

REVIEW GROUP REPORT ON THE HEREFORDSHIRE TRAVELLERS' POLICY

Report By: Chairman of the Traveller Policy Review Group

Wards Affected

County-wide

Purpose

1. To consider the finding of the review of the Travellers' Policy.

Financial Implications

2. None arising due to this review. The Review Group acknowledges that there will be cost implications associated with expected new legislative requirements and that the Cabinet will have to consider these.

Background

3. The Environment Scrutiny Committee on the 25th September 2006 nominated a Review Group for the draft Travellers' Policy, which produced a finalised draft policy, this was issued for consultation as agreed by the Environment Scrutiny Committee held on the 4th December 2006. Issues arose during the early stages of consultation particularly as regards the tenure of plots on Council owned sites and work was being undertaken on Traveller housing needs on a sub-regional level (Shropshire, Herefordshire, Telford & Wrekin, Powys), which could have an impact on the final policy.
4. The Director of the Environment reported to the Environment Scrutiny Committee on the 9th November 2007 that work on the needs assessment had progressed to a point where it was appropriate to call a meeting of the Review Group.

INFORMATION GATHERING

5. Representations have been sought both from external organisations and departments within this Council. Those consulted include site residents, the Primary Care Trust; the West Midland Consortium Education Services for Travelling Children, The Herefordshire Travellers Support Group and the West Mercia Constabulary. Internally the views of Legal Services, Planning Services and the Equality and Diversity Manager were sought.
6. The Review Group had further meetings to consider the representation received and were informed of likely new developments such as changes in legislation. The Review Group also made visits to Council owned Travellers sites. A revised draft reflecting the views of the Review Group is attached as annex A.

Further information on the subject of this report is available from Aris Trezins,
Environmental Protection Manager, (01432) 261765

7. Key Issues

In reviewing the Policy a number of minor changes have been made throughout the document, however, the Review Group have specifically concentrated on a number of identified key issues.

7.1 Security of Tenure

Concerns about the lack of security of tenure of residents on Council owned sites were highlighted during consultation. On the 6th November 2007 the Under Secretary of State for the Department of Local Government wrote to local authorities advising of the departments proposals for improving the security of tenure and other rights and responsibilities of Gypsies and Travellers on local authority sites. The letter identified the discrepancy in security between those living on Council owned sites and the much greater protections provided by legislation on privately owned sites. The European Court of Human Rights has ruled that the lack of the procedural safeguards to the eviction of Gypsies and Travellers on local authority sites breaches article 8 of the convention (The right to respect for private, family and home life) New legislation is proposed which will address these concerns and afford the occupiers of Council owned sites the same protections and rights as those on privately owned sites, and the provisions of the Mobile Homes Act 1983 are to apply to all sites. This will make significant changes to the protection travellers have on our sites and will also involve rewriting all current licences to tenancies and setting annual rent reviews. It is expected that proposals will become law later this year.

7.2 Process for investigating breach of licence:

The issue of a site licence is the method by which a plot on a local authority Gypsy and Traveller site is allocated. It contains a set of rules by which the licensee is required to abide. Issues on one of our sites highlighted the need for a procedure to investigate breaches of the site licence conditions, which included an appeals process. This has been included as appendix 7 to the Traveller Policy.

7.3 Future of existing sites:

The Review Group made visits to Council owned Traveller sites and their condition is described in the Traveller Policy. However the group had particular concerns about Stoney Street Madley and Open Fields, Linton, Bromyard.

- i. Stoney Street Madley - this is a seventeen pitch site with no utility buildings having just concrete slabs, water standpipes and electricity. It was only ever intended as a transit/semi-permanent site and suffered problems with drainage and sanitation. It was also never popular with travellers as it is somewhat isolated and is not on the usual routes used by Travellers. The site has not been used since 2002 apart from occasional unauthorised encampments and has suffered vandalism. In its present condition it is not available for further use. The Review Group is concerned about the ongoing situation with this site and takes the view that an alternative location for the site should be sought but as this is a valuable asset it should be made available for use until such time that a replacement can be secured. It is important that transit/short stay stopping places are provided in order that the problems associated with unauthorised encampments can more effectively be addressed.

- ii. Open Fields, Linton, Bromyard - this is a fourteen-pitch site which has been badly vandalised. At present only two pitches are occupied. These are the only plots that could be occupied without major refurbishment. The Herefordshire Unitary Development Plan has identified that this site needs to be redeveloped and redesigned with a reduction in pitch numbers. The Review Group would like this to be progressed as soon as is practicable.

7.4 Future site provision:

A sub-regional Gypsy and Traveller Accommodation Assessment (Shropshire, Herefordshire, Telford & Wrekin, Powys) has been done and the consultants have reported their findings. This report will be incorporated with other sub-regional assessments for the Regional Assembly that will identify how much Gypsy and Traveller accommodation will need to be provided by each local authority. The findings of this sub-regional report show that Herefordshire will generate the need for a considerable number of plots over the next 10 years. The numbers quoted are 100 plots plus stopping places between 2007 and 2012, with a further 31 between 2012 and 2017. The number for the first 5 years includes existing tolerated sites and sites with temporary planning permission. If these were regularised and permanent use was secured this number would be reduced. There are a range of options that could be considered including small rented sites and socially rented sites. It will be important for the local authority to have good links with the Gypsy and Traveller community and to consult fully on the way forward.

7.5 Plot allocation policy:

Consultations attracted representations seeking changes that might promote site harmony and allow existing residents a greater input into plot allocations. Alternatives have been considered however the Review Group is satisfied that the proposed scheme is appropriate and will ensure that the allocation process is fair, transparent and complies with legal requirements.

7.6 Protocol with the West Mercia Constabulary::

Government guidance and good practise in dealing with unauthorised encampments advises that a protocol with the police should be established. The West Mercia Constabulary is currently revisiting their own procedures. Once this work is complete a Service Level Agreement will be drawn up by your officers, which reflects the position in neighbouring local authority areas.

8. CONCLUSIONS - Which have been reflected in the attached draft Travellers Policy.

8.1 Stoney Street Madley - This site should remain available for use until a more favourable site is secured.

8.2 Open Fields, Linton, Bromyard - Ongoing work to secure its redevelopment should be progressed as quickly as practicable.

8.3 Further investment in the form of officer time will be required in the review of licence agreements.

8.4 In the future there will be increased pressures to identify and provide more Traveller sites in Herefordshire.

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8.5 A protocol with the West Mercia Constabulary needs to be agreed which clarifies responsibilities and duties primarily in the event of unauthorised encampments.

8.6 The Review Group considers that there is a role for elected members on the ongoing development of policy for this particularly sensitive minority.

9. Next Steps

9.1 The Review Group anticipates that if approved by the Environment Scrutiny Committee the attached draft Traveller's Policy will be presented to Cabinet for consideration.

9.2 The Review Group anticipates that if the report is approved the Council would act upon the recommendations and suggestions made in the report.

9.3 The Review Group would also expect the Cabinet to report back to the Environment Scrutiny Committee in 6 months with details on activity taken on the Review Groups recommendations.

RECOMMENDATION

THAT;

- (a) The Environment Scrutiny Committee refers the draft Travellers Policy to the Cabinet Member (Environment and Strategic Housing) for approval;**
- (b) Subject to the Review being approved, the Executive's response to the Review including an action plan is reported to the first available meeting of the Committee after the Executive has approved its response.**
- (c) A further report on progress with respect to the Review be made after six months with consideration then being given to the need for any further reports to be made; and**
- (d) The Cabinet Member (Environment and Strategic Housing) considers involving the Review Group in any further development of this Policy.**

BACKGROUND PAPERS

- None identified.