

MEETING:	ENVIRONMENT SCRUTINY COMMITTEE
DATE:	26 NOVEMBER 2010
TITLE OF REPORT:	REPORT OF THE REVIEW GROUP ON THE HEREFORDSHIRE TRAVELLERS' POLICY
Report by:	Chairman of the Traveller Policy Review Group

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To consider the finding of the review of the Travellers' Policy and progress on the actions arising from the Herefordshire Travellers' Policy adopted on the 25th November 2008.

Recommendation(s)

THAT

- (a) The Environment Scrutiny Committee refers the amended Travellers Policy, as indicated by the 'conclusions', to the Cabinet Member (Environment and Strategic Housing) for approval;**
- (b) Subject to the Review being approved, the Executive's response to the Review is reported to the first available meeting of the Committee after the Executive has approved its response.**
- (c) The Cabinet Member (Environment and Strategic Housing) considers involving the Review Group in any further development of this Policy.**

Introduction and Background

The Environment Scrutiny Committee appointed a Review Group to look at the Herefordshire Travellers' Policy. The Group reported back to Committee with their findings on 31st March 2008 and the resultant report was forwarded to the Executive for consideration.

The report detailing the work carried out by the Environment Scrutiny Committee's Review Group during 2007/08 on the draft Travellers Policy was considered by the Cabinet Member (Environment and Strategic Housing) on 25th November 2008. The recommendations contained in the report were approved and the draft Travellers' Policy adopted. An action

Plan was drawn up and considered by Committee.

The Environment Scrutiny Committee resolved on the 22nd March 2010, that a further report on progress against actions arising from the Travellers' Policy together with an update of the findings of it's Review Group be reported to the November 2010 meeting.

Information Gathering

Representations for suggested amendments have been sought both from external organisations and departments within this Council. Those consulted include Education, Planning Services, Legal Services, Private Sector Housing, Equalities and Diversity, The Herefordshire Traveller Support Group and the West Mercia Police.

The Review Group (Cllrs WLS Bowen (Chair); TW Hunt; PJ Watts) met to consider the representations received and were informed of any new developments in legislation and of the progress on the actions arising from the adopted policy. The Policy is a large document and therefore is available on request.

Key Considerations

In reviewing the Policy a number of minor changes and additions to reflect changes in legislation and circumstance etc. have been made throughout the document, however, the Review Group have specifically concentrated on a number of identified key issues which were subject of the existing action plan but remain outstanding.

1.1. Security of Tenure

Residents of Council managed Gypsy and Traveller sites occupy their plots by license from the Local Authority and do not have the same security of tenure as other mobile home residents or tenants of traditional housing. 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 was proposed by the previous government to address these concerns and afford the occupiers of Council owned sites the same protections and rights as those living on privately owned sites, in that the provisions of the Mobile Homes Act 1983 were to apply to all sites. Eric Pickles Secretary of State for Communities and Local Government announced in August 2010 that changes of legislation would be introduced that would give Travellers who abide by the terms of their agreement the same rights and responsibilities as other social tenants. 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.

1.2. Future of existing sites

The condition of the Council maintained sites remains as is described in the Travellers' Policy. Herefordshire Council Property Services undertook condition surveys of the sites earlier this year which identified the cost of maintenance of these sites for the next five years but these works have not been funded. However the main concerns remain about the site at Stoney Street, Madley, and the Open Fields Site, Bromyard.

- 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. The site remains available for use until a more favourable site can be found. The Housing Needs of Gypsies and Travellers Working Group (HNGTWG) action plan has recognised the need to either refurbish this site or to find alternatives. Refurbishment costs have been sought and alternative sites considered.

- Open Fields, 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. There are ongoing negotiations between council officers and a developer which if successful would secure this objective and the Review Panel take the view that these negotiations should be progressed as quickly as possible.

1.3. Future Site Provision

In 2008 the Herefordshire, Shropshire, Telford & Wrekin and Powys Council Gypsy and Traveller Accommodation Assessment was completed. This identified a need in Herefordshire for 83 additional pitches to 2012 with an additional 26 pitches to 2017. A further requirement was to identify temporary stopping places.

In order to ensure the additional pitches are delivered across Herefordshire, a working group has been established consisting of Officers from a number of different service areas. The purpose of the group is:

‘To ensure that the needs of the Gypsies & Travellers across the County are being met through partnership working at local and sub regional level by considering the outcome of the research undertaken at local and sub regional level and formulating an action plan to meet the need identified’.

To date, progress is being made to meet the pitch requirements through identifying and recognising long term unauthorised pitches as meeting the housing needs of the Gypsy and Traveller community, as well as supporting new planning applications where appropriate.

Forward planning are in the process of identifying land opportunities for pitch provision through a ‘call out for sites’ which will assist in identifying potential locations that will serve to meet the need.

Expressions of interest are currently being sought for organisations that are keen to commit to delivering a range of affordable housing solutions across the county and those that have a particular interest in delivering Gypsy and Traveller pitches are being encouraged to apply.

This issue has been placed on the Public Health Directorate Risk Register.

1.4. Protocol with West Mercia Police

A draft protocol with the West Mercia Police that clarifies responsibilities and duties primarily in the event of unauthorised encampments has been produced in consultation with a representative of the force having responsibilities for Gypsy and Traveller issues. Formal ratification of this protocol is being progressed with the Herefordshire Territorial Policing Unit. No formal sign-off date has yet been identified.

Conclusions

The Traveller Policy Review Group recommend to the Executive that:

1. Stoney Street Madley - This site should continue to remain available for use until a more favourable site is secured.
2. Open Fields, Linton, Bromyard - Ongoing work to secure its redevelopment should be progressed without undue delay.
3. Further investment in the form of officer time will be required in the review of licence agreements.
4. There are pressures to identify and provide more Traveller sites in Herefordshire.
5. A protocol with the West Mercia Police which clarifies responsibilities and duties primarily in the event of unauthorised encampments needs to be formally agreed. This should be done as quickly as practicable without any undue delay.
6. The Review Group considers that there is a continuing role for elected members on the ongoing development of policy for this particularly sensitive minority.

Next Steps

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

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

The Review Group expect the Cabinet to report back to the Environment Scrutiny Committee in 2 months with details on activity taken on the Review Groups recommendations.

Legal Implications

None as a result of this report.

Risk Management

The issue around future site provision has been placed on the Public Health Directorate Risk Register.

Consultees

Representations for suggested amendments have been sought both from external organisations and departments within this Council. These include Education, Planning Services, Legal Services, Private Sector Housing, Equalities and Diversity, The Herefordshire Traveller Support Group and the West Mercia Police.

Appendices

None.

Background Papers

- None.