

KENT COUNTY COUNCIL

GYPSY AND TRAVELLER ADVISORY BOARD

AGENDA

Friday, 30 November 2007, at 10.30 am Ask for: **Geoff Mills/Andy Ballard**
in the Medway Room, Sessions House, Telephone: **(01622) 694297/694297**
County Hall, Maidstone

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 25 July 2007 (Pages 1 - 4)
4. Dates of Meetings - 2008
 Wednesday, 13 February
 Tuesday, 22 April
 Tuesday, 2 September
 Thursday, 27 November

 All meetings to commence at 10.30am
5. Promoting Access and Achievement: Gypsy, Roma and Traveller Children - Presentation
6. Improving Educational Outcomes for Gypsy, Roma and Traveller Children through commissioning services within the evolving arrangements for Local Children's Trusts in Kent (Pages 5 - 8)
7. Project Updates: Sites in Swale and Tonbridge & Malling Boroughs (Pages 9 - 10)
8. Security of Tenure on Public Sites for Gypsies and Travellers (Pages 11 - 16)
9. Engagement with Gypsy and Traveller Communities (Pages 17 - 20)
10. Future Plans for Gypsy and Traveller Accommodation in Kent (Pages 21 - 28)

Peter Sass
Head of Democratic Services and Local Leadership

Thursday, 22 November 2007

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.



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KENT COUNTY COUNCIL

GYPSY AND TRAVELLER ADVISORY BOARD

MINUTES of a meeting of the Gypsy and Traveller Advisory Board held at Sessions House, County Hall, Maidstone on Wednesday, 25 July 2007.

PRESENT: Mr J B O Fullarton (Chairman), Mr J Curwood (substitute for Mr R Burgess), Mr M J Fittock, Mr I T N Jones, Mr S J G Koowaree and Mrs P A V Stockell (substitute for Mrs A D Allen).

OFFICERS: Mr B Forrester, Head of Gypsy and Traveller Unit; Mr A Casson, Operations Manager, Gypsy and Traveller Unit; Mr O Mills, Managing Director of KASS, and Miss C Ricci, Democratic Services.

UNRESTRICTED ITEMS

1. Election of Chairman

Mr J Fullarton said he would be stepping down as Chairman of the Gypsy and Traveller Advisory Board, in order to take up the role of Chairman on the Adult Social Services Policy Overview Committee. He thanked the officers of the Gypsy and Traveller Unit, Officers in the CFE Directorate and of Democratic Services for their hard work and commitment shown to the Advisory Board. Mr Fullarton then proposed and Mrs Stockell seconded that Mr Bowles be elected as Chairman of the Advisory Board.

Carried unanimously

2. Election of Vice-Chairman

Mrs Stockell proposed and Mr Curwood seconded that Mr Fullarton be elected Vice-Chairman of the Advisory Board.

Carried unanimously

3. Minutes

RESOLVED that the Minutes of the meeting held on 23 February 2007 were correctly recorded and that they be signed by the Chairman.

4. Government Consultation on Gypsy and Traveller Site Design Guidance (Item B1 – Report by Mr Oliver Mills, Managing Director, Adult Social Services)

(1) The report provided a summary on a Government consultation document on Gypsy and Traveller Site Design Guidance for Local Authorities, produced by the Department for Communities and Local Government (CLG). Mr Fullarton said he welcomed this piece of work and thanked officers for the detail and quality of their report.

(2) Mr Forrester said that the report published by the DCLG had been drafted by Tribal Consulting and had considerable input from people living both on and off sites. He highlighted the main points of the report, which looked at customising sites and pitch sizes according to user need and said site location would likely become a big issue in the future. Currently KCC had sites in good locations, so it was unlikely any of these would need to be re-located. The report had highlighted the issue that sites should not be located in a place that a housing estate would not be located. This factor centred on equality of provision, and the Gypsy and Traveller Unit would continue to work hard to ensure that equality of provision remained high on the team's agenda. Mr Forrester said he was hoping to invite an officer from DCLG to come and give a seminar to KCC Members covering the main points of the site design guidance document before the consultation response deadline, so that KCC could make an informed response.

(3) In reply to a question from Mrs Stockell, Mr Forrester said the guidance was aimed at publicly run sites rather than privately owned family sites.. Mrs Stockell said this was a real concern, as in her constituency and elsewhere throughout the country, privately run sites were sited in unsustainable locations, and Health and Safety issues and the size of these sites were a big issue. Mr Jones said the management of privately run sites was an ongoing issue, and the fact this guidance did not cover private sites was of concern.

(4) Mr Fittock said the paper presented some challenges for KCC, but that overall it was a very positive step forward. He said that site distribution needed further investigation in order to ensure equality of provision for Gypsy and Traveller people. Mr Fittock felt that the section of the report entitled 'Promoting Good Relations within the Settled Community' would need some clarification. In reply to a question from Mr Fittock, Mr Forrester said it was likely rents would have to be looked at if any significant changes were made to sites as a result of the publication of this guidance.

(5) Mr Curwood said in the past, children's play and recreational areas had he felt been neglected or used for other purposes. Mr Forrester said the provision of play areas had previously been avoided as those living on the sites preferred larger plots or more free space as opposed to designated play areas.

(9) Mr Curwood asked about the provision of 'Transit Sites' where those awaiting spaces on sites could have access to plots. Mr Casson said that the Gypsy and Traveller Unit was in the process of analysing the need for 'Transit' sites although the responsibility for assessing that need and providing transit sites now fell to District Councils. However the County Council was assisting the Districts wherever necessary to better formulate a plan for transit sites.

(6) Mr Koowaree said he felt this guidance missed an opportunity to look at sites from a new angle, for example, looking at the design of sites to make them more attractive and Mr Fullarton asked if new site designs could be submitted to meetings of the Advisory Board. Mr Forrester said that new site designs could in future be brought to the Advisory Board to inform and advise on the plans for future sites. He also said the plans for all sites, both public and private were submitted to Planning Applications Committee. Mr Forrester said this guidance would have a progressive impact and Mr Fullarton said he welcomed the guidance, as it would bring Gypsy and Traveller sites into line with the National Caravanning Association guidelines.

(7) Mr Curwood asked if the section of the guidance relating to wheelchair accessibility and DDA compliance was achievable? Mr Forrester said that the Gypsy and Traveller

Unit worked closely with occupational therapy teams to assess the needs of individuals with a disability currently living on sites. Mr Jones said the DDA compliance outlined in the report was an important issue, and one which he understood was already being addressed by the Gypsy and Traveller Unit.

(13) Following further discussion the Advisory Board noted that a final response would be sent on behalf of the County Council by the Managing Director of Kent Adult Social Services in consultation with the Cabinet Member for Adult Social Services.

35. Government Consultation on Gypsy and Traveller Public Site Management Guidance

(Item B2 Report by Oliver Mills, Managing Director – Kent Adult Social Services)

(1) This report gave a summary on a consultation document on Gypsy and Traveller Site Management Guidance for Local Authorities, produced by the Department for Communities and Local Government (DCLG). Mr Fullarton thanked the officers of the Gypsy and Traveller Unit for the quality of the covering report, a comment with which other Members of the Board agreed.

(2) Members considered and commented on the consultation document and noted that the views of the Gypsy and Traveller Advisory Board would be forwarded to the Cabinet Member for Adult Social Services for him to consider as part of the County Council's response to this consultation.

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By: Managing Director (Children, Families and Education)

To: Gypsy and Traveller Advisory Board – 30th November 2007

Subject: Improving educational outcomes for Gypsy, Roma and Traveller children through commissioning services within the evolving arrangements for Local Children's Trusts in Kent

Classification: Unrestricted – for information

Summary: This report updates members on development of arrangements for improving outcomes for Gypsy, Roma and Traveller children through commissioning services within the evolving arrangements for Local Children's Trusts in Kent.

Background

1.1 DCSF: Positive Pathways Statement July 2006

In July 2006 the Department for Schools, Children and Families set out an agenda for the future for Local Authorities through 'Positive Pathways for the Future provision for Gypsy, Roma and Traveller Children'. Specialist services were encouraged to reassess the orientation of their core work within the context of the agenda for Every Child Matters:

- To assess the educational needs of Gypsy, Roma and Traveller communities by assisting the Local Authority and other partners to fulfil their legal and professional responsibilities.
- To focus on the traditional work of supporting families, children and schools, including outreach work with the conditional justification and mutual agreement for modelling what needs to be done.
- To clarify the role, function, leadership and service delivery model within the Local Authority and for any specialist service with the goal of achievement of equality in terms of access, attendance and achievement.

1.2 Guiding principles for Kent Local Children's Trusts

As part of the development of Children's Trust arrangements in Kent the Local Children's Trust Reference Group and the Children's Trust Board have endorsed three guiding principles relating to the developments in Kent. They are:

- Streamlined and highly strategic county arrangements with a key focus on commissioning improved outcomes for children and young people;
- Presumption in favour of decision making at the most local level that is consistent with excellent performance (outcomes for children) and value for money (quality and infrastructure).
- A focus on early intervention and preventative services for children, young people and families.

1.3 Children's Services Grant

Specialist services to promote access to education (and raise achievement for Gypsy, Roma and Traveller children) are currently funded through the Children's Services Grant. In 2007/8 Kent committed £626k Children Services Grant through the Minority Communities Achievement Service on specialist posts to support achievement of Gypsy, Roma and Traveller families. Confirmation has yet to be received of the level of funding through the Children's Services Grant for 2008/9 for this area of work.

1.4 Attainment of Gypsy, Roma and Traveller children in Kent

Analysis of the end of Key Stage Assessments in 2006 shows that Gypsy Roma and Travellers of Irish Heritage are the lowest attaining minority ethnic group (see Appendix 1). This reflects the national position. Analysis also shows that the rates of progress made by Gypsy Roma and Travellers of Irish Heritage between key stages are not closing the gap in attainment and indicates that it is widening as children progress through education.

Although significant progress has been made in supporting access to education there is still substantial concern relating to the attainment gap between all Kent children and Gypsy, Roma and Travellers. Future action needs to be in the context set out in 1.1 and 1.2 above.

Framework for moving forward

2.1 Commissioning Group

In March 2007 Children, Families and Education Senior Management Team established a multi-agency stakeholder group to steer the future commissioning of services currently delivered through the Minority Communities Achievement Service and the Specialist Teaching Services. A sub-group including representatives of schools, agencies, voluntary sector and the Gypsy and Irish Traveller communities is meeting to undertake a needs analysis, research effective practice, map existing provision, conduct consultation with the community on priorities and develop options for the future. This will be in the context of the development of Local Children's Trusts, the establishment of integrated teams, Contact Point and the Common Assessment Framework.

An interim report setting out the main findings from the group will be available early in 2008.

Recommendations

Members are asked to:

- A) Note the report for information**
- B) Receive a further report in 2008 setting out options for future commissioning of services to secure improved outcomes for Gypsy, Roma and Traveller families.**

Officer details:

Joanna Wainwright, Director of Commissioning (Specialist Services)

Jenny Robson, Head of Service, Minority Communities Achievement Service

Ext 4509

	KS2 English						KS2 Mathematics						KS2 Science																	
	2006			2006			2006			2006			2006			2006														
	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %												
eligible pupils																														
Total	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England									
Gypsy/Roma	47	-	28	31	-	44	43	-	34	37	47	-	31	32	-	39	35	-	34	33	47	-	48	51	-	56	55	-	51	53
Irish Traveller	8	-	40	23	-	0	30	-	25	26	8	-	40	33	-	0	23	-	25	28	8	-	60	41	-	33	42	-	50	41
All pupils	15985	71	71	74	82	82	84	76	77	79	15984	72	73	76	71	71	75	71	72	76	15985	83	83	86	85	84	87	84	84	87

	KS3 English						KS3 Mathematics						KS3 Science																	
	2006			2006			2006			2006			2006			2006														
	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %												
eligible pupils																														
Total	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England									
Gypsy/Roma	45	-	23	15	-	30	37	-	27	26	44	-	27.3	28	-	31.8	34	-	29.5	31	45	-	31.8	23	-	30.4	32	-	31.1	28
Irish Traveller	x	-	x	15	-	*	24	-	x	20	x	-	x	22	-	*	24	-	x	23	x	-	x	16	-	*	18	-	x	17
All pupils	18108	69	65	65	81	79	80	75	72	73	18244	74	76	76	74	76	77	74	76	77	18234	71	72	72	71	73	73	71	72	72

	KS4 5 A* - C						KS4 5 A* - C Including English & Mathematics						KS4 Any Pass																	
	2006			2006			2006			2006			2006			2006														
	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %	Boys %	Girls %	Total %												
eligible pupils																														
Total	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England	2005	2006	England									
Gypsy/Roma	20	-	11.1	8.9	-	9.1	11	-	10	9.8	20	-	0	2.4	-	0	5.1	-	0	3.6	20	-	77.8	76.3	-	90.9	78.7	-	85	77.4
Irish Traveller	4	-	x	12.5	-	x	23.2	-	25	18.4	4	-	x	5.4	-	33.3	14.5	-	25	10.4	4	-	x	71.4	-	66.7	79.7	-	75	76
All pupils	16725	55.8	56.6	52.5	64	65.8	62.1	59.9	61.2	57.2	16725	43.4	42.3	39.9	50.7	51.1	48.1	47.1	46.7	43.9	16725	97.6	96.9	96.5	98	98	97.6	97.8	97.5	97

* = 5 or less

- = Not applicable

X = Not available due to low number of pupils

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By: Oliver Mills, Managing Director, Adult Social Services
To: Gypsy and Traveller Advisory Board – 30 November 2007
Subject: **PROJECT UPDATES: SITES IN SWALE AND TONBRIDGE AND MALLING BOROUGHS**
Classification: Unrestricted.

Summary: A report of progress with two major projects where KCC and the relevant Borough Councils are working jointly.

Background

1. Of the seven local authority sites for Gypsies and Travellers owned by KCC, the Three Lakes site at Murston, Sittingbourne in Swale Borough is the one that has remained without improvements longest of any (it was built in 1990), and it is the one most in need of very substantial improvement, redevelopment or relocation.
2. The Coldharbour site in Aylesford was first built in 1981 and has consent for 26 caravans on 22 pitches. However, it is currently in use as an eight pitch site for a maximum of 16 caravans. The amenity blocks for the 8 pitches were replaced in 1998. Tonbridge & Malling Borough Council has a need for a likely further 10 pitches projected for the years until 2011, and there is therefore a strong case for redeveloping, expanding and/or relocating the site in the same general area.

Partnership arrangements

3. Project Boards have been established for both the above projects, involving KCC and the relevant Borough Council in each case. Consideration is also being given to the involvement of other relevant partners appropriate to each project.
4. Options appraisal has been carried out for each project, considering the risks and benefits of no action, redeveloping the site in its current location and moving it to a new location.

Revenue Funding arrangements

5. The costs of the projects are to be shared between the relevant authorities.

Capital Funding

6. We are currently awaiting the bidding guidance from Communities and Local Government for 2008/9, and it is anticipated that bids will be made in autumn 2008 for both these projects.

Conclusions

7. Both projects will enable both increased provision and higher-quality sites.
8. Both will assist the relevant local and planning authorities in meeting the needs identified by the Gypsy and Traveller Accommodation Assessments covering their respective areas, and in contributing towards the pitch allocations which will be included within the South East Plan in 2009.

Recommendations

9. Members are asked to:
 - a) Note the above report
 - b) Endorse the approaches taken to achieve successful new site provision
 - c) Support successful bids for grant in 2008, subject to further updates on progress

Background Papers: None

Bill Forrester
Head of Gypsy and Traveller Unit
(01622) 221846

By: Oliver Mills, Managing Director, Adult Social Services
To: Gypsy and Traveller Advisory Board – 30 November 2007
Subject: **SECURITY OF TENURE ON PUBLIC SITES FOR GYPSIES AND TRAVELLERS**

Classification: Unrestricted.

Summary: A report of Government proposed changes, their likely impact and implications for publicly-run sites in Kent and Medway and elsewhere.

Background

1. Security of tenure for those who live on publicly-run Gypsy and Traveller sites has been weaker than for those who live on other kinds of caravan sites since 1968, and it was the policy of Governments from then until 2004 to keep it weaker, because of the presumed greater mobility of Gypsies, and the need, it was felt, to make it easy for authorities to evict difficult site licensees.
2. In 2004, the UK Government lost a case in the European Court of Human Rights against a man called Connors, from a Leeds site, who showed that the ability of authorities to evict someone from a site with 28 days notice, and no reason within the site licence agreement, was a breach of the human rights of himself and others in the same position.
3. The Government improved security of tenure slightly by allowing challenge to eviction decisions through the county court, and ensuring that sites run by County Councils had a minimum 28 day notice requirement. Due to a legal anomaly, there had been no minimum period for such sites, up till then.
4. The Government still have to improve security of tenure further to comply with the Connors ruling and they are due to introduce changes in the Housing and Regeneration Bill in the current session of Parliament.
5. The letter from Iain Wright, Parliamentary Under-Secretary of State in the Communities and Local Government Department (Appendix 1), explains in outline how those changes will extend the protection of the Mobile Homes Act 1983 to public sites for Gypsies and Travellers.

In Kent

6. The site licence agreements used on KCC sites have been substantially improved within the past couple of years, and it has been our practice for all the years we have managed sites not to seek to evict anyone unless there is sufficient reason to do so.
7. Despite the High Court now being asked to consider a judicial review case over some current cases on the Barnfield Park site in Sevenoaks, the new site licence has been signed up to by about 80% of our site licensees.

8. Recent legal advice has indicated that the new site licence does not give full security of tenure, because it does not specify (and say that it specifies) all the possible reasons why a licensee should have their licence terminated. But it does comply with the current law.

The future

9. Once either the new security of tenure provisions have passed into law, following the passing of the Housing and Regeneration Act, or Government guidance (currently a draft, which we commented on before the August consultation deadline) is finalised on changing site licences, or both happen together, the plan is to consult on a new licence.
10. The new licence will contain a comprehensive list of the circumstances and reasons for any termination of licence, and could include similar provisions as would be within a standard social housing tenancy.

A further point on planning enforcement

11. Currently, a site licensee (of any caravan or Park Home site, whether or not it is specifically for Gypsies or Travellers) does not have what is called “an interest in the land”, but only a right to occupy the land with a caravan.
12. What that means is that a planning enforcement notice cannot be validly served on such a licensee, but only on the owner or operator of the site.
13. The effect of this legal difference from social housing is that KCC has to be prepared to evict licensees from their pitches if they breach planning policy, and if they refuse to comply.
14. Representations are being made to the Communities and Local Government Department about the need for a law change in this area.

Conclusions

15. KCC’s current site licence complies with the current law, but will need to be changed when the law changes.
16. Those changes will be consulted on with all KCC licensees, and could also be with licensees of any other socially rented sites in Kent that want similar updated licences.
17. A change in the law on planning enforcement notices, making them able to be served on those who rent caravan pitches, would be very welcome.

Recommendations

18. Members are asked to endorse the approach outlined in this report.

Background Papers: The following letter, attached as Appendix 1.

Bill Forrester
Head of Gypsy and Traveller Unit
(01622) 221846



Iain Wright MP
Parliamentary Under Secretary of State

Department for Communities and Local Government

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Bressenden Place
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www.communities.gov.uk

**SECURITY OF TENURE ON LOCAL
AUTHORITY GYPSY AND TRAVELLER SITES**

6 November 2007

I am writing to inform you of our proposals for improving the security of tenure, and other rights and responsibilities, of Gypsies and Travellers on local authority sites.

As you will be aware, the rights and responsibilities of Gypsies and Travellers on local authority sites are currently covered by the Caravan Sites Act 1968, which provides limited protection from eviction and harassment.

In particular, in order to evict a Gypsy or Traveller a local authority must give 28 days notice to terminate the licence under which the pitch is occupied, and obtain a possession order from the court. The court is unable to scrutinise any reasons for terminating the licence, or use discretion as to whether it is reasonable for a possession order to be made.

In the case of *Connors v United Kingdom* the European Court of Human Rights ruled in 2004 that the lack of procedural safeguards to the eviction of Gypsies and Travellers on LA sites breached article 8 of the Convention (the right to respect for private, family and home life).

The Housing Act 2004 provided additional protection for Gypsies and Travellers on local authority sites, by enabling the courts to suspend a possession order against them for up to 12 months.

The Mobile Homes Act 1983 provides further protection to Gypsies and Travellers on private sites, and to others living on residential caravan sites, such as park home sites.

It implies a number of terms in agreements between site owners and occupiers, and requires site owners to provide a written statement to the occupier including these implied terms, and any other express terms of the agreement.

In particular, the implied terms provide that in order to terminate an agreement, a site owner must satisfy the court that a term of the agreement has been breached, or that one of the other specific grounds is met, and that it is reasonable to terminate the agreement. The implied terms also enable occupiers to assign their agreement to occupy the pitch if they sell their caravan, or gift it to a family member, with the consent of the site owner.

The 1983 Act also enables a spouse or partner, or other family member, to succeed the occupier if they die, and for the courts to consider other questions that arise under the Act.

The Mobile Homes Act 1983 currently specifically excludes local authority Gypsy and Traveller sites. We propose to amend the 1983 Act to remove this exclusion, ensuring that all those occupying residential caravan sites have the same rights and responsibilities.

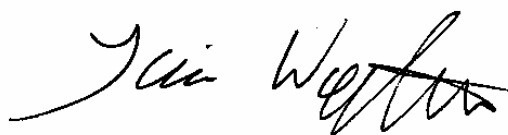
Officials in the Gypsy and Traveller Unit have been undertaking work on how this will affect local authorities and Gypsies and Travellers living on their sites, and we are keen to discuss this with stakeholders. We will be organising a number of events to discuss the proposals in more detail. Further information will follow shortly, and I hope that you will be able to be represented at these discussions.

The provisions of the Mobile Homes Act 1983 will apply both to Gypsies and Travellers already living on local authority sites, as well as those that move onto them after proposals are implemented. We will be consulting with stakeholders on how the provisions of the 1983 Act will apply to those already living on sites, to minimise confusion and administrative burden, and ensure a smooth transition.

“The Governance of Britain: the Government’s draft legislative programme” published on 11 July, outlined the Bills that the Government planned to introduce in the third session of Parliament (which begins in November 2007). These included a Housing and Regeneration Bill. Implementation of a European Court of Human Rights judgment on Gypsies and Travellers (*Connors*) was listed as an element of this Bill, alongside the establishment of a new Homes and Communities Agency, and implementation of recommendations of the Cave Review of social housing. The Queen’s speech on 6 November confirmed that there would be a Housing and Regeneration Bill in this session of Parliament.

If you would like further information about these proposals, please contact our Gypsy and Traveller Unit by e-mailing melanie.sturtevant@communities.gsi.gov.uk .

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Iain Wright', written in a cursive style.

IAIN WRIGHT

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By: Oliver Mills, Managing Director, Adult Social Services
To: Gypsy and Traveller Advisory Board – 30 November 2007
Subject: **ENGAGEMENT WITH GYPSY AND TRAVELLER COMMUNITIES**
Classification: Unrestricted.

Summary: A description of the increasing engagement between public bodies and those from Gypsy and Traveller communities in Kent, with proposals for further developments.

Background

1. Back in the 1990's, Gypsies and Travellers and their organisations had very little involvement in the policies and procedures that might have most impact on their lives.
2. With rare exceptions, including a very few councillors and KCC Members from the Gypsy or Traveller communities, there was little engagement by Councils or other public bodies with those communities, as such, and a strong belief in many quarters that it was really a matter of controlling the members of those communities who caused difficulties, and stopping them from doing things that caused distress to others. There was very little positive and enduring engagement to promote understanding.
3. During the latter part of the 1990's and early part of the 2000's, a number of organisations began to develop nationally and locally, including the Traveller Law Reform Coalition which was an umbrella organisation for most Gypsy and Traveller groups from the Gypsy Council and Irish Traveller Movement to New Travellers. Although it folded in 2005, it did excellent work.

Consultation Requirements over Site Improvements

4. When the Government reintroduced grant aid for the improvement of public Gypsy sites in 2001, they required authorities to consult with site residents before they would agree a grant bid.
5. This was a practice that Kent authorities had already adopted, especially over major redevelopments like the turning of the Swan Farm land into the Barnfield Park site between 1993 and 1999.
6. When the Aylesham site in Dover District was redeveloped in 2002, regular meetings with residents took place at the Aylesham Project buildings, some of them involving the scheme architect. The residents were involved with every aspect of the designs and redevelopment, and their views influenced what was built.

Government Policy Review 2003/5

7. The first time that Government realistically engaged with Gypsies and Travellers and their organisations was during the Policy Review by the Office of the Deputy Prime Minister.
8. That involved regular meetings, workshops, seminars and conferences as the legislative and policy and financial proposals emerged. The now Housing Minister, Yvette Cooper, was regularly involved in such meetings at that time.
9. The result of the Policy Review was incorporation of Gypsy site accommodation into the systems of planning and housing, through specific provisions in the Housing Act 2004 and the Planning and Compulsory Purchase Act 2004, a new planning circular in 2006, and Gypsy and Traveller Accommodation Assessments being introduced to gather the data needed for the planning and housing processes.

Partial Review of South East Plan

10. The Partial Review requires engagement and consultation with Gypsy and Traveller communities and Travelling Showpeople.
11. Two stakeholder engagement workshops were held in Kent in the lead-up to the submission of planning advice to the Regional Assembly.
12. Between May and August 2008, the Regional Assembly will be going through a formal consultation process, and KCC and other Kent and Medway authorities are already being asked to help make that consultation as wide as possible, through meetings and other means.

Police Engagement and Training

13. Kent Police have taken a lead in engagement with Gypsy and Traveller communities and great progress is being made in helping Police Officers and those from these communities to understand each other much better.
14. Some people from Gypsy and Traveller communities have been closely involved with training of police officers, including providing the training themselves, and, recently, a trainee police officer had a four-day placement with KCC's Gypsy and Traveller Unit, and the opportunity for contact with a very wide range of Gypsies, Travellers and those who provide services to them, including other police officers.
15. Kent Police established a Gypsy and Traveller Action Group about two years ago, and strong links have been established with various individuals and groups within the Gypsy, Irish Traveller and other Traveller communities.
16. A new annual event from 2006 has been the Yellow Rose awards, presented to police officers and other public servants as a result of nominations by Gypsies and Travellers themselves.

Kent and Medway Countywide Officer Group

17. Late in 2006, the Countywide Officer Group which was established specifically to drive forward the recommendations of the KCC Select Committee on this subject decided to invite a number of individuals from the Gypsy and Traveller Communities, including those from Gypsy and Traveller organisations, to attend every alternate meeting it held. This has been very successful in developing understanding on both sides.

Former Kent Unauthorised Encampments Liaison Group

18. This Group was established in 2004, specifically to respond to and allow discussion of, the new protocol on managing unauthorised encampments, jointly with three representative organisations. It included Gypsies, Travellers and local government officers.

19. The meetings very soon became about much wider issues, and only occasionally about unauthorised encampments.

20. The name of the Group has now been changed to the Kent and Medway Traveller Liaison Forum and discussions are now taking place about holding a Kent and Medway meeting that could involve a much wider range of people from the Gypsy and Traveller community, and cover a wide range of subject areas.

21. The suggestion has also been made that a Forum might develop, as in other authorities like Fenland in Cambridgeshire, which is run by Gypsies and Travellers themselves, and they decide which other people are invited to contribute to their meetings

Interaction between Gypsies, Irish Travellers and parts of KCC

22. There have been several recent examples of close interaction between parts of KCC and District Councils and Gypsies and Irish Travellers.

23. One has been the involvement of an individual from Pavee Advice and Assist Direct, an organisation representing Irish Travellers, with the Supporting People Audit Commission Review recently. Another has been plans for training of staff from the Youth Offending Service by Gypsies and Irish Travellers.

24. A further example is the involvement with KCC Children, Families and Education of representatives (including children and young people) from the Gypsy, Roma and Irish Traveller communities in a working group to steer the future commissioning of specialist services to promote access to education and raise achievement of Gypsy, Roma and Traveller children and young people. This work commenced in July 2007.

25. The Minority Communities Achievement Service promotes the inclusion, participation and involvement of Gypsy, Roma and Traveller families in community events within schools. This includes facilitating opportunities for all children to become aware of the diversity within the Kent community.

Diversity and Awareness Training

26. The Gypsy and Traveller Unit was asked earlier this year to provide awareness training for staff from Canterbury City Council, and training was provided to around 200 staff. Canterbury City council is pursuing Equality Standard Level 4 by March 2008.
27. Plans are now being discussed for such training to be available to KCC staff in the various directorates.
28. This training is planned to involve an individual from a Romany Gypsy community and one from an Irish Traveller community as “professional experts” in the provision of it, and it may also include visits to public or private sites or Gypsies and Travellers in housing.
29. The Minority Communities Achievement Service provides training to professionals working within schools and other agencies in order to improve their skills, knowledge and understanding to enable them to successfully include Gypsy, Roma and Traveller families within the remit of their work. This training is gaining increased momentum within the emerging context of Children’s Trust Arrangements in Kent.

Conclusions and Recommendations

30. From the above, one can conclude that engagement and awareness is developing considerably across Kent.
31. Members are asked to endorse the approaches being taken, may wish to suggest other examples of good practice which might be followed, and support the further widening of engagement and development of awareness training, in principle.

Background Papers: None

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By: Oliver Mills, Managing Director, Adult Social Services
To: Gypsy and Traveller Advisory Board – 30 November 2007
Subject: **FUTURE PLANS FOR GYPSY AND TRAVELLER
ACCOMMODATION IN KENT**
Classification: Unrestricted.

Summary: An overview of the planning advice to SEERA by Kent and Medway planning authorities, plus recommendations about KCC involvement in future processes.

Background

1. The South East Plan will be published during 2009, and, for the first time, such Regional Plans (known as Regional Spatial Strategies) will include the amount of site accommodation for Gypsy and Traveller needs which each Council area will need to ensure is provided during the period 2006-2016.
2. The exact allocation of land for sites to meet the need, in each local authority area, will be within the Local Development Frameworks that are the successor to the former Local Plans.
3. This report begins by detailing the planning advice provided to the Regional Assembly, and then goes on to consider the further stages of the planning process and the role of KCC, Medway Council and the District Councils of Kent, including
 - a) Opportunities for close collaboration between authorities over identifying the necessary further sites, and improvements to existing ones
 - b) The Public Consultation by SEERA in summer 2008
 - c) Relationships with other relevant partners, including Registered Social Landlords

Kent and Medway Planning Advice to the Regional Assembly

4. This report outlines the statutory planning advice submitted collectively by the local authorities in Kent and Medway to the South East England Regional Assembly (SEERA) on future provision for gypsy and traveller accommodation in Kent 2006-2016. This advice will inform a partial review of the South East Plan on this subject. As required by the Assembly the Advice provides for two planning options for the district by district distribution of future accommodation (pitches) for gypsies and travellers together with advice on future provision for transit accommodation and matters relating to implementation and delivery.
5. The South East Regional Assembly (SEERA) is carrying out a 'partial review' of the South East Plan (the regional spatial strategy (RSS) for the region) to provide

statutory strategic planning policy and guidance on the level and distribution of gypsy and traveller accommodation across the South East. The 'driver' for this work is ODPM Circular 01/2006 which requires that the RSS identify the number of pitches required (but not their location) for each local planning authority taking account of Gypsy and Traveller Accommodation Assessments (GTAAs) and a strategic view of needs across each region.

6. The partial review is to be informed by advice to SEERA provided by all local authorities in the region pursuant to their statutory advisory role under Section 5(5) of the 2004 Planning and Compulsory Purchase Act. SEERA has set out the nature and scope of the advice required in a brief issued to local authorities in December 2006 (as revised in February 2007).
7. The Advice is to be prepared and submitted on the basis of groupings of authorities. These groupings can either be based on the GTAA areas (four in Kent), or on the basis of all authorities in a county area. Whatever the basis adopted the Regional Assembly expects that the advice to have been considered and agreed by a steering group(s) which should comprise an elected member from each constituent local authority. There is also a requirement to demonstrate how stakeholders, including representatives of the gypsy and traveller community, have been engaged in the development of the advice.
8. Following discussion between the County Council and all the local authorities in Kent KCC has hosted and facilitated a Kent and Medway grouping of authorities to guide the submission of the required planning advice. County Councillor John Fullarton has chaired this group.

Options for the Distribution of Additional Pitches

9. *SEERA's brief requires the provision of two, district based, distributions for a single proposed level of additional pitch provision covering the ten year period 2006-2016, with advice provided on pitch requirements for the two periods 2006-2011 and 2011-2016. The Brief envisages that one of the options be based on a distribution which seeks to meet needs as identified through the needs assessment studies (GTAAs), including a response to unauthorised encampments. The basis for the second distribution however is more indeterminate but intended to consider the wider context set by other planning principles including protection of the natural environment, making best use of previously developed land and existing/planned infrastructure and facilitating access to employment opportunities and local services. At this stage authorities are not asked to express a preference between the options developed. It is important to note that the development of these options is not site specific but relates to the distribution of provision between districts. Consideration of site specific matters and site allocations will be a matter for Local Development Documents.*

Transit Needs and Travelling Showpeople

10. The brief to local authorities also seeks a qualitative assessment of the demand for and type of transit provision and how this may be impacted by an increase in the provision of permanent caravan pitches. Where relevant, account should also be taken of the needs of travelling showpeople. Authorities are also asked to address a number of additional matters relating to implementation and delivery of additional sites/pitches including:

- Advice on the cost and type of facilities required on caravan sites
- Estimated implementation costs for the proposed level of provision and potential sources of funding
- Responsibilities for the delivery and management of pitches including the role of social landlords
- Anticipated timing of the preparation of relevant LDF Local Development Documents setting out site allocations for gypsy and traveller caravan pitches
- Advice on the strategic site location criteria which the RSS should include to inform the preparation of the LDDs
- Anticipated split between public and private provision of pitches

11. Following submission of the local authority advice SEERA will determine its preferred option for the number of pitches to be provided in each local authority area. This will be subject to full public consultation in summer 2008 prior to submission to Government and likely consideration through a public examination. The 2008 public consultation will provide a full opportunity for the local authorities to put forward their preferred view of the provision to be made. Once determined land allocations to meet district pitch requirements will have to be included in local authorities' Local Development Frameworks.

12. The county wide member steering group has met on three occasions to guide the development of the advice. This has also been informed by two stakeholder engagement events held respectively prior to, and following, the development of the draft distribution options. In mid October the steering group agreed the terms of the advice for submission to the Assembly on the basis that this should be 'without prejudice' to the terms of future representations that authorities might wish to make as a result of formal public consultation on proposals that the Assembly may put forward.

13. Appendix 1 to this report provides a summary of the two options for pitch distribution. Both of these reflect an overall requirement for some 390 additional pitches across Kent and Medway over a 10 year period with c. 270 pitches required over an initial five year period. GTAAs are focussed primarily on requirements over an initial five year period and the initial 5 year provision reflects the overall assessed need derived from the 4 GTAAs undertaken in the

Kent and Medway area. Provision beyond five years allows for continuing projected growth within the existing gypsy and traveller community.

14. The Option A distribution needs assessments reflects the need identified at district level by the GTAA partnership areas (East Kent, North Kent, West Kent and Sevenoaks). The Option B distribution, based on the same overall total (390 pitches), reflects the level and pattern of a number of planning considerations:

- national environmental designations and constraints e.g. areas of Outstanding Natural Beauty , areas of flood risk
- the Metropolitan Green Belt
- the number and scale of existing urban areas
- the supply of housing land involving brownfield sites
- the scale of overall housing provision planned for each district
- the geographical area offering good accessibility to community facilities and services (based on Local Transport Plan indicators)

This additional provision compares with current provision for c.740 caravans (approx 440 pitches) on authorised gypsy and traveller sites across Kent and Medway ¹.

15. The Advice also includes a provisional assessment of future requirements for transit pitches. Further work continues on the assessment of need for additional accommodation for Travelling Showpeople as this was not generally covered in the original GTAA work. A further submission to the Assembly will be made on this in due course.

16. Agreement of the advice for the RSS Review on gypsy and traveller accommodation , on behalf of the County Council is a Key Decision for the Cabinet Member for Regeneration and Supporting Independence in the Council's current Forward Plan. The advice is provided 'without prejudice' to the County Council's future consideration of proposals and options for the RSS partial review to be published for consultation by the Regional Assembly in 2008.

Local Development Frameworks

17. Each of the Kent and Medway planning authorities has its own timetable for LDFs, and they need to include allocations of land for caravan sites to meet projected needs.

18. KCC has been approached by one or two authorities over discussing approaches to the subject, and is willing to engage in such discussions.

19. Clearly, the responsibility for both LDFs and Housing Strategies rests on the authorities concerned, but it is important that authorities are acting both in concert and strategically.

20. SEERA is consulting on its pitch allocation proposals between 6 May and 29 July 2008, and has asked Councils in the South East to assist with the consultation.

¹ On the basis of an average occupancy of c 1.7 caravans per pitch

SEERA's 2008 Consultation

21. KCC has been approached by one or two authorities, asking if it could take on this role.
22. If the Board are content, the Gypsy and Traveller Unit are willing to assist with the consultation process, to maximise both public involvement and the involvement of Gypsies and Travellers in the process, but working alongside other local authorities, and with suitable regard for the resource implications.

Conclusions

23. The planning advice to SEERA's Partial Review of the South East Plan has been submitted without prejudice to the right of authorities to submit whatever comments they wish on SEERA's proposals for consultation in summer 2008.
24. It will be farsighted for Kent authorities to address their pressing accommodation needs for site accommodation in advance of either the South East Plan or their own Local Development Frameworks being finalised.
25. It is appropriate for KCC to assist other Kent and Medway authorities in tackling these issues on a strategic and co-operative basis, but not to take over the responsibility for policies or implementation which are squarely based on another authority.
26. It is also appropriate for KCC to assist with SEERA's public consultation next summer, working with all Kent and Medway authorities on ensuring the maximum possible public consultation, with suitable funding and other resources from SEERA to meet the costs.

Recommendations

27. Members are asked to:
 - a) Note the advice given to SEERA by the Kent and Medway planning authorities
 - b) Endorse the other conclusions within this report
 - c) Endorse the cautious but co-operative approach suggested for KCC in assisting other Kent authorities in assembling site locations for inclusion within their Local Development Frameworks
 - d) Endorse support for SEERA in their public consultation in summer 2008, but with the necessity for such support to be matched with resources from SEERA for assistance with such a consultation

Background Papers:

SEERA: Partial Review of South East Plan: Provision of Caravan sites For Gypsies and Travellers: Brief for Submission of Advice by Local Authorities: December 2006 (and as amended February 2007)

East Kent: Gypsy and Traveller Accommodation Assessment Report (2007-2012): Final Report July 2007: De Montfort University

North Kent Gypsy and Traveller Accommodation Assessment Report 2006: Draft Final Report: 2007: DCA [THIS HAS NOW BEEN FINALISED AND WILL BE THE SUBJECT OF A FEEDBACK SESSION ON 12 DECEMBER IN NORTH KENT]

Ashford, Maidstone, Tonbridge and Malling and Tunbridge Wells: Gypsy and Traveller Accommodation Assessment Report 2005/6: Final Report: 2007: DCA

Sevenoaks: Gypsy and Traveller Accommodation Assessment Report 2006: Final Report: 2007: DCA

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APPENDIX 1

District/ GTAA area	Existing Caravans on authorised sites	% of Existing Provision	Option A Additional Pitch Provision Years 1-5	Option A Additional Pitch Provision Years 6-10	Option A Total Additional Pitch Provision Years 1 -10	% of Option A	Option B Additional Pitch Provision Years 1-5	Option B Additional Pitch Provision Years 6-10	Option B Total Additional Pitch Provision Years 1 - 10	% of Option B
Ashford	111	14.9	14	8	22	5.7	31	11	42	10.9
Maidstone	169	22.7	32	19	51	13.2	26	18	44	11.4
Ton & Malling	33	4.2	10	5	15	3.9	24	7	31	8.0
Tunbridge Wells	40	5.4	8	4	12	3.1	13	4	17	4.4
West Kent GTAA area	353	47.4	64	36	100	25.9	94	40	134	35.0
Sevenoaks	118	15.9	64	25	89	23.1	8	17	25	6.5
Sevenoaks GTAA area	118	15.9	64	25	89	23.1	8	17	25	6.5
Dartford	74	9.9	27	11	38	9.8	21	11	32	8.3
Gravesham	22	3.0	15	4	19	4.9	9	4	13	3.4
Medway	22	3.0	10	4	14	3.6	33	7	40	10.4
Swale	64	8.6	62	18	80	20.7	25	12	37	9.6
North Kent GTAA area	161	24.5	114	37	151	39.1	88	34	122	31.3
Canterbury	67	9.0	22	10	32	8.3	28	11	39	10.1
Dover	24	3.2	3	3	6	1.6	23	7	30	7.8
Shepway	0	0	2	0	2	0.5	14	2	16	4.1
Thanet	0	0	4	1	5	1.3	18	3	21	5.4
East Kent GTAA area	91	12.2	31	14	45	11.7	83	23	106	27.5
Kent and Medway	744	100.0	273	113	386	100.0	273	114	387	100.0

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