was mindful of the importance of collaborative working and he provided a number of examples where such working was already taking place. The speed with which the PCC had made his proposal and the timetable for the change to governance had therefore been a surprise.
- It was clear that in the future links between the fire service, police service and ambulance service would need to be strengthened. The fact that the ambulance service had indicated that it did not wish to be involved at this stage represented a missing link.
- The emphasis should be on seeking a locally agreed process. The current minister of state at the Home Office had recently indicated his support for such an approach. The aim should be evolution not revolution. The recent Grenfell tower fire in London had implications for the perception of the fire service and all fire authorities.
- The PCC's initial business case lacked detail about how the proposed savings would be achieved and the projected savings on governance only seemed feasible if they included a saving on chief officer posts. It also appeared that these savings would be additional to those the fire authority had already identified in its plans up to 2020.
- The police alliance with Warwickshire showed the benefits that could be achieved by merging at a sensible pace and maintaining public confidence.
- In terms of accountability local councillors whilst not directly elected to fire authorities were elected and accountable to their local communities.
- There were many examples of unsuccessful mergers of organisations that had been forced through in haste.

Councillor E Carter, the Chairman of Shropshire and Wrekin Authority (CSW) made the following principal points, noting that he agreed with the points already made by Councillor Phillips:

- The authority recognised the need for some change.
- He gave a number of examples of collaborative working with the police and noted that the PCC had been invited to serve on the Shropshire and Wrekin Fire Authority
- The Shropshire fire authority and fire service were well run, financially sound, and on track to meet scheduled savings targets.
- In a large rural area there were a number of small retained fire stations to maintain response times. He was concerned about how these might be protected in future, whatever statements might be made at this point about no change to frontline services, if a change of governance took place, noting that the potential for the holder of the office of PCC to change,
- He questioned whether investing governance responsibility in one person based in Worcester represented accountability. He considered this compared unfavourably with current arrangements. Local councillors were the people to whom residents turned first with any concerns. The PCC proposals for an advisory panel were unclear
- He urged that the emphasis should be on fire authorities and the PCC working together to reach a local agreement, without reference to the Home Office, continuing to co-operate but retaining some form of local fire governance rather than

investing that responsibility in one person. The analysis of the IBC omitted by the two fire authorities raised a number of important points for consideration.

- The pattern across the country was that fire authorities were seeking a similar approach to each other, opposing PCCs taking on fire governance, with only Essex, where there was a failing authority, indicating that it accepted a change in fire governance.

In discussion the following principal points were made:

- It was questioned whether the consultation could be considered adequate having regard to government guidance on consultation principles, offering adequate scope through open and closed questions for consultees to express their views and whether there was sufficient supporting evidence on the costs and benefits of the policy options under consideration. The PCC commented that overall he considered the consultation was adequate to engage the public and advantage was being taken of the space in the response form provided for comment. He had also arranged a number of public engagement events.
- The CHW confirmed that the analysis of the PCC business case had cost £12-15k and provided information on the professional credentials of its authors. The CSW commented that the report had been produced to a tight timescale but it had been thought important that it be available for consideration as part of the process.
- A concern was expressed that there was insufficient detail in the initial business case for the Committee to scrutinise it. It was unclear how the £4m savings per year would be delivered and whether the proposals therefore represented an improvement on existing plans and justified changing a system that was operating satisfactorily.
- The PCC commented that the key consideration was whether people could have confidence that the existing mechanisms could deliver change or whether a PCC responsible for fire governance would be better placed to drive through change that would focus spend on frontline services rather than the supporting governance machinery.

He clarified that his projected savings were not in addition to those identified in the current plans of the two authorities but incorporated those savings within the £4m figure. However, he thought that some of those savings could be achieved in a different way than the two authorities proposed.

Paragraph 6.3.4 of the IBC set out the proposed savings it was expected could be achieved based on industry standards. He could not provide detail on individual posts and he could not at the moment require Chief Fire Officers to undertake the required work on this aspect.

Both the CHW and the CSW expressed some surprise at the PCC's statement that the savings identified by the fire authorities were incorporated within the £4m figure in the IBC as that had not been their interpretation to date.

- In relation to his current role upon the two fire authorities the PCC commented that he currently had no vote and had to leave during consideration of exempt business.
- Regarding the pace of change, the PCC commented that whilst it was proposed that he would take on the fire governance responsibility in April 2018, further change would be introduced over the medium term. His aim was that in making a case to government for fairer funding he could demonstrate that he had explored all the funding options to secure efficiencies.
- It was questioned whether the PCC was fully exploring all the available options.

- The CHW commented that the assumption was that mergers achieved certain outcomes. However, these assumptions were not always delivered in practice. He considered a locally agreed process would be a preferable solution.
- The CSW highlighted page 13 of the analysis of the IBC that expressed the view that transition costs would be more significant than stated, there was a risk that the savings were being overstated and that a copy of the financial analysis that underpinned the projected saving should be requested.

He reiterated that the PCC did not have to submit a proposal to the Home Office. The focus should be on achieving local agreement. The proposal could only proceed if the Secretary of State was satisfied that it would be in the interests of economy, efficiency and effectiveness or public safety.

- In relation to collaboration with the ambulance service the PCC commented that legislation provided for the PCC to consider taking on fire governance. The ambulance service was currently rated as outstanding and that Trust's Chief Executive had indicated that he did not wish to volunteer to enter into a different governance arrangement.
- It was suggested that in considering this issue and the pace of change the PCC could usefully draw on the way in which the alliance model was being developed between West Mercia Police (WMP) and Warwickshire Police (WP).

The PCC commented that the WMP/WP alliance had demonstrated how savings could be delivered. He was not aware of the detail of any proposals for an alliance between the two fire authorities.

- The PCC stated that closure of community fire stations did not form part of his plans. The intention was to ensure there was sufficient resource to support these into the future.
- The police and fire service had different cultures. There were many examples of business takeovers that had failed because of such cultural differences.
- The CHW reiterated that it would be more effective to allow a longer period to find a local solution. This would permit existing collaboration proposals to develop and their effectiveness to be assessed. It would also maintain public safety and public confidence.
- The CSW highlighted the example of the Sussex Police and Crime Commissioner who had decided to see what could be achieved through closer working between the fire services in Sussex in preference to proceeding with a fire governance proposal.
- The PCC commented that he was not proposing to merge organisations and believed his proposal would work in the West Mercia area. He recognised cultural change would take time.
- It was asked how the proposed governance change would improve upon the current role exercised by the 42 elected members on the fire authorities. It was observed that the PCC was an elected post and this meant that a change in approach to that favoured by the current PCC was a possibility.

The PCC questioned why the fire authorities had not to date achieved change to the degree that was clearly possible. He had effected change in the police service engaging with the community and believed he could do the same in the fire service.

- The PCC commented that he considered the Police and Crime Panel, which would take on the additional role of scrutinising the work of the Police Crime and Fire Commissioner if appointed, did have more limited powers than he would wish. He envisaged a role for the proposed reference group drawn from local councils in

providing advice to inform his decisions. He had sought to increase transparency in relation to the police service and would intend to do the same in relation to the fire service.

- The CHW commented on the transparency with which the fire authorities were currently obliged to operate.
- The CHW drew attention to the range of agencies with whom the fire service worked in its preventative role including local authorities and the environment agency who did not feature in the PCC's proposals.
- The PCC stated that he was not proposing the single employer model. He was proposing a fire alliance.
- The PCC stated in relation to a question about the normalisation of the precepts of the two fire authorities that his proposal for an alliance would not have such an effect. Assets owned by each FRA and money each raised would have to remain in the respective areas.
- Notwithstanding the national agreement on fire procurement the PCC believed there were still opportunities for savings across police and fire to be explored.
- The PCC stated that account was taken of the costs of transformation hence the savings profile set out at paragraph 6.5.4 of the report.
- The PCC considered that the theme of public safety together with a drive for efficiency and effectiveness provided a link between the three organisations.
- The CHS commented that future proofing needed to ensure arrangements incorporated dialogue with the full range of partner organisations, not just be driven by crime prevention and blue light response and this supported the view of taking time to discuss a local solution with all partners at this stage.
- A member suggested that further consideration should be given to the potential for developing other models of collaboration such as the local agreement that had been suggested. In the absence of a full business case the PCC's proposal to introduce a new governance arrangement with effect from 1 April 2018 did not appear to be a sound approach.
- Councillor DB Wilcox, speaking as Chairman of the West Mercia Police and Crime Panel (PCP), highlighted the financial issues and the breakdown of the savings as his biggest concern.
- The PCC commented that there were choices about how to make savings. It was likely that in the future there would be a gap between funding and expenditure and the question was how best to bridge that gap. Whilst he would seek to provide additional information to the PCP, in submitting a proposal to government the detailed business case would have to be made. He added that he did not consider the proposals had an effect upon Warwickshire. Any changes to the enabling service provided by the PCC and Warwickshire and any changes to relationships with other bodies would be a matter for negotiation with Warwickshire and the two FRAs and for subsequent negotiation.
- The PCC confirmed that he had consulted more widely than statutorily required. Consultees had included Warwickshire, second tier authorities, the NHS and third sector partners.
- The CHW commented that it was important that in considering savings account was taken of the implications of the pay settlement for firefighters and the importance of capital investment plans.

The Chairman invited closing statements from the PCC, CHW and CSW.

- The PCC commented that he would not be making his proposal if the fire authorities were further advanced down the collaborative route. He asked whether there could be confidence that collaboration would proceed under the current system or whether he would be better placed to drive through change and forge the proposed alliance.
- The CSW commented that a submission did not need to be made to the Home Office. A governance model could be agreed locally. The PCC could follow the approach of the Sussex PCC, work collaboratively to achieve savings and review progress after two years.
- The CHW commented that the authority had a track record of cooperation and delivering efficiencies working collaboratively. He considered a locally agreed process to be the best way forward.

In response to closing questions from the Chairman the PCC declined to give an undertaking that he would not submit his proposal to the Secretary of State if the four constituent authorities objected to it, preferring to give weight to the response of the public. However, he did state that if the generality of the response to the consultation was opposed to it he would not make that submission.

He also indicated that the proposal for Herefordshire Council to submit its response following a meeting of its cabinet on 14 September was acceptable.

RESOLVED: That a draft submission to cabinet be circulated to members of the committee for comment and the statutory scrutiny officer authorised to finalise the submission on the committee's behalf following consultation with the chairman and vice-chairman of the committee.

18. DATE OF NEXT MEETING

Monday 11 September 2017 at 10.30 am.

The meeting ended at 4.15 pm

Chairman



Meeting:	General scrutiny committee
Meeting date:	Monday 11 September 2017
Title of report:	Travellers' sites development plan document
Report by:	Senior planning officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards); but individual sites are proposed in

Arrow
Bromyard Bringsty
Dinedor Hill
Leominster East
Redhill

Purpose and summary

To ask the committee to determine whether it wishes to make any recommendations to the executive on the draft pre-submission Travellers' Sites development plan document (DPD) which would strengthen the emerging policy approach

The council is required to produce a Travellers' Sites DPD as part of the Herefordshire Local Plan, and this forms part of the council's budget and policy framework. The budget and policy framework rules require that committee work programmes include any such plan, strategy or budget to enable scrutiny members to inform and support the process for making cabinet proposals to Council in terms of the adoption of any item that forms part of the framework, including providing constructive challenge to the responsible cabinet member on policy proposals and exploring options for future policy development.

Recommendation(s)

That the committee determines whether it wishes to make any recommendations to the executive which would strengthen the emerging policy approach.

Alternative options

1. There are no alternative options to producing a Travellers' Sites DPD. This document is a required element in the local development scheme and when adopted will form part of the Herefordshire Local Plan. The inspector's report to the core strategy examination stated that the council must make the submission and adoption of a Travellers' Sites DPD a key priority in order to plan effectively for the needs of the travelling community, meet the requirements of National Planning Policy for Traveller Sites and comply with the public sector equality duty.

Key considerations

2. There has been a travelling community in Herefordshire for the last 500 years. Travellers live in different ways including permanently 'on the road' in caravans or mobile homes or in settled accommodation (for part or all of the year). Within the county there are six local authority sites with a total of 53 pitches as well as a number of small authorised private sites across the county totalling 84 pitches. There are also privately owned Showman's Yards in Ross-on-Wye with a total of 10 plots. Additionally there are a number of traveller families living in bricks and mortar housing in Herefordshire.
3. Nationally travellers face inequality in terms of access to a range of services and this can affect the life outcomes of travellers' families including traveller children. In Herefordshire, improvements have been made in terms of educational progress and sites refurbishment, yet the traveller community continue to face inequalities. This can be addressed in a number of ways but the availability of sufficient and suitable pitches and plots to enable decent accommodation is a key factor in helping to address these inequalities.
4. The Travellers' Sites DPD will identify locations where new pitches may be sited to provide a five year supply of pitches and includes policies against which planning applications for further pitches and plots will be determined. Once adopted it will form part of the Herefordshire Local Plan. National government planning guidance on this matter is set out in its Planning Policy for Traveller Sites (PPTS) August 2015. This states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. The 2015 PPTS introduced the revised definition of travellers and travelling show people for the purposes of planning. This definition excludes those travellers who have stopped travelling permanently due to ill health or old age. This new definition is currently the subject of a legal challenge with final hearings anticipated in the autumn.

5. The preparation of the Travellers' Sites DPD is informed by a Gypsy and Traveller Accommodation Assessment (GTAA) which is an important part of the evidence base for the Travellers' Sites DPD. A GTAA was finalised in November 2015 which set out the number of new pitches that would be required during the plan period up to 2031. An update to this has recently been carried out to ensure that the evidence is up to date and robust as we move forward to the examination stage.
6. The GTAA update has made assessments of the requirement for new pitches based on both the PPTS definition and also by applying 'cultural need' – i.e. based on ethnicity. This allows for flexibility of approach should the legal challenge referred to in paragraph 4 be successful.
7. The 2017 GTAA update identifies a requirement of 33 additional pitches between 2011 and 2031 based on the PPTS definition and 91 pitches using the cultural definition. The GTAA includes consideration of how turnover on council sites (the effect of a pitch being vacated by one resident and then becoming available for another occupant), may impact on the supply of pitches. The GTAA applies an anticipated average annual turnover of six pitches on council sites during the remainder of the plan period (2017/18 to 2031/32). This is based on average trends over two years. This turnover rate equates to 84 pitches becoming available. The GTAA concludes that therefore that the PPTS shortfall is likely to be addressed through turnover and the cultural need shortfall is nearly met.
8. However even taking into account turnover there is still a requirement to identify a five year supply of pitches in accordance with PPTS requirements. There have been 18 completions of pitches between 2011 and 2017 leaving a residual requirement of 15 for the plan period. Therefore the five year supply requirement is between five and six pitches. This is a reduction in the number of pitches identified in the preferred options documents and therefore on this basis not all the sites previously identified are required for inclusion in the pre-submission document. It is proposed that those pitches that have the greatest certainty of deliverability should be carried forward and these are the new pitches that are proposed within or adjacent to the council owned sites at:
 - Romany Way, Grafton. There are currently nine pitches on this site. The DPD proposes one additional pitch within the site boundaries.
 - Orchard Park, Lower Bullingham. There are currently eleven pitches on this site. The DPD proposes two additional pitches as an extension to the east of the existing site.
 - Openfields, Bromyard. There are currently ten pitches on this site. The DPD proposes the reinstatement of two additional pitches within the existing site boundaries.
 - Turnpike Site, Pembridge. There are currently six pitches on this site. The DPD proposes four additional pitches as an extension to the east of the existing site.
9. The GTAA recommends that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and plot provision remains appropriate for the Gypsy and Traveller and Travelling Showpeople population across Herefordshire. A review will be required of the revised evidence base which will then inform a review of this document to identify a further five year supply of sites. In addition to the proposed allocations there will be a demand for more private traveller sites and these can be considered through the planning application process against the relevant policies in the core strategy and those proposed in the DPD.

10. The Travellers' Sites DPD will also include a proposed site for use as a temporary stopping place. The purpose of this is to reduce the occurrence of unauthorised encampments in the county. In 2015 there were 22 unauthorised encampments in the county and there were 50 in 2016. These varied in the number of caravans and the length of stay. There are significant financial implications for both the council and the police dealing with these unauthorised encampments which could be reduced with the provision of a site. West Mercia Police strongly advocate the provision of such a site. Furthermore by providing an authorised site to which temporary facilities can be brought in, better living conditions are proposed for families and their children during their temporary stay.
11. The preferred options consultation document 2016 included two sites proposed for use as temporary stopping places at Broadmeadow Yard, Ross-on-Wye and at the A49, Leominster. However there were concerns about the impact of shared access with local businesses and therefore the site in Ross has not been taken forward.
12. Public consultation on the preferred options took place between July and September 2016 for approximately eight weeks and details of this can be found in the consultation section later in the report. A summary of the responses received can be found in Appendix 3. A variety of responses were received with some raising issues related to land use planning considerations whilst others referred to matters that are not within the remit of planning considerations.
13. Since the completion of the consultation last year various pieces of work have taken place
 - Further technical work on the sites including flood risk assessment, contaminated land assessment and consideration of highways issues
 - Continued participation in the Gypsy Roma and Strategy Group, a multidisciplinary group made up of representatives from different council departments, West Mercia Police and the Herefordshire Travellers Support Group
 - A seminar to which all council members were invited to inform them of the issues to be considered in the DPD (January 2017). This included a presentation by Chief Inspector Adam Thomas from West Mercia Police on the need for temporary stopping places
 - Drop-in session for parish councils (February 2017)
14. In terms of the changes that are recommended to be taken forward into the pre-submission draft in relation to permanent residential pitches the following amendments have been made:
 - Land adjacent to Whitfield Coppice, Pixley. The owner has carried out various pieces of technical work on the site to demonstrate its suitability. However suitable highway access has not been demonstrated. Therefore as the site is not required to meet the pitch requirements of the revised GTAA it is not being taken forward to the pre-submission stage.
 - Land to the south east of Sutton St Nicholas. This is a greenfield site owned by Herefordshire Council. This site is no longer required to meet the revised housing requirements. Should any future GTAA identify need for further sites then this

could be considered for allocation in the future.

- Turnpike, Pembridge. An extension of four additional pitches is proposed to the existing council site. This was proposed as an extension to the south of the site in the preferred options document. However following representations made by the parish council, and taking into account the findings of the Strategic Flood Risk Assessment, an extension to the east of the site rather than the south is now being proposed. This extended area provides the opportunity to provide four pitches as well as an area for orchard planting and animal grazing.
 - Romany Close, Grafton. An additional pitch was suggested by the residents, on an unused play area. However further analysis of the site showed that more efficient use of land could be made by siting the new pitch to the right of the entrance where the former warden's office is located and thus allowing the retention of the play area for future use. The provision of play areas on site is recognised as good practice and is in line with the recommendation of the sustainability appraisal of the preferred options.
15. Therefore there are fewer sites included than in the Preferred Options document. The GTAA will be scrutinised as part of the examination process. The sites that have been considered but are not being taken forward could either come through the planning application process or be considered at a future date should a further need for sites be identified.

Travelling Showpeople

16. The Planning Policy for Traveller Sites (PPTS) (August 2015) defines "Travelling Showpeople as members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above. Individual pitches within a site are known as plots"
17. With fairs and shows generally taking place between Easter and October, such sites are sometimes referred to as 'Winter Quarters' as they were traditionally occupied in the winter months and vacant in the summer months when the whole family would travel together to shows. However, it is now more usual for these sites to be occupied all year by some family members. This allows children to maintain regular attendance at schools and for elderly relatives to stay at home. The opportunity to have access to education without disruption is a key factor in helping to improve outcomes for children. The availability of sufficient and suitable accommodation from which to access educational services is vital in this respect.
18. Plots for Travelling Showpeople require enough space for both living accommodation and the storage of fairground equipment. Having equipment close to living quarters has advantages in terms of security and also allows on-site maintenance to take place. PPTS states that local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards for both residential accommodation and space for storage and maintenance of equipment. The PPTS advises that planning conditions or obligations may be used to overcome any potential objections for this mixed land use for example by limiting which parts of the site would be used for business operations.

19. The 2015 GTAA established a need for nine additional travelling show persons' plots up to 2031. The GTAA update 2017 process included discussions with a local travelling show person community member and these suggested that this remains an appropriate number over the plan period to 2031. Liaison has taken place with the regional office of the Showman's Guild (the representative body of travelling show people). It was agreed that in the absence of allocating any suitable sites the DPD will include a positive enabling policy to encourage suitable sites to come forward to provide sufficient plots for a settled base to allow families to access services and children to attend school.
20. **Timescale:** The pre-submission draft is to be presented to Cabinet at the end of September and then full council in October. It could then be published for the formal stage of consultation in late October / early November for a period of six weeks. All the representations received following pre-submission stage will be reviewed by the council and submitted to the secretary of state together with the DPD and supporting evidence base. The Planning Inspectorate will appoint a planning inspector to examine the plan. The examination process is likely to include hearing sessions, expected in the New Year, chaired by the planning inspector to hear the views of invited participants. The inspector will publish a report with their findings and any recommended changes. The plan is then adopted by the council and becomes part of the Herefordshire Local Plan.
21. Two other sites were submitted for consideration since the preferred options stage but have not been taken forward into the pre-submission draft for the following reasons:
 - Land at Barnet Lane Wigmore was suggested for infilling between two existing pitches. This was not taken forward because of the highway capacity constraints and the impact on the setting of Wigmore Castle.
 - An adjacent site to the one included in the preferred option document at Trumpet was suggested as an alternative site. This has not been taken forward as further assessment regarding highways impact was not available.

Community impact

22. The Travellers' Sites DPD seeks to address the needs of the traveller community in Herefordshire. This is in line with the council's corporate plan priority to enable residents to live safe, healthy and independent lives.
23. The Local Investment Plan (2011-2026) includes the provision of pitches for Gypsies and Travellers under Outcome 3: Supporting independent living/vulnerable persons.

Equality duty

24. Romany gypsies and Irish travellers are recognised by the courts as being distinct ethnic groups and are protected from discrimination by the Equality Act 2010. There is a statutory duty on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing policies and delivering services.
25. Herefordshire Council's Equality Policy 2017 – 2019 approved by Cabinet in January 2017 identifies three priority areas including the production of a Gypsy, Roma & Traveller (GRT) strategy. This includes the objective of agreeing on a location, and development of a transit site/temporary stopping place in Herefordshire. A further objective is to focus

on key areas such as education, employment, accommodation and health in relation to the travelling community. Clearly the adoption and implementation of the DPD will make a positive contribution to achieving these wider objectives.

Resource implications

26. Sufficient budget is available to prepare the full suite of documents, of which the Travellers' Sites DPD is one, which together will form the Local Plan. The costs of pre-submission consultation will be kept to a minimum with the use of electronic communication where possible. The main costs will be associated with printing and postage where this is not possible and is unlikely to exceed one thousand pounds.
27. There may be further financial implications as the Travellers' Sites DPD includes land in the council's ownership. Although the financing of the proposals is not a matter for consideration for the Travellers' Sites DPD, detailed financial implications will be highlighted in a separate report through the capital programme process. Confirmation has now been received from the Homes and Community Agency that match funding is potentially available to apply for from the Shared Ownership and Affordable Homes Programme 2016 – 2021.

Legal implications

28. The provisions of section 20 Planning and Compulsory Purchase Act 2004 (as amended) requires the draft Travellers' Sites DPD to be submitted to the Secretary of State for independent examination, once the council is satisfied it has complied with the necessary regulations.

Risk management

29. By not making adequate provision for the accommodation needs of gypsies and travellers the council would not be fulfilling the objectives of the council's Housing Strategy nor meeting the requirements of the public sector equality duty.
30. By not making adequate provision in the development plan document for sites the council is at risk of not being able to demonstrate a sound DPD at examination. The identification of sites to provide a five year supply of pitches mitigates this risk.

Consultees

31. Consultation has already taken place on:
 - Issues and Options Consultation Document in August 2014. This focused on how any need for traveller accommodation in Herefordshire should be met, by identifying the possible ways in which sites for permanent and transit pitches and plots for Travelling Show people could come forward. It looked at the best approach or "options" for how sites and broad locations of search can be identified to meet existing and any future need. A report on the representations received and how these should be taken forward was set out in a separate report at:
https://www.herefordshire.gov.uk/media/8060233/results_report_for_issues_and_options_paper1_sept_2015.pdf
 - The Gypsy and Traveller Accommodation Assessment February/March 2015. This provides the evidence base for the number of pitches required over the plan

period. Views were sought on the methodology and findings. As a result of concerns raised about Methodology an updated assessment was produced in November 2015 with subsequent amendments to the figures.

32. The Environment Agency, Highways England and specialist officers within the council have been consulted on relevant sites as part of the technical assessment process. Consultation on the preferred options document took place between July and September 2016 for approximate eight weeks. This included the following measures:
- Mail out to stakeholders and individuals on the consultation database
 - Publicity in the local and traveller press and through social media
 - Three drop- in public consultation events were held in Holmer, Leominster and Ross on Wye
 - Engagement with travellers through the council's traveller service
 - Consultation with statutory stakeholders and a range of other consultees
33. Stakeholders and individuals will be notified to the pre-submission publication by email where possible with details of the how to respond and the publication period. Opportunity will be provide for representations to be made on the GTAA, Sustainability Appraisal and the Habitats Regulations Assessment.

Appendices

Appendix 1 – Draft Pre-submission Travellers' Sites Development Plan Document.

Appendix 2 - Draft Gypsy and Traveller Accommodation Assessment August 2017

Appendix 3 – Summary of responses received on Traveller Sites Document Preferred Options July-September 2016

Background papers

- None identified.

Herefordshire Council

Traveller Sites DPD Pre Submission Consultation

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1.0 Introduction

- 1.1 The council is preparing a number of planning documents known as the Local Plan to guide development and change in the county over the next 20 years. When the Travellers Sites Development Plan is adopted it will be part of the Herefordshire Local Plan 2011 – 2031.
- 1.2 The current stage in the process of preparing the Travellers Sites Development Plan Document is the publication of a Pre-Submission Publication version. Following this, the Development Plan document will then be submitted to Secretary of State for Department of Communities and Local Government for examination. When adopted the development plan document will be used for development control purposes to determine applications for new Gypsy and Traveller pitches.
- 1.3 There has been a travelling community in Herefordshire for the last 500 years. Travellers live in different ways, including permanently ‘on the road’, in caravans or mobile homes, or in settled accommodation (for part or all of the year).
- 1.4 Nationally, Travellers can face inequalities in terms of access to a range of services and this can affect their life outcomes. Statistics about the Herefordshire Traveller population demonstrate that in general terms this is no exception in Herefordshire. The council seeks to address these inequalities and achieve better outcomes for the Traveller population through its housing, planning, education, social care and licensing functions and in partnership with the West Mercia Constabulary and the Voluntary Sector. Improvements have already been achieved through the refurbishment of some local authority owned sites and there are better than nationally average high school take up rates and GCSE results for traveller children. However the traveller community continue to face inequalities both nationally and in Herefordshire.
- 1.5 The multi-agency Herefordshire Gypsy and Traveller Strategy Group recognises the need to co-ordinate the response of public services for Gypsy and Traveller families to effectively address inequalities and to meet the requirements of the Equality Act 2010.
- 1.6 Ensuring the provision of good quality and a sufficient supply of accommodation for Gypsy and Travellers is key to helping to address these inequalities. The development plan document addresses the provision of three different types of traveller accommodation as follows:
 - Residential pitches which provide a permanent base for travellers.
 - Winter quarters for Travelling Showpeople
 - Temporary stopping places where travellers passing through the County can reside for a specified temporary period.

- 1.7 By ensuring that there is an adequate supply of pitches on authorised sites, the following can be achieved:
- Conformity with national planning policy and the Equality Act 2010
 - Providing decent accommodation for the Travelling Community
 - Provide greater opportunities to access a range of facilities particularly health and education, therefore providing better opportunities for improved life outcomes.
 - Help to reduce the number of unauthorised sites where Traveller families are more likely to experience poor outcomes in terms of access to health and education services.
 - Opportunities for greater social interconnection between the travelling and settled community.
- 1.8 By providing greater certainty about meeting the future accommodation needs for the Travelling Community the plan will contribute to working towards the Vision set out in the Core Strategy:

Herefordshire will be a place of distinctive environmental, historical and cultural assets and local communities, with sustainable development fostering a high quality of life for those who live, work and visit here. A sustainable future for the county will be based on the interdependence of the themes of social progress, economic prosperity and environmental quality with the aim of increasing the county's self-reliance and resilience.

2.0 National and Local Policy Background

Government Guidance

- 2.1 The National Planning Policy Framework (NPPF)¹ sets out the Government's planning policy on a range of matters. It states that local planning authorities preparing plans for and taking decisions on travellers' sites should have regard to the relevant of the NPPF and the Planning Policy for Travellers August 2015² (PPTS).
- 2.2 The PPTS sets out detailed government guidance for the provision of traveller accommodation. It states that "The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

community.” (paragraph 3). It sets out the considerations that local planning authorities need to take into account in preparing policies for Traveller sites and number of criteria to be considered when allocating new sites for development and requires local planning authorities to ensure that traveller sites are sustainable economically, socially and environmentally.

- 2.3 For the purposes of planning the ‘Planning Policy for Traveller sites’, 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, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such”.
- 2.4 The Planning Policy for Traveller Sites defines Travelling Showpeople as Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.
- 2.5 These definitions apply to land use planning purposes only and do not relate to ethnicity. However ethnicity is not determined by accommodation choice and it is understood that the definition in the planning policy guidance is currently the subject of legal challenge.

Herefordshire Local Plan Core Strategy

- 2.6 Core Strategy Policy H4, sets out the commitment to produce a Travellers Sites Document. This will form part of the local plan and will allocate sites for a five year supply of the required number of pitches for Gypsies and Travellers, transit sites (for temporary stays and redirection from unauthorised encampments) and consider the need and approach to sites for Travelling Showpeople.

Policy H4 – Traveller sites

The accommodation needs of travellers will be provided for through the preparation of a Travellers’ Sites Document (DPD) which will include site specific allocations.

In the absence of an adopted DPD, or where proposals for sites are brought forward on non-allocated land, proposals will be supported where:

1. sites afford reasonable access to services and facilities, including health and schools
2. appropriate screening and landscaping is included within the proposal to protect local amenity and the environment

3. they promote peaceful and integrated co-existence between the site and the local community

4. they enable mixed business and residential accommodation (providing for the live-work lifestyle of Travellers)

5. they avoid undue pressure on local infrastructure and services

6. in rural areas, the size of the site does not dominate nearby settled communities and

7. they are capable of accommodating on-site facilities that meet best practice for modern Traveller site requirements, including play areas, storage, provision for recycling and waste management.

In rural areas, where there is a case of local need for an affordable Traveller site, but criterion 1 above cannot be fulfilled, then an exception may be made and proposals permitted, provided such sites can be retained for that purpose in perpetuity.

- 2.7 The Government's Planning Policy for Traveller Sites states that local planning authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. However it does recognise that there may be circumstances when there are exceptions to this in order to deliver affordable Traveller sites in rural areas that remain affordable in perpetuity. The accommodation assessment does not identify a specific need for affordable provision but Policy RA3 of the Core Strategy sets out the circumstances when residential development will, in principle, be acceptable outside the County's settlements. This includes Gypsy and Traveller sites where proposals for sites meet the criteria of Policy H4.

Policy RA3 – Herefordshire's countryside

In rural locations outside of settlements, as to be defined in either neighbourhood development plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria:

1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or

2. accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or

3. involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or

4. would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or

5. is rural exception housing in accordance with Policy H2; or

6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or

2.8 The Equality Act 2010 recognises Romany Gypsies and Irish Travellers as being distinct ethnic groups and protects them from discrimination. There is a statutory duty on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing policies and delivering services.

2.9 Herefordshire Council's Equality Policy 2017 – 2019 evidences the council's compliance with the Equality Act 2010 and demonstrates its commitment to equality and dignity, and respect for human rights. It includes one objective relating to Gypsy, Roma and Traveller Families as follows:

“To Agree on a location, and develop a transit site/temporary stopping place in Herefordshire. We will do this by:

- *working with the Gypsy, Roma & Traveller community and local partners (such as Police) to identify a suitable site*
- *addressing community cohesion issues in the chosen locality*

To Produce a Gypsy, Roma & Traveller strategy with associated actions to improve facilities and services for GRT communities. We will do this by:

- *focusing on key areas such as education, employment, accommodation and health”*

The DPD is a key factor in contributing to the achievement of this objective.

Duty to Cooperate

2.10 Local planning authorities and other public bodies are required to work together from the outset at the plan scoping and evidence gathering stages before options for the planning strategy are identified.

2.11 The Council has focused on meeting its own needs and is not relying on neighbouring authorities to assist. Equally it has not been asked to assist in meeting the gypsy and traveller accommodation needs of any neighbouring authorities. Discussions have taken place with all the adjoining local planning authorities during the preparation of the plan in order to identify any opportunities for shared traveller provision particularly in respect of temporary stopping places. However it has not been possible to identify such an opportunity.

Relationship with Neighbourhood Plans

- 2.12 A separate plan is being prepared for Traveller Sites because it addresses the strategic planning issue of how the county wide need for accommodation for travellers is met. Therefore it is more appropriate to address the issue in a single county- wide document rather than in individual Neighbourhood Plans.

3.0 Previous Consultation Stages

Issues and Options

- 3.1 An issues and options Paper was published for consultation in August 2014. This document focused on how any need for Traveller accommodation in Herefordshire should be met, by identifying the possible ways in which sites for permanent and transit pitches and plots for Travelling Showpeople could come forward. It looked at the best approach or “options” for how sites and broad locations of search can be identified to meet existing and any future need. However it did not look at individual sites. The responses received to this consultation are set out in the Issues and Options Results Report September 2015³.

Gypsy and Traveller Accommodation Needs Assessment (GTAA) 2015

- 3.2 The council appointed independent consultants to assess how many pitches will be needed in the county up to 2031. The findings of this assessment were consulted on in February/March 2015 and changes were made with an updated version issued in November 2015. (An update to the GTAA was carried out in July 2017. Comments on this will be sought as part of the pre-submission publication.)

Preferred Options Document 2016

- 3.3 A preferred options document was published for consultation between July and September 2016. It identified 8 sites for consideration for traveller accommodation. The responses to this can be found on the Councils website⁴

Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA)

- 3.4 The Habitats Regulations Assessment and the Sustainability Appraisal (SA) of the preferred options DPD can be viewed at:

³https://www.herefordshire.gov.uk/media/8060233/results_report_for_issues_and_options_paper1_sept_2015.pdf

⁴https://www.herefordshire.gov.uk/downloads/file/5534/summary_of_the_responses_to_travellers_sites_consultation

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/travellers-sites-document>.

- 3.5 These appraised the sites included in the Preferred Options DPD and the findings and recommendations have been incorporated into this pre-submission publication. A further HRA and SA will be carried out on the pre-submission draft
- 3.6 The preferred options HRA concluded that the European sites are some distance away from the proposed travellers' sites and are unlikely to be affected by the proposals, due to their scale. The only European site in close proximity to any of the proposed sites is the River Wye SAC and the HRA did identify that four of the sites are close enough to the SAC that recreational activities could increase physical disturbance/damage, or erosion/trampling. However, it concluded that in all cases, the scale of development is very small and unlikely to result in significant effects. It also stated that mitigation for this possible risk could be found in Core Strategy policies. For example Policy H4 specifies that sufficient on-site play areas should be provided on Traveller Sites. Additionally Core Strategy policies OS1-OS3, relate to open space, sport and recreation provision. Policies TS1 and TS2 of this DPD include a requirement for play areas and this will help to address the concerns raised in the HRA.
- 3.7 The SA identified a range of possible effects resulting from the development of the sites included in the Preferred Options document. It concluded that in general, the three preferred sites that are located close to the main towns of Herefordshire are likely to have the most positive effects on the SA objectives because they should offer good access to job opportunities, services and facilities and public transport links. As with all of the preferred sites, the three sites closest to the main towns of Herefordshire could still have negative effects on other SA objectives, particularly those relating to the environmental topics. It advised that careful consideration therefore needs to be given to the ways that these effects could be mitigated and that close attention should be paid to mitigating the significant negative effects identified for each site. Not all of the sites that were included in the preferred options are included in the pre-submission draft.

4.0 Requirements for Traveller Pitches and Plots

Current supply in Herefordshire

- 4.1 In Herefordshire there are a number of small privately owned traveller sites and larger sites that are managed by Herefordshire Council. The private sites vary in size with small sites of 1-5 pitches typically being occupied by a single, extended family. In total there are 129 authorised pitches across the county. In addition to this there are 10 Travelling Showpeople plots in Ross on Wye.

Evidence Base – Gypsy and Traveller Accommodation Assessment

- 4.2 Local authorities are required to assess the accommodation needs of Gypsies and Travellers either living in, or resorting to their area. Herefordshire Council appointed independent consultants Arc4 to carry out a Gypsy and Traveller Accommodation Needs Assessment. An initial report setting out Arc4's findings was published in February 2015. This was made available for public consultation until mid-March 2015 and in May 2015 the responses to queries raised during that consultation were published.⁵ The queries related to the methodology used for working out the figures particularly in relation to how 'turnover' of pitches had been applied. Turnover relates to the effect of a pitch being vacated by one resident and then becoming available for another occupant. As a result of these concerns an update was carried out with the final version published in November 2015.⁶ A further update was carried out in the summer of 2017.⁷
- 4.3 The GTAA considers the requirement for three different types of pitches:
- Residential pitches that can be a longer term base for a household.
 - Travelling show people plots (sometimes referred to as Winter Quarters)
 - Temporary stopping places / transit pitches
- 4.4 The typical requirements and characteristics for these are set out in the following paragraphs.
- Residential Pitches:**
- 4.5 Generally individual pitches on a Traveller site will include an area of hardstanding for a touring caravan and towing vehicle, and a larger static caravan. There will usually be a separate amenity block which will include toilet, washing and cooking facilities. Some larger structures have these facilities inside and in these cases there may not be a requirement for separate amenity blocks. Pitches may also include an area suitable for work space if required often related to tree surgery or gardening work. Traveller sites usually incorporate communal facilities such as play areas. In other parts of the country some traveller sites have a communal building.
- 4.6 There is no published average area for pitch sizes. The number of pitches suggested for each site is based on a reference to the average pitch size on the Herefordshire local authority sites, which take into account spacing standards relating to fire safety and other issues.

5

https://www.herefordshire.gov.uk/media/3900721/arc4_response_to_consultations_responses_herefordshire_gtaa-may2015.pdf

⁶ https://www.herefordshire.gov.uk/media/8060233/results_report_for_issues_and_options_paper1_sept

⁷ Insert link when available

4.7 The latest GTAA update took into account the revised definition in the PPTS. Through interviews with 74.8% of the Traveller households living on pitches in the county, the consultants identified what proportion of these would meet the PPTS definition in terms of how often they travel, when they last travelled, and when they intend to travel in the future. The latest GTAA therefore identifies a pitch requirement based on this PPTS definition but they also looked at a requirement for pitches based on 'cultural need'. That is, the need for new pitches for those travellers that do not meet the PPTS definition but are ethnically gypsies and travellers. Therefore the GTAA identifies two different sets of requirements for pitches based on this approach as set out below:

Table 1 extract from GTAA 2017

Table 6.1 Overall plan period Gypsy and Traveller pitch need		
	Cultural need	Of which: PPTS need
Historic Pitch need 2011/12 to 2016/17	17	6
5yr Pitch need (2017/18 to 2021/22)	48	17
Longer-term Pitch need (2022/23 to 2030/31)	26	10
TOTAL Pitch need for the whole Local Plan Period (2011/12 to 2030/31)	91	33
TOTAL Pitch need for the remainder of the Local Plan Period (2017/18 to 2030/31)	74	27
Expected turnover on LA sites over the Plan Period	84	84
RESIDUAL PITCH REQUIREMENT DURING THE REMAINDER OF THE PLAN PERIOD (2017/18 to 2030/31) including turnover	Addressed	Addressed

4.8 The GTAA Update 2017 has found evidence of Gypsy and Traveller pitch need over the next five years (2018/18 to 2021/22) equating to 48 pitches under a cultural definition, and as a subset of this number, 17 pitches under the PPTS 2015 definition of Gypsy/Traveller (those who still travel and/or intend to travel).

4.9 For the full Local Plan Period (2011/12 to 2031/32) the GTAA has identified a cultural need for 91 pitches and, as a subset of this number a PPTS need for 33 pitches.

4.10 For the remaining local plan period (2017/18 to 2031/32), the GTAA has identified a cultural need for 74 pitches and, as a subset of this number a PPTS need for 27 pitches.

4.11 The GTAA includes consideration of how turnover on local authority sites may impact on the supply of pitches. Turnover takes into account the effect of a pitch

being vacated by one resident and then becoming available for another occupant. Taking into account an anticipated average annual turnover of 6 pitches on local authority sites during the remainder of the plan period (2017/18 to 2031/32), this equates to 84 pitches becoming available. Therefore, both the cultural and PPTS shortfalls are likely to be addressed through turnover. However there is still a requirement to identify a five year supply of pitches in accordance with PPTS requirements.

- 4.12 As stated above the GTAA identifies a requirement of 33 pitches between 2011 and 2031. There have been 18 completions of traveller pitches between 2011 and 2017 leaving a residual requirements of 15 for the plan period. Therefore the five requirement is between 5 and 6 pitches. The development of sites identified in this document will more than meet this requirement. Therefore at this stage there is no need to identify any further sites for the remaining plan period but this will be kept under review through regular GTAA updates and with regard to the outcome of the legal challenge to the PPTS definition. The GTAA recommends that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and plot provision remains appropriate for the Gypsy and Traveller and Travelling Showpeople population across Herefordshire. These updates will ensure that the impact of turnover on the supply of sites is monitored and its implications for the five year supply is kept under review.
- 4.13 The focus for the allocation and delivery of the additional pitches is to make the most efficient use of land and service provision by increasing the number of pitches within council owned sites, where there is capacity to do so, and by extending the council owned sites. This approach provides both certainty of delivery and will also contribute to meeting the demands of the waiting lists for these sites. Although only these sites are allocated in the document it is recognised that there will still be a demand for new small private sites as some families would rather live as family unit on their own site. This also provides opportunity for a greater mix of tenure and own ownership. Therefore any applications received for such sites will be considered against the relevant policies of the Core Strategy and this DPD regardless of whether the five year requirement has been met.

Proposed allocations for residential pitches for Travellers

Table 2: Total number of residential pitches allocated.

Site Name	Number of Pitches
Romany Way Grafton	1
Extension to Orchard Caravan Park, Lower Bullingham	2
Openfields Bromyard	2

Extension to Pembridge	4
TOTAL	9

4.14 All these sites have ongoing waiting lists and there is therefore an identified demand for an increased number of pitches.

Travelling Show People

4.15 The Planning Policy for Traveller Sites (August 2015) defines “Travelling Showpeople as Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above. Individual pitches within a site are known as plots”.

4.16 With fairs and shows generally taking place between Easter and October, such sites are known as ‘Winter Quarters’ as they were traditionally occupied in the winter months and were vacant in the summer months when the whole family would travel together to shows. However, it is now more usual for these sites to be occupied all year by some family members. This allows children to maintain regular attendance at schools and for elderly relatives to stay at home. The opportunity to have access to education without disruption is a key factor in helping to improve outcomes for children. The availability of sufficient and suitable accommodation from which to access educational services is vital in this respect.

4.17 Plots for Travelling Show People differ from other traveller groups as they require enough space for both living accommodation and storage of fairground equipment. Having equipment close to living quarters has advantages in terms of security and also allows on-site maintenance to take place. The PPTS states that local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards for both residential accommodation and space for storage and maintenance of equipment. It advises that planning conditions or obligations may be used to overcome any potential objections for this mixed land use for example by limiting which parts of the site would be used for business operations.

4.18 The storage and maintenance of equipment is an employment use and therefore this type of land use can be considered as ‘live work’. Therefore Core Strategy Policies H4 (Traveller Sites) and Policy E1 (Employment) which encourages the provision of viable live work units as part of mixed developments are both relevant.

4.19 The 2015 GTAA established a need for 9 additional travelling showperson plots up to 2031. The GTAA update 2017 process included discussions with a local travelling show person community member and these suggested that this remains

an appropriate number over the plan period to 2031. The Council will continue to work with the Travelling Show Persons Guild and the local community to encourage sites to come forward for this purpose.

Temporary Stopping Places

- 4.20 There are no authorised transit or temporary stopping places in Herefordshire. However there are groups of travellers that travel through the county as part of longer journeys or those that are travelling within the County and require locations to stay for a few days.
- 4.21 Without an authorised site for this use, Travellers have no option but to stop at an opportunist location of their choosing. Unauthorised encampments on private land without the landowner's permission leads to financial costs for the landowner and tension between travellers and the settled community. Therefore the provision of sites to address this is considered to be the key towards resolving unauthorised encampments in the county.
- 4.22 A temporary stopping place provides an authorised base where traveller families can access local services and facilities e.g. health care and education. The provision of such a site will assist the police in exercising their functions to move travellers off private land and to enable them to legally direct an unauthorised encampment to the authorised location. It also can reduce other financial costs that might be incurred by including local authority officer time, police monitoring and clean-up costs.
- 4.23 The latest GTAA recommends that a 5 pitch transit site / temporary stopping place would help to address this need and that the provision of a transit site should be considered by the Council.
- 4.24 It is believed that in Herefordshire that the best approach to meeting this requirement would be to provide a 'negotiated' temporary stopping place. This will consist of an area of hardstanding with sanitation and waste disposal facilities brought in when the site is occupied. This approach is considered to be preferable because it is considered that it will better serve the type of encampments that generally occur in the county. These sites would be available for a maximum of 14 days for any one stay. This will help to ensure that there is an availability of temporary stopping places in the county. The sites will not be occupied all year.

5.0 Policies

- 5.1 Policy TS1 will apply to all applications for traveller sites and is to be applied in conjunction with Core Strategies policies, with policy H4 being of particular relevance. The inclusion of this type of policy is supported by the sustainability appraisal of the preferred options document. This policy seeks to ensure the delivery of high quality sites that will contribute to a good quality of life for the residents and will also help to mitigate any potential impacts of the development of new pitches.

Policy TS 1 – Residential Traveller Pitches and Sites

Proposals for new residential Traveller pitches and sites will be supported where they conform to Policy H4 of the Core Strategy and achieve the following:

- 1 an overall good quality of design which respects the setting of the site and the local landscape character.**
- 2 a good quality of build of amenity blocks, where included, to provide a decent standard for washing and cooking facilities.**
- 3 amenity blocks are sensitively designed and sited using appropriate materials for the area**
- 4 any unacceptable adverse impact on landscape or local nature conservation designations, ecology, biodiversity or heritage assets can be satisfactorily mitigated.**
- 5 a suitable landscaping scheme where the site boundary treatment reflects local character, local materials and local colour and should be a small scale structure/fence. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged as an alternative to high close board fencing.**
- 6 existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.**
- 7 a safe area for children to play is included in the site layout where required.**
- 8 safe and convenient access to the highway network for cars, pedestrians and vehicles and turning space within the site.**
- 9 suitable arrangements for foul sewerage disposal and surface water drainage, and where opportunities for Sustainable Drainage Systems particularly for permeable surfaces are maximised.**
- 10 that any commercial activity that is proposed on the site is of a type that is appropriate to the location and does not impact on the amenity of any local residents.**

11 external lighting is kept to a minimum and should be directed down to the ground, to avoid light pollution.

12 Site layout should have proper regard to health and safety requirements including adequate spacing between perimeter boundaries and any structures on site and between structures which meet fire safety standards.

In addition to the above:

a) opportunities to deliver an on-site shared community building should be explored.

b) Details of any animals to be kept on the site and associated requirements for grazing areas should be provided.

Travelling Showpeople Plots

5.2 The GTAA identifies a need for nine travelling show plots. The Council will continue to work with the Travelling Show Persons Guild and the local community to encourage sites to come forward for this purpose. The requirement will be met through the planning application process and Policy TS2 seeks to encourage the supply of suitable sites. Because of the specific requirements and differences to the other traveller sites and given that there are no allocations for show people plots land, this enabling policy aims to encourage the provision of additional show people sites is included. Regard has been had to the Showman's Guild's document "A Planning Focus Model Standard Package - Revised September 2007".

Policy TS2 – Travelling Showpeople plots

Planning applications for new plots for Travelling Show People will be encouraged to meet the identified need where they meet the following criteria:

- 1. The site should be relatively level and large enough to accommodate residential accommodation as well as space and or buildings for storage and maintenance of equipment if required.**
- 2. The site should have satisfactory vehicular access, suitable for the safe and convenient movement into and out of the site of large vehicles including those carrying fairground equipment.**
- 3. The site should have suitable access to the strategic road network.**
- 4. Measures to reduce the risk of flooding should be incorporated into the design and layout. Permeable surfaces should be incorporated to minimise surface water run off.**

- 5. The commercial activity of the site should not impact on the amenity of local residents and other land users. Planning conditions may be considered to reduce the impact from noise to nearby residential properties or businesses.**
- 6 Site layout should have proper regard to health and safety requirements including adequate spacing between perimeter boundaries and any structures to meet fire safety standards.**
- 7 An overall good quality of design which respects the setting of the site and the local landscape character**
- 8 The site boundary treatment reflects local character, local materials and local colour. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged.**
- 9 Existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.**
- 10 Where required, a safe area for children to play should be incorporated into the design.**
- 11 External lighting is kept to a minimum and should be directed down to the ground, to avoid light pollution.**

6.0 Proposed Allocations

Land to the west of A49 Leominster

Not to scale

Site adjacent to roundabout on A49 Leominster, Herefordshire

 Boundary of proposed site

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 NORTH  Herefordshire Council



Site Type: Temporary Stopping Place of 5 pitches

Policy TS3

Proposals for development at this site should:

- **Provide an area of hardstanding for**
 - **towing vehicles and caravans for short stays only**
 - **temporary sanitation facilities to be brought on site when it is occupied and removed at the end of the stay.**
- **Not include any permanent structures apart from a small building for administrative purposes if deemed necessary.**
- **Demonstrate appropriate vehicular access and turning space within the site**
- **Demonstrate that there would be no potential impact on the River Lugg SSSI.**
- **Retain where possible and enhance existing semi mature native trees on the boundary of the site to mitigate any landscape impact and to provide privacy to the site.**
- **apply principles of sustainable urban drainage systems in the design.**

- **Provide a 1.8m high steel palisade fencing to prevent access onto the railway line.**

Explanation:

- 6.1 The purpose of this allocation is to provide a site which will help to address unauthorised encampments of travellers and associated issues. It is intended to be used on a short stay basis only.
- 6.2 This site is located on a strategic highway network and is therefore suitable for this type of use. There are pedestrian and cycle links into Leominster where there is good access to a range of services and facilities.
- 6.3 The Strategic Flood Risk Assessment of this site indicated that the site was not subject to flooding as indicated on the Environment Agency flood maps which show areas of flood zones 1, 2 and 3 on the site. Further consultation directly with the Environment Agency confirmed that detailed modelling carried out on the Rivers Arrow & Lugg, show this site to be outside flood zone 2 and 3 and in Flood Zone 1. However it should be noted that there may be small adjustments to this information as the flood outlines are refined and reviewed against EA's flood map criteria. Therefore a sequential approach to the layout of the site may be required based on any further information regarding flood risk. The site would require Sustainable Urban Drainage proposals, so not to exacerbate the nearby flooding.
- 6.4 The site is partially visually contained by existing semi mature native woodland on site. Further planting will be required to enhance this where this does not impact on the visibility of the access to the site. Consultation with Network Rail will be required to ensure that any such fencing meets the requirements of Network Rail and that the site is safe and secure.
- 6.5 A railway line is adjacent to the western boundary of the site. Therefore it is imperative that suitable safety fencing is installed and maintained to prevent access on to the railway line.
- 6.6 The Sustainability appraisal of the preferred options noted that this site is located between 250m and 1km of a number of designated biodiversity sites, including the River Lugg SSSI and Land at Eaton Hill, which is a Local Wildlife Site. It concluded that therefore a minor negative effect is likely but recognised that appropriate mitigation may avoid adverse effects and could result in beneficial effects.
- 6.7 The length of stay on this site should not exceed 14 nights for one occupancy but this will be negotiated on a case by case basis.

- 6.9 There is capacity for one additional pitch making use of the former warden's office. This currently houses the electric meters for the site but these can be rehoused in a small purpose built cabin as on the other local authority sites.
- 6.10 By siting the additional pitch in this part of the site it allows the retention of the existing play area. Although this is currently underused it is considered important to retain this asset for children on the site now and in the future and is a positive mitigation in relation to the findings of the HRA.
- 6.11 Although there is no evidence of bats being present in the former warden's office it is recommended that any site clearance or demolition should take place between November and February. A condition should be imposed on any planning permission to the effect and should set out construction methods.
- 6.12 The site is located in the low risk Flood Zone 1 and is not considered to be at significant risk from other sources of flooding. In accordance with NPPF, the site meets the requirements of the Sequential Test and does not need to be supported by a site-specific FRA.
- 6.13 The strategic flood risk assessment recommends that a surface water drainage strategy will be required to demonstrate how surface water runoff will be appropriately managed. Regard should be had to high groundwater levels which may limit the suitability of infiltration techniques although it is anticipated that the existing drainage system will be used.

Extension to Orchard Caravan Park Watery Lane Lower Bullingham



Site Type – Local Authority Site of eleven pitches

Proposed allocation–Additional two residential pitches as extension to existing site

Policy TS5

Proposals for development of this site should:

- 1. Demonstrate appropriate vehicular access and turning space either through a new access off Watery Lane or through the existing site.**
- 2. Provide a site specific Flood risk Assessment. A sequential approach to site layout may be required to take into account surface water flooding.**
- 3. Provide a full assessment of contaminated land report and demonstrate that any required remedial works addresses any contaminated land issues.**
- 4. Provide an ecological appraisal to assess the impact on the species & to determine most appropriate time of development to mitigate impacts on any nearby habitats.**

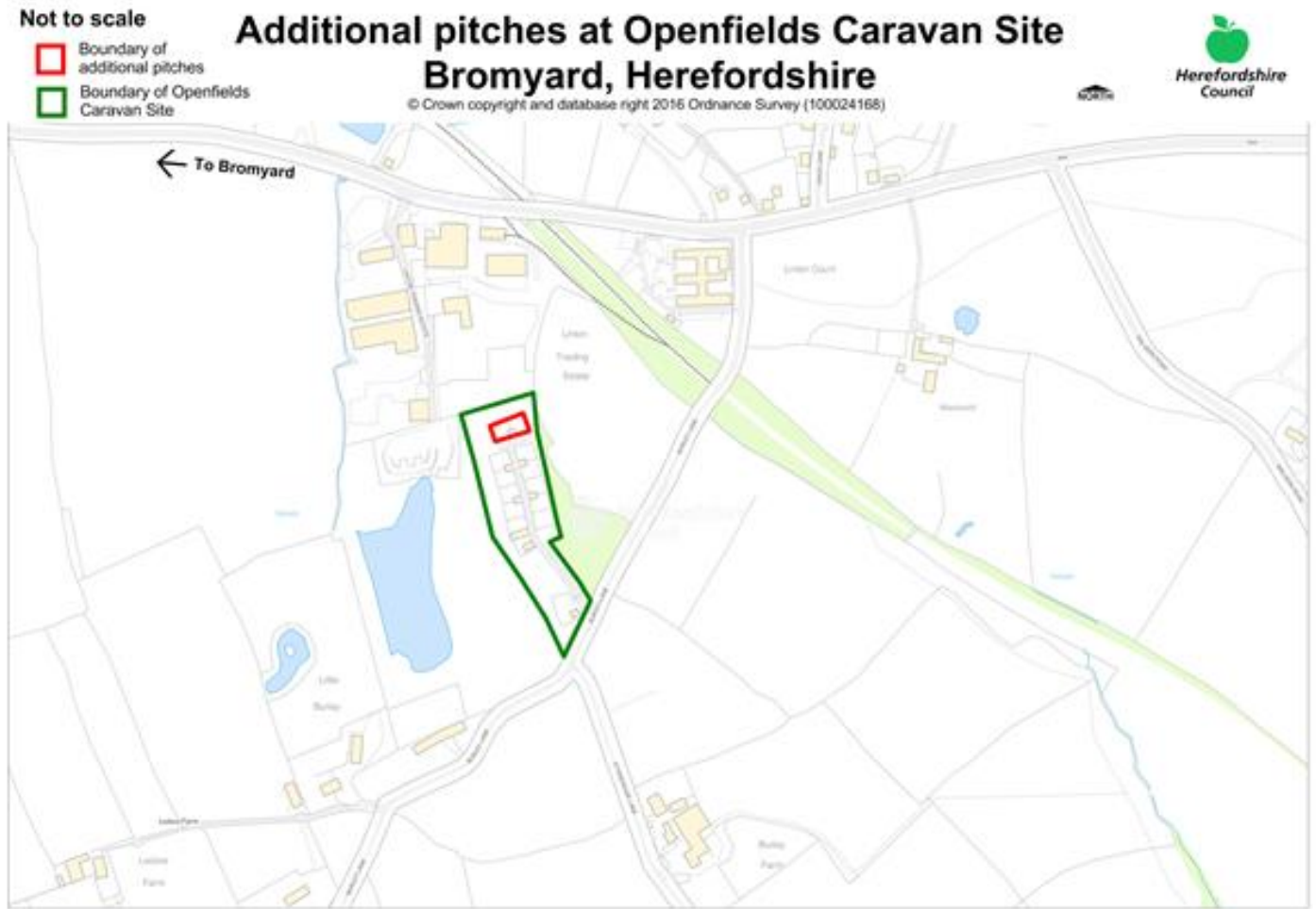
Explanation

6.14 This a local authority owned and managed site. It is situated to the south of Hereford and in close proximity to the Southern Strategic Urban extension identified in the Core Strategy. This site will benefit from improved connectivity

through the enhanced walk and cycle route between Watery Lane and Twyford Road which will be brought forward as part of the Southern Urban Extension. The site is situated within the Rotherwas Enterprise Zone. However it has a long established use and is a very popular site amongst Travellers.

- 6.15 The site is well contained as it is set down into the landscape but there is an opportunity for enhancement to the existing site as part of the extension by improving the boundary treatment which would greatly enhance the entire site.
- 6.16 A desk based contaminated land assessment has been carried out. This recommends that given that the site was within the boundary of the former Royal Ordnance factory, further intrusive investigations into any contaminants resulting from previous uses and neighbouring uses will be required. Furthermore a specialist survey to assess the risks of unexploded ordnance will also be required.
- 6.17 The Sustainability Appraisal has identified that Traveller site is between 250m and 1km from several designated biodiversity or geodiversity sites, including Withy Brook, a Site of Importance for Nature Conservation, and the River Wye SSSI. The SA concludes that therefore a minor negative effect is likely but that this is uncertain as appropriate mitigation may avoid adverse effects and could result in beneficial effects. An ecological appraisal will be required to assess the impact on wildlife on the site and to determine most appropriate time for construction to mitigate impacts on it.
- 6.18 There is a small unnamed watercourse flowing through the site. The site is located within flood zone 1 and there is no identified fluvial flood associated with the watercourse. The Environment Agency's flood risk from surface water map indicated that the site is at medium risk from surface water flooding. Therefore a surface water drainage strategy will be required as part of any subsequent planning application to demonstrate how surface water runoff will be appropriately managed. Infiltration should be promoted as far as practicable for smaller rainfall events, although discharge to a watercourse may be required for larger rainfall event.

Open fields Bromyard



Site Type - Local Authority Site of ten pitches

Proposed allocation – Two additional pitches within the existing site boundary.

Policy TS6

Proposals for development of this site should:

- 1. Provide two additional pitches on the site of the former vacant pitches.**
- 2. Consider the option of adopting the road within the site as public highway if it meets the required standards.**
- 3. Explore opportunities for enhancing of landscape treatment of the boundaries of the site.**
- 4. Provide a flood risk statement to support the development of the site.**

Explanation

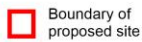
6.19 This site is situated to the south west of Bromyard where there are a range of facilities and to the south of the Linton Industrial Estate. Bus services are available on the A44 which is a short walk from the site. It provides the

opportunity to make good use of brownfield land within the boundary of the existing site.

- 6.20 The Openfields site in Bromyard is located in the low risk Flood Zone 1 and is not considered to be at significant risk from other sources of flooding. As the area of proposed development is minimal, it is considered likely that a Flood Risk Assessment prepared in accordance with NPPF may not be appropriate and that, instead, a flood risk statement should be submitted to support the planning application.
- 6.21 A surface water drainage strategy will be required to demonstrate how surface water runoff will be appropriately managed. It may be appropriate to combine this with the site-wide drainage strategy as infiltration of runoff may not be possible for larger rainfall events due to underlying soil permeability.
- 6.22 The SA has identified a potential negative effect in relation to the Down Lodge, a Grade II Listed Building situated on the A44. However it is considered that there is very limited indivisibility between the site and the heritage feature and there is industrial development between the traveller site and the heritage feature. Although there is existing mature planting on the boundaries of the site. However opportunities to enhance this landscaping should be taken.
- 6.23 The SA identifies that this site is located within 250m of Bromyard Downs and adjoining woodland, a designated Local Wildlife Site. However there is an existing play area and open space within the site that will help to mitigate any potential adverse effects.

Extension to Pembridge Site

Not to scale



Pembridge Caravan Site Herefordshire

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Site Type – Local Authority Site of six pitches

Proposed allocation of four additional residential pitches

Policy TS7

Proposals for the development of this site should:

- 1. provide 4 additional pitches of a similar scale to the existing site**
- 2. include proposals for the management and use of the remaining part of the site for grazing or orchard / native tree species planting.**
- 3. Deliver appropriate landscape enhancements to reflect the Principal Settled Farmlands Landscape character setting including:**
 - a. appropriate native tree planting for screening in open landscape settlement.**
 - b. and further landscape enhancements to the existing site frontage.**
- 4. Include a suitable and safe play area.**
- 5. Provide a contaminated land assessment of the site and of the landscape bund.**

6. Provide access to the extension area via the existing access onto the highway.

Explanation

- 6.24 The existing site is located approximately 1.6km away from Pembridge where there are a range of services including primary school. The site is served nearby by bus stops and it is an approximate 5 minute cycle into Pembridge on level terrain.
- 6.25 The area identified has capacity for more than 4 pitches. However it is considered that four extra pitches resulting in a site of 10 pitches overall should be the maximum number on this site. The remaining part of the extension site should not be developed but could be used for either grazing or orchard planting. Given the open character of the landscape additional screening of the site will benefit the setting of the extension and will also mitigate any adverse effects of the heritage assets in the vicinity.
- 6.26 The site is situated within the former area of the Shobdon airfield. As such a contaminated land assessment should be carried out. A landscape bund is located to the south and east of the existing site. The landscape bund would require partial excavation to provide access into the extended area. Tests should be carried out on the bund to identify the materials before excavation begins.
- 6.27 The SA has identified that this site option is between 250m and 1km from a number of designated heritage assets, including North Herefordshire Rowe Ditch, A Scheduled Monument and Clear Brook, a Grade II* Listed Building. A minor negative effect is therefore likely on this SA objective, although as effects will depend on factors relating to the design of the site, which are unknown at this stage, this is uncertain. The inter-visibility between the extension site and these features is regarded as minimal.

7. Implementation and monitoring

- 7.1 The continuous monitoring of policies and proposals is essential to ensure that the DPD achieves its objectives. The policies will be monitored principally through the Authority Monitoring Report (AMR).
- 7.2 If it appears that the policies are not being effective, a review of the policies may be required. The policies and proposal will also be assessed against any objectives set out in the Sustainability Appraisal. The potential impacts of any changing national and local policy and guidance will also be considered as part of the AMR.

Herefordshire

Gypsy and Traveller and Travelling Showperson

Accommodation Assessment

Update 2017

Herefordshire County Council

Final Report
July 2017

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Executive Summary

Introduction

Herefordshire Gypsy and Traveller Accommodation Assessment (GTAA) Update 2017 analyses the latest available evidence to identify the accommodation needs of Gypsies, Travellers and Travelling Showpeople from across the area.

The Herefordshire GTAA Update 2017 has comprised the following evidence sources:

- A review of existing (secondary) data;
- Fieldwork survey and site census;
- Interviews with 69 Gypsy and Traveller households living within the study area (plus 20 interviews carried out on Yoke Farm in 2014);
- Interviews with 10 Travelling Showperson households from the 2014 study and discussions with members of the community.

This data has been analysed to provide a picture of current provision and activity across Herefordshire County and an assessment of future need. The findings of the study provide an up-to-date, robust and defensible evidence base for policy development.

Current provision and activity

The 2011 Census identified a total of 125 households in Herefordshire with a ‘White: Gypsy or Irish Traveller’ ethnicity. Of these, 100 households lived in a caravan or other mobile or temporary structure and 25 households lived in bricks and mortar (house, bungalow, flat, maisonette or apartment).

The bi-annual DCLG Traveller caravan count indicates an average of around 188 caravans over the last five counts. Of these, 45.1% have been on private authorised sites (with planning permission) and 41.9% have been on social rented authorised sites. 12.2% have been on tolerated unauthorised sites. In the four counts during 2015 and 2016, two caravans were recorded on unauthorised sites; however, none were recorded in January 2017.

There are six authorised permanent Council-owned Gypsy and Traveller sites in Herefordshire. In addition, there are 29 authorised permanent private sites and one tolerated private site. There are three Travelling Showperson’s yards.

The triangulation of secondary data, Council records and fieldwork survey has identified a total of 129 pitches, 119 households and 7 unoccupied pitches. There are three households occupying two pitches each which explains the difference between total pitches and unoccupied pitches. There are therefore 122 occupied pitches and 7 unoccupied pitches.

Gypsy and Traveller pitch requirements

The calculation of pitch requirements in the GTAA is based on DCLG modelling as advocated in *Gypsy and Traveller Accommodation Assessment Guidance* (DCLG, 2007). Although this Guidance has been formally withdrawn (December 2016), it continues to provide a best

practice approach for needs modelling, as also confirmed by inspectors at several public inquiries.

The DCLG Guidance requires an assessment of the current needs of Gypsies and Travellers and Travelling Showpeople and a projection of future needs. It advocates the use of a fieldwork survey to supplement secondary source information and derive key supply and demand information.

The GTAA Update 2017 has found evidence of Gypsy and Traveller pitch need over the next five years (2018/18 to 2021/22) equating to 48 pitches under a cultural definition, and as a subset of this number, 17 pitches under the PPTS 2015 definition of Gypsy/Traveller (those who still travel and/or intend to travel).

For the full Local Plan Period (2011/12 to 2031/32) the GTAA has identified a cultural need for 91 pitches and, as a subset of this number a PPTS need for 33 pitches.

For the remaining local plan period (2017/18 to 2031/32), the GTAA has identified a cultural need for 74 pitches and, as a subset of this number a PPTS need for 27 pitches.

Taking into account an anticipated annual turnover of 6 pitches on local authority sites during the remainder of the plan period (2017/18 to 2031/32), this equates to 84 pitches becoming available. Therefore, both the cultural and PPTS shortfalls are likely to be addressed. Notwithstanding this, it is recommended that the Council should continue to consider applications for appropriate small sites to address the needs of local Gypsy and Traveller families should they be forthcoming over the plan period.

Travelling Showperson plot requirements

The previous GTAA established a need for 9 plots over the plan period and this is the figure recommended in this GTAA update.

Transit site requirements

The GTAA Update 2017 recommends the provision of 5 transit pitches which are sufficient to accommodate up to 10 caravans.

1. Introduction

1.1 In April 2017, arc⁴ were commissioned by the Herefordshire County Council to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) Update to identify the accommodation needs of Gypsies and Travellers and Travelling Showpeople from across Herefordshire County. The overall objective of the Gypsy and Traveller Accommodation Assessment is to form a clear, objective and fully updated evidence basis to inform the development of planning policies relating to Gypsy, Travellers and Travelling Showpeople.

1.2 The Herefordshire GTAA Update 2017 builds upon the findings of the GTAA that was previously prepared by arc⁴ (Final Report, November 2015). Primary and secondary data collection and comprehensive fieldwork survey have been undertaken to fully update the assessment of accommodation needs, taking into account the refreshed evidence base and the policy changes that have taken place.

1.3 The study adopts the definition of ‘Gypsies and Travellers’ set out within *Planning policy for traveller sites* (PPTS) (August 2015), within which the following definition of ‘Gypsies and Travellers’ is adopted:

‘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, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.’¹

1.4 In addition, PPTS 2015 adds the following ‘clarification’ for determining whether someone is a Gypsy or Traveller:

‘In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.’²*

1.5 The following definition of ‘Travelling Showpeople’ is used, also taken from PPTS 2015:

‘Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.’³

1.6 In addition:

¹ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 1

² DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

³ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 3

‘For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use pitches for “travelling showpeople”, which may/will need to incorporate space or to be split to allow for the storage of equipment.’⁴

- 1.7 For the purposes of this study, therefore, Gypsies and Travellers live on pitches on sites, whilst Travelling Showpeople live on plots on yards.
- 1.8 The overall purpose of a Gypsy and Traveller Accommodation Assessment (GTAA) is to support the development of clear and reasonable planning policies relating to Gypsies, Travellers and Travelling Showpeople. The study provides an evidence base to assist the Council in determining an appropriate level of pitch provision to be sought through the lifetime of the Local Plan and to identify the accommodation needs of Gypsies and Travellers to meet the Council’s obligations under section 8 of the Housing Act 1985 (as amended by section 124 of the Housing and Planning Act 2016).

Study components

- 1.9 The study has comprised the following stages, which are set out below:
- **Stage 1:** Development of methodology;
 - **Stage 2:** Collation and review of existing information and literature;
 - **Stage 3:** Fieldwork survey and interviews with Gypsies and Travellers and Travelling Showpeople across the study area;
 - **Stage 4:** Data analysis, calculation of needs and report production; and
 - **Stage 5:** Dissemination.

Report structure

- 1.10 The report structure is as follows:
- **Chapter 1 Introduction:** provides an overview of the study;
 - **Chapter 2 Legislative and policy context:** presents a review of the legislative and policy context;
 - **Chapter 3 Methodology:** provides details of the study’s research methodology;
 - **Chapter 4 Review of current Gypsy and Traveller population and provision of pitches/plots:** reviews estimates of the Gypsy and Traveller and Travelling Showpeople population across Herefordshire County and the scale of existing site provision;

⁴ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 5

- **Chapter 5 Pitch/plot/transit requirements:** focuses on current and future pitch/plot requirements. This chapter includes a detailed assessment of drivers of demand, supply and current shortfalls across the study area; and
- **Chapter 6 Conclusion and strategic response:** concludes the report, identifying headline issues, and recommending ways in which these could be addressed.

1.11 The report is supplemented by the following appendices:

- **Appendix A** which provides details of the legislative background underpinning accommodation issues for Gypsies and Travellers;
- **Appendix B** Literature review of policy, guidance, reports and best practice notes;
- **Appendix C** Fieldwork questionnaire;
- **Appendix D** Glossary of terms.

2. Legislative and Policy Context

- 2.1 This research is grounded in an understanding of how the national legislative and policy context has affected Gypsy and Traveller and Travelling Showpeople communities to date.

Legislative background

- 2.2 Since 1960, three Acts of Parliament have had a major impact on Gypsies and Travellers and Travelling Showpeople:
- Caravan Sites and Control of Development Act 1960;
 - Caravan Sites Act 1968 (Part II); and the
 - Criminal Justice and Public Order Act 1994.
- 2.3 The 1994 Criminal Justice and Public Order Act abolished all statutory obligations to provide accommodation, discontinued Government grants for sites and made it a criminal offence to camp on land without the owner's consent.
- 2.4 Since the 1994 Act, the only places where Gypsies and Travellers and Travelling Showpeople can legally park their trailers and vehicles are:
- Council and Registered [Social Housing] Providers' Gypsy caravan sites;
 - Privately owned land with appropriate planning permission; and
 - Land with established rights of use, other caravan sites or mobile home parks by agreement or licence along with land required for seasonal farm workers.
- 2.5 The 1994 Act resulted in increased pressure on available sites. Following further reviews of law and policy, the Housing Act 2004 was passed, which included placing a requirement (section 225) on local authorities to assess Gypsy and Traveller and Travelling Showpeople accommodation needs within their area.
- 2.6 The recent Housing and Planning Act 2016 (section 124) creates a new duty under section 8 of the Housing Act 1985 to consider the needs of people residing in or resorting to a local authority area with respect to sites for caravans and the mooring of houseboats as part of the periodical review of housing needs. It deletes sections 225 and 226 of the Housing Act 2004.
- 2.7 More detail on the legislation affecting Gypsies and Travellers and Travelling Showpeople can be found at Appendix A.

Policy background

- 2.8 A considerable range of policy and guidance documents have been prepared by Central Government to assist local authorities in discharging their strategic housing and planning functions and numerous research and guidance documents have been published by other agencies. This review examines influential policy, guidance and research which relates specifically to Gypsies and Travellers and Travelling

Showpeople or makes reference to them; more information is provided within Appendix B.

- 2.9 Some of the key themes to emerge from the review of relevant literature include:
- Recognising the long-standing role Gypsies and Travellers and Travelling Showpeople have played in society and how prejudice, discrimination and legislative change have increasingly marginalised these distinctive ethnic groups;
 - A recognised shortage of provision for Gypsies and Travellers;
 - The importance of understanding Gypsy and Traveller issues in the context of recent housing and planning policy development;
 - Recognition that Gypsies and Travellers are one of the most socially excluded groups in society and are particularly susceptible to a range of inequalities relating to health, education, law enforcement and quality of accommodation; and
 - A need for better communication and improved understanding between, and within, Travelling communities themselves, and between Travelling communities and elected members, service providers and permanently settled communities.

Planning policy

- 2.10 In March 2012 the Government published both the National Planning Policy Framework (NPPF)⁵ and its accompanying National Planning Practice Guidance (NPPG) covering a range of topics, including *Planning policy for traveller sites*⁶ (PPTS 2012). These documents replaced all previous national planning policy in respect of Gypsies and Travellers and Travelling Showpeople.
- 2.11 Previously, local planning authorities had been required to set aside enough land for Gypsy and Traveller sites, with targets set in regional plans. The Coalition Government abolished regional planning under the provisions of the Localism Act 2011 and local authorities no longer have targets set out in regional plans.
- 2.12 PPTS 2012 instead encouraged local planning authorities to form their own evidence base for needs in their area and use this to set their own pitch and plot targets for their Local Plan.
- 2.13 In a written statement to Parliament on 17th January 2014 the Coalition Government stated:

‘Ministers are considering the case for further improvements to both planning policy and practice guidance to strengthen Green Belt protection in this regard. We also want to consider the case for changes to the planning definition of ‘travellers’ to reflect whether it should only refer to those who actually travel and have a mobile or

⁵ DCLG National Planning Policy Framework March 2012

⁶ DCLG *Planning policy for traveller sites* March 2012 (now superseded)

transitory lifestyle. We are open to representations on these matters and will be launching a consultation in due course.’⁷

- 2.14 Between September and November 2014 the Government consulted on proposed changes to PPTS. An updated NPPG document, *Planning policy for traveller sites* (PPTS 2015) was subsequently published in August 2015⁸. Alongside the publication on 31st August 2015, a letter to Chief Planning Officers in England was issued by the DCLG Chief Planner (Steve Quartermain)⁹. The letter and accompanying planning policy statement dealt specifically with the issue of Green Belt protection and intentional unauthorised development. On 17th December 2015, the Minister of State for Housing and Planning (Brandon Lewis) made a Written Statement confirming the changes to national policy set out in the letter and statement, that intentional unauthorised development is a material consideration in the determination of planning applications and appeals¹⁰
- 2.15 PPTS 2015 sets out that *‘the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community’¹¹*
- 2.16 The policy sets out the Government’s aims in respect of traveller sites, namely:
- a. *that local planning authorities should make their own assessment of need for the purposes of planning*
 - b. *to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
 - c. *to encourage local planning authorities to plan for sites over a reasonable timescale*
 - d. *that plan-making and decision-taking should protect Green Belt from inappropriate development*
 - e. *to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
 - f. *that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
 - g. *for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
 - h. *to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
 - i. *to reduce tensions between settled and traveller communities in plan-making and planning decisions*

⁷ House of Commons 17 January 2014, c35WS

⁸ DCLG *Planning policy for traveller sites* August 2015

⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

¹⁰ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

¹¹ DCLG *Planning policy for traveller sites* August 2015, paragraph 3

- j. *to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. *for local planning authorities to have due regard to the protection of local amenity and local environment*¹²

2.17 It is within this policy context that local planning authorities will have to plan future provision for Gypsies and Travellers and Travelling Showpeople across their respective areas. 'Policy A' requires Councils to use evidence to plan positively and manage development. Paragraph 7 of PPTS 2015 states that:

'In assembling the evidence base necessary to support their planning approach, local planning authorities should:

- a) *pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)*
- b) *cooperate with travellers, their representative bodies and local support groups; other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, working collaboratively with neighbouring local planning authorities*
- c) *use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.'*

2.18 'Policy B' of PPTS 2015 relates to plan-making and planning. It sets the context for Local Plan preparation, consistent with policies in the NPPF. Paragraph 9 sets out that local planning authorities should set pitch and plot targets which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities. Specifically, in producing their Local Plan, local planning authorities should:

- a) *'identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets*
- b) *identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15*
- c) *consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)*
- d) *relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*
- e) *protect local amenity and environment.'*

2.19 PPTS 2015 explains that, to be considered 'deliverable', sites should be:

¹² DCLG *Planning policy for traveller sites* August 2015, paragraph 4

- available now,
 - offer a suitable location for development,
 - be achievable with a realistic prospect that development will be delivered on the site within five years.
 - Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.
- 2.20 In order to be considered ‘developable’, sites should be:
- in a suitable location for traveller site development and
 - there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

Changes to planning policy

- 2.21 The updated PPTS (2015) has introduced some key changes to policy, including:

Change of the definition of ‘traveller’

- 2.22 The definition of Gypsies and Travellers adds the following ‘clarification’:

‘In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.’¹³*

- 2.23 This means that for planning-related purposes the definition of Gypsy and Traveller has been changed so that it excludes those who have permanently ceased from travelling.
- 2.24 The Government has also indicated that it will seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents.

Protecting the Green Belt

- 2.25 PPTS 2015 changes the weight that can be given to any absence of a five-year supply of permanent sites when deciding planning applications for temporary sites in land designated as Green Belt, sites protected under the Birds and Habitats Directives, sites

¹³ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

designated as Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty or within a National Park or the Broads.

- 2.26 The Government has also changed planning policy so that unmet need and personal circumstances (subject to the best interests of the child) are unlikely to clearly outweigh harm to the Green Belt. This change applies to both the settled and Traveller communities.

Unauthorised occupation

- 2.27 The planning policy statement issued with PPTS 2015¹⁴ (and confirmed by Ministerial Statement¹⁵) makes clear that if a site is intentionally occupied without planning permission this would be a material consideration in any retrospective planning application for that site. Whilst this does not mean that retrospective applications will be automatically refused, it does mean that failure to seek permission in advance of occupation will count against the application.
- 2.28 In addition, PPTS 2015 makes clear that in exceptional cases where a local authority is burdened by a large-scale unauthorised site that has significantly increased need and their area is subject to strict planning constraints then there is no assumption that the local authority will be required to meet their Gypsy and Traveller site needs in full. This is intended to deter large sites such as Dale Farm, a large unauthorised site in Essex, from being set up.

Gypsy and Traveller Accommodation Needs Assessments Guidance

- 2.29 In October 2007, the DCLG published *Gypsy and Traveller Accommodation Needs Assessments* Guidance.
- 2.30 This Guidance sets out a detailed framework for designing, planning and carrying out Gypsy and Traveller accommodation needs assessments (GTAAs), including the needs of Showpeople as well as Gypsies and Travellers. It acknowledges that the housing needs of Gypsies and Travellers are likely to differ from those of the settled community, and that they have hitherto been excluded from accommodation needs assessments.
- 2.31 The 2007 Guidance stresses the importance of understanding accommodation needs of the whole Gypsy and Traveller population and emphasises the importance of obtaining robust data. It recognises the difficulty of surveying this population and recommends the use of:
- Qualitative methods such as focus groups and group interviews;

¹⁴https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

¹⁵<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

- Specialist surveys of those living on authorised sites that are willing to respond; and
 - Existing information, including local authority site records and the twice yearly caravan counts.
- 2.32 The Guidance recognises that there are challenges in carrying out these assessments, and accepts that while the approach should be as robust as possible it is very difficult to exactly quantify unmet need.
- 2.33 The approach and methodology set out in the Guidance has formed the framework for this GTAA for Herefordshire County Council and this has not been changed by the recent changes to planning guidance.

Draft guidance to local housing authorities on the periodical review of housing needs: caravans and houseboats

- 2.34 In March 2016, the DCLG published *Draft guidance on the periodical review of housing needs: Caravans and Houseboats*. The draft guidance relates to Clause 115 of the Housing and Planning Bill, which has become Section 124 of the Housing and Planning Act 2016 (passed in May 2016).
- 2.35 The draft guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.
- 2.36 In the carrying out of accommodation needs assessments, the draft guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.
- 2.37 The draft guidance has been taken into account in the planning, preparation and undertaking of this GTAA for Herefordshire County.
- 2.38 The publication of finalised guidance is awaited.

Enforcement powers

- 2.39 In March 2015, the Government published *Dealing with illegal and unauthorised encampments: a summary of available powers*, which sets out ‘the robust powers councils, the police and landowners now have to clamp down quickly on illegal and unauthorised encampments’.¹⁶ The powers are reiterated as part of the Government’s commitment to protecting the Green Belt. The summary advises authorities that they ‘should not gold-plate human rights and equalities legislation’ and that they have in fact strong powers available to them to deal with unauthorised encampments. When dealing with encampments authorities are advised to consider the following:

¹⁶ CLG Home Office and Ministry of Justice Dealing with illegal and unauthorised encampments a summary of available powers March 2015 introduction

- *'The harm that such developments can cause to local amenities and the local environment;*
 - *The potential interference with the peaceful enjoyment of neighbouring property;*
 - *The need to maintain public order and safety and protect health;*
 - *Any harm to good community relations; and*
 - *That the State may enforce laws to control the use of an individual's property where that is in accordance with the general public interest.'*¹⁷
- 2.40 Despite having a clear leadership role, the summary urges local authorities to work collaboratively with other agencies, such as the Police and/or the Highways Agency to utilise these enforcement powers.
- 2.41 On 31st August 2015, alongside the publication of updated PPTS the DCLG wrote to all local authority Chief Planning Officers in England attaching a planning policy statement on *Green Belt protection and intentional unauthorised development*¹⁸ with immediate effect. The statement, which was confirmed as national planning policy in a Ministerial Statement on 17th December 2015¹⁹, sets out changes to make intentional unauthorised development a material consideration in the determination of planning applications, and also to provide stronger protection for the Green Belt. The statement explains that the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt, and additionally the DCLG will consider the recovery of a proportion of relevant appeals for the Secretary of State's decision *'to enable him to illustrate how he would like his policy to apply in practice'*, under the criteria set out in 2008.
- 2.42 In addition, the planning policy statement of 31st August 2015 announced that the Government has cancelled the documents *Guide to the effective use of enforcement powers, Part 1* (2006) and *Part 2* (2007).

Caravan Counts

- 2.43 Snapshot counts of the number of Gypsy and Traveller caravans were requested by the Government in 1979, and have since been undertaken bi-annually by local authorities on a voluntary basis every January and July²⁰. Their accuracy varies between local authorities and according to how information is included in the process. A major criticism is the non-involvement of Gypsies and Travellers themselves in the counts. However, the counts, conducted on a single day twice a year, are the only systematic source of information on the numbers and distribution of Gypsy and

¹⁷ CLG Home Office and Ministry of Justice Dealing with illegal and unauthorised encampments a summary of available powers March 2015 introduction

¹⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

¹⁹ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

²⁰ Historically caravan counts have not included Travelling Showpeople. Since 2010 the Government has requested that January counts include Travelling Showpeople, however, the figures relating to Travelling Showpeople are reported separately and not included in the overall count figures.

Traveller trailers. The counts include caravans (or trailers) on and off authorised sites (i.e. those with planning permission) but do not relate necessarily to the actual number of pitches (i.e. capacity) on sites.

- 2.44 In addition, there is an annual snapshot count of the number of Travelling Showpeople caravans, which is undertaken alongside the January count of Gypsy and Traveller caravans (as above).
- 2.45 A major review²¹ of the counting system was undertaken in 2003 by the then Office of the Deputy Prime Minister (ODPM), which made a number of recommendations and improvements to the process.

Progress on tackling inequalities

- 2.46 In April 2012 the Coalition Government published a *Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers*²², which summarised progress in terms of meeting ‘Government commitments to tackle inequalities and promote fairness for Gypsy and Traveller communities’²³. The report covers 28 measures from across Government aimed at tackling inequalities, these cover:

- Improving education outcomes;
- Improving health outcomes;
- Providing appropriate accommodation;
- Tackling hate crime;
- Improving interaction with the National Offender Management Service;
- Improving access to employment and financial services; and
- Improving engagement with service providers.

- 2.47 In respect of provision of appropriate accommodation, the report advises that financial incentives and other support measures have been put in place to help councils and elected members make the case for development of Traveller sites within their areas. Changing perceptions of sites is also identified as a priority, and to this end the Government made the following commitments:

- *‘The Department for Communities and Local Government will help Gypsy and Traveller representative groups showcase small private sites that are well presented and maintained...’*
- *Subject to site owners agreeing to have their homes included we will help produce a case study document which local authorities and councillors, potential site*

²¹ Counting Gypsies and Travellers: A Review of the Caravan Count System, Pat Niner Feb 2004, ODPM

²² The study only includes reference to Gypsies and Travellers and not Travelling Showpeople

²³ www.communities.gov.uk/news/corporate/2124322

*residents and the general public could use. It could also be adapted and used in connection with planning applications.*²⁴

2.48 Also aimed at improving provision of accommodation for Gypsies and Travellers, the Government committed to:

- The provision of support, training and advice for elected member services up to 2015; and
- The promotion of improved health outcomes for Travellers through the planning system; the report states that *‘one of the Government’s aims in respect of traveller sites is to enable provision of suitable accommodation, which supports healthy lifestyles, and from which travellers can access education, health, welfare and employment infrastructure.*²⁵

Previous Design Guidance

2.49 PPTS 2015 provides no guidance on design for Gypsy and Traveller sites, concentrating instead on the mechanics of the planning process, from using evidence to plan making and decision taking.

2.50 Previous design guidance²⁶ was set out in *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008) which suggests that, among other things, there must be an amenity building on each site and that this must include, as a minimum:

- Hot and cold water supply;
- Electricity supply;
- A separate toilet;
- A bath/shower room; and
- A kitchen and dining area.

2.51 A Homes and Communities Agency (HCA) review (January 2012) of Non-Mainstream Housing Design Guidance found that the DCLG Design Guide *‘succinctly outlines the physical requirements for site provision for travellers’*. It also identified a number of ‘pointers’ for future guidance, and these are worth mentioning here:

- The family unit should be considered to be larger and more flexible than that of the settled community due to a communal approach to care for the elderly and for children;
- A distinct permanent building is required on site to incorporate washing and cooking facilities, and provide a base for visiting health and education workers; and

²⁴ CLG Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers April 2012 commitment 12 page 18

²⁵ CLG Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers April 2012 para 4.13 page 19

²⁶ This guidance does not apply to the provision of new yards for Travelling Showpeople. Further information about good practice in the provision of yards can be obtained from the Showmen’s Guild of Great Britain.

- Clearer diagrams setting out the parameters for design are called for, both in terms of the scale of the dwelling and the site. Incorporating requirements for maintenance, grazing, spacing, size provision, communal spaces, etc. *'would ensure that a set of best practice principles can be established.'*²⁷

2.52 The HCA Review suggested the following design considerations:

- Travelling Showpeople should be considered in the development of provision for temporary/transit sites;
- Vehicular access is a requirement and not an option;
- Open space is essential for maintenance of vehicles and grazing of animals;
- Open play space for children needs to be provided;
- A warden's office is required for permanent sites;
- Communal rooms for use of private health/education consultations are required; and
- An ideal ratio of facilities provision (stand pipes, parking area, recreation space) to the number of pitches.

2.53 On 31st August 2015, the DCLG letter to Chief Planning Officers (setting out the planning policy statement on *Green Belt protection and intentional unauthorised development*) set out that the Government thereby cancelled the document *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008).

Strategic policy

2.54 Despite the revocation of regional spatial strategies, the need for strategic planning remains, especially to ensure coherent planning beyond local authority boundaries. To this end the Localism Act 2011 and the National Planning Policy Framework (NPPF) set out that public bodies have a duty to cooperate on planning issues that cross administrative boundaries (NPPF, paragraph 178).

2.55 National planning practice guidance (NPPG) includes a guidance document specific to the *Duty to cooperate* (March 2014). This states that duty to cooperate is not a duty to agree, but local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination (paragraph 1). In addition, it states that the duty to cooperate seeks to ensure that local planning authorities lead strategic planning effectively through their Local Plans, addressing social, environmental and economic issues that can only be addressed effectively by working with other local planning authorities beyond their own administrative boundaries (paragraph 8).

2.56 PPTS 2015 sets out that the preparation of Local Plans and setting of pitch and plot targets should be undertaken by local planning authorities working collaboratively

²⁷ Non-Mainstream Housing Design Guidance Literature Review, HCA January 2012 page 63

with neighbouring planning authorities (paragraphs 8 and 9). It reiterates that local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries (paragraph 10).

3. Methodology

3.1 In order to deliver the requirements of Government guidance²⁸ the methodology for this study has comprised:

- Desktop analysis of existing documents, including data on pitches/sites, plots/yards and unauthorised encampments;
- A review of existing provision of sites and yards; and
- The collection of primary data, including a fieldwork survey of sites/yards and household interviews with Gypsies and Travellers and Travelling Showpeople.

3.2 The information gathering has been carried out in three phases, as outlined below:

- Phase 1: Literature/desktop review and steering group discussions;
- Phase 2: Site survey (including census) and interviews with Gypsies and Travellers and Travelling Showpeople across the Herefordshire area; and
- Phase 3: Production of report.

Phase 1: Literature/desktop review and steering group discussions

3.3 This phase comprised a review of available literature, including legislative background and best practice information; and analysis of available secondary data relating to Gypsies and Travellers.

3.4 Relevant regional, sub-regional and local information has been collected, collated and reviewed, including information on:

- The national policy and legislative context;
- Current policies towards Gypsies and Travellers in the County (drawn from Local Authority policy documents, planning documents, housing strategies and homelessness strategies); and
- Analysis of existing data sources available from stakeholders²⁹.

3.5 This information has helped to shape the development of this report, and in particular the review of the legislative and policy context set out in Chapter 2.

3.6 The project steering group was fully consulted regarding the most appropriate methodology for undertaking the assessment work, including site fieldwork and household survey.

²⁸ CLG Gypsy and Traveller Accommodation Needs Assessments Guidance October 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7838/accommneedsassessments.pdf

²⁹ This includes CLG caravan count data and information on unauthorised encampment data provided by the Council (see chapter 6 for more information on this data)

Phase 2: Fieldwork survey and interviews with Gypsies and Travellers and Travelling Showpeople

- 3.7 The primary fieldwork for this study comprised survey work with Gypsies and Travellers and Travelling Showpeople. The questionnaires (Appendix C) were designed by arc⁴ in consultation with the project steering group and build upon our standard questionnaire.
- 3.8 The household survey was undertaken by arc⁴. The overarching aim of the fieldwork was to maximise the number of interviews secured from Gypsy and Traveller and Travelling Showpeople households living within the County. Consulting with stakeholders ensured that the fieldwork team had a good understanding of the local issues facing Gypsies and Travellers and Travelling Showpeople and helped to maximise the community's participation in the study.
- 3.9 The cultural needs of Gypsies and Travellers and Travelling Showpeople differ from those of the rest of the population and consideration of culturally specific requirements such as the need for additional permanent caravan sites and/or transit sites and/or stopping places (or improvements to existing sites) are key to this study. The research has therefore explicitly sought information from Gypsies and Travellers and Travelling Showpeople from across the County living in different types of accommodation.
- 3.10 Interviews with Gypsies and Travellers took place during April and May 2017. Responses achieved by tenure and type of site/accommodation are presented in Table 3.1.
- 3.11 For Gypsies and Travellers, there are a total of 129 pitches across Herefordshire County. It was found that 119 households were living across the pitches, with three households living across two pitches. There are therefore 122 occupied pitches and 7 unoccupied pitches.
- 3.12 The 2017 household survey was completed by 69 households out of a total of 89 households living on pitches. In addition, the 2017 update report uses information from the 20 households surveys from Yoke Farm which was collected in 2014 (it is understood there has been limited change in the households living on this site).
- 3.13 Therefore, the 2017 update draws upon data from 89 households living on pitches and based on a total of 119 households living on pitches, results in a response rate of 74.8%.
- 3.14 Views on the number of households living in bricks and mortar accommodation who would prefer to live on a pitch were obtained from the Council which has informed the pitch needs model.
- 3.15 For Travelling Showpeople, a total need for 9 plots was established in the previous GTAA and discussions with representatives from the community would suggest this remains an appropriate needs figure.

Table 3.1 Responses achieved to the Household Survey 2017 by tenure and type of accommodation**Gypsies and Travellers**

Tenure and type of site	Pitch numbers		Household numbers			
	Total pitches	Unoccupied pitches	Total households	Interviews achieved*	Non-response	Households living across two pitches
Council (permanent) authorised	53	1	51	41	10	1
Private (permanent) authorised	66	6	58	38	13	2
Private Tolerated	10	0	10	10	0	0
Private Unauthorised	0	-	0	0	-	-
Total Gypsy and Traveller pitches	129	7	119	89	23	3

*69 interviews in 2017 plus 20 interviews on Yoke Farm achieved in 2014

- 3.16 Analysis of the 2017 household survey data establishes that 36.5% of respondent households on Gypsy and Traveller sites meet the new PPTS 2015 definition of being a Gypsy/Traveller household. These households meet the definition by either travelling in the preceding year or within the past 5 years and/or intend to travel in the next year or in any year in the next five years. Those who do not meet the PPTS 2015 definition are included within the wider ‘cultural’ definition of need in the assessment set out in chapter 5 of this GTAA Update.

Phase 3: Production of report

- 3.17 In conjunction with face-to-face interviews with members of the Travelling community, a range of complementary research methods have been used to permit the triangulation of results. These are brought together during the research process and inform the outputs of the work and include:
- Desktop analysis of existing documents and data;
 - Preparing a database of authorised and unauthorised sites; and
 - Conducting a fieldwork survey of sites and yards.
- 3.18 Good practice guidance and evidence from other studies emphasises that building trust with Travelling communities is a prerequisite of meaningful research. In this case it has been achieved by engaging with Gypsies and Travellers directly, by using local resources and workers to make links, and working with officers who have already established good relationships with local Travelling communities.
- 3.19 We have also used the following sources of information:
- The DCLG caravan counts (up to January 2017); and
 - Local Authority information on existing site provision and unauthorised developments.
- 3.20 The assessment of pitch requirements has been calculated by utilising information on the current supply of pitches and plots along with the results from the survey. The overall number of pitches has been calculated using Local Authority information, with likely capacity through turnover assessed through the survey. A detailed explanation of the analysis of pitch requirements is contained in Chapter 5 but briefly comprises analysis of the following elements:
- Current pitch provision, households living in bricks and mortar accommodation; households planning to move in the next FIVE years, and emerging households to give total demand for pitches; and
 - Turnover on existing pitches and total supply.
- 3.21 The approach used then reconciles the demand and supply data to identify overall pitch and plot requirements.
- 3.22 To identify any need for transit provision, findings from the household survey have been analysed alongside other contextual information including the incidence of unauthorised encampments in Herefordshire.

Pitches and households

- 3.23 One of the key challenges faced when assessing Gypsy and Traveller pitch requirements is the actual nature of pitches and how this relates to the number of households they can support.
- 3.24 PPTS (August 2015) refers to the need for Local Planning Authorities to *'identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets'* and *'relate the number of pitches/plots to the circumstances of the specific size and location of the site and the surrounding population's size and density'* (PPTS 2015, paragraph 10).
- 3.25 Planning decision notices usually refer the number of pitches on a site or the specifics of what can be on a pitch e.g. statics, tourers; or specific individuals and/or households.
- 3.26 As part of the GTAA, it is essential that the characteristics of sites, the number of pitches and how many households these can support is carefully considered. There are a range of issues which need to be considered when reviewing site and pitch characteristics and their potential implications for future pitch and site requirements which are now summarised.

Site and pitch size

- 3.27 There are no definitive parameters for site or pitch sizes. Previous Design Guidance (DCLG, 2008) states in paragraph 4.4 that *'Gypsy and Traveller sites are designed to provide land per household which is suitable for a mobile home, touring caravan and a utility building, together with space for parking. Sites of various sizes, layouts and pitch numbers operate successfully today and work best when they take into account the size of the site and the needs and demographics of the families resident on them'*.
- 3.28 Paragraph 4.47 states that *'to ensure fire safety it is essential that every trailer, caravan or park home must be not less than 6 metres from any other trailer, caravan or park home that is occupied separately'*.
- 3.29 Paragraph 7.12 states that *'as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.), parking space for two vehicles and a small garden area'*.
- 3.30 Paragraph 4.13 states that *'smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle'*.

Occupancy

- 3.31 A pitch may accommodate more than one family unit, for instance it could include a family, older children who have formed their own household and other family

members. This could lead to potential overcrowding and this is considered as part of the GTAA household survey.

- 3.32 Private sites may restrict occupancy to close family/friends. This limits opportunity for others to move onto the site but this restrictive occupancy may provide for emerging needs.
- 3.33 Quality, size of pitch and proximity of caravans on pitches vary dramatically.

Response

- 3.34 For each site, a pragmatic and reasonable judgement should be made as part of the GTAA regarding the number of pitches or sub-divisions on sites. This may relate to the number of families living on sites, and could include a consideration of the potential intensification of sites (for instance through further sub-division, extension or use of vacant areas within the site). Capacity and layout of sites should be identified through site observation (directly or indirectly through Google maps or similar), planning history and local knowledge of planning, enforcement and liaison officers.
- 3.35 Pitches can become intensified or sub-divided once planning applications have been approved. These sub-divisions tend to be tolerated by councils. Often pitches become subdivided to provide space for newly-forming households, particularly from family members.

4. The current picture: Gypsy and Traveller population and pitch provision

4.1 This chapter looks at the current picture in terms of the current population and demography of Gypsies and Travellers across the study area before going on to explore the extent and nature of provision across the area.

2011 Census population estimates

4.2 Whilst it is recognised that some families may not identify themselves as Gypsies or Travellers in research, the 2011 Census³⁰ identifies a total of 125 households in Herefordshire as having a ‘White: Gypsy or Irish Traveller’ (WGoIT) ethnicity (Table 4.1a). Of these, 80.0% (100 households) live in bricks and mortar accommodation (house or bungalow, or flat, maisonette or apartment) and 20.0% (25 households) live in a caravan or other mobile or temporary structure.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
125	80	20	25

Source: 2011 Census

4.3 The 2011 Census provides further information on actual residents and Table 4.1b provides details of the breakdown of people.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
357	241	39	77

2011 Census

4.4 Table 4.1c provides an analysis of people and households and shows that the average household size is 2.9 persons for Gypsies and Travellers in Herefordshire County. This compares with an average household size of 2.3 (down from 2.4 in 2001) for the UK as

³⁰ Tables 5.1a to 5.1e are taken from the Census 2011. Special tables were commissioned by ONS to cover the ethnicity and several data sets were produced and made available on the ONS website on the 21st January 2014. See Tables CT0127 and CT0128. Main article: <http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/what-does-the-2011-census-tell-us-about-the-characteristics-of-gypsy-or-irish-travellers-in-england-and-wales-/index.html>

a whole and looking at all households. There is some variation in the average Gypsy and Traveller household size between accommodation types, however, with an average of 3.0 persons per household in houses/bungalows compared with 2.0 persons per household in flats/maisonettes/apartments and 3.1 persons per household in caravans/mobiles.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
2.86	3.01	1.95	3.08

Source: 2011 Census

Caravan Count information

- 4.5 The Traveller caravan count (previously called the Gypsy and Traveller caravan count) is carried out bi-annually, every January and July.
- 4.6 The latest figures available are from the January 2017 Count of Traveller Caravans (England)³¹, which nationally found that:
- The total number of traveller caravans in England in January 2017 was 22,004. This is 698 more than the 21,306 reported in January 2016.
 - 6,807 caravans were on authorised socially rented sites. This is a decrease of 239 since the January 2016 count of 7,046.
 - The number of caravans on authorised privately funded sites was 12,276. This was 822 more than the 11,454 recorded in January 2016.
 - The number of caravans on unauthorised encampments on land owned by travellers was 2,141. This is 11 above the January 2016 figure of 2,130.
 - The number of caravans on unauthorised encampments on land not owned by travellers was 780. This was 104 caravans more than the January 2016 count of 676.
 - Overall, the January 2017 count indicated that 87 per cent of traveller caravans in England were on authorised land and that 13 per cent were on unauthorised land. This is the same as the previous year.
- 4.7 The figures for the last five Traveller caravan counts for Herefordshire are set out in Table 4.2. This shows that an average of 188 caravans have been recorded on sites in the County during the five-count period. Of these, 45.1% have been on private authorised sites (with planning permission) and 41.9% have been on social rented authorised sites. 12.2% have been on tolerated unauthorised sites. In the four counts

³¹ DCLG Count of Traveller Caravans January 2017 England, Housing Statistical Release 25 May 2017

during 2015 and 2016, two caravans were recorded on unauthorised sites; however, none were recorded in January 2017.

Table 4.2 Bi-annual Traveller caravan count figures January 2015 to January 2017

Herefordshire Count	Authorised sites with planning permission		Unauthorised sites without planning permission		Total
	Social Rented	Total Private	Tolerated	Not Tolerated	
Jan 2015	80	78	24	2	184
Jul 2015	77	89	25	2	193
Jan 2016	76	90	20	2	188
Jul 2016	81	81	22	2	186
Jan 2017	80	86	24	0	190
Five-Count Average	78.8	84.8	23	1.6	188.2
Five-Count % Average	41.9%	45.1%	12.2%	0.9%	100.0%

Source: DCLG Traveller Caravan Count, Live Table 1 (January 2017)

4.8 An annual count of Travelling Showpeople caravans is undertaken every January, alongside the January Traveller caravan count. The most recent available data is therefore January 2017. Table 4.3 sets out the data from the last four Travelling Showpeople caravan counts, 2014-2017. This shows that no Travelling Showperson caravans have been recorded during the four-count period.

Table 4.3 Annual Travelling Showpeople caravan count figures January 2014 to January 2017

Herefordshire Count	Authorised sites with planning permission		Unauthorised sites without planning permission	Total
	Social Rented	Total Private	Total Unauthorised	
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
Four-Count Average	0	0	0	0

Source: DCLG Travelling Showpeople Caravan Count, Live Table 3 (January 2017)

4.9 The DCLG caravan count data also records Traveller and Travelling Showpeople caravan sites provided by local authorities and private registered providers in

England³². The most up-to-date data from January 2017 is set out in Table 4.4. This identifies six sites in Herefordshire County.

Table 4.4 Traveller and Travelling Showpeople caravan sites provided by local authorities and registered providers in Herefordshire, January 2017

Site and address	Date site opened	Date of last site changes	Total no. of pitches	of which		Caravan capacity
				residential	transit	
Turnpike, Pembridge	1988	2009	6	6	0	12
Orchard Park, Watery Lane, Hereford	1992	2015	11	11	0	22
Springfield Close, Croft Lane	1995	2016	10	10	0	20
Open Fields, Bromyard	1997	2014	10	10	0	20
Romany Close, Grafton, Hereford	1991	2015	9	9	0	18
Tinkers Corner, Bosbury	1996	-	7	7	0	14

Source: DCLG Traveller Caravan Count, Live Table 2 (January 2017)

Local information

- 4.10 Data on the provision of sites considers both authorised and unauthorised sites across Herefordshire.
- 4.11 Broadly speaking, authorised sites are those with planning permission and can be on either public or privately owned land. Unauthorised sites are made up of either longer term³³ unauthorised encampments³⁴, that have been in existence for some considerable time and so can be considered to be indicative of a permanent need for accommodation (in some instances local authorities class these as tolerated sites and do not take enforcement action to remove them); and unauthorised developments, where Travellers are residing upon land that they own and that does not have planning permission (see Appendix D for more detailed definitions).
- 4.12 Table 4.5 sets out information relating to the Gypsy and Traveller sites located within Herefordshire County, including a comparison with the information set out in the previous GTAA (2015) in terms of previous site names and notes on changes that have taken place. Table 4.6 sets out information relating to Travelling Showperson yards. The locations of these sites and yards are shown in Map 4.1.
- 4.13 Gypsy and Traveller sites in the County include six authorised permanent Council sites (which correlates with the information in the DCLG Caravan Count as set out in Table 4.4, above). In addition, there are 29 authorised permanent private sites and one

³² DCLG Count of Traveller Caravans January 2017 England, Housing Statistical Release 25 May 2017, Live Table 2

³³ Approximately three months or longer

³⁴ Please note that unauthorised encampments also encompass short-term illegal encampments, which are more indicative of transit need, see para 7.10 for more information on these encampments.

tolerated private site. The triangulation of secondary data, Council records and fieldwork survey has identified a total of 129 pitches, 119 households and 7 unoccupied pitches (with three households living across two pitches, resulting in 122 occupied pitches).

- 4.14 There are three Travelling Showperson’s yards located in Ross on Wye accommodating an estimated 10 households.

Table 4.5 Location of Gypsy and Traveller pitches in Herefordshire	
Location	No. Pitches
Aymestry	1
Bartestree	2
Bishop's Frome	2
Bodenham	2
Bosbury	11
Bromyard	11
Burghill	3
Callow	2
Grafton	9
Hereford	11
Ledbury	5
Linton	1
Lower Eggleton	3
Luston	10
Marden	1
Mortimer's Cross	10
Much Birch	3
Much Cowarne	2
Much Marcle	2
Norton Canon	1
Ocle Pychard	2
Pembridge	8
Pow Green	1
Stoke Prior	1
Upper Hill	22
Upton Bishop	1
Wigmore	2
Total	129

Source: Herefordshire County Council data 2017, site survey fieldwork 2017

Table 4.6 Location of Travelling Showperson plots in Herefordshire	
Location	No. Plots
Ross on Wye	10

Source: Herefordshire County Council data 2017, site survey fieldwork 2017

5. Gypsy and Traveller pitch, Travelling Showperson plot and transit site requirements

Introduction

- 5.1 This section reviews the overall pitch requirements of Gypsies and Travellers and Travelling Showpeople across Herefordshire. It takes into account current supply and need, as well as future need, based on modelling of data, as advocated by the DCLG. This chapter also considers transit pitch requirements for Gypsies and Travellers. Finally, it presents planning policy recommendations.
- 5.2 The calculation of pitch requirements is based on DCLG modelling as advocated in *Gypsy and Traveller Accommodation Assessment Guidance* (DCLG, 2007). While the DCLG Guidance was revoked in July 2016 under the provisions of the Housing and Planning Act 2016, and officially withdrawn in December 2016, many aspects of the approach set out within it remain ‘best practice’ and have been ratified by inspectors at planning inquiry. The withdrawn DCLG Guidance requires an assessment of the current needs of Gypsies and Travellers and a projection of future needs. It advocates the use of a survey to supplement secondary source information and derive key supply and demand information.
- 5.3 The GTAA has modelled current and future demand and current and future supply separately for Gypsies and Travellers and Travelling Showpeople. For this study, the model has assumed a cultural definition of Gypsies and Travellers and Travelling Showpeople but also takes account of the new planning definition as an element of modelling output.

Pitch requirement model overview

- 5.4 Pitch requirements are assessed over an initial five-year period (2017/18 to 2021/22) (the 5-year model) and then longer-term need is based on the expected number of households likely to form over the remainder of the plan period (2022/23 to 2031) based on the age profile of children under 13 living in Gypsy and Traveller households on pitches (the longer-term model). The modelling is based on the cultural need for pitches but the impact of the PPTS definition on need is also considered.
- 5.5 In terms of **cultural need**, the 5-year model considers:
- The baseline number of households on all types of site (authorised, unauthorised and temporary authorised sites) as at May 2017;
 - Existing households planning to move in the next five years (currently on sites and also from bricks and mortar and where they are planning to move to; and
 - Emerging households currently on sites and planning to emerge in the next five years and stay within the study area on a pitch; to derive a figure for
 - Total pitch need.
- 5.6 In terms of **supply**, the model considers:

- Total supply of current pitches on authorised sites;
 - Vacant pitches on authorised sites.
- 5.7 The model then reconciles total need and existing authorised supply over the next 5 years by summarising:
- Total need for pitches; and
 - Total supply of authorised pitches.
- 5.8 The longer-term element of the model then considers the cultural need over the remainder of the plan period (to 2031).

Description of factors in the 5-year need model

- 5.9 Table 5.1 provides a summary of the 5-year pitch need calculation. Each component in the model is now discussed to ensure that the process is transparent and any assumptions clearly stated.

Need

5.10 **Current households living on pitches (1a to 1e)**

These figures are derived from local authority data, site observation and household survey information. Note that no household stated they were doubled up or included concealed households. Site observation and fieldwork suggests there are a total of 122 pitches that are occupied by 119 households (with 3 households occupying 2 pitches each).

5.11 **Current households in bricks and mortar accommodation (2a)**

The 2011 Census suggested there were 100 households living in bricks and mortar accommodation. On the basis of 41 arc⁴ studies, it is estimated that 5.3% of households living in bricks and mortar would prefer to live on a site. The model therefore assumes a minimum need from 5 pitches from households currently living in bricks and mortar housing. However, the housing register at May 2017 identifies a total of 20 households wanting to move onto a local authority site from brick and mortar housing and this figure is include in the model.

5.12 **Existing Households planning to move in the next five years (3)**

This was derived from information from the household survey for respondents currently on authorised pitches. To account for non-response, the data in the model has been weighted by a factor of 1.34³⁵.

Overall, there is a need from 5 households planning to move to another pitch within Herefordshire and 7 from a pitch to bricks and mortar. The model assumes 20 households planning to move from bricks and mortar to a pitch.

³⁵ 89 responses from 119 G&T households on pitches results in a weighting factor of 119/89= 1.34

Housing register information

The housing waiting list for the local authority sites identifies a total of 20 households planning to move from bricks and mortar to a pitch. There are also 15 households currently on pitches wanting to move onto LA sites. This need has been included in the model

This results in an overall net requirement of +34 pitches from existing households planning to move in the next 5 years.

5.13 Emerging households (4)

This is the number of households expected to emerge in the next 5 years based on household survey information. The total number is 24 (weighted).

If children old enough to form their own household were living with family and have not specified that they want to form a new household, this is assumed to be through choice and the model does not assume they want to form a new household.

5.14 Total need for pitches (5)

This is a total of current households on authorised pitches, households on pitches planning to move in the next five years and demand from emerging households currently living on pitches. This indicates a total need for 177 pitches.

Supply

5.15 Current supply of authorised pitches (6)

This is a summary of the total number of authorised pitches and the number of vacant authorised pitches. This shows a total supply of 122 occupied authorised pitches (note that there are 3 households across the County who occupy 2 pitches each) plus 7 vacant authorised pitches resulting in a total supply of 129 authorised pitches.

Reconciling supply and demand

5.16 There is a total need over the next five years (2017/18 to 2021/22) for 177 pitches in Herefordshire (Table 5.1) compared with a supply of 129 authorised pitches (including vacant pitches). The result is an overall cultural shortfall of 48 pitches.

Table 5.1 Summary of demand and supply factors: Gypsies and Travellers – 2017/18 to 2021/22			
CULTURAL NEED		Herefordshire	
1	Total households living on pitches	1a. On LA Site	51
		1b. On Private Site – Authorised	58
		1c. On Private Site - Temporary Authorised	0
		1d. On Private Site – Tolerated	10
		1e. Unauthorised	0
		1f. Total (1a to 1e)	119
2A	Estimate of households in bricks and mortar accommodation	2a. TOTAL (2011 Census)	100
Weighting applied to stages 3 and 4 = 1.34 to account for G&T household no-response			
3	Existing households planning to move in next 5 years	Currently on sites	
		3a. To another pitch/same site	4
		3b. To another site in County	1
		3c. From site to Bricks and Mortar	7
		3d. To a site/bricks and mortar outside County	0
		Currently in Bricks and Mortar	
		3e. Planning to move to a site in LA	20
		3f. Planning to move to another B&M property	0
		Currently on housing register	
3g. Household currently on housing register	15		
3h. TOTAL Net impact (3a+3b-3c-3d+3e+3g)	34		
4d. 4	Emerging households (5 years)	4a. Currently on site and planning to live on current site	21
		4b. Currently on sites and planning to live on another site in LA	3
		4c. Currently on site and planning to live on site outside the study area	0
		4d. Currently in B&M planning to move to a site in LA	0
		4e. Currently in B&M and moving to B&M (no net impact)	0
		4f. Currently on Site and moving to B&M (no net impact)	0
		4g. TOTAL Net impact (4a+4b-4c+4d)	24
5	Total Need	1f+3h+4g	177
SUPPLY			
6	Current supply of authorised pitches	6a Current occupied authorised pitches	122
		6b Current vacancies on authorised pitches	7
		6c. Total current authorised supply (6a+6b)	129
RECONCILING NEED AND SUPPLY			
7	Total need for pitches	5 years (from 5)	177
8	Total supply of authorised pitches	5 years (from 6c)	129
5 YEAR AUTHORISED PITCH SHORTFALL 2017/18 TO 2021/22			48

Note: Figures in the table subject to rounding

Longer-term pitch requirement modelling

- 5.17 Longer-term pitch need modelling has been carried out using known household structure information from the household survey of households living on pitches. On the basis of the age of children in households, it is possible to determine the extent of 'likely emergence', which assumes that a child is likely to form a new household at the age of 18.
- 5.18 The year when a child reaches 18 has been calculated and it is possible to assess how many newly forming households may emerge over the period 2022/3-2030/31. A reasonable assumption is that half of these children will form new households, bearing in mind culturally women tend to move away on marriage and men tend to stay in close proximity to their families on marriage. The model therefore assumes that 50% of children will form households when they reach 18 and that these households remain in Herefordshire³⁶. Analysis would suggest a total cultural need for 26 additional pitches over the period 2022/23-2030/31 (Table 5.2).

Table 5.2 Future pitch requirements based on the assumption that 50% of children form households on reaching 18

Time period	No. children	Expected household formation
2022/23 – 2026/27	23	11
2027/28 – 2030/31	29	15
Total (2022/23 to 2030/31)	52	26

*includes data from Yoke Farm survey of 2014

Planning Policy for Traveller Site definition

- 5.19 Analysis of household survey data establishes that 36.5% of Gypsies and Travellers living on pitches across Herefordshire satisfy the PPTS definition of Gypsies and Travellers (this is based on the 52 responses from households living on Gypsy and Traveller pitches in the 2017 survey) and discussed at paragraph 3.15. This proportion is applied to the cultural need evidenced in the 5-year and longer-term modelling of pitch requirements to establish a PPTS need for pitches.

Overall plan period pitch need

- 5.20 Table 5.3 summarises the overall need for pitches across Herefordshire over the plan period to 2031. It presents the overall cultural need based on households identifying

³⁶ This approach has been tested at inquiry including Worcestershire and Shropshire.

as Gypsy and Traveller and a PPTS need which is a subset of the cultural need and is based on those households who meet the PPTS definition of need.

- 5.21 Assuming a 14-year period (2017/18 to 2030/31), this result in an annualised cultural need for 5.3 pitches and an annualised PPTS need for 1.9 pitches.

Table 5.3 Overall plan period Gypsy and Traveller pitch need		
	Cultural need	Of which: PPTS need
Historic plan period pitch need 2011/12 to 2016/17*	17	6
5yr pitch need (2017/18 to 2021/22)	48	17
Longer-term need to 2022/23 to 2030/31	26	10
TOTAL pitch need 2017/18 to 2030/31 (Local Plan Period)	91	33

*Based on 2015 GTAA there was an annual 2.8 pitch need and x 6 years results in 17 pitches.

- 5.22 It is recommended that the Local Plan recognises there is a cultural need for 91 pitches over the plan period and a need for 33 pitches under the PPTS definition before turnover on local authority pitches is considered.

Turnover on sites

- 5.23 Turnover relates to the number of pitches that are expected to become available for occupancy. Analysis only includes expected turnover on public sites as this is referenced in (former) DCLG Guidance and more accurate data on changes in pitch occupancy is likely to be available. Although there is likely to be turnover on private sites, the ability of households to move onto private sites may be more restrictive (for instance the site may be restricted to a particular family) and less likely to be recorded.
- 5.24 Household survey data indicates that 19.5% of respondents living on local authority sites plan to move in the next 5 years or an annual rate of 3.9%. This analysis would suggest annual capacity of 1.8 which translates to a capacity of 27 pitches over the plan period through turnover.
- 5.25 Site management data indicates a turnover of 6 pitches each year over the past two years (to July 2017). This would result in an overall capacity of 84 pitches over the remaining plan period to 2030.
- 5.26 Table 5.4 illustrates the impact of turnover on overall pitch need using site management data. The result of including expected turnover is to address both cultural and PPTS need.

Table 5.4 Addressing Gypsy and Traveller pitch need		
	Cultural need	Of which:

		PPTS need
TOTAL pitch need 2017/18 to 2030/31 (remaining Plan Period)	74	27
Pitches expected to become available through turnover on pitches on Council sites 2017/18 to 2030/31	84	84
Residual pitch requirement after factoring in expected turnover	Addressed	Addressed

Potential capacity for Gypsy and Traveller pitches and tolerated sites

5.27 There is further potential capacity to help address pitch need over the plan period. The household survey asked respondents if there was opportunity to expand existing sites to accommodate more pitches. Responses suggested that there was potential for around 15 to 17 additional pitches across the following sites:

- Local authority 11 to 17 pitches;
- Private authorised 9 pitches.

5.28 Note that the potential expansion of sites was based on the views of respondents and not a technical appraisal of sites. Further work would be necessary to confirm the potential for expansion.

Travelling Showpeople plot requirements

5.29 The 2015 GTAA established a need for 9 additional travelling showperson plots. Discussions with a local community member would suggest that this remains an appropriate number over the plan period to 2031.

Transit site requirements

5.30 Unauthorised encampment data collected by the Council reports a varying level of activity:

- 52 encampments in 2014;
- 21 encampments in 2015; and
- 51 encampments in 2016.

5.31 The Council reports an average number of 4.5 caravans on encampment and a median of 3 caravans. A 5 pitch transit site could accommodate up to 10 caravans (assuming two per pitch) and this would accommodate around 92% of unauthorised encampments in the County. The provision of a transit site should be considered by the Council.

6. Conclusion and strategic response

- 6.1 This concluding chapter provides a brief summary of key issues emerging from the research; advice on the strategic responses available, including examples of good practice; and recommendations and next steps.

Meeting permanent Gypsy and Traveller pitch requirements

- 6.2 There are currently 119 Gypsy and Traveller households living across 122 occupied pitches in Herefordshire (three households live across two pitches each). There are a total of 129 pitches, with 7 pitches unoccupied.
- 6.3 It is recommended that the Local Plan acknowledges the need (excluding turnover) for 91 additional pitches based on a cultural interpretation of need and, as a subset of this number, a need for 33 based on a PPTS interpretation of need over the plan period (2011/12 to 2030/31). The Local Plan should also acknowledge that turnover on local authority pitches is expected to address this need. Although there is no overall shortfall in pitches once turnover is considered, the Council should continue to consider applications for appropriate small sites to address the needs of local Gypsy and Traveller families should they be forthcoming over the plan period.

Meeting permanent Travelling Showperson requirements

- 6.4 The 2015 GTAA established a need for 9 additional travelling showperson plots. Discussions with a local community member would suggest that this remains an appropriate number over the plan period to 2031.

Meeting transit site/stop over requirements

- 6.5 Unauthorised encampment activity is reported in Herefordshire. Based on the number of caravans reported on encampments, a 5 pitch transit site, which could accommodate 10 caravans, would be sufficient to accommodate 92% of unauthorised encampment activity across the County. This should be considered by the Council.

Good practice in planning for Gypsy and Traveller provision

- 6.6 There are a number of resources available to local planning authorities to assist them in planning for Gypsy and Traveller provision, including resources from the Planning Advisory Service (PAS) and the Royal Town Planning Institute (RTPI), which are presented in Appendix B. In addition, the Local Government Agency and Local Government Association have resources available for local authorities working with

Traveller communities to identify sites for new provision, these include dedicated learning aids for elected members³⁷.

- 6.7 Work undertaken by PAS³⁸ identified ways in which the planning process can increase the supply of authorised Gypsy and Traveller pitches. The RTPi has developed a series of Good Practice Notes for local planning authorities. Both are summarised at Appendix B.

Concluding comments

- 6.8 The overarching purpose of this study has been to update the evidence base of the previous GTAA and identify the accommodation requirements of Gypsies, Travellers and Travelling Showpeople across Herefordshire.
- 6.9 As set out in Table 6.1, it is recommended that the Local Plan recognises an overall cultural need for 91 pitches and, as a subset of this number, a PPTS need for 33 pitches. For the remainder of the plan period (2017/18 to 2030/31) there is a cultural need for 74 pitches and as a subset of this a need for 27 pitches under PPTS definitions. However, it is anticipated that turnover on Local Authority pitches is expected to address this need. Notwithstanding this, it is recommended that the Council should continue to consider applications for appropriate small sites to address the needs of local Gypsy and Traveller families should they be forthcoming over the plan period.

	Cultural need	Of which: PPTS need
Historic Pitch need 2011/12 to 2016/17	17	6
5yr Pitch need (2017/18 to 2021/22)	48	17
Longer-term Pitch need (2022/23 to 2030/31)	26	10
TOTAL Pitch need for the whole Local Plan Period (2011/12 to 2030/31)	91	33
TOTAL Pitch need for the remainder of the Local Plan Period (2017/18 to 2030/31)	74	27
Expected turnover on LA sites over the Plan Period	84	84
RESIDUAL PITCH REQUIREMENT DURING THE REMAINDER OF THE PLAN PERIOD (2017/18 to 2030/31) including turnover	Addressed	Addressed

³⁷ I&DeA (now Local Government Agency) local leadership academy providing Gypsy and Traveller sites

³⁸ PAS spaces and places for gypsies and travellers how planning can help

- 6.10 The previous GTAA established a need for 9 additional plots over the plan period and this is recommended as the requirement to be presented in the local plan.
- 6.11 The study suggests the development of 5 transit pitches that would accommodate up to 10 caravans.
- 6.12 It is recommended that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and pitch provision remains appropriate for the Gypsy, Traveller and Travelling Showpeople population across Herefordshire.

Appendix A: Legislative background

- A.1 Between 1960 and 2003, three Acts of Parliament had a major impact upon the lives of Gypsies and Travellers. The main elements of these are summarised below.
- A.2 The **1960 Caravan Sites and Control of Development Act** enabled councils to ban the siting of caravans for human occupation on common land, and led to the closure of many sites.
- A.3 The **Caravan Sites Act 1968 (Part II)** required local authorities '*so far as may be necessary to provide adequate accommodation for Gypsies residing in or resorting to their area*'. It empowered the Secretary of State to make designation orders for areas where he was satisfied that there was adequate accommodation, or on grounds of expediency. Following the recommendations of the Cripps Commission in 1980, provision began to grow rapidly only after the allocation of 100% grants from central government. By 1994 a third of local authorities had achieved designation, which meant that they were not required to make further provision and were given additional powers to act against unauthorised encampments. The repeal of most of the Caravan Sites Act under the Criminal Justice and Public Order Act in 1994 led to a reduction in provision, with some sites being closed over a period in which the Gypsy and Traveller population was increasing.
- A.4 The **1994 Criminal Justice and Public Order Act (CJ&POA)**:
- Repealed most of the 1968 Caravan Sites Act;
 - Abolished all statutory obligation to provide accommodation;
 - Discontinued government grants for sites; and
 - Under Section 61 made it a criminal offence to camp on land without the owner's consent.

Since the CJ&POA the only places where Gypsies and Travellers can legally park their trailers and vehicles are:

- Council Gypsy caravan sites; by 2000 nearly half of Gypsy caravans were accommodated on council sites, despite the fact that new council site provision stopped following the end of the statutory duty;
- Privately owned land with appropriate planning permission; usually owned by Gypsies or Travellers. Such provision now accommodates approximately a third of Gypsy caravans in England; and
- Land with established rights of use, other caravan sites or mobile home parks by agreement or licence, and land required for seasonal farm workers (under site licensing exemptions).

By the late 1990s the impact of the 1994 Act was generating pressure for change on both local and national government. There was a major review of law and policy, which included:

- A Parliamentary Committee report (House of Commons 2004).

- The replacement of Circular 1/94 by Circular 1/2006 (which has since been cancelled and replaced by the *Planning policy for traveller sites* 2012 and updated in 2015).
- Guidance on accommodation assessments (ODPM 2006).
- The Housing Act 2004 which placed a requirement (s.225) on local authorities to assess Gypsy and Traveller accommodation needs.

A.5 **Section 225: Housing Act 2004** imposed duties on local authorities in relation to the accommodation needs of Gypsies and Travellers:

- Every local housing authority was required as part of the general review of housing needs in their areas under section 8 of the Housing Act 1985 assess the accommodation needs of Gypsies and Travellers residing in or resorting to their area;
- Where a local housing authority was required under section 87 of the Local Government Act 2003 to prepare a strategy to meet such accommodation needs, they had to take the strategy into account in exercising their functions;
- A local housing authority was required to have regard to section 226 ('Guidance in relation to section 225') in:
 - carrying out such an assessment, and
 - preparing any strategy that they are required to prepare.
- Section 124 of the Housing and Planning Act 2016 deletes sections 225 and 226 of the Housing Act 2004 (see below). Additional requirements have been inserted into Section 8 of the Housing Act 1985 to include an assessment of the need for sites for caravans and moorings for houseboats within the periodical review of housing needs.

A.6 The **Planning and Compulsory Purchase Act 2004** set out to introduce a simpler and more flexible planning system at regional and local levels. It also introduced new provisions which change the duration of planning permissions and consents, and allow local planning authorities to introduce local permitted development rights using 'local development orders'. It made the compulsory purchase regime simpler, fairer and quicker, to support major infrastructure and regeneration initiatives.

The Act introduced major changes to the way in which the planning system operates. Local planning authorities are required to prepare a Local Development Framework; however, the term Local Plan was reintroduced following the National Planning Policy Framework in March 2012.

Part 8 of the Act contains a series of measures to reform the compulsory purchase regime and make it easier for local planning authorities to make a case for compulsory purchase orders where it will be of economic, social or environmental benefit to the area. This Act was subsequently amended to a Local Plan document with the introduction of the NPPF in March 2012. This section also brings in amended procedures for carrying out compulsory purchase orders, including a widening of the category of person with an interest in the land who can object, and deals with ownership issues and compensation.

- A.7 **The Localism Act 2011** introduced a number of reforms, including changes to planning enforcement rules, which strengthen the power of local planning authorities to tackle abuses of the planning system. The changes give local planning authorities the ability to take actions against people who deliberately conceal unauthorised development, and tackle abuses of retrospective planning applications. The Act also introduced the Duty to Co-operate (see Section 3) on all local planning authorities planning sustainable development. The Duty requires *‘neighbouring local authorities, or groups of authorities, to work together on planning issues in the interests of all their local residents. ... the Government thinks that local authorities and other public bodies should work together on planning issues in ways that reflect genuine shared interests and opportunities to make common cause. The duty requires local authorities and other public bodies to work together on planning issues.’*³⁹ The provision of Gypsy and Traveller sites falls within the Duty to Co-operate; which aims to ensure that neighbouring authorities work together to address issues such as provision of sites for Gypsies and Travellers in a planned and strategic way.
- A.8 **Statutory Instrument 2013 No 830 Town and Country planning Act, England (Temporary Stop Notice) (England) (Revocation) Regulations 2013** came into force on 4th May 2013. This Instrument revoked the regulations governing Temporary Stop Notices, which were in place to mitigate against the disproportionate impact of Temporary Stop Notices on Gypsies and Travellers in areas where there was a lack of sufficient pitches to meet the needs of the Travelling community.
- A.9 **Section 124: Housing and Planning Act 2016** has two parts:
- 124(1) amends section 8 of the Housing Act 1985, inserting an additional reference to include a duty to consider the needs of people residing in or resorting to local authority areas with respect to the provision of sites for caravans and moorings for houseboats when undertaking housing needs assessments.
 - 124(2) deletes sections 225 and 226 of the Housing Act 2004 (as set out above).

³⁹ DCLG A plain English guide to the Localism Act Nov 2011

Appendix B: Literature review

B.1 As part of this research, we have carried out a review of literature, which is presented in this Appendix. A considerable range of guidance documents has been prepared by Central Government to assist local authorities discharge their strategic housing and planning functions. In addition, there is considerable independent and academic research and guidance on these issues; some of the key documents are summarised here. The documents are reviewed in order of publication date.

B.2 **A Decent Home: Definition and Guidance for Implementation Update, DCLG, June 2006**

Although not primarily about the provision of caravan sites, facilities or pitches, the June 2006 updated DCLG guidance for social landlords provides a standard for such provision. The guidance is set out under a number of key headings:

- Community-based and tenant-led ownership and management;
- Delivering Decent Homes Beyond 2010;
- Delivering mixed communities;
- Procurement value for money; and
- Housing Health and Safety.

The guidance defines four criteria against which to measure the standard of a home:

- It meets the current statutory minimum standard for housing;
- It is in a reasonable state of repair;
- It has reasonably modern facilities and services; and
- It provides a reasonable degree of thermal comfort.

B.3 **Guide to Effective Use of Enforcement Powers - Parts 1 (Unauthorised Encampments, ODPM, 2006) and 2 (Unauthorised Development of Caravan Sites, DCLG, 2007)**

The Guide (now cancelled) was the Government's response to unauthorised encampments which cause local disruption and conflict. Strong powers are available to the police, local authorities and other landowners to deal with unauthorised encampments. It provided detailed step-by-step practical guidance to the use of these powers, and sets out advice on:

- Choosing the most appropriate power;
- Speeding up the process;
- Keeping costs down;
- The eviction process; and
- Preventing further unauthorised camping.

B.4 **Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Commission for Racial Equality, May 2006**

This report was written four years after the introduction of the statutory duty on public authorities under the Race Relations (Amendment) Act to promote equality of opportunity and good race relations and to eliminate unlawful racial discrimination. The CRE expressed concerns about relations between Gypsies and Irish Travellers and other members of the public, with widespread public hostility and, in many places, Gypsies and Irish Travellers leading separate, parallel lives. A dual concern about race relations and inequality led the Commission in October 2004 to launch the inquiry on which this report was based.

The Report's recommendations include measures relating to Central Government, local authorities, police forces and the voluntary sector. Among those relating to Central Government are:

- developing a realistic but ambitious timetable to identify land for sites, where necessary establishing them, and making sure it is met;
- developing key performance indicators for public sites which set standards for quality and management that are comparable to those for conventional accommodation;
- requiring local authorities to monitor and provide data on planning applications, outcomes and enforcement, and on housing and homelessness by racial group, using two separate categories for Gypsies and Irish Travellers; and
- requiring police forces to collect information on Gypsies and Irish Travellers as two separate ethnic categories.

Strategic recommendations affecting local authorities include:

- developing a holistic corporate vision for all work on Gypsies and Irish Travellers,
- reviewing all policies on accommodation for Gypsies and Irish Travellers,
- designating a councillor at cabinet (or equivalent) level, and an officer at no less than assistant director level, to coordinate the authority's work on all sites;
- emphasising that the code of conduct for councillors applies to their work in relation to all racial groups, including Gypsies and Irish Travellers;
- giving specific advice to Gypsies and Irish Travellers on the most suitable land for residential use, how to prepare applications, and help them to find the information they need to support their application;
- identifying and reporting on actions by local groups or individuals in response to plans for Gypsy sites that may constitute unlawful pressure on the authority to discriminate against Gypsies and Irish Travellers; and
- monitoring all planning applications and instances of enforcement action at every stage, by type and racial group, including Gypsies and Irish Travellers, in order to assess the effects of policies and practices on different racial groups.

Among other recommendations, the Report states that police forces should:

- include Gypsies and Irish Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations;
- target individual Gypsies and Irish Travellers suspected of anti-social behaviour and crime on public, private and unauthorised sites, and not whole communities;
- treat Gypsies and Irish Travellers as members of the local community, and in ways that strengthen their trust and confidence in the police;
- provide training for all relevant officers on Gypsies' and Irish Travellers' service needs, so that officers are able to do their jobs more effectively;
- review formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices, and ensure that the procedures promote race equality and good race relations; and
- review the way policy is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised, and training needs are identified.

Other recommendations relate to Parish and Community councils the Local Government Association, the Association of Chief Police Officers and the voluntary sector.

B.5 **Planning Advisory Service (PAS) *Spaces and places for Gypsies and Travellers: how planning can help* (2006)**

PAS list the following as key to successful delivery of new provision:

- **Involve Gypsy and Traveller communities:** this needs to happen at an early stage, innovative methods of consultation need to be adopted due to low levels of literacy and high levels of social exclusion within Gypsy and Traveller communities and members of the Gypsy and Traveller community should be trained as interviewers on Accommodation Assessments (Cambridgeshire, Surrey, Dorset and Leicestershire). Other good practice examples include distribution of material via CD, so that information can be 'listened to' as opposed to read. The development of a dedicated Gypsy and Traveller Strategy is also seen to be good practice, helping agencies develop a co-ordinated approach and so prioritise the issue. The report also recommends the use of existing Gypsy and Traveller resources such as the planning guide published in Traveller's Times, which aims to explain the planning process in an accessible way to members of the Gypsy and Traveller community. As well as consulting early, PAS also flags the need to consult often with communities;
- **Work collaboratively** with neighbouring authorities to address the issues and avoid just 'moving it on' to a neighbouring local authority area. With the new Duty to Co-operate established within the NPPF, working collaboratively with neighbouring local authorities has never been more important. Adopting a collaborative approach recognises that local authorities cannot work in isolation to tackle this issue;
- **Be transparent:** trust is highly valued within Gypsy and Traveller communities, and can take a long time to develop. The planning system needs to be transparent, so

that members of the Gypsy and Traveller community can understand the decisions that have been taken and the reasoning behind them. PAS states that *‘ideally council work in this area should be led by an officer who is respected both within the Council and also within Gypsy and Traveller communities: trust is vital and can be broken easily.’*⁴⁰ Local planning authorities also need to revisit their approach to development management criteria for applications for Gypsy and Traveller sites *‘to ensure that criteria make it clear what applications are likely to be accepted by the council. Authorities need to ensure that these are reasonable and realistic. Transparent and criteria-based policies help everyone to understand what decisions have been made and why.’*⁴¹ Kent and Hertsmere councils are listed as examples of good practice in this regard.

- **Integration:** accommodation needs assessments need to be integrated into the Local Plan evidence base, with site locations and requirements set out within specific Development Plan Documents (DPDs); dedicated Gypsy and Traveller DPDs are advocated as a means of ensuring that the accommodation needs of Gypsies and Travellers are fully considered and addressed within the local planning process; and
- **Educate and work with councillors:** members need to be aware of their responsibilities in terms of equality and diversity and *‘understand that there must be sound planning reasons for rejecting applications for Gypsy and Traveller sites’*⁴². It is helpful for members to understand the wider benefits of providing suitable accommodation to meet the requirements of the Gypsy and Traveller community, such as:
 - An increase in site provision;
 - Reduced costs of enforcement; and
 - Greater community engagement and understanding of community need.

B.6 RTPI Good Practice Note 4, *Planning for Gypsies and Travellers (2007)*

The RTPI has developed a series of Good Practice notes for local planning authorities ‘Planning for Gypsies and Travellers’; the notes cover four key areas:

- Communication, consultation and participation;
- Needs assessment;
- Accommodation and site delivery; and
- Enforcement.

Whilst the notes were developed prior to the NPPF and the introduction of PPTS 2012 and 2015, some of the key principles remain relevant. and it is worth considering some of the papers’ key recommendations.

⁴⁰ PAS *Spaces and places for gypsies and travellers how planning can help*, page 8

⁴¹ PAS *spaces and places for gypsies and travellers how planning can help* page 8 & 14

⁴² PAS *spaces and places for gypsies and travellers how planning can help* page 10

In terms of **communication, consultation and participation** the RTPI highlight the following good practice:

- **Define potentially confusing terminology** used by professionals working in the area;
- **Use appropriate methods of consultation:** oral exchanges and face-to-face dealings are essential to effectively engage with Gypsy and Traveller communities, whilst service providers tend to use written exchanges;
- **Consultees and participants need to be involved in the entire plan making process;** this includes in-house participants, external organisations, Gypsy and Traveller communities, and settled communities. The RTPI concludes that:
 - *‘Local authorities should encourage Gypsy and Traveller communities to engage with the planning system at an early stage. However, they may request other agencies that have well-established relationships with members of Gypsy and Traveller communities to undertake this role.’* and
 - *‘In the past, settled communities have often only become aware of the intention to develop Gypsy and Traveller accommodation when the local authority issues a notice or consultation. ... cultivating the support of the settled community for the development of sites should start as soon as possible. ... There is a sound case for front-loading and sharing information with small groups in the [settled] community, rather than trying to manage large public gatherings at the start of the process. Again, it may be beneficial for the local authority to work in partnership with organisations with established links in the community. The settled community is not a homogeneous whole. There will be separate groups with different perceptions and concerns, which the local authority must take account of.’⁴³*
- **Dialogue methods:** the RTPI correctly identify that the experience of many Gypsies and Travellers of liaising with both public sector agencies and the settled community is both frightening and negative. As a result *‘there should be no expectation that Gypsies and Travellers will participate in open meetings. Stakeholders should investigate suitable methods of bringing together individuals from the respective communities in an environment that will facilitate a constructive exchange of information and smooth the process of breaking down animosity and hostility.’⁴⁴* The use of public meetings is discouraged, and the use of organisations with experience of working within both Gypsy and Traveller, and settled communities encouraged – advice and support groups, assisted by the latter, holding regular local meetings can be an effective means of engaging constructively with both communities. Representatives from these groups can also be included on appropriate forums and advisory groups. The location and timing of meetings needs to be carefully considered to maximise participation, with a neutral venue being preferable.

⁴³ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 8

⁴⁴ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 13

- **The media** has an important role to play in facilitating the delivery of sites locally, with past reporting being extremely damaging. Positive media liaison is important and requires:
 - A single point of contact with the local authority;
 - A liaison officer responsible for compilation and release of briefings, and for building positive relationships with editors, journalists, radio and television presenters;
 - All stakeholders to provide accurate and timely briefings for the liaison officer;
 - Provision of media briefings on future activities;
 - Officers to anticipate when and where the most sensitive and contentious issues will arise and use of a risk assessment to mitigate any negative impact;
 - Use of the media to facilitate engagement with both settled and Gypsy and Traveller communities; and
 - Stakeholders to provide politicians with clear, accurate and comprehensive briefings.
- **On-going communication, participation and consultation** are important. The continued use of the most effective methods of engagement once an initiative is completed ensures the maximum use of resources:
 - *‘The delivery of some services, such as the identification of sites in development plan documents, is the end of one process and the start of another. The various committees and advisory groups established to participate in the process of site identification and the accommodation needs assessment will have considerable background information and expertise embedded in their membership. This will prove useful in the management and monitoring of subsequent work. ... Whilst on-going engagement with all service users is important, it is especially important with regard to Gypsies and Travellers, given their long history of marginalisation.’⁴⁵*

Whilst the RTPI’s Good Practice Note Planning for Gypsies and Travellers predates the NPPF, the principles that it establishes at Part C remain largely relevant in terms of the role of local plan making. The Note advises that whilst the use of the site specific DPDs to identify sites for Gypsy and Traveller accommodation may seem less divisive, subsequent to identification of sufficient sites to meet identified need, local planning authorities should seek to integrate provision for Gypsies and Travellers within their general housing strategies and policies. Early involvement of stakeholders, the community and special interest groups will help achieve a consensus.

However, the RTPI point out that, due to the contentious nature of Gypsy and Traveller provision, the use of a criteria based approach to the selection of development sites is unlikely to be *successful ‘in instances where considerable public opposition to the development might be anticipated.’* The paper concludes that it is

⁴⁵ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 18

not appropriate to rely solely on criteria as an alternative to site allocations where there is an identified need for the development.⁴⁶

The RTPI advocate adopting a pragmatic approach, whereby local planning authorities work with the Gypsy and Traveller communities within their areas to identify a range of potentially suitable sites:

*'The local authority and Gypsy and Traveller communities are both able to bring forward their suggested sites during this process, and the distribution and location of transit as well as permanent sites can be covered. The practicable options would then go forward for discussion with the local community, interest groups, and other stakeholders before the selection of preferred sites is finalised. The advantages of this approach are its transparency and the certainty it provides both for Gypsies and Travellers and for settled communities.'*⁴⁷

The RTPI also advocates the use of supplementary planning guidance to provide additional detail on policies contained within a Local Plan; in terms of Gypsies and Travellers this could include:

- Needs assessment evidence base;
- Design principles; and
- A design brief for the layout of sites.

B.7 Guidance on Gypsy and Traveller Accommodation Needs Assessments, DCLG, October 2007

This Guidance sets out a detailed framework for designing, planning and carrying out Gypsy and Traveller accommodation needs assessments. It includes the needs of Showpeople. It acknowledges that the housing needs of Gypsies and Travellers are likely to differ from those of the settled community, and that they have hitherto been excluded from accommodation needs assessments.

The guidance stresses the importance of understanding accommodation needs of the whole Gypsy and Traveller population; and that studies obtain robust data. It recognises the difficulty of surveying this population and recommends the use of:

- Qualitative methods such as focus groups and group interviews;
- Specialist surveys of those living on authorised sites that are willing to respond; and
- Existing information, including local authority site records and the twice yearly caravan counts.

The Guidance recognises that there are challenges in carrying out these assessments, and accepts that while the approach should be as robust as possible it is very difficult to exactly quantify unmet need.

The Guidance was revoked in July 2016 and withdrawn in December 2016.

⁴⁶ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

⁴⁷ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

B.8 Designing Gypsy and Traveller Sites Good Practice Guide, DCLG, May 2008

The Guide (now cancelled) attempted to establish and summarise the key elements needed to design a successful site. In particular, the guidance intended to assist:

- Local authorities or Registered Providers looking to develop new sites or refurbish existing sites;
- Architects or developers looking to develop sites or refurbish existing sites; and
- Site residents looking to participate in the design/refurbishment process.

B.9 The National Planning Policy Framework, March 2012

The National Planning Policy Framework (NPPF) came into effect in March 2012 and sets out the Government's planning policies for England. It condenses previous guidance and places a strong emphasis on 'sustainable development'. It provides more focussed guidance on plan-making and refers to 'Local Plans' rather than Local Development Frameworks or Development Plan Documents. Despite the difference in terminology it does not affect the provisions of the 2004 Act which remains the legal basis for plan-making.

B.10 DCLG Planning policy for traveller sites, March 2012 (subsequently updated August 2015)

In March 2012 the Government also published *Planning policy for traveller sites*, which together with the NPPF replaced all previous planning policy guidance in respect of Gypsies and Travellers. The policy approach encouraged provision of sites for Gypsies and Travellers where there is an identified need, to help maintain an appropriate level of supply. The policy also encouraged the use of plan making and decision taking to reduce unauthorised developments and encampments. This site has now been updated (see below).

B.11 Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, April 2012

In April 2012 the Government published a Progress Report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, which summarised progress in terms of meeting 'Government commitments to tackle inequalities and promote fairness for Gypsy and Traveller communities.'⁴⁸ The report covers 28 measures from across Government aimed at tackling inequalities, these cover:

- Improving education outcomes;
- Improving health outcomes;
- Providing appropriate accommodation;
- Tackling hate crime;
- Improving interaction with the National Offender Management Service;

⁴⁸ www.communities.gov.uk/news/corporate/2124322

- Improving access to employment and financial services; and
- Improving engagement with service providers.

B.12 Dealing with illegal and unauthorised encampments: a summary of available powers, DCLG August 2012

This guidance note (now superseded, March 2015) summarised the powers available to local authorities and landowners to remove encampments from both public and private land. Powers available to local authorities being:

- Injunctions to protect land from unauthorised encampments;
- Licensing of caravan sites;
- Tent site licences;
- Possession orders;
- Interim possession orders;
- Local byelaws;
- Power of local authorities to direct unauthorised campers to leave land;
- Addressing obstructions to the public highway;
- Planning contravention notice;
- Temporary stop notice;
- Enforcement notice and retrospective planning;
- Stop notice;
- Breach of condition notice; and
- Powers of entry onto land.

B.13 Statutory Instrument 2013 No.830 Town and Country Planning (Temporary Stop Notice) (England) (Revocation) Regulations 2013: Made on 11th April 2013 and laid before Parliament on 12th April 2013 this Instrument revoking the regulations applying to Temporary Stop Notices (TSNs) in England came into force on 4th May 2013. The regulations were originally introduced to mitigate against the likely disproportionate impact of TSNs on Gypsies and Travellers in areas where there is a lack of sites to meet the needs of the Travelling community. Under the regulations, TSNs were prohibited where a caravan was a person's main residence, unless there was a risk of harm to a serious public interest significant enough to outweigh any benefit to the occupier of the caravan. Under the new arrangements local planning authorities are to determine whether the use of a TSN is a proportionate and necessary response.

B.14 Ministerial Statement 1st July 2013 by Brandon Lewis⁴⁹ highlighted the issue of inappropriate development in the Green Belt and revised the appeals recovery criteria issued on 30th June 2008 to enable an initial six-month period of scrutiny of Traveller

⁴⁹ <https://www.gov.uk/government/speeches/planning-and-travellers>

site appeals in the Green Belt. This was so that the Secretary of State could assess the extent to which the national policy, *Planning policy for traveller sites*, was meeting the Government's stated policy intentions. A number of appeals have subsequently been recovered. The Statement also revoked the practice guidance on 'Diversity and equality in planning'⁵⁰, deeming it to be outdated; the Government does not intend to replace this guidance.

B.15 Dealing with illegal and unauthorised encampments: a summary of available powers 9th August 2013. This guidance (now superseded, March 2015) replaced that published in August 2012, and updated it in respect of changes to Temporary Stop Notices. The Guidance listed powers available to local authorities, including:

- More powerful temporary stop notices to stop and remove unauthorised caravans;
- Pre-emptive injunctions that protect vulnerable land in advance from unauthorised encampments;
- Possession orders to remove trespassers from land;
- Police powers to order unauthorised campers to leave land;
- Powers of entry onto land so authorised officers can obtain information for enforcement purposes;
- Demand further information on planning works to determine whether any breach of the rules has taken place;
- Enforcement notices to remedy any planning breaches; and
- Ensuring sites have valid caravan or tent site licences.

It sets out that councils should work closely with the police and other agencies to stop camps being set up when council offices are closed.

B.16 DCLG Consultation: Planning and Travellers, September 2014. This consultation document sought to:

- Amend the Planning policy for Traveller sites' definition of Travellers and Travelling Showpeople to exclude those who have ceased to travel permanently;
- Amend secondary legislation to bring the definition of Gypsies and Travellers, set out in the Housing (Assessment of Accommodation Needs)(Meaning of Gypsies and Travellers)(England) Regulations 2006 in line with the proposed changed definition set out above for the Planning policy for Traveller sites;
- Make the intentional unauthorised occupation of land be regarded by decision takers as a material consideration that weighs against the granting of planning permission. In other words, failure to seek permission in advance of occupation of land would count against the grant of planning permission;
- Protect 'sensitive areas' including the Green Belt;

⁵⁰ ODPM Diversity and Equality in Planning: A good practice guide 2005

- Update guidance on how local authorities should assess future Traveller accommodation requirements, including sources of information that authorities should use. In terms of future needs assessments the consultation suggests that authorities should look at:
 - The change in the number of Traveller households that have or are likely to have accommodation needs to be addressed over the Plan period;
 - Broad locations where there is a demand for additional pitches;
 - The level, quality and types of accommodation and facilities needed (e.g. sites and housing);
 - The demographic profile of the Traveller community obtained from working directly with them;
 - Caravan count data at a local level; and
 - Whether there are needs at different times of the year.
- The consultation closed on 23rd November 2014.

B.17 Dealing with illegal and unauthorised encampments: a summary of available powers, March 2015. This Guidance sets out the robust powers councils, the police and landowners have to deal quickly with illegal and unauthorised encampments. The Guidance lists a series of questions that local authorities will want to consider including:

- Is the land particularly vulnerable to unlawful occupation/trespass?
- What is the status of that land? Who is the landowner?
- Do any special rules apply to that land (e.g. byelaws, statutory schemes of management, etc.) and, if so, are any of those rules relevant to the occupation/trespass activity?
- Has a process been established for the local authority to be notified about any unauthorised encampments?
- If the police are notified of unauthorised encampments on local authority land, do they know who in the local authority should be notified?
- If the power of persuasion by local authority officers (wardens/park officers/enforcement officers) does not result in people leaving the land/taking down tents, is there a clear decision making process, including liaison between councils and local police forces, on how to approach unauthorised encampments? At what level of the organisation will that decision be made? How will that decision-maker be notified?

The Guidance also states that to plan and respond effectively local agencies should work together to consider:

- Identifying vulnerable sites;
- Working with landowners to physically secure vulnerable sites where possible;

- Preparing any necessary paperwork, such as applications for possession orders or injunctions, in advance;
- Working with private landowners to inform them of their powers in relation to unauthorised encampments, including advance preparation of any necessary paperwork;
- Developing a clear notification and decision-making process to respond to instances of unauthorised encampments;
- The prudence of applying for injunctions where intelligence suggests there may be a planned encampment and the site of the encampment might cause disruption to others;
- Working to ensure that local wardens, park officers or enforcement officers are aware of who they should notify in the event of unauthorised encampments;
- Working to ensure that local wardens or park officers are aware of the locations of authorised campsites or other alternatives; and
- Identifying sites where protests could be directed / permitted.

B.18 **DCLG Planning policy for traveller sites, August 2015**

To be read alongside the NPPF (March 2012), this national planning policy document replaces the original document of the same name (published in March 2012). *Planning policy for traveller sites* sets out that, “the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”⁵¹

The document sets out a series of nine policies (Policy A to Policy I), which address different issues associated with traveller sites:

- Policy A: Using evidence to plan positively and manage development,
- Policy B: Planning for traveller sites,
- Policy C: Sites in rural areas and the countryside,
- Policy D: Rural exception sites,
- Policy E: Travellers sites in Green Belt,
- Policy F: Mixed planning use traveller sites,
- Policy G: Major development projects,
- Policy H: Determining planning applications for traveller sites, and
- Policy I: Implementation.

⁵¹ DCLG *Planning policy for traveller sites*, August 2015, paragraph 3

B.19 DCLG Planning policy statement on Green Belt protection and intentional unauthorised development (31st August 2015)

Issued as a letter to all Chief Planning Officers in England, this planning policy statement sets out changes to make intentional unauthorised development a material consideration in the determination of planning applications, and also to provide stronger protection for the Green Belt. The statement explains that the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt, and additionally the DCLG will consider the recovery of a proportion of relevant appeals for the Secretary of State's decision "*to enable him to illustrate how he would like his policy to apply in practice*", under the criteria set out in 2008.

In addition, the planning policy statement of 31st August 2015 announced that the Government has cancelled the documents *Guide to the effective use of enforcement powers, Part 1* (2006) and *Part 2* (2007) and *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008).

B.20 DCLG Draft guidance to local housing authorities on the periodical review of housing needs: Caravans and Houseboats, March 2016

This draft guidance was published to explain how the Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats. It makes reference to Clause 115 of the Housing and Planning Bill, which has subsequently received royal assent and became legislation on 12 May 2016. The relevant clause has become Section 124 of the Housing and Planning Act 2016.

The draft guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.

In the carrying out of accommodation needs assessments, the draft guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.

Appendix C: Gypsy and Traveller Fieldwork Questionnaire

	Site Reference			
	Address			
1	Pitch/Property Type			
2	No. Statics/mobiles			
3	No. tourers			
4	Description of pitch occupancy			
5	No. households			
6	No. concealed households			
7	No. doubled up hhs			
8	Anyone else use this pitch as their home?			
9	Household characteristics			
		Gender	Age	Relationship to respondent
	Respondent			
	Person 2			
	Person 3			
	Person 4			
	Person 5			
	Person 6			
	Person 7			
	Person 8			
10	Ethnicity			
11	Overcrowding of pitch	Y / N		
	Travelling questions			
12	In the last year have you or someone in your household travelled	Y / N		
13	Previous to the last year, did you or someone in your household travel?	Y / N		
14	Reason(s) for travelling			
15	Do you or a member of your household plan to travel next year?	Y / N		
16	Do you think you or a member of your household will travel each year for the next five years and/or beyond	Y / N		
17	What reasons do you have for not travelling now or in the future?			
	Future moving intentions			
18	Are you planning to move in the next 5 years?	Y / N		
19	Where are you planning to move to? (Same Site, Other Site Herefordshire, Outside Herefordshire)			
20	What type of dwelling (caravan, trailer, house)			
21	Emerging households: Are there any people in your household who want to move to their own pitch in the next 5 yrs?	Y / N		
		HH1	HH2	HH3
22	Where are they planning to move to? (Same Site, Other Site Herefordshire, Outside Herefordshire)			
23	What type of dwelling (caravan, trailer, house)			
24	Have they travelled / plan to travel	Y/N	Y/N	Y/N
25	Scope to expand site	Y / N		
26	No. additional pitches			
27	Scope to intensify pitches	Y / N		
28	No. additional pitches			

Appendix D: Glossary of terms

Caravans: Mobile living vehicles used by Gypsies and Travellers; also referred to as trailers.

CJ&POA: Criminal Justice and Public Order Act 1994; includes powers for local authorities and police to act against unauthorised encampments.

CRE: Commission for Racial Equality.

DCLG: Department for Communities and Local Government; created in May 2006. Responsible for the remit on Gypsies and Travellers, which was previously held by the Office of the Deputy Prime Minister (O.D.P.M.).

Gypsies and Travellers: Defined by DCLG *Planning policy for traveller sites* (August 2015) 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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”. The planning policy goes on to state that, “In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances”.

Irish Traveller: Member of one of the main groups of Gypsies and Travellers in England. Irish Travellers have a distinct indigenous origin in Ireland and have been in England since the mid nineteenth century. They have been recognised as an ethnic group since August 2000 in England and Wales (O’Leary v Allied Domecq).

Mobile home: Legally a ‘caravan’ but not usually capable of being moved by towing.

Pitch: Area of land on a Gypsy/Traveller site occupied by one resident family; sometimes referred to as a plot, especially when referring to Travelling Showpeople. DCLG *Planning policy for traveller sites* (August 2015) states that “For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment”.

Plot: see pitch

PPTS: Planning Policy for Traveller Sites (DCLG, 2012 and 2015 editions)

Roadside: Term used here to indicate families on unauthorised encampments, whether literally on the roadside or on other locations such as fields, car parks or other open spaces.

Romany: Member of one of the main groups of Gypsies and Travellers in England. Romany Gypsies trace their ethnic origin back to migrations, probably from India, taking place at intervals since before 1500. Gypsies have been a recognised ethnic group for the purposes of British race relations legislation since 1988 (CRE V Dutton).

Sheds: On most residential Gypsy/Traveller sites 'shed' refers to a small basic building with plumbing amenities (bath/shower, WC, sink), which are provided at the rate of one per pitch/pitch. Some contain a cooker and basic kitchen facilities.

Showpeople: Defined by DCLG *Planning policy for traveller sites* (August 2015) as “Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above”.

Site: An area of land laid out and used for Gypsy/Traveller caravans; often though not always comprising slabs and amenity blocks or ‘sheds’. An authorised site will have planning permission. An unauthorised development lacks planning permission.

Slab: An area of concrete or tarmac on sites allocated to a household for the parking of trailers (caravans)

Stopping places: A term used to denote an unauthorised temporary camping area tolerated by local authorities, used by Gypsies and Travellers for short-term encampments, and sometimes with the provision of temporary toilet facilities, water supplies and refuse collection services.

Tolerated site: An unauthorised encampment/site where a local authority has decided not to take enforcement action to seek its removal.

Trailers: Term used for mobile living vehicles used by Gypsies and Travellers; also referred to as caravans.

Transit site: A site intended for short-term use while in transit. The site is usually permanent and authorised, but there is a limit on the length of time residents can stay.

Unauthorised development: Establishment of Gypsy and Traveller sites without planning permission, usually on land owned by those establishing the site. Unauthorised development may involve ground works for roadways and hard standings. People parking caravans on their own land without planning permission are not Unauthorised Encampments in that they cannot trespass on their own land – they are therefore Unauthorised Developments and enforcement is always dealt with by Local Planning Authorities enforcing planning legislation.

Unauthorised encampment: Land where Gypsies or Travellers reside in vehicles or tents without permission. Unauthorised encampments can occur in a variety of locations (roadside, car parks, parks, fields, etc.) and constitute trespass. The 1994 Criminal Justice and Public Order Act made it a criminal offence to camp on land without the owner’s consent. Unauthorised encampments fall into two main categories: those on land owned by local authorities and those on privately owned land. It is up to the land owner to take enforcement action in conjunction with the Police.

Wagons: This is the preferred term for the vehicles used for accommodation by Showpeople.

Yards: Showpeople travel in connection with their work and therefore live, almost universally, in wagons. During the winter months these are parked up in what was traditionally known as ‘winter quarters’. These ‘yards’ are now often occupied all year around by some family members.

Summary of responses received on Traveller Sites Development Plan Document - Preferred Options consultation July 25th to 19th September 2016

Q.1 Do you agree with the number of pitches required for residential and temporary stopping places and the number required for Travelling Showpeople?

Yes 30

No 50

Not sure 33

- The majority of respondents answered 'no' that they did not agree with the figure.
- Of those who explained their reasons for answering 'no' in relation to overall provision, 11 believed the figure was too high and 4 considered the figure too low.
- There were concerns raised in relation to the number of sites proposed in the evidence base due to assumptions used to establish the need instead of interviewing Travellers.
- Empty pitches on existing sites indicates that the need for new pitches is not justified.
- Potential for turnover to be greater than assumed thereby increasing the supply of sites and consequently reducing the need for new pitches.
- The revised definition of travellers in the PPTS has not been taken into account in the GTAA.
- The GTAA is unreliable and conflicting.
- The rationale for turnover is unclear.
- Other frequently mentioned issues included; objection to taxpayers' money used to fund the sites as well as having to deal with the litter left and clean-up costs for the council.

Q.2. Do you agree that we need to find sites for 18 pitches arising from families living in houses, given the revised definition of Travellers in the Government Planning Guidance for Travellers?

Yes 28

No 60

Not sure 23

- The majority of respondents answered 'no' (60) that they did not agree with the need to find 18 pitches arising from families living in houses.
- Of those who explained their reasons for answering 'no' in relation to overall provision, 41 believed the figure was too high and 8 considered the figure too low.

- The evidence used to reach this figure was questioned by nine respondents as no interviews were carried out locally.
- Many respondents found it difficult to comprehend why Travellers living in dwelling houses would prefer a pitch as they believe that housing is a better option.
- The Council's focus should be on housing the homeless.
- The Council should have regard to the national definitions of travellers in the PPTS
- Other frequently mentioned issues included; objection to taxpayers money being used to fund pitches for Travellers living in houses as there are more significant budget pressures on the Council.
- Some also felt that Travellers were getting special treatment because of their lifestyle.

Q.3. Do you agree with the plan to provide stop over places with temporary facilities?

Yes 62

No 50

- The majority of respondents were in favour of temporary facilities provision. Those who answered 'yes' believed that it assists those who are passing through the area therefore preventing encampments in unauthorised locations such as council car parks and open space.
- Without the provision of a transit site or temporary stopping place the police have no legal power to remove travellers from unauthorised encampments other than via the S69 of the Criminal Justice and Public Order Act which is only invoked in aggravated trespass circumstances.
- Provision of a transit site/ temporary stopping places would enable the police to legally direct an authorised encampment to other preferred location. This will reduce community tension and financial burdens on landowners, policy monitoring, associated crime, loss of trade and clean-up costs.
- The majority who answered no were concerned about the management and policing of the temporary sites.
- Those who answered 'no' were also against such provision because of past experiences following encampments.
- Some respondents mentioned a lack of respect for settled people because of the attitudes of some Travellers and their treatment of sites and local people.
- Those against temporary provision believe that if Travellers choose this way of life then it should be their responsibility to pay for such sites as well as clean-up costs as Council budgets are very stretched with bigger priorities.
- The majority of respondents believe that Travellers do not pay any contribution towards temporary stop sites.

- May be an increased demand for temporary agricultural workers as a result of Brexit.

Q.4. Do you agree that the time spent on these sites should be limited to 14 days?

Yes 65

No 43

- The majority of respondents (65) were in favour of maximum stay of 14 days on temporary sites. 43 respondents did not agree with this limit and 34 provided no answer.
- Those who answered 'yes' highlighted issues with enforcing this maximum stay.
- There were some suggested circumstances where this may need to be lengthened because of bereavement or illness within the family using a transit site.
- Some of those who answered 'no' (43) explained that 14 days is not long enough. The time limit could be increased to allow take up of temporary work subject to good behaviour.
- Others felt that 14 days is too long to be considered a stopover. Some respondents were against this provision because it encourages this lifestyle too much which affects the children's potential. Some respondents felt that Travellers should utilise commercial sites for stopovers just like the settled community do.

Q.5. Can you suggest any other sites that are available and suitable for temporary stopping use? (See also question 7)

Yes 13

No 87

- Although 13 respondents answered yes, there were only two general areas suggested:
 - Bringsty Common – no specific area identified
 - Council car parks

Q.6. Given the low number of required plots for Travelling Show people, do you think there is a need for extra plots to be identified in the Plan?

Yes 24

No 80

Not sure 2

- Commercial caravan/camping parks could be used by travellers at commercial rates

- Several areas should be identified to give local resident tax payers a choice, this way the decision is not forced on people.
- This should not be the duty of councils and local tax payers
- Travelling Show people are capable of finding their own sites and have existing adequate provision.
- Travellers should pay for their accommodation.
- Differentiate between Travellers and Travelling Show People.
- A number of suitable sites can effectively accommodate both travellers and travelling show people.
- If there is no additional demand over what is already provided, there is no need for extra plots.
- A need in the South West (of the County).
- Travelling show people usually stay on the site of the show. When the show has finished they move on. During the 'off' season people usually return to their point of origin.
- Travelling Show People find it very difficult to find suitable sites.
- Travelling Show people numbers are declining.
- No specific research has been done to suggest a need.
- Sites are dumping grounds causing rat infestation.
- The Show people sites in Ross should be checked to see if any land is available in that part of town.
- It is the Council's duty as this is a very hard land use to meet and it is very difficult for show people to find sites. If the need is low that is no reason to ignore. That is a self-perpetuating situation. There is a suppressed need for more pitches across the country and probably in Hereford and strongly suspect many have been forced to relocate to where there are pitches. Aware of huge problems in Gloucester/ Tewkesbury for show persons finding sites (e.g. Gotherington group). This should be addressed. Many live in overcrowded conditions and need the Council to help improve their situation rather than ignore it. Show Persons deserve better than this.

Q.7. Can you suggest any suitable sites which are likely to be available for this use (ie for Travelling Show People)? (See also question 5)

Yes 7

No 85

- Jays Green adj M50
- Old Council Yard (no further information given)

(Although 7 respondents said yes there were only two suggestions of sites)

Question 8 Site 1. Broadmeadow Yard, Ross-on-Wye. Do you agree that land adjacent to Broadmeadow Yard, Ross-on-Wye could be a suitable location for a temporary stopping place?

Yes 35

No 49

- Broadmeadow appears to be in an industrial estate and is therefore unsuitable for families
- Concern about proximity to nearby caravan park. May cause confusion and illegal encampments on the caravan site.
- Concern that will discourage tourists affecting town's economy.
- Inadequate size for the number of Travellers that come to Ross judging from recent experiences in 2016.
- Showpeople may own alternative sites that could be used
- Risk of litter in the culvert may cause flooding
- Not a suitable site if horses are involved.
- A temporary stopping place in the town centre is unsuitable for Travellers. A better site is located away from other uses in a more isolated location. Stopping place better along a primary road network or main route of travel.
- Consider nearby heritage assets

Question 9 - Site 2. A49 roundabout near Leominster. Do you agree that land adjacent to A49 roundabout near Leominster, could be a suitable location for a temporary stopping place?

Yes 50

No 31

Additional petition with 94 signatures against the site from local businesses

- A busy area, with lots of traffic. Not safe for children.
- Might be better as a site for storage of showground equipment
- Site subject to flooding
- Good location on the strategic highway network. Good access to a range of services and facilities. Travellers already use the general area.
- Concerned about the site becoming a permanent site instead of its intended temporary use.
- Will not be possible to address flood issues through SUDS and in winter conditions would be unacceptable for residents.
- Concerns over access in proximity to the A49.

- Large gas and water main under site with associated easement which would preclude development.
- Better alternative would be to consider use of laybys close to this site which would provide a better, safer environment for occupants and provide better value for money
- Noise and pollution issues so close to a main road
- Historic Lammas meadows nearby.
- Risk of contamination to River Lugg (SSSI)
- Gateway site into Leominster, not good for tourism
- Too close to the industrial estate which would deter businesses locating there
- The site proposal is not in accordance with paragraph 58 of the NPPF where safe environments preventing crime should be promoted. It is unlikely that the design of the proposed site could promote community safety and/or social cohesion.
- Concern over environmental impact on river and escalation of current theft/poaching issues
- Consider nearby heritage assets
- Good location on the strategic highway network. Good access to a range of services and facilities. Travellers already use the general area.
- Any traveller site is deemed the same as any residential development next to the operational railway should the Council choose to develop a site next to the operational railway they must provide a suitable trespass proof steel palisade fence of a minimum 1.8m in height to mitigate any risks that the development might import.
- Inadequate consultation.
- Sensitive green belt site in the wrong location and difficult to control increases in the number of caravans in the future.
- Concern over flood risk, increase in insurance premiums, property value decrease, management of site and personal safety
- The abuse and disrespect for the site is still an issue.

Question 10 - Do you have any suggestions of other sites for use as temporary stopping places?

Yes 6

No 83

- Jays Green Linton
- Suggest a purpose built site within the construction of the new relief road
- The old warehouse site past the cattle market by Labels roundabout
- Primary routes unsuitable due to traffic pollution. Risk of national and regional use at cost to Herefordshire residents.

Question 11 Site 3. Whitfield Coppice Trumpet. Do you agree that Whitfield Coppice Trumpet, could be a suitable site for a residential traveller site?

Yes 43

No 34

- Concern about the delivery of the site as it is not Council owned
- The proposal does not meet criteria 1, 2, 5, 6 of policy H4
- The site would dominate the residential properties around Trumpet crossroads.
- Remote from services and settlements.
- Current ground contamination.
- Previous application refused on highway safety grounds.
- Risk of significant negative impact on Special Wildlife Site and ancient semi natural woodland.
- Concern about local businesses being affected.
- No existing infrastructure for mains water, gas and sewerage.
- The need to maintain and enhance the rural and historic environment and biodiversity of the area is imperative.
- Not safe for children.
- Will put pressure on public services when the residents will not be paying taxes at same levels as residents.
- Local economy cannot support this provision.
- It has grazing land available for horses which is good for Travellers
- Not near other dwellings, good use of waste land.
- Not a brown field site, why should travellers be allowed open farmland?
- Should not mix Travellers with settled people
- The speed limit should be extended beyond the site entrance
- Consider nearby heritage assets

Question 12 - Site 4. Orchard Caravan Park at Watery Lane, Lower Bullingham. Do you agree that Orchard Caravan Park at Watery Lane, Lower Bullingham, could be a suitable option for two residential pitches?

Yes 52

No 24

- Extending an existing site seems a more cost effective solution

Travellers' Sites Development Plan Document Preferred Options Consultation July – September 2016

- Good local vehicle network.
- Already a local authority owned and managed site
- Two further plots would make it cramped and overcrowded with no local facilities with no room for any other community facilities like play area
- Pedestrian access to and within the site is dangerous
- Concern about how existing residents will accept more on the site.
- Question how provision of extra pitches would be funded.
- Acknowledge that the study has identified the opportunity for a joined up approach regarding the new access into the extension site and employment site and would emphasise the vital importance of this as to not compromise the future viability of, and ability to gain access to, the Enterprise Zone employment site to the south in any way.
- Need to ensure that the future viability of, and ability to gain access to, the Enterprise Zone employment site to the south is not compromised in any way.
- Consider nearby heritage assets
- There is no respect for site filth and debris left behind for the cost of local government

Question 13 Site 5. Land near Sutton St Nicholas. Do you agree that Land near Sutton St Nicholas, could be a suitable option for five residential pitches?

Yes 30

No 60

- The location of the site will encourage unsustainable car travel to the village and to access other facilities in Hereford.
- Unsafe routes to school along the Ridgeway and school lacks capacity for new pupils.
- The Rhea is affected by flooding from the river Lugg which would rule out access to the village from the southern part of the site. It is unlit and therefore would restrict use after dark.
- Significant harm to the character and appearance of the surrounding landscape with an urbanising impact.
- Contrary to national, county and local neighbourhood plan policies.
- Any planting screening could compromise the landscape character.
- Impact on local residents.
- The proposal cannot be justified as an 'exception' as this can only be applied to planning applications.
- Loss of greenfield land which is not an effective use of land.
- The site lies within a minerals safeguarding area
- An isolated site outside in the countryside not in line with policy

- Concern about utility provision and cost of site set up
- Conflicts with the recently submitted NDP
- Concern about accommodation of school places at the Sutton St Nicholas Primary
- Lack of a local medical facility
- No footpaths or nearby public transport encouraging car use. Proposed access is hazardous to all. Farm vehicles and HGV use.
- The lane is at risk of flooding annually leading to cut off. Possible water table issues/flooding impact on drainage issues.
- Threat of Legal action from our Insurance companies for the Tort of Nuisance if development takes place.
- The land is high quality agricultural land not suitable for residential development
- Inadequate local village facilities and services to justify locating a site nearby
- Significant impact on users of the public footpath.
- Risk of loss of the PROW
- Concern whether the council has acquired this land intending it for Traveller use without consultation
- Light pollution in this area would be unacceptable
- There is a badger set onsite.
- Consider nearby heritage assets
- The public right of way adjacent to the site will have to be closed. The danger to Sutton People and especially their children because dogs and rats etc. would make it unsafe.
- Site not required in order to meet the assessed need.

Question 14 Site 6. Extension to the Local Authority site at Pembridge. Do you agree that an extension to the Local Authority site at Pembridge could be suitable for more residential pitches?

Yes 54

No 30

- Extending a site that already exists would be more cost effective
- Extension to the site should considered on the north east instead of along the road
- Travellers dislike the site because of its location and poor state. Extending it would not improve it but create further problems
- Unsafe for children
- Already a local authority owned and managed site. Extension to the south could share existing access. Site served by public bus service.

- The current plots are empty which leaves to questions of need in the rural location
- There is no additional facilities are no additional facilities for families and it is a dangerous place for children who tend to spend a lot of time outside.
- It would affect tourism
- Consider nearby heritage assets

Question 15 - Site 7 Openfields Caravan Site, Bromyard. Do you agree that two additional residential pitches on Openfields Caravan Site, Bromyard is a suitable option?

Yes 54

No 25

- Established sites would cost less and seem an obvious solution
- Local authority owned and managed sites .Efficient use of land.
- Minimal landscape impact as within existing boundaries of existing site. Good road access
- Site should have no more than 5 plots for better management of anti-social behaviour
- The site requires better management otherwise it should not be extended.
- The site has had 8 new pitches recently and needs time to bed in before expansion
- There continues to be significant issues with unlicensed vehicles, fly tipping, unlicensed waste transportation and obstruction of the estate road.
- Question how would improvements be funded
- Consider nearby heritage assets

Question 16 Site 8. Romany Way Caravan Site, Grafton. Do you agree that an additional pitch on Romany Way Caravan Site, Grafton is a suitable option?

Yes 58

No 20

- Romany close is extremely cramped. This site would work well as a transit site only
- Local authority owned and managed sites.
- Efficient use of land. Minimal landscape impact as within existing boundaries of existing site.
- Good road access.
- Away from major housing areas
- Concern about expansion and Traveller community cohesion
- Consider nearby heritage assets

- Question whether there should be two extra pitches on the existing site to minimise the risk of unauthorised settlements.

Question 17 Any suggestions of alternative or additional sites to help meet the need for pitches and plots in Herefordshire?

Yes 7
No 86

No suggestion of sites made despite 7 respondents answering ‘yes’

Question 19 Do you agree with the approach to the longer term supply of sites?

Yes 37
No 49

- If Councils are paying upfront for these sites there should be charges for those using the sites.
- A further review of the evidence is needed in the future. Until that happens any long term consideration of site supply is a waste of time and can only lead to unnecessary effort and expense
- Not enough choice Not enough certainty
- Unresolved issues with sites put forward
- Cannot rely on windfall sites due to problems with local opposition
- Need greater certainty which will only be achieved through allocations
- Travellers should accept that living in a house is acceptable and no need for pitches
- Policy should discourage the Traveller lifestyle. Children need to be settled as they are at a disadvantage when travelling.
- Identify the sites now rather than having to do it again in a few years’ time
- Some long term provision is required
- Sites could be designed into the Hereford Bypass route
- Revise GTAA report because of traveller definition
- Research is not Herefordshire specific and unproven demand.
- Information should be Herefordshire specific and existing sites need to be fully used before extensions are considered
- Restricting sites to the locations suggested in policy SS2 is too restrictive and will unreasonably prevent the delivery of acceptable sites elsewhere. Policy H4 already provides sufficient guidance on site location.

Question 20 - Do you agree with the issues identified for consideration in section 11.2?

Yes 45

No 33

- Unfair that taxpayers will be paying for this accommodation
- Discourage the Traveller lifestyle and there is no need for permanent sites
- The Core Strategy policy is adequate on design and paragraph 11.2 only repeats the PPTS requirements
- Careful design will help to minimise the impact
- Sites in the AONB should have specific reference to no adverse impacts in the AONB.
- H4 provides sufficient design guidance – no additional guidance is required.

Question 21 - Are there any other issues that should be included in the policy?

Yes 24

No 50

- Question the procedure for removal of sites that are not favoured by the local community.
- Question how monies will be recovered for illegal encampment and clean-up costs
- Brownfield sites only
- Compensation for businesses blighted by their presence
- Locations must have regard for the relevant Neighbourhood Plan
- Regular waste/bin collections to ensure the local community are not subjected to untidy and unhealthy waste.
- Travellers causing trouble should be expelled from sites. Ste out standards of behaviour on sites
- Council should review its land bank for potential sites
- Consider impacts on local services
- Lack of understanding amongst people about Traveller culture but Travellers must understand settled community
- Concern about having large numbers of travellers on a site as it causes problems
- With pressure on other service areas is it necessary to meet 100% of the need.

- The layout of sites and design of buildings is crucial in minimising impact on local surroundings. Sites should be developed using design criteria which could be spelt out in detailed guidance to assist in making planning applications.

Question 22 -Are there any other policies that should be included in the document?

Yes 16

No 57

- The availability of local services (e.g., education, doctors etc.) need to be considered.
- Consideration of the NDP
- Proper transit provision should be provided.
- Council should set out a financial policy on how it will fund development of Traveller sites. More transparency on the Council’s purchase of land to meet site need
- The Council needs a well-informed trained person to work within the Council who is able to liaise with the Travelling community.
- Should be a time limit on stopovers. Why permanent sites.
- Suggest policy guidelines are amended to ensure the historic environment is properly considered. Historic England suggest the first bullet point should read: ‘Good quality of design to respect the setting of the site, including any potential impacts on designated and undesignated heritage assets’

Question 23 Do you have any comments on the Sustainability Appraisal (SA) and/or the Habitats Regulation Assessment (HRA)?

Yes 5

No 68

- Objectives 1,4 and 16 need revision to fully reflect the impacts highlighted
- The Sustainability Appraisal has most of the appraisals of the objectives set out as being able to have a score, because they cannot be measured without assumptions. If the council has no idea of what the provision is likely to be, how can it commit local public spending to this, comparing it to the known issues in other areas in public spending which are already an issue and are measurable
- Agricultural land change of use will have a negative impact.
- Note the SA report identifies that all 8 of the shortlisted sites will have some kind of impact on nearby heritage assets. All suggested sites will need detailed assessment as recommended.

Question 24 Do you have any other comments on the consultation document that are not covered by these questions?

Yes 24

No 63

- Make the information on the consultation more accessible
- Council funds are stretched enough without having to fund Traveller sites
- Consider areas along the Hereford relief road for potential sites
- Mistrust of Travellers due to previous negative experiences with theft and littering
- Should not have ruled out Mid-Summer Orchard Ridgehill without considering a different layout which could have addressed the visual impact
- Maps on the website are difficult to read
- Focus on enlarging existing sites and not creating new ones
- Concern about agricultural pollution or proximity of livestock on residents of traveller sites
- Having a large site would be easier to plan for rather than a number of smaller sites
- The Old Grafton Depot on the A49 South of Hereford Land adjacent to the M50 opposite Ross Golf Club
- The number of sites proposed is inadequate
- Possibly with a little ingenuity, planning and acquiring of modest amounts of adjoining land they could be made ideal for use as temporary, if not permanent sites
- Should consult specifically with Travellers
- Traveller sites are better situated close to the urban areas due to the proximity of facilities. Priority of services and costs to rate payers to be considered.
- The council's proposed site design policy is appropriate in seeking to protect privacy and residential amenity for neighbouring land uses.
- Support the Councils intended county wide plan led approach to identifying traveller sites, so that these sites can be appropriately assessed at a strategic level.
- It is concerning that the distribution of sites is predominantly in the south of the county
- Any new travellers' sites that may fall within the AONB, including the travellers' windfall sites, respect the status of this designated area. Any such applications within the AONB should be granted only if there are no adverse impacts on the landscape character and other special qualities of the AONB, including tranquillity. The proposals should be consulted with the AONB Unit and considered in accordance with the Malvern Hills AONB Management Plan 2014-19, Landscape Strategy and Guidelines, Guidance on Building Design and other associated guidance.
- No information given about the cost of site provision.

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- Concern about the relationship between Traveller DPD and NDPs
- Proportional to housing for general occupation each traveller household takes up more space.
- There should be some recognition of competition for resources and indication of alternative strategies for meeting actual need e.g. use of emergency housing.
- There seems to be an imbalance in the distribution of sites and more may need to be provided in the south of the county.
- Need to ensure appropriate provision for disabled/older travellers.



Meeting:	General scrutiny committee
Meeting date:	Thursday 7 September 2017
Title of report:	Youth Justice Plan 2017-2018
Report by:	Interim Director for children's wellbeing

Classification

Open

Decision type

This is not an executive decision.

Budget and policy framework Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To endorse the Youth Justice Plan 2017/18 for approval by full Council and consider whether there are any comments the committee would wish to make that would inform the production of the Plan for 2018/19.

The Youth Justice Plan (the plan) forms part of the council's budget and policy framework and is therefore reserved to full Council to approve.

The plan is prepared on an annual basis on behalf of Herefordshire, Shropshire, Telford and Wrekin and Worcestershire councils. The basic plan preparation is undertaken by the West Mercia Youth Justice Service according to the deadlines and content requirements set by the Youth Justice Board for England and Wales (YJB).

The plan sets out how youth justice services across West Mercia are structured and resourced and identifies key actions to address identified risks to service delivery and improvement.

Under section 40 of the Crime and Disorder Act 1998, each council has a duty to produce a plan setting out how youth justice services in their area are provided and funded and how the youth

offending service for the area is funded and composed, the plan is submitted to the YJB.

The plan for 2017/18 was prepared in May 2017 in line with the guidance issued by the YJB. A copy is appended.

Recommendation(s)

That:

- (a) the Youth Justice Plan (at appendix A) is endorsed and submitted to Cabinet for recommendation to full Council for approval; and**
- (b) the committee considers whether there are any comments the committee would wish to make that would inform the production of the Plan for 2018/19.**

Alternative options

1. The Youth Justice Plan is required to be produced on an annual basis and has been approved by the West Mercia Youth Justice Service management board; one alternative option would be to amend the contents of the plan prior to approval being sought by full council. However, this is not recommended as any amendments would also require approval from the WMYJS management board and the councils of the other West Mercia local authorities.
2. In addition the council could choose not to endorse the adoption of the youth justice plan 2017/18; however, this is not recommended as it is a statutory requirement for the plan to be approved by full council; therefore there are no practical alternative options.

Key considerations

3. The effectiveness of the youth offending service is measured by three national indicators. Performance against the indicators is outlined in the plan and actions identified to address risks to performance improvement. The Herefordshire specific information is set out on pages 25 to 38 of the plan.
4. The first time entrant (FTE) indicator, which is expressed as the number of first time entrants to the youth justice system per 100,000 youth population, was 486 for Herefordshire for the period October 2015 to September 2016 This represents a reduction of 18% from the previous year, when the FTE rate was 596. There has been a general downward trend since 2009, when the Herefordshire rate was 1,119 per 100,000 youth population. However, the Herefordshire rate is higher than the average rate for West Mercia (422) and England (344).
5. The second indicator is the use of custody indicator, which is measured as the number of custodial sentences per 1,000 youth population. The use of custody performance for the year 2016 was 0.19. This is an improvement in performance from 2015/16 when the rate was 0.25. The current rate compares favourably against the West Mercia (0.22) and national (0.37) rates.
6. The third indicator is re-offending. There are two measures both of which measure re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency rate, is the average number of re-offences per offender in the cohort. The second is the

percentage of young people in the cohort who have re-offended. Due to the way the Ministry of Justice measure this indicator, there is a time delay in publishing the results. The most recent data that could be included in the plan was for the cohort identified in the period April 2014 to March 2015, whose re-offending was tracked for a 12 month period until March 2016.

7. The frequency measure for this cohort in Herefordshire for 2014/15 is 3.47. The rate is slightly better than for West Mercia (3.49) and worse than England (3.27).
8. The percentage of young people who have re-offended in Herefordshire for 2014/15 is 40.8%. This is an improvement on the previous year when the rate was 42.1%. However, the performance is worse than for West Mercia (34.8%) and nationally (37.7%).
9. The service implemented a tool during 2015/16, which tracks re-offending of current cases in real time, allowing for the review of interventions at the earliest point where re-offending occurs. The YJS management board intends to focus on re-offending during 2017/18 and has commissioned a report to form the basis of a themed meeting to identify further actions.
10. The plan outlines key actions to further improve service provision in 2017/18 under seven main priorities:
 - (i) Reducing first time entrants to the youth justice system:
 - Undertake a comprehensive analysis of first time entrants
 - Review and revise the out of court disposal joint decision making arrangements
 - Review the assessment arrangements for out of court disposals
 - (ii) Reduce custody and young people entering the adult criminal justice system:
 - Review and revise the service's management of risk arrangements
 - Develop a remand management strategy
 - Review the transition to adult services protocol
 - (iii) WMYJS interventions are of a consistently good quality:
 - Develop a revised performance reporting framework
 - Review the reparation, mentoring and attendance centre offers
 - Work with the University of Worcester to develop learning mentoring
 - (iv) We have systems in place to understand young people's journey through our services:
 - Re-establish the looked after children reference group
 - Develop an approach to case auditing which involves the YJS management board
 - Re-establish arrangements to contribute to NDTMS (national drug service database)
 - (v) The voice of service users directly impacts on service delivery:
 - Further develop current processes of feedback to ensure it informs service development

- Develop the process of receiving feedback from victims
 - Develop a strategy for use of the survey tool ViewPoint
- (vi) Team morale is good, staff feel enabled and have the tools required to do their job effectively:
- The review and revision of identified working practices, policies and protocols
 - Development of a staff learning and development framework
 - Review and clarify the role of identified staffing groups in the service
- (vii) The YJS management board and operational staff are working together with clear collective responsibility for improving outcomes for young people:
- Arrange for YJS management board members to visit the teams

Community impact

11. The principal aim of the youth justice system is the prevention of offending and re-offending by children and young people. The plan sets out an action plan to address the significant risks identified to future service delivery and improvement.
12. The plan supports the council's Children and Young People's Plan 2015 - 2018, by planning actions to improve the outcomes for children and young people who are in the youth justice system and working to minimise the risks associated with any harm they may pose to others and any harm posed to them.
13. The plan supports priority two of the council's Health and Wellbeing Strategy, in working to reduce offending, anti-social behaviour and re-offending by young people. A multi-agency protocol to reduce the offending by and the criminalisation of looked after children was agreed at the beginning of 2017. The youth justice board has agreed that further focus on looked after children who are in the youth justice system is required and the looked after children reference group will be re-established in 2017/2018.

Equality duty

14. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

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
15. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the

delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

16. The plan will support the council in its overall duty to promote equality. In particular, the plan makes proposals to improve the outcomes of children and young people who are in conflict with the law, by ensuring their diversity factors are assessed and assisting them in accessing services that meet their needs.

Resource implications

17. The council's 2017/18 financial contribution to YOS is £197.4k. This is budgeted for in the Medium Term Financial Strategy.

Legal implications

18. This is a budget and policy framework item, which requires Cabinet to make a recommendation to full Council in line with the Part 4, Section 3 of the council's constitution and requires the scrutiny committees to include such items in their work programmes. Part 3.4.5 of the constitution provides that all budget and policy framework items are included within the remit of the general scrutiny committee.
19. The council has a statutory duty, as set out under Section 40 of the Crime and Disorder Act 1998, to formalise and implement for each year a Youth Justice Plan, following consultation with the relevant persons (police, probation and health services) as set out in Section 38(2) of the Act. The plan must set out how youth justice services in the local council area are to be provided and funded; and how the youth offending team established by the local council are composed, funded, how they are to operate and what functions they are to carry out. Plans must be submitted to the Youth Justice Board for England and Wales in a form and by a date set by the Secretary of State.
20. The plan appended to this report, when submitted to the Youth Justice Board, will meet this statutory duty.

Risk management

21. The risks are identified in the plan, together with the actions to mitigate them.

Consultees

22. Herefordshire Council, Shropshire Council, Telford and Wrekin Council, Worcestershire County Council, West Mercia Police, the National Probation Service and the Office of the West Mercia Police and Crime Commissioner have been consulted through their YJS management board representatives and agreed the plan in May 2017.
23. The Youth Justice Management board received positive feedback from service users who were surveyed through Viewpoint, with 86% of young people saying that the work with the service had made them less likely to offend. Further work is planned in 2017/18 to ensure that the voice of the service user is used to inform service development and planning.
24. General scrutiny committee will have the opportunity to review the report and the Youth Justice Plan 2017/18 (appendix a) and their recommendations will be noted following their meeting on 11 September 2017.

Appendices Appendix A - West Mercia Youth Justice Plan 2017/18

Background papers

- None identified

WEST MERCIA YOUTH JUSTICE PARTNERSHIP



YOUTH JUSTICE PLAN

2017/18



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1.0 INTRODUCTION

Introduction from the Karen Bradshaw, Chair of West Mercia Youth Justice Service Management Board and Director of Children Services, Shropshire Council



West Mercia Youth Justice Service (WMYJS) is partnership between the Local Authorities, National Probation Service, West Mercia Police, NHS organisations across West Mercia and the Office for the West Mercia Police and Crime Commissioner. The service is accountable to the WMYJS Management Board, comprised of senior officers from each partner agency. The service is hosted, on behalf of the Local Authorities and the partnership by the Office of the West Mercia Police and Crime Commissioner (OPCC).

During 2016/17 the service went through three significant change processes, firstly the replacement of the YOIS+ case management system with ChildView, the implementation of the AssetPlus assessment and planning framework and the transfer of the service to the OPCC, which accompanied a restructure which included staff being appointed to new posts and on new terms and conditions. Work is ongoing to embed AssetPlus in practice.

There is a mixed picture in respect to the service's performance against the national outcome indicators. Performance in relation to the rate of young people receiving a custodial sentence has slightly improved between 2015 and 2016 from 0.23 to 0.22 custodial sentences per 1,000 youth population, and this rate is significantly below the national rate of 0.37. The first time entrant (FTE) for the year ending September 2016 is at 422, which is above the national rate of 344, however the performance is an improvement on the previous year where it was 481. Reducing FTEs has been adopted as one of the seven main priorities for 2017/18. The proportion of young people re-offending (2014/15 cohort) is 34.8% which although lower the national rate at 37.7%, is 1 percentage point higher than the previous year.

Although the FTE rate is to a large extent outside of the direct control of the youth justice service the service will be undertaking analysis during 2017/18 to identify the main factors affecting the rate. The service has been piloting a bureau approach to out of court decision making in Shropshire during 2016/18 and this will be evaluated during 2017/18 to inform a full review of the joint decision arrangements.

The re-offending rate is volatile and varies year on year in a range between 30% and 35% with no real overall trend either upward or downward. Re-offending will be one of a series of deep dive reports that have been commissioned by the management board.

The management board is pleased to have received the positive feedback from service users who were surveyed through ViewPoint. Some summary feedback is given in section 2.4, but the headline statistic from the ViewPoint survey was that 86% of young people said that the work with the service had made them less likely to offend. Further work is planned in 2017/18 to ensure that the voice of the service user is used to inform service development and planning.

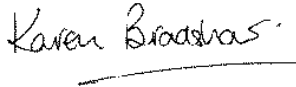
The priorities for 2017/18 are a result of joint management board and management team workshop, where a joint work plan and working together agreement agreed. A further workshop is planned in 2017/18, as well as scheduling board member visits to teams and scheduling case audits.

The service and management board do not work in isolation in reducing offending by children and young people and improving the outcomes for children and young people who have entered or at risk of entering the youth justice system. The board are committed to promoting better joint work between the service and other agencies at a local level. A particular focus has been in relation to looked after children and the board is pleased that during 2016/17 a multi-agency protocol to reduce the offending by and the criminalisation of looked after children was agreed. The LAC reference group, which worked on the protocol, will be reconvened in 17/18 to continue to provide a focus on looked after children who are in the youth justice system.

1.1 Approval of the Plan

This plan was approved at the West Mercia Youth Justice Service Management Board held on 26th May 2017

Signed:



Date: 26th May 2017

Karen Bradshaw
Chair – West Mercia Youth Justice Service Management Board

2.0 REVIEW OF 16/17

2.1 Changes in Service Delivery Arrangements

The hosting of the service was transferred to the Office of the West Mercia Police and Crime Commissioner on 1st April 2016. Following transfer a consultation was undertaken on a new structure and revised job roles within the structure with staff being appointed to new structure in October 2016. A structural diagram is included in appendix 2.

2.2 Review of Key Developments

The Youth Justice Service Management Board agreed four main priorities for 16/17, the following developments were achieved during the year:-

Priority 1 - Improving Performance and Developing Practice

- Continued improvement against service set assessment and planning quality standards
- Implementation of the ChildView case management system
- Implementation of the AssetPlus assessment and planning framework
- Piloting a bureau approach to out of court disposal decision making in Shropshire

Priority 2 - Understanding our Young People

- Refreshed needs assessment
- The first of a series of deep dives planned by the Management Board, focussing on education issues
- Re-launch of the "Tell Us" comments, compliments and complaints process

Priority 3 - Improved Joint Working and Integration

- Agreement of a multi-agency protocol to reduce the offending by and need to criminalise looked after children
- Supporting the roll out of Police led decision making forums for looked after children

Priority 4 - Governance and Communication

- Transfer of the service to the Office for the Police and Crime Commissioner
- Service restructure
- Joint workshop between the Management Board and Management Team to agree working together principles and the key priorities and actions for 17/18

2.3 Thematic Inspections

During 2016/17 the Management Board considered the findings from the Desistence and Young People thematic inspection. A number of planned actions have been agreed to address the recommendations of the thematic inspection and form part of this youth justice plan for 2017/18.

2.4 Views of Young People

The following data is taken from a ViewPoint survey of 84 young people who were subject to court orders managed by WMYJS undertaken during the last five months of 2016/17.

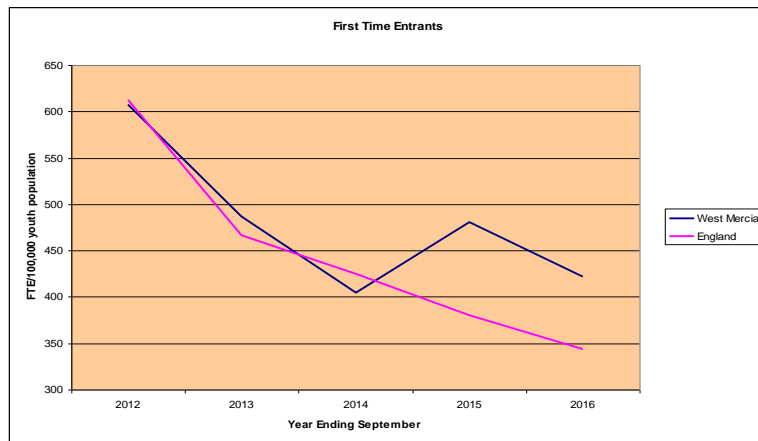
- 91% said that someone at WMYJS asked them to explain what they thought would help them stop offending.
- 89% said WMYJS took their views seriously all or most of the time
- 93% said their WMYJS worker did enough to help them take part in the WMYJS work
- 90% said that the work with WMYJS made them realise change is possible
- 86% said that since they started work with WMYJS they are less likely to offend
- 94% said that they had been treated fairly by the people who had worked with them most or all of the time
- 94% said the service provided to them by WMYJS was either good, or good most of the time

2.6 Performance

Youth Justice Partnerships are subject to three national outcome indicators;

- First Time Entrants (FTE) to the Youth Justice System
- Use of Custody
- Re-Offending

(i) First Time Entrants to the Youth Justice System (FTE)



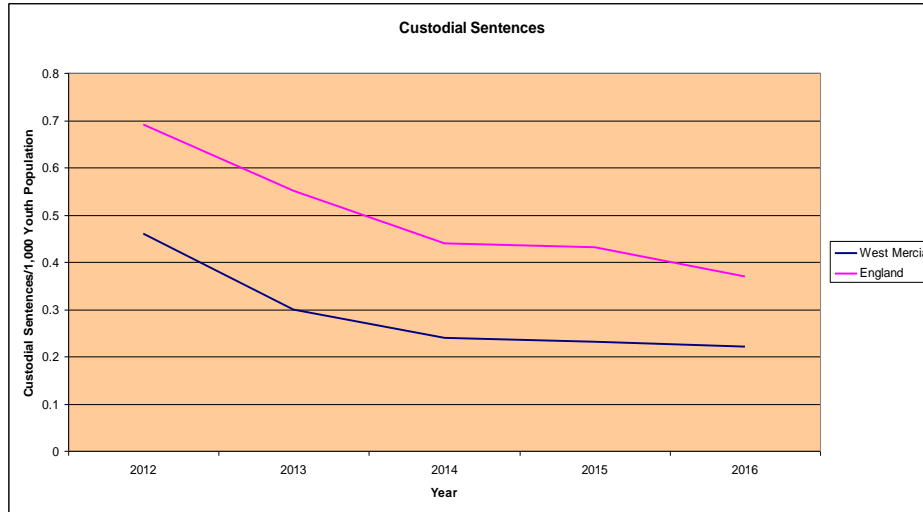
The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (Youth Caution, Youth Conditional Caution or Conviction). A lower figure denotes good performance.

The rate of FTEs across West Mercia for the year October 2015 to September 2016 was 422, which is an improvement on the performance for the previous year when the FTE rate was 481. The rate in West Mercia is higher than the national rate of 344.

The percentage reduction in the rate of FTEs in West Mercia over the period 2012 to 2016 has been 30.4%.

Within West Mercia there are differing FTE rates between the four Local Authority areas, with the highest being 515 and the lowest 303. The first time entrant rate is to a great extent outside of the control of the WMYJS, however WMYJS, jointly with West Mercia Police have been piloting a bureau approach to out of court decision making in Shropshire which aims to divert low level offenders from formal justice sanctions through the use of restorative processes, and this is due for evaluation during 2017/18.

(ii) Use of Custody



The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year old population. West Mercia has, historically, had a low rate of custodial sentences. A lower figure denotes good performance.

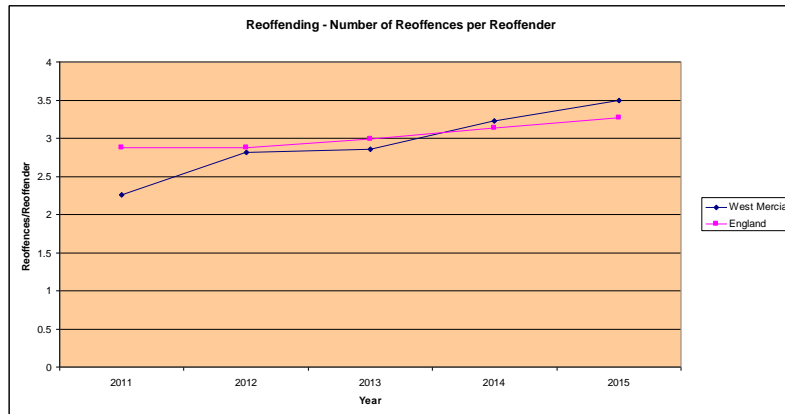
For 2016 the use of custody rate for West Mercia was 0.22 against the rate for England of 0.37, West Mercia performance is, therefore, significantly better than the national performance. The West Mercia rate for 2016 has slightly improved from 2015 when it was 0.23.

Over the five year period to 2012 to 2016 the rate has reduced from 0.41 to 0.22, a reduction of 46.3% which is comparable to 46.4% for England over the same period

The actual fall in custodial sentences was from 46 in 2012 to 24 in 2016, a reduction of 47%.

(iii) Re-Offending

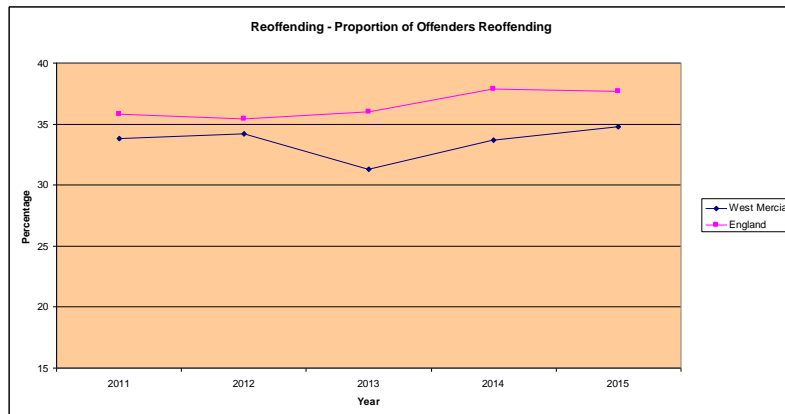
There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per re-offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. The most recent data for the re-offending measure is for the cohort identified in the year 2014/15. In both measures a lower figure denotes good performance.



For the year 2014/15 the frequency measure performance for West Mercia was 3.49, compared to national performance 3.27.

The binary measure performance for the year 2014/15 for West Mercia is 34.8% compared with national performance of 37.7%.

A comparison over a five year period shows that this measure is volatile varying year on year in a range between 31% and 35%. The national rate also shows a year on year variation over the same period but within the range of 35% and 38%.



It should be noted that the cohort size is falling, from 1352 young people in 11/12 cohort compared to 817 young people in the 14/15 cohort. The number of re-offences has also decreased over the same period from 1296 to 991 a decrease of 24%.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs. Early information from the tracker tool has identified that only a small proportion of young people re-offend leading to a further conviction whilst subject to a WMYJS intervention, between September and December 2016 only 3.6% of young people subject to WMYJS interventions were reconvicted of a further offence.

3. SERVICE PRIORITIES AND RISKS TO FUTURE DELIVERY AGAINST NATIONAL OUTCOME MEASURES – 2017/18

3.1 Priorities for 2017/18

Seven key priorities were identified at a joint Management Board and Management Team workshop held at the end of 2016.

Priority: Reducing First Time Entrants to the Youth Justice System

Three of the four local authority areas, and therefore West Mercia as a whole experienced a rise in the first time entrant rate between the years ending September 2014 and 2015, although the rate decreased the year after. There are differential rates across West Mercia from 303 in Shropshire to 515 in Telford and Wrekin. The reasons for the previous increases in the rates and also differences in the rates between the areas are not fully understood. Some initial analysis in 2014/15 in one particular area indicated that a higher detection rate combined with lower proportional use of community resolutions partly explained the reason why there was a higher rate in one area, but did not completely explain the extent of the difference.

It is, therefore, planned to undertake a more comprehensive analysis during 2017/18 in order to identify the key drivers of the differential rates of FTEs across West Mercia, but also to determine the profile of the FTE cohort. As part of this work a tracking tool has been developed which will be used to better understand the journey of the child into the youth justice system. The analysis will form one of the thematic deep dives to be considered by the Management Board.

During 16/17, in conjunction with West Mercia Police WMYJS has been piloting a bureau approach to out of court disposal decision making based on the South Wales model. One of the potential outcomes of this approach is the possibility of appropriately diverting more young people from formal justice sanctions through offering a wider range of options to support informal resolutions. The bureau will be evaluated during 17/18 as part of a review of joint decision making with the intention of putting in place a new joint decision making model at the pre-court stage. This work will additionally look at developing a model of quality assuring and promoting consistency in decision making, standardising recording, and also revising the screening and assessment tools for this stage of the system.

Priority: Reduce custody and young people entering the adult criminal justice system

This priority includes the national outcome indicators of re-offending (reducing young people entering the adult criminal justice system) and custody, however work planned within other priorities will additionally contribute towards these outcome areas.

The custody rate in West Mercia is low and has been reducing consistently since the establishment of the service in October 2012. Currently the custody rate is at 0.22 custodial sentences per 1,000 youth population, 24 actual custodial sentences during 2016, In 2012 there were 46 custodial sentences. Although the rate of custodial sentences is low the National Standards audit on bail and remand conducted in the last quarter of 2016/17 identified the need for improvements to ensure that the service is fully compliant to those standards. In the main this will involve the development of new remand management strategy and practice guidance for the service.

Staff will be involved in the process of informing a new resettlement framework to be completed during 2018/19. During 17/18 a register of local pathways to services for each area will be developed which will not only support the future resettlement framework but will also aid exit planning for young people ending orders and for sign posting purposes for young people receiving informal pre-court disposals.

The service implemented the use of a re-offending tracking tool during 2016/17, this has shown that very few young people are re-offending whilst subject to WMYJS interventions. It is planned to undertake further analysis of the re-offending cohort during 2017/18, and this will form another one of the Management Board's thematic deep dives which will inform further action planning for the board, or individual board members.

There are inconsistencies in the application of the service's management of risk process (MOR) across the service, and the MOR policy requires updating due to the implementation of AssetPlus. A new MOR policy and processes will be developed and implemented during 2017/18.

Although a transition protocol is in place with the National Probation Service, it pre-dates the most recent national protocol. The protocol will be reviewed to ensure that it reflects the most recent national protocol and provide for better transition planning where cases are transferred. The implementation of the use of the Y2A portal for information exchange at transition will be further explored.

Priority: WMYJS Interventions are of a consistently good quality

A revised quality assurance framework and tools for assessment and planning have been implemented following the move to the AssetPlus assessment and planning framework. AssetPlus is still being embedded into practice and it is recognised that further staff development and revisions to the performance and quality framework will be required throughout 2017/18 to achieve this. The service will be investigating the feasibility of developing a balanced scorecard approach to identifying and reporting on locally defined performance measures. The effectiveness of the tracking tools, developed during 2016 will be evaluated, in particular the ETE tracking tool.

Further development of the Attendance Centre curriculum is planned and the service will be establishing ways of recognising young people's achievements including, where appropriate, accreditation.

The mentoring scheme run within the service will be developed to include assisting young people in developing links in their own community. The service is currently working with Worcester University to develop learning mentoring to assist young people improving their basic skills using students at the University as learning mentors.

It is planned to review the reparation offer to ensure that activities are more outcome based and placements are individualised to meet the needs of the young person.

Priority: We have systems in place to understand young people's journey through our services.

The Management Board have agreed a number of deep dive analyses to inform further action planning for the service, the board, or individual board members. The first of these on education, training and employment was held in March 2017. A further deep dive on mental health is due in quarter 2 of 17/18. Both FTEs and re-offending are also on the schedule of deep dive themes.

The Management Board had a focus on looked after children, and during 15/16 had a looked after children reference group. Work of the group included developing a multi-agency protocol to reduce to offending by and the criminalisation of looked after children which was agreed at the beginning of 2017. It is agreed that further focus on looked after children who are in the youth justice system is required and the looked after children reference group will be re-established in 17/18.

It is planned to implement a schedule of case audits in involve Management Board members to enhance the oversight of practice by the Management Board.

Priority: The voice of service users directly impacts on service delivery

The service has had an active service user engagement group, who developed the services comments, compliments and complaints process and designed the service feedback forms. There is, however, inconsistency between the teams in collecting service user feedback, and the service need to better use the information collected to inform service development and planning. The group will continue throughout 2017/18 to further develop the service's approach to service user engagement, including assessing the feasibility of using ViewPoint as tool for collecting feedback.

It is additionally planned to improve the service's processes for collecting the views of victims.

Priority: Team morale is good, staff feel enabled and have the tools required to do their job effectively.

2016/17 was a year of significant change in service, with the implementation of a new case management system the implementation of the AssetPlus assessment and planning framework and the transfer of the service to the Office of the PCC. Perhaps most significant was a service restructure which resulted in staff being appointed into new jobs, with new job descriptions, new salary grades and revised terms and conditions. It is recognised that the changes have negatively affected morale within the service. It is planned to undertake a staff survey to establish from staff how they feel and establish actions to improve morale and ensure staff are communicated with and better involved.

A new post of Senior Practitioner was established in the new structure, part of the role of this post is service wide quality assurance and staff development. The management team will be working with the senior practitioners to better define and implement their cross service functions.

A key aspect of staff having the tools required to do their job effectively is learning and development. The service will be developing a new learning and development framework based on the 70:20:10 principles, and develop the learning plan for 17/18. This will be informed by a staff survey. A new communication strategy will also be put in place.

There are a number of protocols and working guidance which require reviewing and revising including protocols with mental health services and children services. The roles of certain specialist workers within the service will also be reviewed.

The arrangements for the delivery of the AIM2 assessment and intervention programmes for young people who are demonstrating harmful sexual behaviour will also be reviewed during 2017/18.

Priority: The Management Board and operational staff are working together with clear collective responsibility for improving outcomes for young people

The majority of the work planned under this priority has been undertaken prior to 1st April 2017, including agreeing a working agreement between the management board and management team, appointing lead board members and management team members for each of the priorities and agreeing a method of communicating key board decisions to staff.

During 2017/18 management board members will be visiting each of the teams to improve communication between the board and staff in the service.

3.2 Safeguarding

Safeguarding remains a key area of focus for the service. WMYJS has a key role in safeguarding young people, in terms of assessing and reducing the risk of harm to young people either from their own behaviour or the actions of others and reducing the risk of harm they may pose to others.

During 2016/17 the service undertook critical learning reviews (CLRs) as part of the YJB safeguarding and public protection reviewing process. Learning from these review has informed action planning and been shared with the LSCBs. WMYJS will continue to undertake CLRs, even though these are not now mandatory. During 2017/18 the service will review the arrangements for the provision of specialist interventions for young people demonstrating harmful sexual behaviour. Directly related to safeguarding, the delivery plan for 2017/18 also includes a review of the management of risk arrangements and the development of a strategy on domestic abuse, in particular peer domestic abuse and young person to parent abuse. The management board have commissioned a deep dive on mental health and the service will be working with the national youth justice SEND (special education needs and disabilities) project.

3.3 Risks to the Future Delivery against the National Outcome Measures

The current performance against the national outcome measures are contained in section 2.6 of this plan. As the section notes although the FTE rate is higher than the national rate, the most recent performance is an improvement on the previous year. There are however differential rates between the four LA areas and the reasons for these differences are not fully understood. The rate of custodial sentences remains low, at 0.22 per 1,000 population, but as noted in the commentary on the priorities our key area of risk in relation to custody is with custodial remands, and this is an area that will be focussed on during 2017/18. Re-offending performance is volatile and rises and falls within a range of 30% to 35%. As part of the learning and development plan it is intended to provide training on desistance for practitioners. The review and revision of the management of risk arrangements will also consider the management of the likelihood of re-offending.

Outcome Measure	Performance Indicator	Risk	Key Mitigating Actions	Other Relevant Delivery Plan Actions
First Time Entrants	The number of first time entrants to the youth justice system per 100,000 youth population	Lack of understanding of the drivers behind differing rates could mean that improvement actions focus on wrong factors	Comprehensive analysis of FTE cohort	1.1
		Inconsistencies in out of court decision making contributing to differential rates of FTEs across the area	Review and revise the OoCD joint decision making arrangements	1.2, 1.3, 1.5 and 2.3
Custody	The number of custodial sentences per 1,000 youth population	Absence of a remand management strategy may lead to an increase in young people being remanded	Development of a remand management strategy	2.2
Re-Offending	(i) The average number of re-offences per re-offender (ii) The proportion of offenders (%) re-offending within 12 months	Management of risk policy out of date and inconsistently applied	Revision of the Management of Risk policy and guidance	2.1
		Poor quality assessments, plans and delivery against local/national standards	Continued work on embedding AssetPlus. Developing a balanced scorecard approach to performance reporting	3.1 and 6.2
		Interventions are not focussed on the most significant factors or are not delivered with integrity	Review and development key intervention delivery arrangements including AIM2, reparation, mentoring, AC curriculum and use of ETE trackers	2.3, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 4.2, 5.1, 6.9 and 7.1
		Staff do not have an understanding of desistance theory	Ensure that desistance theory is incorporated in the 2017/18 training plan	6.2, 6.5 and 6.4
		Lack of understanding of the characteristics of the re-offending cohort	Deep dive analysis	

3.4 Delivery Plan

Ref	Action	Owner	Timescale (by end of quarter)
Priority: Reducing First Time Entrants to the Youth Justice System			
1.1	Undertake a comprehensive analysis of FTEs to identify characteristics of the cohort, and the development of a tracking tool to identify young peoples journey into the youth justice system	TM – T	2
1.2	Evaluate the Shropshire Youth Bureau pilot	TM – T	2
1.3	Review Joint OoCD decision making arrangements, taking into account Youth Bureau evaluation and decision making processes for LAC and develop a joint decision protocol with West Mercia Police to include putting in place an audit and scrutiny process in respect of OoCD decision making	TM – T	3
1.4	Developing Standardised recording of CRs	TM – T	3
1.5	Review assessment arrangements for OoCD	TM – T	3
Priority: Reduce custody and young people entering the adult criminal justice system			
2.1	Review and revise management of risk policy, procedure and guidance including considering how other agencies (where involved) can be better engaged in the process.	TM – S	3
2.2	Development of Remand Management Strategy	TM – H	3
2.3	Development of registers of services and pathways in each area for step down (exit strategies) and referral for support of community resolutions/simple cautions.	Team Managers	4
2.4	Review and revise transition arrangements and protocol with NPS	HoS	3
2.5	Development of Service Resettlement Framework		Deferred 17/18
Priority: Youth justice service interventions are of a consistently high quality			
3.1	Development of a balanced scorecard for in service performance reporting.	HoS/TM- S	3
3.2	Develop QA process for stand down and progress reports	TM – H	3
3.3	Review use and effectiveness of the ETE tracking tool.	TM – W	3
3.4	Establish ways of recognising young people's achievements within intervention including exploring the possibility of accreditation	VDO	3
3.5	Developing the mentoring offer to include assisting young people developing links in their community	VDO	3

Ref	Action	Owner	Timescale (by end of quarter)
Priority: Youth justice service interventions are of a consistently high quality			
3.6	Review of the reparation offer to ensure restorative activities are outcome based and activities are individualised and age related.	TM – T	3
3.7	Development of the AC curriculum to ensure compliance with the operating model	TM – T	3
3.8	Investigate with the University piloting a learning mentoring scheme using students.	VDO	4
Priority: We have systems in place to understand young people's journey through our services and to evaluate impact and Effectiveness			
4.1	Arrange schedule and format for joint management team and management board member case audits	TM – S	4
4.2	Review YJS SM provision , including the arrangements to input to NDTMS	TM – S	3
4.3	Re-establish a LAC reference group	TM – W	2
Priority: The voice of service users directly impacts on service delivery			
5.1	Develop the current feedback process to ensure the information is used to inform practice development	TM – W/SP	4
5.2	Develop and implement strategy for service's use of ViewPoint	TM – W/SP	3
5.3	Develop a process of receiving feedback from victims which is used to inform service	TM – T/SP	2
Priority: Team morale is good, staff feel enabled and supported and have the tools required to do their job effectively			
6.1	Conduct staff survey	HoS	2
6.2	Developing and defining the role of senior practitioners in undertaking learning reviews and cross service auditing	HoS	2
6.3	Development of service communication plan	HoS	3
6.4	Arrange a staff conference	HoS	2
6.5	Development of Learning and Development framework and a training plan which is informed by audit/survey of training needs and learning and development needs identified in annual appraisals	TM – S	3
6.6	Review arrangements for covering weekend and public holiday courts.	TM – H	2
6.7	Developing a policy to ensure that parents/carers and fully involved in compliance and engagement arrangements	TM – T	2
6.8	Put in place process to ensure that parental and young people's assessments are initiated in court	TM – H	3
6.9	Review AIM2 arrangements	TM – W/SP	3
6.10	Review role of the police officers	TM – H	2
6.11	Review information sharing arrangements with ChSC and ensure joint planning	Team Managers	4

Ref	Action	Owner	Timescale (by end of quarter)
Priority: Team morale is good, staff feel enabled and supported and have the tools required to do their job effectively			
6.12	Redefine role of CAMHS secondees and amend protocols with CAMHS	HoS	4
6.13	Define minimum standards with respect to re-allocating cases	TM – H	4
6.14	Development of a service domestic abuse strategy	VDO	3
6.15	Review and revise young people moving between areas guidance	TM – T	2
Priority: The management board and operational staff are working together with clear collective responsibility for improving outcomes for young people			
7.1	Schedule of management board visits to teams	ChMB	2

Key to owners:

TM – H	Team Manager, Herefordshire
TM – S	Team Manager, Shropshire
TM – T	Team Manager, Telford and Wrekin
TM – W	Team Manager, Worcestershire
VDO	Volunteer Development Officer
HoS	Head of Service
SP	Delegated Senior Practitioner
ChMB	Chair of the Management Board

Appendix 1

West Mercia Youth Justice Service Resources 2017/18

Income

The Youth Offending Service has a complex budget structure comprising of partner agency cash, seconded staff and in kind contributions and the Youth Justice (YOT) Grant from the Youth Justice Board for England and Wales. The table below outlines the agreed contributions for 2017/18.

Agency	Staffing costs Secondees (£)	Payments in kind – revenue (£)	Other delegated funds (£)	Total (£)
Local Authorities ¹			1,212,499	1,212,499
Police Service	237,892		63,000	300,892
National Probation Service	126,066		15,000	141,066
Health Service	129,860		36,894	166,754
Police and Crime Commissioner			180,293	180,293
YJB Youth Justice (YOT) Grant			1,195,802	1,195,802
Total	493,818		2,703,488	3,197,306

The grant to run the Attendance Centres, £50,519, is included in the total for the YJB Youth Justice Grant in the table above

¹ Where YOTs cover more than one local authority area YJB Youth Justice Plan guidance requires the totality of local authority contributions to be described as a single figure.

The YJB Youth Justice (YOT) Grant

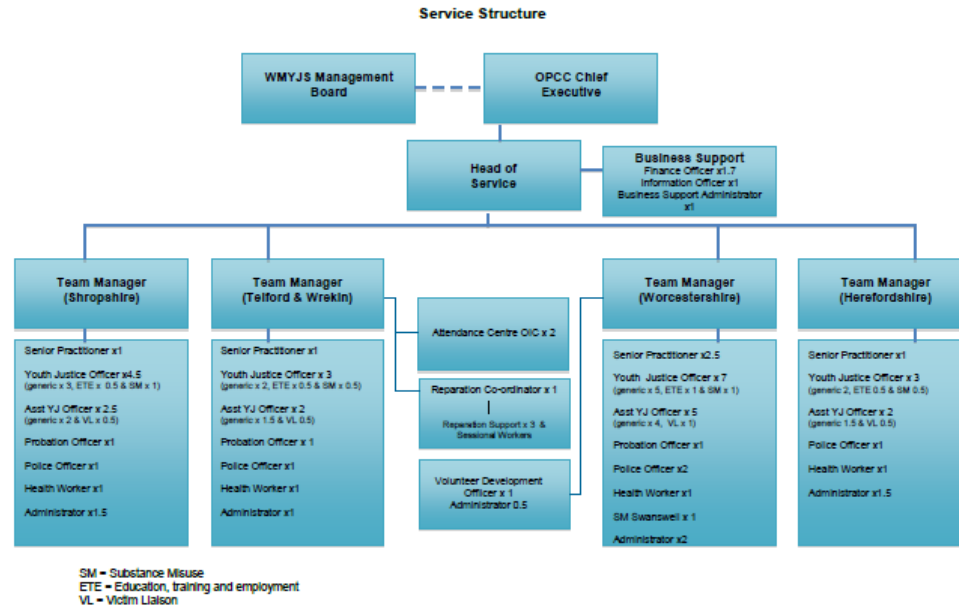
The YJB Youth Justice (YOT) Grant is provided for the provision of youth justice services with an aim of achieving the following outcomes; reducing re-offending, reducing first time entrants, reducing the use of custody, effective public protection and effective safeguarding. The grant will form part of the overall pooled partnership budget for WMYJS, which is used to deliver and support youth justice services across West Mercia. The outline draft budget for 2017/18 is provided below; the expenditure against the Youth Justice Grant is included in this budget.

Category	Budget (£)
Employee Costs	2,044,495
Other Employee Costs	1,878
Training	30,000
Premises	169,322
Supplies and Services	61,103
ICT	111,374
Third Party Payments	161,191
Transport	124,125

Appendix 2

West Mercia Youth Justice Service Structure and Staffing Information

The West Mercia Youth Justice Service comprises four multi-agency service delivery teams, aligned to the Local Authority areas to deliver the majority of services. The reparation service and volunteer services are co-ordinated centrally across the whole service, as are the finance and data and information functions.



WMYJS is compliant with the minimum staffing requirements outlined in the Crime and Disorder Act 1998, as can be seen from the structural diagram above. There are four HCPC registered Social Workers within the staffing group.

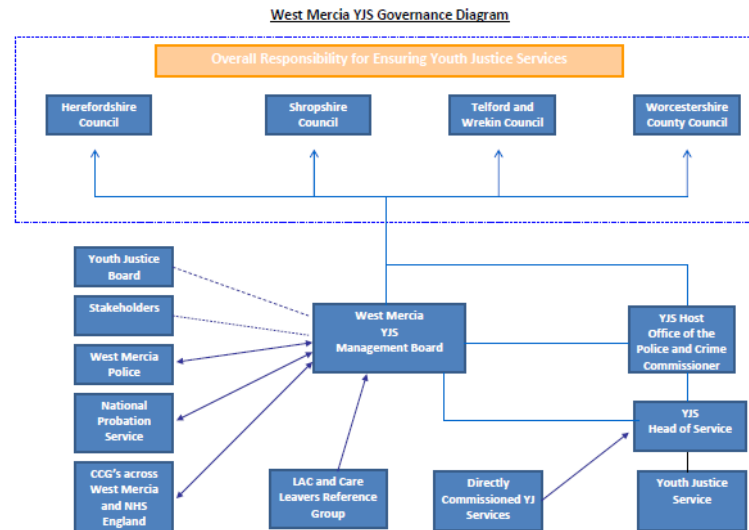
Appendix 3

West Mercia Youth Justice Service Governance and Partnership Information

Governance

WMYJS is managed on behalf of the Local Authorities and the WMYJS partnership by the Office for the West Mercia Police and Crime Commissioner (OPCC). Day to day management of the Head of Service is provided by jointly the Chief Executive of the OPCC and the Chair of the Management Board (DCS Shropshire). The Youth Justice Service is accountable to the WMYJS Management Board and the Management Board is accountable to each of the Local Authorities for the commissioning and delivery of youth justice services.

The partnership Youth Justice Plan is approved by the Management Board and by each of the four top tier Councils. The diagram below outlines the governance arrangements of West Mercia Youth Justice Service.



The Youth Justice Service Management Board is currently chaired by the Director of Children Services for Shropshire Council. The Membership of the Board at 1st April 2017 is outlined in the table below:

Agency	Representative	Role
Worcestershire County Council	Jake Shaw	Assistant Director
Shropshire Council	Karen Bradshaw	Director of Children Services
Telford and Wrekin Council	Clive Jones	Director of Children, Family and Adult Services
Herefordshire Council	Chris Baird	Director of Children's Wellbeing
National Probation Service	Tom Currie	Head of West Mercia
West Mercia Police	Debra Tedds	Assistant Chief Constable
West Mercia Clinical Commissioning Groups	Helen Bayley	Lead Nurse for Integrated Clinical Care and Safety, Shropshire CCG
Office for the West Mercia Police and Crime Commissioner	Andy Champness	Chief Executive

The Management Board meets every two months and monitors the performance and quality of the service through regular reporting. Where necessary the Management Board will monitor compliance with the YJB Grant conditions through exception reports. There is an agreed process of reporting community safeguarding and public protection incident reviews into the Management Board and the Board monitors the progress of critical learning review action plans as a standard agenda item.

The Management Board has a schedule of thematic deep dives, the purpose of which is to identify any issues, in particular with regards to provision of services and multi-agency working, and agree actions for the Management Board or individual board members in order to improve services for young people in the youth justice system.

The Management Board ensures that, where relevant, commissioning across partner agencies take account of the needs of young people in or at risk of entering the youth justice system, and where appropriate explore joint commissioning arrangements.

Partnerships

The Youth Justice Service only has one outsourced service, the provision of Appropriate Adults for young people in Police custody. The service is provided by a local voluntary sector organisation YSS.

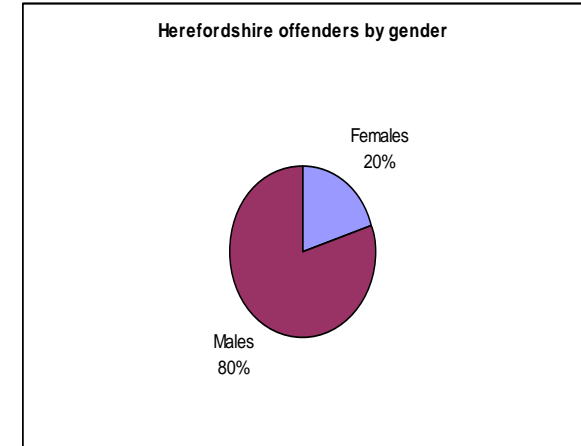
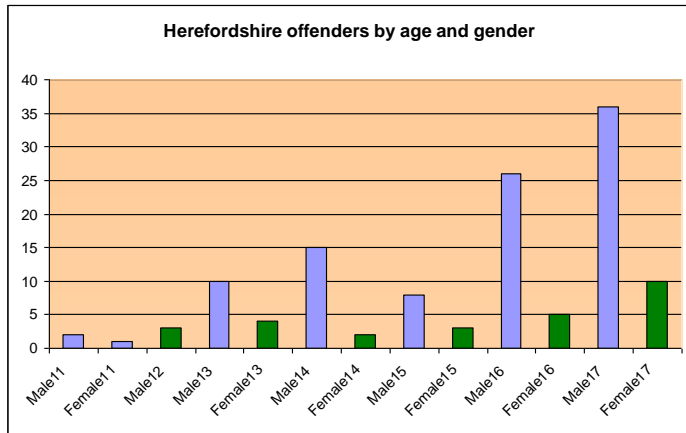
WMYJS is a member of the four Safeguarding Children Boards and several of the board's sub groups and the Children's Trusts or equivalent partnerships. WMYJS is represented on the Crime and Disorder reduction partnerships at the unitary or top tier authority level. WMYJS is an active member of the West Mercia Criminal Justice Board, the West Mercia Reducing Offending Board, the West Mercia Victim and Witness Board and the MAPPA Strategic Management Board.

WMYJS is represented on the Channel Panels across West Mercia established as part of the Prevent strategy. WMYJS staff have undertaken WRAP training in most areas. Further work is required to ensure that the WMYJS is able to respond in delivering appropriate programmes of intervention to young people who are at risk of extremism.

APPENDIX 4 - AREA PROFILE – HEREFORDSHIRE

Youth Offending Population – all Young People

There are 16,101 young people aged 10 to 17 in Herefordshire. In 2016/17 there were 179 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Herefordshire young people. A total of 125 individual young people accounted for these 179 outcomes, 0.78% of the youth population.

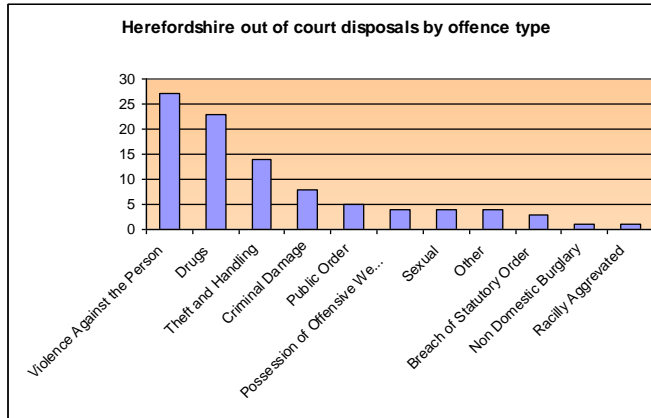


Of the 125 young people entering or in the youth justice system in 2016/17, 80% were male. The majority, 70%, were aged 15 to 17 years. The peak age of offending for both young males and young females was 17 years.

Youth Offending Population – Young People Subject to Out of Court Disposals

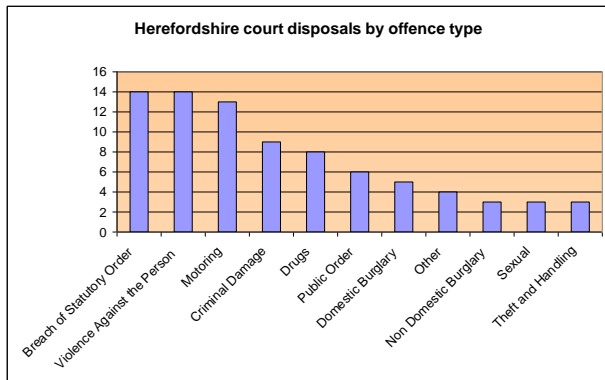
During 2016/17 there were a total of 95 pre-court disposals made on 76 Herefordshire young people, 83 of these were Youth Cautions and 12 Youth Conditional Cautions. WMYJS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in

2016/17 intervention programmes were provided for 26 pre-court disposals.



The most frequently occurring primary offences for out of court disposals were violence against the person, 28% drug offences, 24% followed by theft and handling, 15% and criminal damage, 8%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2016/17 a total of 49 Herefordshire young people accounted for 84 court outcomes. Orders requiring WMYJS interventions (Referral Orders, YROs and Custodial sentences) accounted for 53 of the 85 court outcomes.

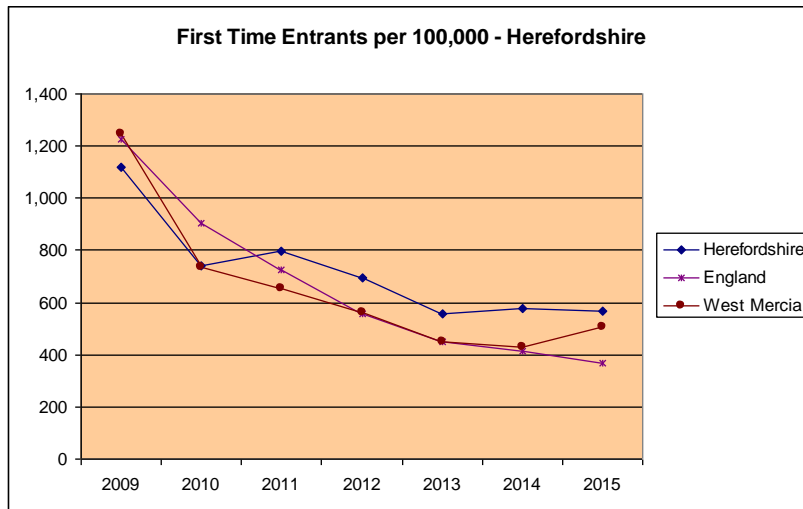
The majority, 83% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for 40% of young people receiving a court sentence.

The most frequently occurring primary offence for court sentences was violence against the person, accounting for 17% of all offences. Motoring offences were the next frequently occurring offence, 15%, followed by criminal damage, 11% and drugs 10%. 17% of court outcomes were in respect of breach of a statutory order.

Performance against the National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate.



In the year October 15 to September 16 there were 486 first time entrants per 100,000 youth population in Herefordshire, representing a reduction of 35% since 2012. This compares with a reduction for England of 41% and for West Mercia of 30% over the same period. The actual number of first time entrants in year ending September 2106 is 79, compared to 131 in the year ending September 2012. The rate of 486 is an improvement in performance on the previous year when the rate was 596.

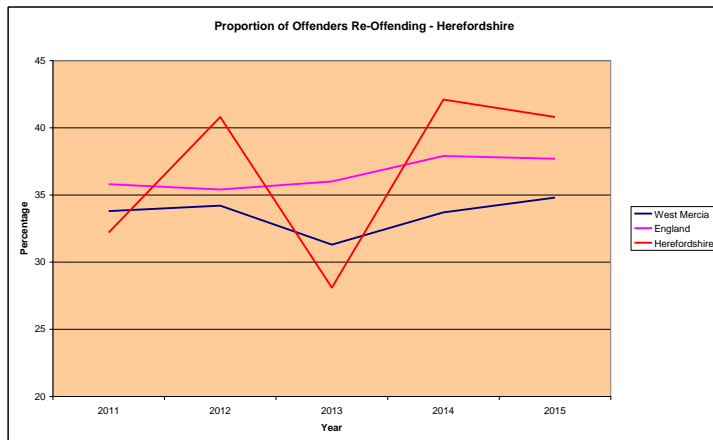
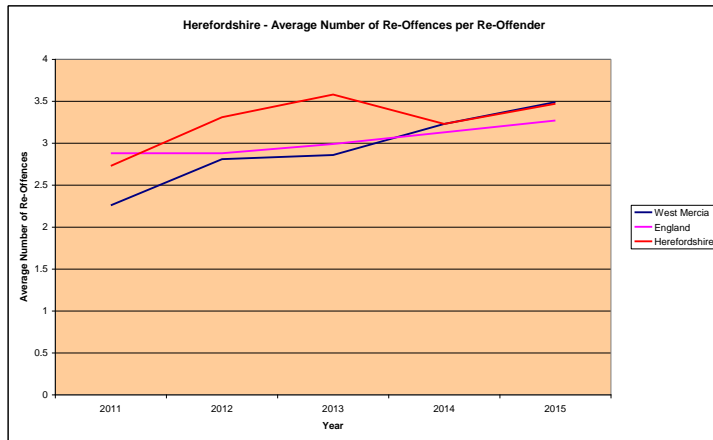
At 486 Herefordshire has the second highest rate of FTEs across West Mercia, the range in rates across the West Mercia authorities is 303 to 515. Some analysis into reasons for the high rate in Herefordshire was undertaken in 14/15, and it found that in part it is due to a higher detection rate and a lower proportional use of informal disposals. Further analysis is planned for 17/18.

(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Herefordshire has, historically, had a low rate of custodial sentences.

There were 3 custodial sentences during 2016, equating to a rate of 0.19 custodial sentences per 1000 youth population this represents a reduction in custodial sentences from 2015/16 where there were 4 custodial sentences equating to a rate of 0.25. The 2016 rate of 0.19% compares to a West Mercia rate of 0.22 and a national rate of 0.37.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per re-offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year 2014/15. This is the year where the cohort is identified, they are then followed for re-offending for a 12 month period, hence to March 2016.

The frequency measure performance for Herefordshire for 2014/15 is 3.47, compared to the West Mercia performance of 3.49 and national performance of 3.27. Herefordshire is, therefore, performing less well than for England but slightly better than for West Mercia as a whole. Although the performance has slightly deteriorated from 13/14 when it was 3.23, it is better than for 12/13 where it was 3.53.

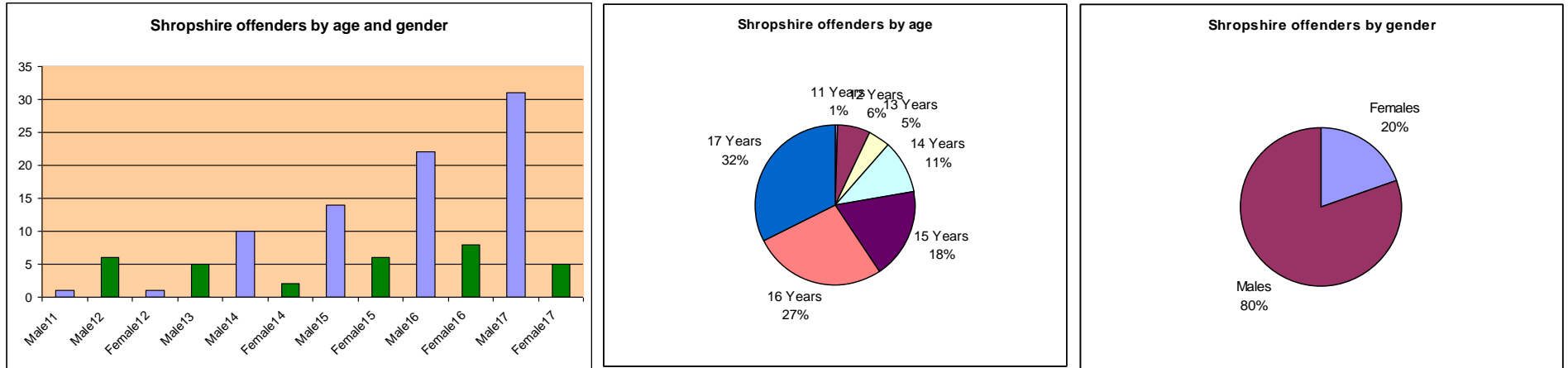
For 2014/15 the binary measure for Herefordshire is 40.8 compared with a West Mercia performance of 34.8% and a national performance of 37.7%. For 2014/15, therefore, there were a greater proportion of the cohort re-offending than for West Mercia, but they were, on average, re-offending with less frequency. The 2014/15 performance of 40.8% represents an improvement on the performance for the previous year when it was 42.1%. It should also be noted, that the overall cohort sizes are decreasing year on year. In 2011/12 there were 255 offenders in the cohort and 344 re-offences and compared to a cohort size of 157 and 222 re-offences in 2014/15.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

APPENDIX 5 - AREA PROFILE – SHROPSHIRE

Youth Offending Population – all Young People

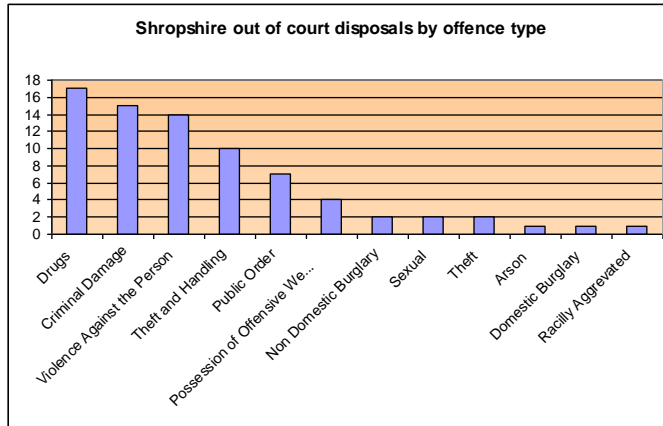
There are 27,663 young people aged 10 to 17 in Shropshire. In 2016/17 there were 146 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Shropshire young people. A total of 111 individual young people accounted for these 146 outcomes, 0.40% of the youth population.



Of the 111 young people entering or in the youth justice system in 2016/17, 80% were male. The majority, 77%, were aged 15 to 17 years. The peak age of offending for young males was 17 years and young females 16 years.

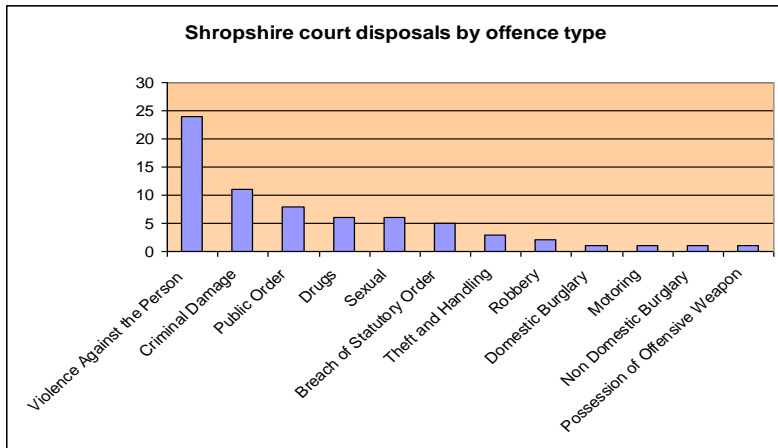
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2016/17 there were a total of 76 pre-court disposals made on Shropshire young people, 70 Youth Cautions and 6 Youth Conditional Cautions. The youth justice service is required to assess all young people made subject to second or subsequent Youth Caution and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2016/17 intervention programmes were provided for 34 pre-court disposals.



The most frequently occurring primary offences for out of court disposals were drug offences, 22%, followed by criminal damage, 20%, violence against a person, 18%, and theft and handling 13%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2016/17 a total of 48 Shropshire young people accounted for 70 court outcomes. Orders requiring WMYJS interventions (Referral Orders, YROs and Custodial sentences) accounted for 59 of the 70 court outcomes.

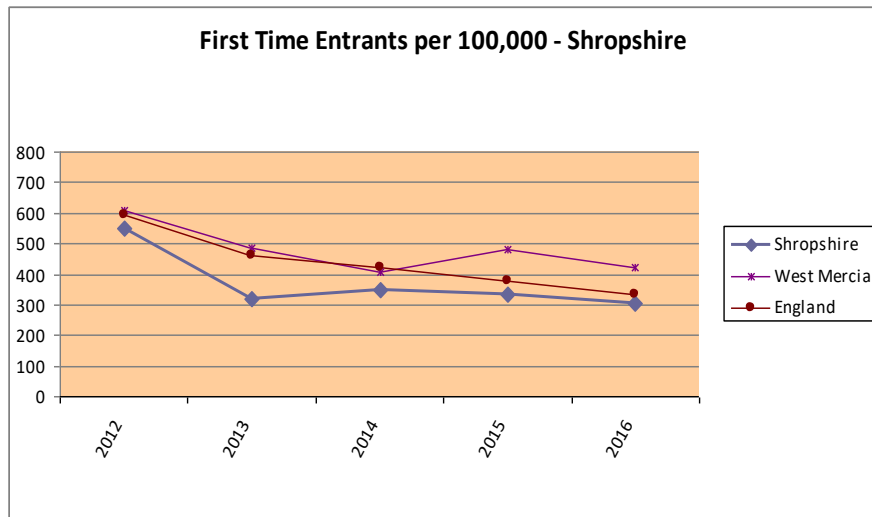
The majority, 91% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for 50% of young people receiving a court sentence.

The most frequently occurring offence for court sentences was violence against the person, accounting for 34% of all outcomes. Criminal damage was the next frequently occurring offence, 16%, followed by public order 11%, and drug offences and sexual offences, both accounting for 9%.

Performance against National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate



In the year October 2015 to September 2016 there were 303 first time entrants per 100,000 youth population in Shropshire, representing a reduction of 45% since 2012. This compares with a reduction for England of 41% and for West Mercia of 30% over the same period. The actual number of first time entrants in the year ending September 2016 is 85, compared to 166 in 2012.

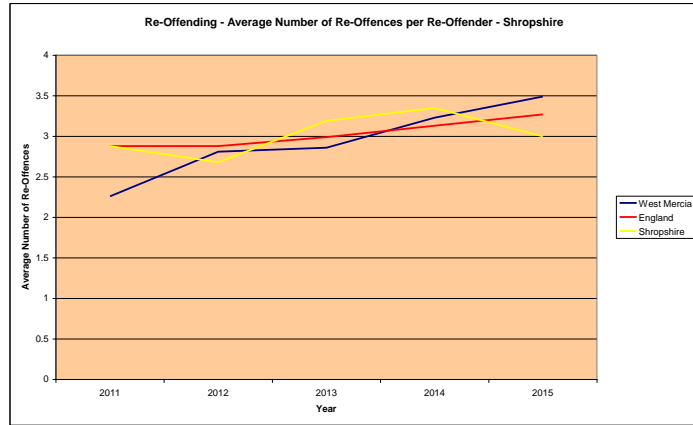
At 303 Shropshire has the lowest rate of FTEs across West Mercia, the next lowest rate being 432 and the highest 515. The Shropshire rate is lower than the national rate, 344 and significantly lower than West Mercia, 422. The September 2016 rate of 303 represents an improvement on performance from the previous year when the rate was at 332. A bureau approach to joint decision making for out of court disposal has been piloted in Shropshire throughout 16/17. This is due to be evaluated in 17/18.

(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Shropshire has, historically, had a low rate of custodial sentences.

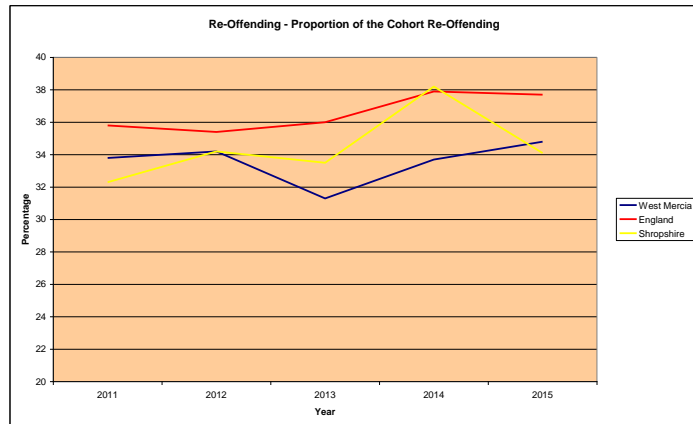
There were 8 custodial sentences during 2016, equating to a rate of 0.29 custodial sentences per 1000 youth population this represents an increase in custodial sentences from 2015/16 where there were 3 custodial sentences equating to a rate of 0.11. The 2016 rate of 0.29% compares to a West Mercia rate of 0.22 and a national rate of 0.37.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for cohort identified in 2014/15.

The frequency measure performance for Shropshire for 2014/15 is 3.0, compared to the West Mercia performance of 3.49 and national performance of 3.27. Shropshire is, therefore, performing better than for West Mercia and for England and the 14/15 performance represents an improvement on the previous year when it was at 3.35.



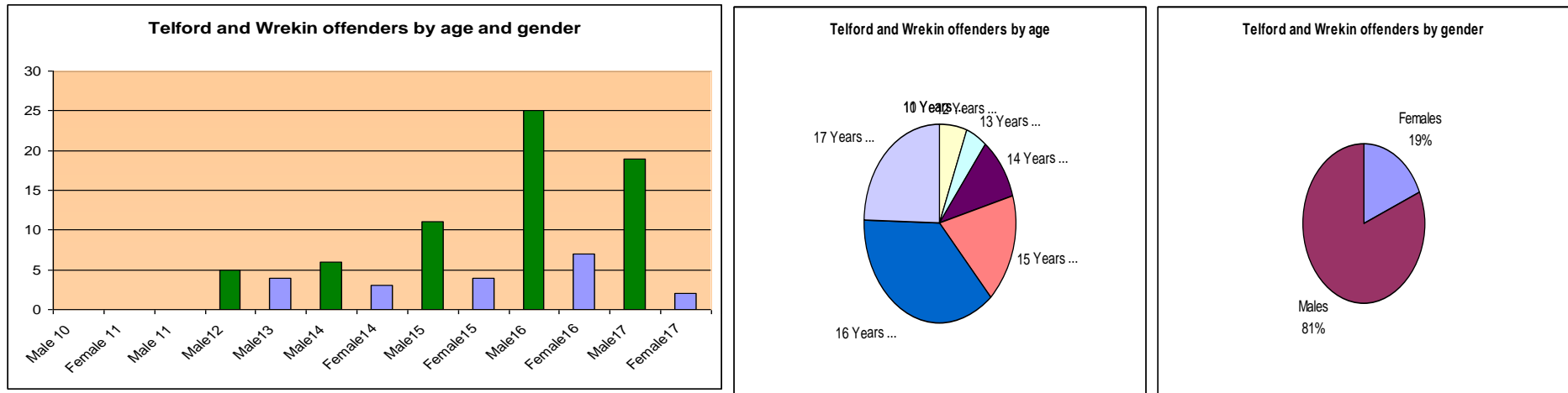
For 2014/15 the binary measure for Shropshire is 34.1% which is in line with the West Mercia performance of 34.8% and better than the national performance of 37.7%. It should also be noted that the overall cohort sizes are decreasing year on year, in 2011/12 there were 304 offenders in the cohort and 279 re-offences compared to a cohort size of 179 with 183 re-offences in 2015/16. The number of actual re-offences has therefore decreased by 34% between 2011/12 and 2014/15.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

APPENDIX 6 - AREA PROFILE – TELFORD AND WREKIN

Youth Offending Population – all Young People

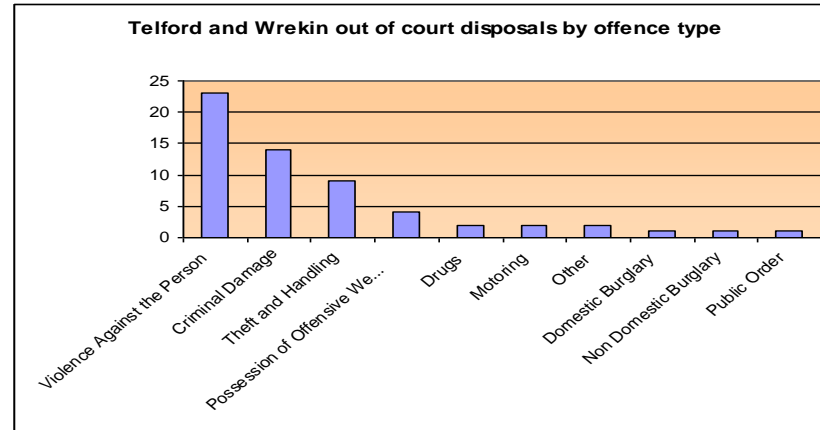
There are 16,444 young people aged 10 to 17 in Telford and Wrekin. In 2016/17 there were 139 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Telford and Wrekin young people. A total of 86 individual young people accounted for these 139 outcomes, 0.52% of the youth population.



Of the 86 young people entering or in the youth justice system in 2016/17, 81% were male. The majority, 79%, were aged 15 to 17 years. The peak age of offending for both young males and young females was 16 years.

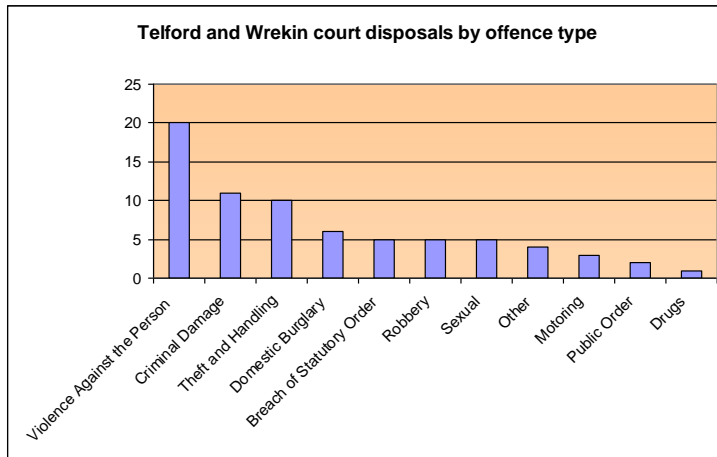
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2016/17 there were a total of 67 pre-court disposals made on Telford and Wrekin young people, 57 of these were Youth Cautions and 4 Youth Conditional Cautions. WMYJS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2016/17 intervention programmes were provided for 33 pre-court disposals.



The most frequently occurring primary offence for out of court disposals was violence against the person, 38%, followed by criminal damage, 23%, theft and handling, 15%, and possession of an offensive weapon 7%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2016/17 a total of 44 Telford and Wrekin young people accounted for 72 court outcomes. Orders requiring WMYJS interventions (Referral Orders, YROs and Custodial sentences) accounted for 49 of the 72 court outcomes.

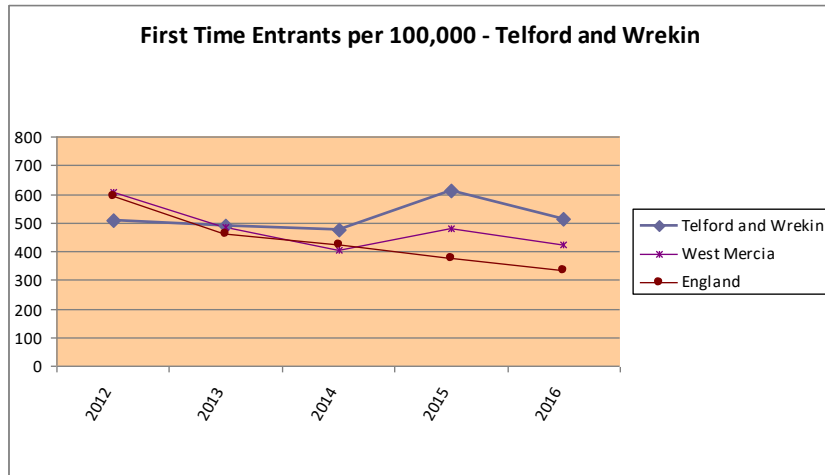
The majority, 89% of young people receiving court sentences were aged 15 to 17, with 16 and 17 year olds accounting for 78% of court outcomes.

The most frequently occurring offence for court sentences was violence against the person, accounting for 25% of all outcomes. Sexual offences were the next most frequently occurring offences, 15%, followed by breach of a statutory order, 13% and motoring offences 11%. These four categories of offences accounted for 64% of all sentencing outcomes.

Performance against National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate.



In the year October 2015 to September 2016 there were 515 first time entrants per 100,000 youth population in Telford and Wrekin. There is very little change in the rate since 2012 where it was at 509, however the rate did fall between 2012 and 2014 when it was 475. The actual number of first time entrants in the year ending September 2016 is 85, compared to 90 in 2012.

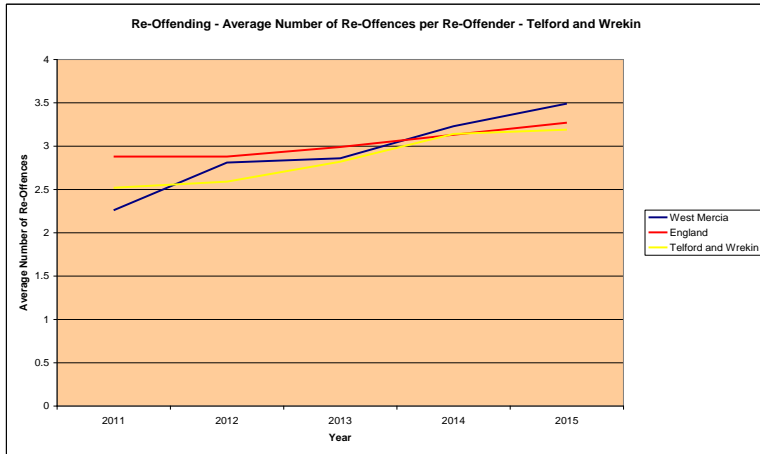
At 515 Telford and Wrekin has the highest rate of FTEs across West Mercia, the range of rates across West Mercia being 303 to 515. The rate in Telford and Wrekin has decreased from the previous year when it was significantly higher at 613. The number of FTEs has reduced from 103 to 85 between the two years, a decrease of 17%. Further analysis is planned to establish the drivers for the differential rates across West Mercia.

(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Telford and Wrekin has, historically, had a low rate of custodial sentences.

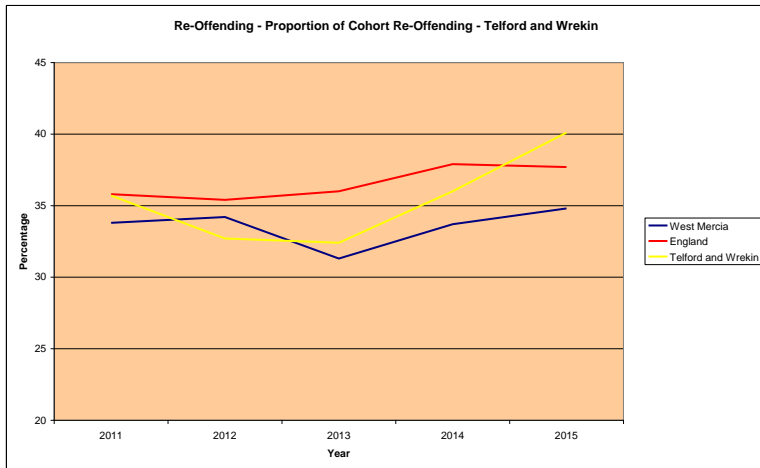
There were 2 custodial sentences during 2016, equating to a rate of 0.12 custodial sentences per 1000 youth population this represents an increase in custodial sentences from 2015/16 where there was 1 custodial sentence equating to a rate of 0.06. The 2016 rate of 0.12 compares to a West Mercia rate of 0.22 and a national rate of 0.37.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for cohort identified in 2104/15.

The frequency measure performance for Telford and Wrekin for 2014/15 is 3.19, compared to the West Mercia performance of 3.49 and national performance of 3.27.



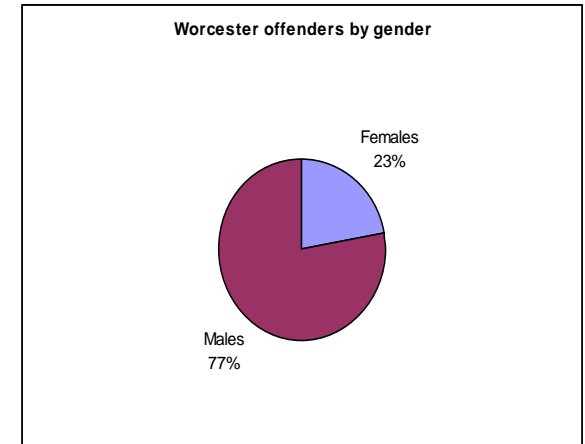
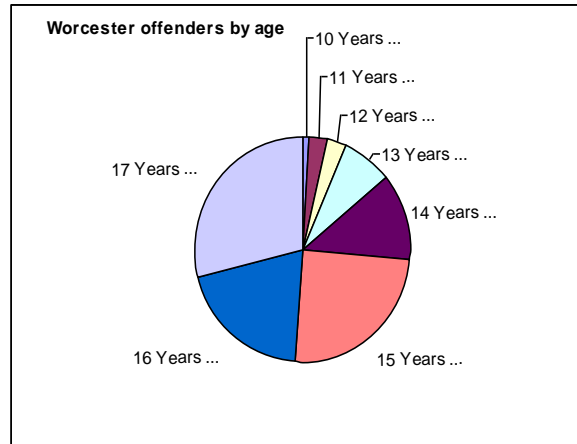
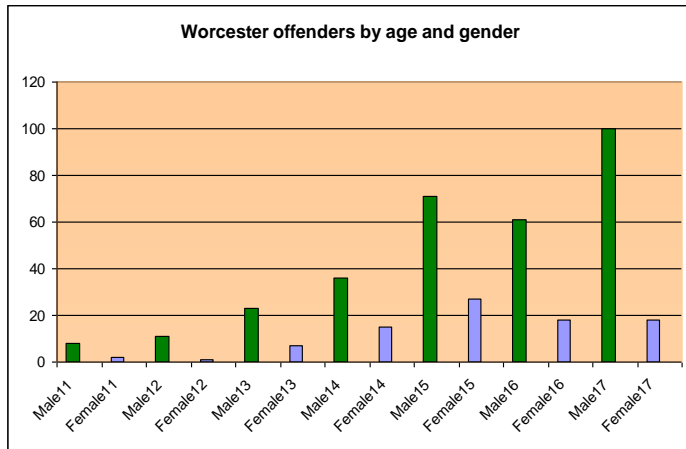
For 2014/15 the binary measure for Telford and Wrekin is 40.1% compared with a West Mercia performance of 34.8% and a national performance of 37.7%, Telford and Wrekin is therefore performing less well than West Mercia and England. The 2014/15 performance has slightly deteriorated from 2013/14 where the performance was 36%. It should be noted the overall cohort sizes are decreasing year on year. In the year 10/11 there were 266 offenders in the cohort and 239 re-offences compared to a cohort size of 142 with 182 re-offences in 2014/15. The number of actual re-offences have therefore decreased by 24% between 2010/11 and 2014/15.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

APPENDIX 7 - AREA PROFILE – WORCESTERSHIRE

Youth Offending Population – all Young People

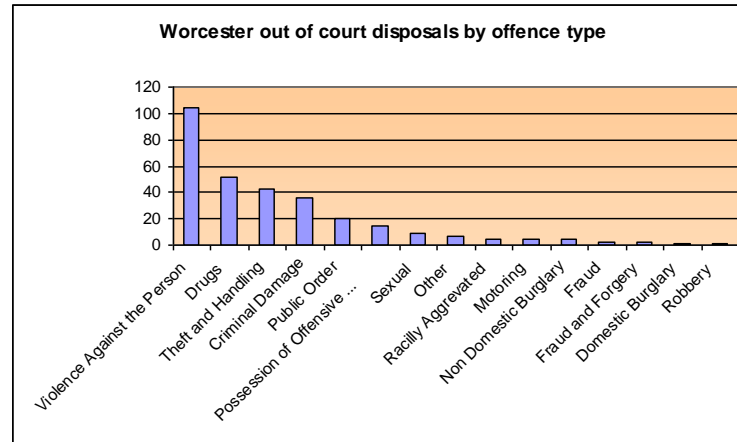
There are 50,812 young people aged 10 to 17 in Worcestershire. In 2016/17 there were 561 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Worcestershire young people. A total of 403 individual young people accounted for these 561 outcomes, 0.79% of the youth population.



Of the 403 young people entering or in the youth justice system in 2016/16, 77% were male. The majority, 73%, were aged 15 to 17 years. The peak age of offending for young males was 17 years and young females 15 years.

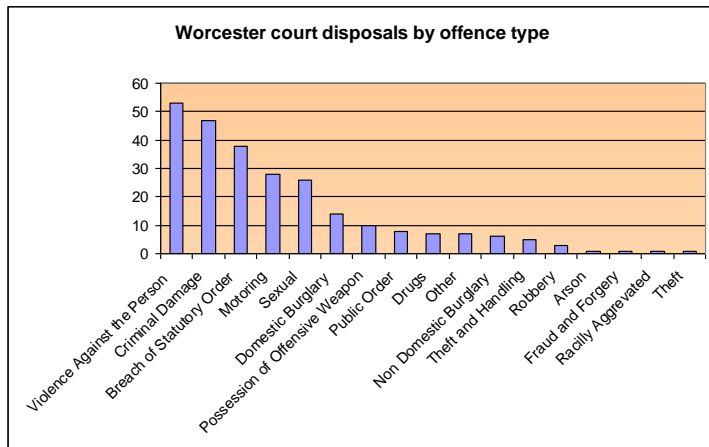
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2016/17 there were a total of 305 pre-court disposals made on Worcestershire young people, 299 of these were Youth Cautions and 6 Youth Conditional Cautions. WMYJS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2016/17 intervention programmes were provided for 76 pre-court disposals.



The most frequently occurring primary offence for out of court disposals were violence against the person, 34%, followed by drug related offences, 17%, theft and handling, 14% and criminal damage 12%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2016/17 a total of 135 Worcestershire young people accounted for 256 court outcomes. Orders requiring WMYJS interventions (Referral Orders, YROs and Custodial sentences) accounted for 198 of the 256 court outcomes.

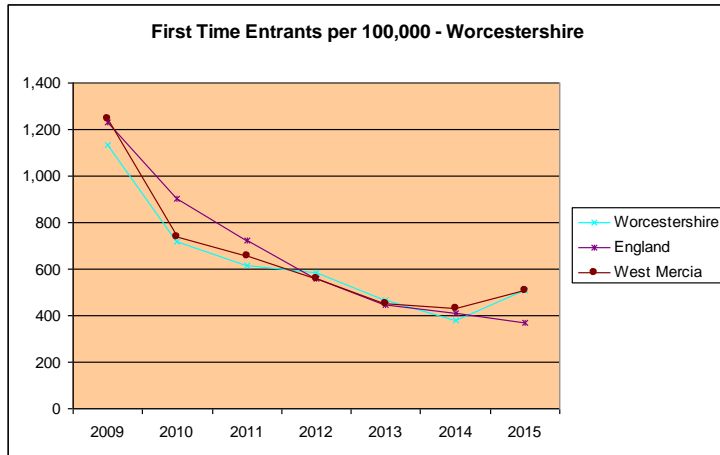
The majority, 88% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for 52% of young people receiving a court sentence.

The most frequently occurring primary offence for court sentences was violence against the person, accounting for 21% of all outcomes. Criminal damage was the next frequently occurring offence, 18%, followed by breach of a statutory order, 15% and motoring offences, 11%.

Performance against National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate.



In the year October 2015 to September 2016 there were 432 first time entrants per 100,000 youth population in Worcestershire, representing a reduction of 21% since 2012. This compares with a reduction for England of 41% and for West Mercia of 30% over the same period. The actual number of first time entrants in the year ending September 2016 is 220, compared to 299 in 2012.

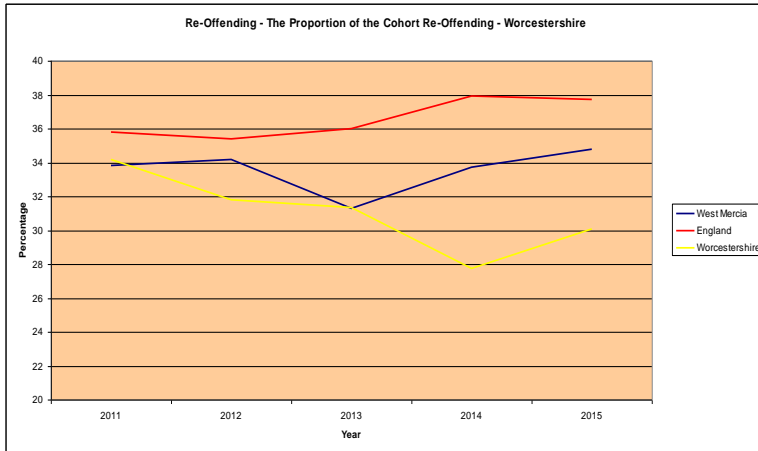
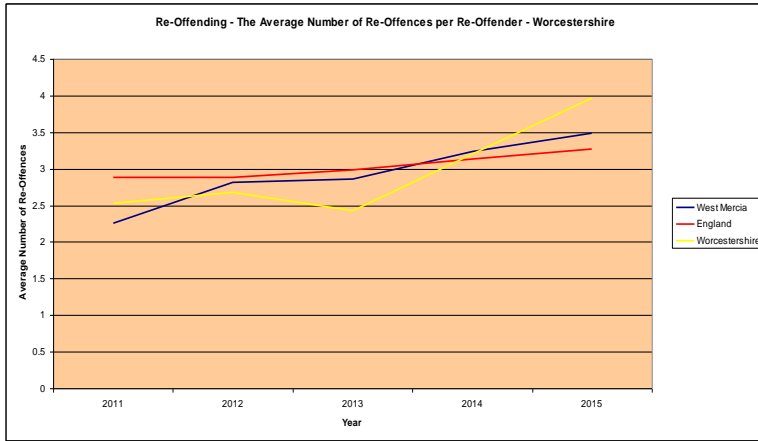
At 432 Worcestershire has the second lowest rate of FTEs across West Mercia, with the highest rate at 515 and lowest at 303. The rate in Worcestershire has decreased from the previous year when it was 471. The number of FTEs has reduced from 243 to 220 between the two years, a decrease of 10%. Further analysis is planned to establish the drivers for the differential rates across West Mercia.

(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance.

There were 16 custodial sentences during 2016, equating to a rate of 0.31 custodial sentences per 1000 youth population this represents an increase in custodial sentences from 2015/16 where there were 10 custodial sentences equating to a rate of 0.20. The 2016 rate of 0.31% compares to the West Mercia rate of 0.22 and a national rate of 0.37.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the cohort identified in 2014/15.

The frequency measure performance for Worcestershire for 2014/15 is 3.96, compared to the West Mercia performance of 3.49 and national performance of 3.27. Worcestershire has, therefore, a lower performance than for West Mercia and England for this measure.

For 2014/15 the binary measure for Worcestershire is 30.1% compared with a West Mercia performance of 34.8% and a national performance of 37.7%. Worcestershire is therefore performing better than West Mercia and England for this indicator. It should also be noted that the overall cohort sizes are decreasing year on year. In 2011/12 there were 585 offenders in the cohort and 497 re-offences compared to a cohort size of 339 with 404 re-offences in 2014/15. The number of actual re-offences has therefore decreased by 19% between 11/12 and 14/15.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.



Meeting:	General scrutiny committee
Meeting date:	11 September 2017
Title of report:	Work programme
Report by:	Governance services

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To review the committee's work programme.

Recommendation(s)

THAT:

- (a) the draft work programme as set out at appendix 1 to the report be approved, subject to any amendments the committee wishes to make;
- (b) the committee endorses the terms of reference for the Minerals and Waste local plan standing panel;
- (c) the committee determines any other matter in relation to the appointment of task and finish groups their chairmanship and any special responsibility allowance or the undertaking of a spotlight review; and
- (d) the committee decides whether there is any matter for which it wishes to exercise its powers of co-option.

Alternative options

- 1 It is for the committee to determine its work programme to reflect the priorities facing Herefordshire. The committee needs to be selective and ensure that the work programme is focused, realistic and deliverable within existing resources.

Reasons for recommendations

- 2 The committee needs to develop a manageable work programme to ensure that scrutiny is focused, effective and produces clear outcomes.

Key considerations

Draft work programme

- 3 The work programme needs to focus on the key issues of concern and be manageable allowing for urgent items or matters that have been called-in.
- 4 Should committee members become aware of any issue they think should be considered by the Committee they are invited to discuss the matter with the Chairman and the statutory scrutiny officer.
- 5 The current draft work programme is attached at appendix 1.

Minerals and Waste Local Plan

- 6 The Committee will be consulted on the Plan as it forms part of the budget and policy framework. However, the committee agreed in July to appoint a standing panel of members to maintain a watching brief as proposals develop. Councillors WLS Bowen (Chairman), FM Norman, AJW Powers and EJ Swinglehurst have been appointed to serve on the panel
- 7 The committee is invited to endorse the following terms of reference for the panel:
 - To maintain a watching brief as proposals develop.
 - As part of the above role to express comments to the executive for consideration as the Minerals and Waste Plan is developed.
 - To request a report to be made to the General Scrutiny Committee should it be considered that any matter warrants public consideration
 - To lead on informing debate at the General Scrutiny Committee prior to the Committee making any recommendations to the Executive or to Council.

Constitutional Matters

Task and Finish Groups

- 8 A scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances.

- 9 The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairman, timeframe, desired outcomes and what will not be included in the work. A task and finish group will be composed of a least 2 members of the committee, other councillors (nominees to be sought from group leaders) and may include, as appropriate, co-opted people with specialist knowledge or expertise to support the task. In appointing a chairman of a task and finish group the committee will also determine, having regard to the advice of the council's monitoring officer and statutory scrutiny officer, whether the scope of the activity is such as to attract a special responsibility allowance.
- 10 The Committee is asked to determine any matters relating to the appointment of a task and finish group and the chairmanship and any special responsibility allowance or undertaking a spotlight review including co-option (see below).

Co-option

- 11 A scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed workplan and/or task and finish group membership.
- 12 The Committee is asked to consider whether it wishes to exercise this power in respect of any matters in the work programme.

Tracking of recommendations made by the committee

- 13 A schedule of recommendations made and action in response to date is attached at appendix 2.

Forward plan

- 14 The constitution states that scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions. The current Forward plan is available to Members through the Councillors' handbook intranet site. Forthcoming key decisions are also available to the public under the forthcoming decisions link on the council's website:

<http://councillors.herefordshire.gov.uk/mqDelegatedDecisions.aspx?RP=0&K=0&DM=0&HD=0&DS=1&Next=true&H=1&META=mgforthcomingdecisions&V=1>

Community impact

- 15 The topics selected for scrutiny should have regard to what matters to residents.

Equality duty

- 16 The topics selected need to have regard for equality and human rights issues.

Financial implications

- 17 The costs of the work of the committee will have to be met within existing resources. It should be noted the costs of running scrutiny will be subject to an assessment to support appropriate processes.

Further information on the subject of this report is available from
Governance Services on Tel (01432) 260239

Legal implications

18 The council is required to deliver an overview and scrutiny function.

Risk management

19 There is a reputational risk to the council if the overview and scrutiny function does not operate effectively. The arrangements for the development of the work programme should help mitigate this risk.

Consultees

20 The Chairman and Statutory scrutiny officer meet on a regular basis to review the work programme.

Appendices

Appendix 1 – Draft work programme

Appendix 2 – schedule of general overview and scrutiny recommendations made and action in response.

Background papers

- None identified.

General Scrutiny Work Programme 2017/18

Meeting/items	Purpose	Comment	Notes
26 September Themed meeting on infrastructure/economic development,	Annual Review of Economic master plan. Consider Development Partnership outline work programme		Marches Draft Strategic Economic Plan – refresh is now planned for early 2018. Marches LEP Annual Report presented to Marches Enterprise Joint Committee on 14 June 2017.
14 November (proposed change to Monday 13 November (am))			
The Budget and Medium term financial strategy	(budget and policy framework item)		
Before December 2017 New university/Balfour Beatty Living Places (BBLP) Contract	To consider university infrastructure requirements. To consider performance against BBLP's annual plan.		Proposed spotlight review involving key stakeholders in late November/early December of public realm improvements needed to accommodate numbers of students (cycleways/public transport/leisure facilities)/ measures to avoid any adverse impact on current residents. General look at performance against BBLP's annual plan and the plan proposed for next year to ensure that the plan satisfactorily addresses any performance issues. Decide in light of that whether further work required.
TBC	Minerals and Waste local plan		

February/March 2017			
Edgar Street Stadium, Hereford			14 November 2016 Committee requested further report setting out the long term proposals for the Edgar Street stadium following an appraisal by the football club, council and potential development partners of the options.
29 January (am)			
Community Safety Partnership	Annual review.		Consider scrutiny approach in light of outcome of meeting in January 2017.
	Waste Contract review (t&f) in preparation for end of current contract in 2023.		
9 April (am)			
OTHER ISSUES/PROPOSALS			
Devolution – task and finish group report (tbc)			Awaiting clarification of national thinking
Consideration given to review period of minerals and waste local plan and synchronising with Core Strategy.			
Hoople			
Performance indicator - killed and seriously injured on roads (will involve partner agencies)			Possible task and finish topic.

<p>One off spotlight: All aspects of enforcement (parking/planning/environmental health)</p>			
<p>Unallocated cross-cutting review suggestions</p> <p>Support for voluntary sector</p> <p>Young Carers</p>			

Briefing notes requested	Comment
<p>Approach to appeals against planning decisions – whether the council should seek costs more regularly?</p>	<p>Briefing note to establish current approach.</p> <p>Review need for further consideration in light of advice received.</p>

Schedule of General Overview and Scrutiny Committee recommendations made and action in response

Meeting	item	Recommendations	Action	Status
10 June 15	Executive Response – Review of lease restructuring with Hereford United	RESOLVED: That (a) the Executive's responses be noted;		Completed
	Executive Response – Balfour Beatty Living Places – Public Realm Services	RESOLVED: That (a) the Executive's responses be noted; and (b) a briefing note on progress with the responses to the task and finish group report on Balfour Beatty Living Places - Public Realm Services be provided within six months.	Briefing note on customer contact statistics issued 8 September 2015. Briefing note on highway maintenance plan issued September 2016. A further update on the Public Realm actions potentially required	Completed ongoing
	Task and Finish Group Report – Development Management Planning	RESOLVED: That (a) Subject to the amendments to recommendations 1, 12 and 18 above, the report of the task and finish group on Development Management (Planning) be agreed for submission to the Executive; and (b) The Executive's response to the review be reported to the first available meeting of the committee after the Executive has approved its response.	Submitted to executive Reported to Committee 21 July 2015. Update issued via briefing note on 18 December 2015.	

			Further update to be issued for 26 July 2016.	Completed
	Work Programme	<p>RESOLVED: That</p> <p>(a) the draft work programme, as amended, be noted;</p> <p>(b) a task and finish group on the smallholdings estate be established to undertake the work outlined in the draft scoping statement; and</p> <p>(c) scrutiny activity on football provision be considered at a future meeting.</p>	<p>Group established and work completed.</p> <p>Report scheduled for November 2016</p>	<p>Completed</p> <p>ongoing</p>
21 July 2015	Executive Response to Committee Recommendations on School Examination Performance	<p>RESOLVED: That</p> <p>(a) the Executive response be noted; and</p> <p>(b) a briefing note be prepared on the Herefordshire Food Strategy and its linkages to schools.</p>	Briefing note issued 18 December 2015	Completed
	Executive Response to the Task and Finish Group Report on Development Management (Planning)	<p>RESOLVED: That</p> <p>(a) the draft Executive response be noted; and</p> <p>(b) a briefing note on progress with the response be provided within six months.</p>	Update issued 18 December 2015	Completed

30 September 2015	The Development of a Schools Capital Investment Strategy	<p>RESOLVED: That it be recommended to the executive that the Schools capital investment strategy principles:</p> <ol style="list-style-type: none"> 1. include reference to the need to be responsive to anticipated growth and reductions in communities, including the key role of local schools in the sustainability of growth villages in Core Strategy policies RA1 and RA2; 2. (within principle 8) take school journey distance, mode and time into account, not only in terms of environmental and transportation impacts but also the effect of journey times on pupils, with schools encouraged to keep school travel plans up-to-date; 3. recognise what schools can and should offer, outside school hours, to local communities – such as libraries, information hubs, meeting venues, open space etc.; 4. provide assurance that the authority would provide backing and support for academies to make bids for central funding to improve infrastructure; 5. include consideration of county boundary transitions, including dialogue with adjoining authorities to ensure that provision was not considered in isolation; 6. clarify how the authority would assure itself that ‘There would be an appropriate number of 	<p>Incorporated into strategy and being taken forward in its implementation on a local area basis.</p> <p>Briefing note issued 18 December giving further information on school places and travel plans.</p>	Completed

		<p>faith places' (principle 3); and</p> <p>7. revise principle 11 e. to 'Participatory budgeting as a means of enabling local communities to assist in supporting a local school'.</p>		
	Work Programme	A briefing note be prepared on digital issues.	Issued September 2016.	Completed
27 October 2015	Task and Finish Group Report – Smallholdings Estate (County Farms)	<p>RESOLVED: That</p> <p>(a) That the report and recommendations of the task and finish group: smallholdings estate (county farms) be agreed for submission to the executive subject to:</p> <p>i. the removal of Councillor Harvey's name from the group's composition (page 3 of the report);</p> <p>ii. the deletion of option b) from recommendation 1 (page 13); and</p> <p>iii. the removal of the words 'on the remaining estate should be let' from recommendation 5 (page 14).</p> <p>(b) The executive's response to the review be reported to the first available meeting of the committee after the executive has approved its response.</p>	<p>Submitted to the Executive</p> <p>Briefing note including response issued 18 December 2015</p>	Completed
17 November	Budget and medium Term Financial Strategy	RESOLVED: That it be recommended to Cabinet that consideration be given to the merits of a rise	Council did levy an additional 2% precept at	Completed

2015	– Draft prior to Funding Announcement	in council tax of more than the 1.9% cap, with consideration given to the best mechanism for advancing this should Council agree to this measure reflecting the wishes of the significant response to the priorities and budget consultation, particularly in relation to retention of specific non-statutory services.	in respect of adult social care in response to a Government initiative.	
19 January 2016 (am)	Update on home to School Transport Provision	Resolved That: A) The relevant officers work to produce a briefing note on home to school transport to present to the General Overview and Scrutiny Committee for July 2016 B) The item be returned to the scrutiny committee for another annual review in January 2017 C) It be investigated what other scrutiny activity would be of benefit regarding home to school transport	Briefing note issued July 2016. Listed in Work programme. To be reviewed in January 2017.	Completed Completed ongoing
	Local Transport Plan	Resolved that: The following recommendations be put to cabinet regarding the Local Transport Plan: A) A recommendation be made that the Local Transport Plan (LTP) be subject to a review every five years in accordance with Department for Transport guidance B) LTP4 Vision to be amended to include the objective “and reduce congestion and increase accessibility by less polluting and healthier forms of transport than the private car.”	Reported To Cabinet. Confirmed at Council on 20 May that recommendations would be reflected in Plan.	Completed

19 January 2016 (pm)	Herefordshire Community Safety Partnership Strategy and Related Performance	<p>RESOLVED:</p> <p>a) it be recommend that an all member briefing be arranged on the CSP and related matters including the office and Police and Crime Commissioner, Chief Constable, the Superintendent of Herefordshire and other CSP partners.</p> <p>b) that the chair and vice chair investigate what areas of the CSP it may be of benefit to conduct further scrutiny work.</p>	Seminar scheduled for 21 November 2016	Completed Ongoing
8 March 2016	School Examination Performance	<p>Resolved that:</p> <p>a) The committee makes recommendations to cabinet on how they might improve the efficiency of the school improvement framework and strategy, especially in relation to governance in light of likely reduced resourcing in future.</p> <p>b) Council responsibilities for education are clarified and sufficiently resourced. Additionally, that the monitoring of governing bodies in meeting performance standards also be sufficiently resourced. Should the Director at any time find that resources are not sufficient, this must be reported to Cabinet and the General Overview and Scrutiny Committee at once.</p> <p>c) A briefing note be produced in regard to authorised absences to inform future recommendations of the committee.</p> <p>d) The committee consider the findings of the</p>	<p>The council responsibilities form part of the Herefordshire School Improvement Framework and are based on statutory duties.</p> <p>Further consideration of the role and resourcing of the local authority will form part of the local authority's response to the national consultation on schools funding formula 2016 and the further national work on the roles and responsibilities of councils in relation to education</p>	ongoing

		<p>Health and Social Care Overview and Scrutiny Committee's early years provision task and finish group in relation to referral rates for speech and language development.</p> <p>e) The committee's suggestions in regard to the teaching of phonics be brought to the attention of the early years task and finish group reporting the health and social care overview and scrutiny committee.</p>	(d and e have been done)	
	<p>Marches Local Enterprise Partnership</p>	<p>Resolved: That</p> <p>(a) the committee commend and encourage further the engagement of small businesses within the activity of the Marches LEP.</p> <p>b) The work of the Marches LEP in cooperation with neighbouring and other Local Enterprise Partnerships, in particular the equivalent bodies across national borders be encouraged.</p> <p>c) That the Marches LEP ensure that the delivery of accounts and reporting is made more clear and the availability of such documentation to the public is ensured.</p> <p>d) That the committee recommend to the board of the Marches LEP that a summary of accounts be published in conjunction with the annual report on the activity of the Marches LEP.</p>	<p>2015/16 accounts are in process of being completed and will be placed on the LEP website. Draft accounts will be going to the LEP Board on 3 August.</p> <p>Annual report published with Marches Enterprise joint Committee papers on 31 May 2016.</p>	<p>completed</p>

4 May 16	Suggestions from the public	RESOLVED: That a working party be set up by officers to discuss the detail of the issues surrounding the definitive Map	Working party established.	ongoing
	Task and Finish Group Report – Community Infrastructure Levy	<p>RESOLVED that:</p> <p>(a) the report of the task and finish group: community infrastructure levy be approved and the findings be submitted to the executive</p> <p>(b) the recommendations of the task and finish group: community infrastructure levy be approved as follows:</p> <p>Recommendation 1: The ‘Preliminary Draft Charging Schedule’ be carried forward unchanged as the ‘Draft Charging Schedule’;</p> <p>Recommendation 2: Urgent consideration be given to the need for a robust governance structure to be developed for the administration of CIL in advance of CIL being adopted;</p> <p>Recommendation 3: That Parish Councils be supported by clear advice to assist with the implementation of the CIL charging process prior to any collected CIL monies being spent;</p> <p>Recommendation 4: That the CIL charging schedule and its implementation be kept under review.</p> <p>(c) subject to the review being approved, the executive’s response to the review be reported to the first available meeting of the committee after the executive has approved its response.</p>	Submitted to Executive. Cabinet member decision 21 July 2016.	Completed
26 July 2016	Economic Master Plan	the cabinet member–economy and corporate services be invited to consider the following recommendations:	Submitted to the executive for	Completed

		<ul style="list-style-type: none"> • Consideration be given to ways of pooling ideas for economic development through less structured approaches such as a think tank. • An inventory should be made of the County's strengths and opportunities for synergy be then identified. • Clarity should be sought as to how the planning framework accommodates farm diversity proposals, for example in relation to semi-permanent structures such as log cabins and whether that framework is appropriate. • The invitation to a GOSC member to participate in meetings with chief executive, director and cabinet member on the development of the Masterplan be accepted. • The further report proposed to be submitted to the committee in September 2016 should include highlights of lessons learned in relation to the implementation of the 2011-16 economic development plan and how these might inform the development of the new Masterplan. • There should be cross-party engagement and engagement with all Members in developing the Plan. • An alternative word to masterplan should be found to describe the plan. • The plan should take account of the value of the arts and tourism to the County's economy. • Consideration should be given to how best to maximise the promotional opportunities for Herefordshire. and 	<p>consideration.</p> <p>Council approved Plan 16 December 2016.</p>	
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		<p>(b) consideration of the draft economic masterplan be added to the committee’s work programme for September 2016 together with an annual review of the effectiveness of the plan thereafter.</p>	<p>Report considered on 27 September 2016</p>	
	<p>Communication Strategy</p>	<p>RESOLVED: That (a) the communication protocols be subject to further clarification and consideration and a further report on them made to the Committee; and (b) that, subject to a above, the following recommendations be made to inform cabinet’s consideration of the strategy communication strategy with associated communication protocols for the period 2016-2019:</p> <ul style="list-style-type: none"> • the use of a chat facility on the website should be pursued taking into account how an operator’s time can most effectively be used; • the opportunity for the community to interact on-line quickly and easily should be fully explored; • clarification be provided as to how it is intended to implement the “spend within our means” approach outlined in section 3 of the strategy at appendix 1 to the report at p41 of the agenda papers: “making tough but necessary choices which will include ceasing to provide some services and working with communities to help them run services important to them”; • the wording of paragraph 5.13 of appendix 2 to the report relating to the access of the press 	<p>Report made to Committee on 5 September.</p> <p>Matters referred to Cabinet for consideration.</p>	<p>Completed</p>

		to premises be reviewed and clarified.		
5 September 2016	Four Year Financial Settlement	RESOLVED: That (a) in order to make a recommendation on whether or not to accept the 4 year funding settlement a further meeting should be convened to consider alternative options including information from comparator authorities; and (b) Cabinet be recommended to consider the points made by the Committee and the further information the Committee considered was required in order to make a recommendation to full Council on whether or not to accept the four year funding deal.	Further meeting arranged for 19 September. Report made to Cabinet on 21 September.	Completed
	Statement of community involvement consultation, communications and programme to adoption	RESOLVED: That Cabinet be recommended to consider amending the revised draft statement of community involvement to take account of the amendments proposed in the above table.	Considered by Cabinet on 3 November.	Completed
	Communication Protocol for Members	RESOLVED: That cabinet be recommended that further consideration be given to the following matters in relation to the communication protocol for members: • In relation to paragraph 3.1 of the protocol further clarification was needed on when it was appropriate to use the word “Council” in communications when referring to such matters as Council policy and when further distinction was needed between a decision taken at full Council and a decision taken by an individual cabinet member or an officer.	Report on Cabinet agenda for 21 September.	Completed

27 September 2016	Customer Services and Libraries	RESOLVED: That Cabinet be recommended to support option 3 – retained libraries and central service with an emphasis on making best use of them and community libraries as contact points for council services, extending service options and exploring new ways of working, and the report to cabinet should include a delivery plan.	Considered by Cabinet 13 October 2016	Completed
	Economic Master Plan	RESOLVED: That the Cabinet Member be recommended to have regard to the points raised by the Committee in discussion and in particular the summary of the principal points set out above.	Considered by Cabinet on and approved by Council on 16 December 2016.	Completed
14 November 2016	Draft 2017/18 Budget And Medium Term Financial Strategy Update	RESOLVED: That (a) the executive be recommended to work with Parish and Town Councils to explore options for service delivery; (b) the executive be recommended to make representations to local MPs and others to ensure that the voice of the County is being heard in relation to the government's business rate proposals and the views of local MPs reported; (c) the clarity of the budget report should be reviewed and officers requested that the report should be amended to include detail of gross income and expenditure, consistency of terminology, virements over the year to identify actual expenditure, analysis of the use of the Rural Services Delivery Grant, clarity over income; and (d) the executive be asked to take full account	In respect of items a, b and d , these were addressed to the executive who have reported back to GOSC their intention to develop closer working with Parishes, liaise with MP's to champion the County's issues and provide a response to the issues raised during budget consultation (summary provided to GOSC at December meeting) (c) The clarity of budget report was reviewed and amended to ensure	completed completed completed completed

		of the consultation on the budget and reflect the views expressed in their budget proposals, indicating in the next report back to the overview and scrutiny committees the extent to which the consultation findings had influenced budget proposals, and, if the findings had been discounted, the rationale for taking that course.	consistency and clarity in future presentations and reports. Further detail of gross income and expenditure will be provided in the budget book summary which will be prepared once all information on grants is confirmed with government. The impact of this review was provided to GOSC at their December meeting	
	Proposed 2017/18 Capital Budget	RESOLVED: That written answers be provided to questions raised at the meeting and appended to the Minutes	Answers published with minutes.	Completed
	Edgar Street Stadium, Hereford – Lease Proposals	RESOLVED: That (a) the executive be advised that the Committee supports the proposed grant of a new lease to the current tenant for a term of 10 years, commencing at some point prior to the expiry the current lease; and (b) a further report is presented to the Committee setting out the long term proposals for the Edgar Street stadium following an appraisal by the football club, council and potential development partners of the options.	Executive informed. Lease awarded. Added to work Programme	Completed Ongoing

			<p>councils under S137 of the local government act 1972 provide for flexibility in use of funds when no other specific power for expenditure exists. Parishes will need to satisfy themselves that any such expenditure meets tests in terms of community benefits and other provisions. It is worth noting that parish councils already benefit from direct powers to provide funding for public and community transport should they wish (Transport Act 1985 S106A as amended by Local Government and Rating Act 1997 S27).</p> <p>Report made to Cabinet 6 April 2016.</p>	Completed
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13 December 2016	Draft 2017/18 Budget and Medium Term Financial Strategy Update	<p>RESOLVED</p> <p>That (a) the reconciliation showing the changes between the report made to the Committee in November and that presented in December be circulated to members of the Committee for information;</p> <p>(b) officers be requested to explore the principle of facilitating increased engagement with parish Councils and communities and revenue funding to support invest to save proposals in support of the delivery of some services in place of Herefordshire Council could be explored as part of the future review of the MTFS; and</p> <p>(c) if a substantive issue relevant to the budget warranting further discussion with the Committee emerged a further report be made to the Committee's meeting in January for its consideration.</p>	<p>Report submitted to committee January 2017.</p> <p>It was clarified at the meeting that an "invest to save" proposal could be considered at any time even though a specific "pot" was not allocated.</p> <p>Included in the reconciliation referred to in (a), reference was also made to the changes in the Autumn Statement in respect of New Homes Bonus and Adult Social Care Grant. In addition the report clarified the flexibility provided around the adult social care precept being up to 3% per annum subject to a maximum of 6% over three years.</p>	Completed
17	Update on home to	RESOLVED: That the executive be requested to		ongoing

January 2017	school transport provision	produce a sustainable modes of travel to school strategy for consideration by the Committee by July and that schools should be encouraged to produce and update school transport plans.		
	Herefordshire community safety partnership strategy and related performance	RESOLVED: to recommend that the Community Safety Partnership pay particular attention to recidivism rates of offenders.	Request submitted.	Completed
	Draft 2017/18 budget movements	Noted.		Completed
9 May 2017		<p>RESOLVED:</p> <p>That (a) it be requested that In future reports performance data is also provided in a manner which allows the attainment of cohorts of pupils to be seen and understood;</p> <p>(b) briefing notes be provided:</p> <ul style="list-style-type: none"> • to confirm that the pupil premium is being used effectively; • on how the council provides support to the governance process in schools and the process by which this is delivered outlining any difference in approach in the support provided to maintained 		To update

		<p>schools and academies.</p> <ul style="list-style-type: none"> • on the current school funding position and the introduction of the national funding formula. <p>(c) the executive be requested that schools be reminded of the need to publicise information on how they are using the pupil premium</p> <p>(d) it be requested that quantitative analysis be provided in reports of the extent to which education provision is highly valued by children and young people, parents and carers, the community and employers indicating where areas of education provision are valued and where they are not valued.</p> <p>(e) a spotlight review of the trend in performance of sponsored academies be proposed for consideration in the work programme session in June.</p>		
11 July 2017	Sustainable modes of travel to school strategy	<p>That</p> <p>(a) the strategy should clearly link targets to the strategy's aims and objectives and ensure that it showed how actions can deliver on those objectives;</p> <p>(b) the wording in relation to the vacant</p>		To update

		<p>seat payment scheme should be modified;</p> <ul style="list-style-type: none"> (c) the strategy should contain a clear timetable for review of the strategy; (d) the executive should again be asked to request schools to update their school travel plans making clear to them the potential benefits to schools of doing so and drawing on the support of councillors who are school governors to encourage this work to take place; (e) officers be requested to liaise with public health colleagues to assist in the development of effective targets; (f) the executive be asked to ensure that relevant council held data is actively shared with schools to prompt them to share their own data for the SMOTS; (g) the executive be requested to explore means of data collection for the SMOTS, to seek to secure more robust data to inform policy and assist in prioritising actions, with regard also being had to NHS data; (h) accident information in the strategy and methods of data collection should be clarified; (i) the executive be requested to seek support from local MPs to assist in resolving transport issues and that 		
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		<p>their attention should be drawn to the value that Plasc surveys had previously been in assessing needs;</p> <p>(j) the executive is requested to ensure that the SMOTS makes clear the evidence used to inform the strategy, the efforts made to secure evidence and any deficiencies in collecting evidence;</p> <p>(k) the executive be requested to ensure that the capacity and performance measures in the Sustrans contract are aligned to the strategy;</p> <p>(l) the executive is requested to ensure that an implementation plan translating strategy into action was developed to accompany the strategy;</p> <p>(m) the Sustrans contract was part way through its duration yet the strategy had not been published. The relationship of that work to the strategy needed to be considered to ensure that that work contributed to the delivery of the strategy; and</p> <p>(n) the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matter requiring consideration by the Committee.</p>		
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	Herefordshire local flood risk management strategy	<p>That</p> <ul style="list-style-type: none"> (a) the strategy should recognise the importance of clear and effective communication of responsibilities in respect of all relevant parties; (b) the executive be advised of the importance of preparing a joined up implementation plan; (c) careful consideration be given to how land use and management affect flood risk, ways of educating people on this point and developing mitigating measures; (d) a public facing document be produced setting out what to do in the event of flooding and relevant legal remedies for those affected; (e) BBLP be requested to seek information from lengthsmen and local councillors on local conditions and identified flood risks as a matter of course; and (f) the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matters requiring consideration by the Committee. 		To update

21 August 2017	West Mercia Police and Crime Consultation on Fire Governance	RESOLVED: That a draft submission to cabinet be circulated to members of the committee for comment and the statutory scrutiny officer authorised to finalise the submission on the committee's behalf following consultation with the chairman and vice-chairman of the committee.	Cabinet is to consider a draft response on 14 September.	
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