

ACCOMMODATION NEEDS OF GYPSIES AND TRAVELLERS

PROGRAMME AREA RESPONSIBILITY: SOCIAL CARE, ADULTS AND HEALTH; AND ENVIRONMENT

CABINET

26TH JANUARY, 2006

Wards Affected

County-wide

Purpose

To support the undertaking of a county-wide assessment of the accommodation needs of Gypsies and Travellers to enable the development of appropriate measures and solutions for further consideration.

Key Decision

This is not a key decision

Recommendations

- THAT (a) the proposed approach in undertaking the needs assessment of Gypsies and Travellers be supported; and**
- (b) a further report confirming the findings of the survey and recommendations for consideration be submitted to Cabinet.**

Reasons

The Housing Act 2004 places a statutory requirement on the local housing authority to carry out an assessment of accommodation needs of gypsies and travellers residing or resorting to their district, as part of the review of housing needs in their districts under section 8 of the Housing Act 1985. In addition, national planning guidance indicates that local planning policies should aim to meet the housing needs of all sections of the community, including those with special accommodation needs.

Considerations

1. Part 6 of the Housing Act 2004 contains several provisions designed to mainstream the accommodation needs of Gypsies and Travellers alongside those of the settled community, and to ensure that local authorities take a strategic approach to assessing and meeting the needs of Gypsies and Travellers. These measures, in summary, include

Further information on the subject of this report is available from
Richard Gabb, Head of Strategic Housing, on (01432) 261902

- a. Extending the meaning of a 'protected site' to include council sites providing accommodation for Gypsies and Travellers – this entitles residents to a minimum notice period before eviction. Possession can only be obtained by a court order and they are covered by the provisions of the 1968 Act concerning harassment and illegal eviction.
 - b. Provides the courts with powers to suspend eviction orders against those occupying local authority Gypsy and Traveller sites, to last a period of up to 12 months.
 - c. Require local authorities to undertake regular assessments of the needs of Gypsies and Travellers, either living in, or resorting to, their area, under Section 8 of the Housing Act 1985.
 - d. Require local authorities to develop a strategy to meet the needs of Gypsies and Travellers in line with section 87 of the Local Government Act 2003.
 - e. Allows for regulations to be issued which define Gypsies and Travellers, which can change over time. It also states that 'accommodation' can be sites where caravans can be stationed, in addition to bricks and mortar housing.
 - f. Allow for the Secretary of State to issue guidance on carrying out needs assessments and the preparation of housing strategies.
2. There is currently no national or regional guidance available to support the local authority when considering how to undertake the needs assessment of the Gypsy and Travellers accommodation needs throughout the county, although guidance was due to be published during 2005.
 3. The Office of the Deputy Prime Minister (ODPM) collates, twice yearly, a caravan count which is carried out by local authorities with the latest being completed in July 2005. This indicated that there were over 15,000 Gypsy and Traveller caravans in England with 76 being identified in Herefordshire. However, it has been recognised by government that this count does not provide an accurate figure of the needs of this group.
 4. The Government has recognised that there are insufficient numbers of pitches on authorised sites to accommodate those wishing to have a permanent place to stop.
 5. The new planning system, introduced in the Planning and Compulsory Purchase Act 2004, will seek to ensure that local authorities deliver adequate land for sites.
 6. Planning Circular 1/94, which deals with Gypsy and Traveller sites, is currently being revised, and is seeking to overcome some of the barriers to obtaining planning permission for sites, which have otherwise provided difficult. The new circular will provide robust guidance on the establishment of new sites, namely
 - a. Changed definition of 'Gypsy' recognising that they may stop travelling, either permanently or temporarily for health or educational reasons or because of caring responsibilities.
 - b. Requirement that local authorities identify suitable sites in their development plan documents, (only exceptionally will it be acceptable to meet needs by specifying criteria for the identification of sites without identifying any specific sites).
 - c. Improved guidance on drafting the criteria in development plans against which applications for sites not allocated in the plan will be judged, stating they should be fair, reasonable, realistic and effective in delivering sites.
 - d. Explanation of how local housing needs assessments will assist to quantify the level of need and how the planning system and the involvement of

- Regional Housing Boards will translate that need into allocations in the planning process.
- e. The local authorities responsibilities under the Race Relations Act.
 - f. How local authorities should seek to engage Gypsies and Travellers and build trust.
 - g. The inclusion and advice on how Gypsies and Travellers can engage in the planning process.
7. New providers of sites will also be entering a market with the extension of permissible purposes of the Housing Corporation, which will enable them to provide funding to Registered Social Landlords for the establishment of Gypsy and Traveller sites.
8. Despite the lack of guidance, work has begun in Herefordshire to identify a base line position to include the following:
- a. Identifying existing sites, including permanent, transit, legal and illegal both tolerated and others;
 - b. Identifying those in settled accommodation;
 - c. Identify those seeking settled accommodation;
 - d. Personal interviews with Gypsies and Travellers;
 - e. Review of the housing related support service to Gypsies and Travellers;
 - f. Those known to be seeking settled accommodation and registered with Home Point;
 - g. Identify any cross boundary working.
9. The Regional Housing Board, through the Housing Corporation has made available £56m grant funding available for the next 2 years, for the provision of new sites and refurbishment of existing sites nationally. This is the first time grant allocations have been made available for sites through the Annual Development Programme. The level of grant available is 100% grant for new sites and 75% grant for refurbishment of sites (with 25% match funding). Whilst an application is currently being considered, the Council may not be in a position to submit an application due to uncertainty over match funding and planning approvals.
10. The strategic importance that the local authority places on meeting the accommodation and housing related support needs of Gypsies and Travellers is reflected in the Supporting People Strategy 2005-2010. The development of the Traveller Liaison Scheme is a commissioning priority for this financial year. The Housing Strategy 2005-2008 gives priority to addressing the increasing needs of homelessness and to ensure that vulnerable people needing housing linked to support have their needs met.

Alternative Options

As the assessment of the needs of Gypsies and Travellers is a statutory duty of the local housing authority, and the increasing emphasis in national planning policy on the allocation of Gypsy and Traveller sites, the option to do nothing is not viable. There are no alternative options. However, by assessing and positively addressing the needs of the Gypsy and Traveller communities, this is likely to result in less time and financial burden in pursuing unnecessary enforcement action cases through planning.

Risk Management

Once the assessment has been completed, the local authority will have a clearer understanding of the accommodation needs of Gypsies and Travellers and will be in a position to establish a clear strategic approach to meeting the identified need, through allocation of sites and providing housing related support services where possible.

Consultees

None.

Background Papers

None identified.