

## KENT COUNTY COUNCIL



### GYPSY AND TRAVELLER ADVISORY BOARD

#### AGENDA

**Thursday, 18 November 2010, at 2.00 pm**      Ask for:      **Geoff Mills/Andy Ballard**  
**in the Medway Room, Sessions House,**      Telephone:      **(01622) 694297/694297**  
**County Hall, Maidstone**

#### **Membership (8)**

Conservative (7):      Mr J D Kirby      (Chairman),      Mrs A D Allen,      Mr M J Angell,  
Mr A H T Bowles,      Mr R B Burgess,      Mr A D Crowther      and  
Mrs J Whittle

Liberal Democrat (1):      Mr S J G Koowaree

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#### **UNRESTRICTED ITEMS**

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

1. Introduction/Webcasting
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes (Pages 1 - 4)
5. Rents on Public Sites Managed by KCC for 2011/12 (Pages 5 - 8)
6. Application of the Mobile Homes Act 1983 to Council-run Gypsy and Traveller Sites (Pages 9 - 12)
7. The Minority Community Achievement Service - Gypsy Roma Traveller update (Pages 13 - 14)
8. Minority Community Achievement Service (Pages 15 - 18)

9. Dates For 2011

10am - Thursday, 10 February 2011

10am - Tuesday, 12 July 2011

10am - Thursday, 24 November 2011

Peter Sass

Head of Democratic Services and Local Leadership

**Wednesday, 10 November 2010**

*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.*

**KENT COUNTY COUNCIL**

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**GYPSY AND TRAVELLER ADVISORY BOARD**

MINUTES of a meeting of the Gypsy and Traveller Advisory Board held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 11 February 2010.

PRESENT: Mrs A D Allen, Mr A H T Bowles, Mr A D Crowther and Mrs J Whittle.

IN ATTENDANCE: Mr W Forrester (Head of Gypsy & Traveller Unit), Mr G Franklin (Travellers Engagement & Operations Manager), Mr G Mills (Democratic Services Manager (Executive)) Democratic Services Officer and Mr A Ballard (Democratic Services Officer).

**UNRESTRICTED ITEMS**

**1. Introduction**

Mrs Allen chaired the meeting in her capacity as Vice-Chairman due to the adverse weather conditions which resulted in a number of Members not being able to attend the meeting.

**2. Minutes**

*(Item. 3)*

Subject to paragraph 4 (3) being changed to read the Kent Housing Group rather than the Countywide Chief Housing Group, the minutes of the meeting held on 26 November 2009 were agreed and signed as a true record.

**3. Matters Arising**

(1) Mr B Forrester confirmed that under Item 3 of the minutes, Security of Tenure, that Mr Gibbens, Cabinet Member for Adult Social Services had contacted the Relevant Minister within the Communities and Local Government Department and had received a letter which indicated some support for a national recommended Model Pitch Agreement for local authorities to be devised. Due to pressure with Parliamentary time however the law could not be brought into force before April resulting in a delay until at least after the General Election.

(2) Mr Forrester would arrange for a copy of the letter to be circulated to Members of the Advisory Board.

**4. Update: Access and Achievement for Gypsy Roma & Traveller Children & Young People**

*(Item. 4 - Report by Martin Baker, Strategic Director for Schools, Colleges and Settings and Jenny Robson, Head of Service, Minority Communities Achievement Service)*

1) This report updated members on progress in achievement of Gypsy Roma and Traveller children and young people and the actions planned to narrow the gap in outcomes in 2010-11.

(2) Due to adverse weather conditions, Mrs J Robson was unable to be present at the meeting, however Members wanted to place on record their thanks for submitting such a comprehensive report.

(3) Mrs Whittle said she had recently been speaking to Gypsy and Traveller children on how they had kept engaged within education in their local community and volunteered to arrange for some of these students to be invited to a future meeting to discuss their views.

(4) The Board Agreed to:

- (a) Note the action already taken to address the attainment gap between Gypsy Roma and Traveller children and all Kent children.
- (b) Receive a further report on the outcomes from Key Stage 2 and 4 assessments in 2010 at a future meeting of the Board.
- (c) Receive a further report at a future meeting relating to wellbeing of Gypsy Roma and Traveller children including the outcomes of the Children and Young Peoples' Survey 2009.

## **5. Rents for KCC-run sites 2010/11**

*(Item. 5 - Report by Gary Franklin, Traveller Engagement and Operations Manager Gypsy and Traveller Unit)*

(1) Mr G Franklin introduced this report and detailed the proposed increases in site rents from for April 2010. He made special reference to the sites at Barnfield Park and Polhill, both within Sevenoaks district and asked the Board to note the proposed increase in the rents to bring them more in line with the charges levied on the other KCC managed sites.

(3) The Board **AGREED** that the new rents detailed in the report be introduced from 1 April 2010 and that Licensees are advised of the increases with the required 28 days notice in advance of that date, and that the Cabinet Member for Adult Social Services be advised accordingly so that he can take these views into account when he takes his decision on this matter.

## **6. Proposed Kent and Medway Gypsy and Traveller Forum**

*(Item. 6- Report by Bill Forrester, Head of Gypsy Unit)*

(1) Mr Forrester presented a report on the proposal to establish a Gypsy and Traveller Forum for Kent, run by members of the Gypsy and Traveller communities.

(2) Mr Mills reported via Mr Angell saying that he very much welcomed this report and was pleased to see this coming forward for decision.

(3) During the course of discussion, concerns were raised on how this would be publicised in order not to discriminate against or in favour of one sector of society. However it was felt this Forum could potentially help look at ways to improve engagement with the Gypsy and Traveller community and that work could be linked in with ways around education achievement and discussed in item 4 of the Agenda.

(5) Resolved that:-

- (a) the recommendation to support this initiative be endorsed and advised the Cabinet Member for Adult Social Services accordingly
- (b) a further report be submitted to the Gypsy & Traveller Advisory Board on 13 July 2010
- (c) Cabinet Member for Adult Social Services be advised that the Board supports this initiative.

## **7. Contract for Management of Maidstone Borough Council's Council Sites**

*(Item. 7- Report by Bill Forrester, Head of Gypsy Unit)*

(1) This report discussed the transfer of the management of Maidstone Borough Council's caravan sites for Gypsies and Travellers to the KCC Gypsy and Traveller Unit.

(2) Mr Franklin outlined the benefit of the Gypsy and Traveller Unit taking a 3 year contract as it would provide high quality management at a lower cost. Also it was felt that KCC could provide more flexible staffing arrangements with Maidstone Borough Council still being responsible for any future risks.

(3) Resolved:

- (a) the recommendation to support this transfer, likely to take effect from early April 2010 be endorsed and;
- (b) to advise the Cabinet Member for Adult Social Services to be advised accordingly so that he can take this into account when taking a decision on this matter.

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By: Oliver Mills, Managing Director, Kent Adult Social Services  
 To: Gypsy and Traveller Advisory Board – 18 November 2010  
 Subject: **RENTS ON PUBLIC SITES MANAGED BY KCC 2011/12**  
 Classification: Unrestricted.

Summary: Proposed Increases of Rents from 1 April 2011

## Background

1. (1) In February 2010, and in keeping with increases in other charges in the Kent Adult Social Services Directorate, GTAB recommended an increase of 2.5% in site rents with effect from 1 April 2010. There were higher increases for two sites to bring them more into line with other rents.

(2) The Rents currently charged on sites managed by the Gypsy & Traveller Unit are:

Aylesham Caravan Site Snowdown, Dover CT15 4LS	<b>£52.79</b> per week
Barnfield Park Caravan Site New Ash Green, Sevenoaks TN15 7LY	<b>£45.00</b> per week
Coldharbour Caravan Site Old London Road, Aylesford ME20 7NZ	<b>£41.00</b> per week
Greenbridge Park Vauxhall Road, Canterbury CT1 1YZ	<b>£52.28</b> per week
Heartenoak Caravan Site Heartenoak Road, Hawkhurst TN18 5EU	<b>£49.71</b> per week
Polhill Caravan Site Dunton Green, Sevenoaks TN13 2TQ	<b>£42.00</b> per week
Three Lakes Park Castle Road, Sittingbourne ME10 3NL	<b>£49.20</b> per week
Windmill Lane Caravan Site Windmill Lane, West Malling ME19 6PJ	<b>£50.74</b> per week

2. (1) In addition to the above sites, the KCC Gypsy and Traveller Unit manage the two Maidstone Borough Council sites, at Stilebridge Lane, Marden and Water Lane, Ulcombe, under a management agreement. Consultation will take place with the Borough Council over the rents they plan to charge for 2011/12.

### **Government Policy: Mobile Homes Act 1983**

3. (1) The Government has recently announced that the Mobile Homes Act 1983 is going to apply to all the above sites, probably with some modifications, from February 2011. The raising of rents in future years will definitely be regulated by the terms of the Act. Under the 1983 Act, there is a presumption that any increase or decrease would be no greater than any changes in the Retail Price Increase (RPI), unless the legitimate extra costs of the site operator justify a greater increase. The proposed new rents in this item assume that the Mobile Homes Act may already apply by 1 April 2011, but any rent increases would be amended if the law requires it.

### **Level of Increase from 1 April 2010**

4. (1) Many of the current licensees on the sites are claimants, and therefore the rents are paid by Housing Benefit. Apart from the State Pension, which will increase by 4.6% in April 2011 (based, for the last time, on the Retail Price Index (RPI)), other benefits (including Housing Benefit) will now increase annually by the Consumer Price Index (CPI), and the rate of increase to September 2010 (which is the reference point for the April 2011 rise) was 3.1%. Increases in other charges in the Kent Adult Social Services Directorate are generally in line with the appropriate benefit. For Gypsy and Traveller sites this is Housing Benefit. In light of all this, it is recommended that the current site rents are all increased by 3.1% from 2011.

(2) These increases will enable the costs of managing and maintaining the sites to be more adequately covered by the income received.

(3) The above increases will produce the following new rents from 1 April 2011:

Aylesham Caravan Site Snowdown, Dover CT15 4LS	Existing <b>New</b>	<b>£52.79</b> per week <b>£54.42</b>
Barnfield Park Caravan Site New Ash Green, Sevenoaks TN15 7LY	Existing <b>New</b>	<b>£45.00</b> per week <b>£46.40</b>
Coldharbour Caravan Site Old London Road, Aylesford ME20 7NZ	Existing <b>New</b>	<b>£41.00</b> per week <b>£42.27</b>
Greenbridge Park Vauxhall Road, Canterbury CT1 1YZ	Existing <b>New</b>	<b>£52.28</b> per week <b>£53.90</b>
Heartenoak Caravan Site Heartenoak Road, Hawkhurst TN18 5EU	Existing <b>New</b>	<b>£49.71</b> per week <b>£51.25</b>
Polhill Caravan Site Dunton Green, Sevenoaks TN13 2TQ	Existing <b>New</b>	<b>£42.00</b> per week <b>£43.30</b>

Three Lakes Park  
Castle Road, Sittingbourne ME10 3NL

Existing      **£49.20** per week  
**New**            **£50.72**

Windmill Lane Caravan Site  
Windmill Lane, West Malling ME19 6PJ

Existing      **£50.74**per week  
**New**            **£52.31**

### **Recommendation**

5. (1) Members are asked to endorse these new rents being applied from 1 April 2011 and that Licensees (or, if the 1983 Act by then applies, those holding “pitch agreements”) are advised of the increases with the required 28 days notice in advance of that date; and the Cabinet Member for Adult Social Services be advised accordingly so that he can take their views into account when he takes his decision on this matter.

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Head of Gypsy and Traveller Unit  
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*Background papers: none*

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By: Oliver Mills, Managing Director, Kent Adult Social Services

To: Gypsy and Traveller Advisory Board – 18 November 2010

Subject: **APPLICATION OF THE MOBILE HOMES ACT 1983 TO COUNCIL-RUN GYPSY AND TRAVELLER SITES**

Classification: Unrestricted.

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Summary: Summary of Government proposals for implementation of the 1983 Act, and recommendations for KCC response.

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## **Background**

1. (1) Following national consultation across England and Wales in autumn 2008, the Coalition Government published, on 12 October 2010, the results of that consultation, and its proposals for how the Mobile Homes Act 1983 provisions should apply to existing licence and tenancy agreements for those on Council-occupied Gypsy and Traveller sites.

(2) The reasons why the 1983 Act did not apply previously to such sites are complex, and the law of security of tenure has also had a different history for sites “occupied” by County Councils from those “occupied” by other Councils.

(3) Section 318 of the Housing and Regeneration Act 2008 aimed to put all Council sites on the same footing, with the majority of the 1983 Act applying to such sites, but with a few matters, such as the right to assign a pitch agreement to someone else, and the right to leave a pitch agreement in the will of an existing site licensee or tenant, being consulted on, to see if different arrangements would be more appropriate.

(4) Current Government plans are to bring in the amended version of the 1983 Act, by statutory instrument which still has to be approved by the relevant Joint Parliamentary Committee, from February or April 2011.

## **Key Points from the Consultation Response Document**

2. (1) Government lawyers have concluded that, due to the effect of various pieces of legislation and their impact on each other, the Mobile Homes Act 1983 has applied, in an unamended form, to all sites “occupied” by County Councils since January 2005. This was the date when the Housing Act 2004 came into force, and sections in that Act made sure that licensees or tenants on County Council sites had more protection from eviction than prior to then.

(2) KCC is currently working with all other County Councils affected to obtain counsel’s opinion on whether this interpretation of the law is correct. If the advice is that it is not, further action will be considered.

(3) On assignment of pitch agreements, the consensus of respondents to the consultation was very much in favour of not allowing such assignments to take place. The Government proposes that such assignments should not be possible for any licensees or tenants on non-County Council sites when the 1983 Act applies to their existing agreements, and for County Council sites for all new licensees or tenants (assuming that the 1983 Act already applies to such sites, and therefore existing agreements cannot have a modified version of the 1983 Act applied to them.)

(4) On succession to pitch agreements on the death of the licensee or tenant, although consultees favoured it not being possible to leave such an agreement in a will, and that is the Government's view, too, further legal advice to Government has said that it is not possible to limit this right by a statutory instrument (which is what would bring in the new law) and so it will be possible for people to leave such pitch agreements in their will to another person.

(5) There are a number of other helpful amendments to the 1983 Act application to these sites, such as that a dispute about rent levels cannot allow the licensee tenant to delay agreement of their new pitch agreement, and that a failure to sign a new agreement will lead to a licensee or tenant facing a repossession of their pitch.

### **Standard Pitch agreement for licensees or tenants**

3. (1) In an effort to avoid every single site-managing Council in England having to seek their own legal advice on the effect of the 1983 law on their own current licence or tenancy agreements, KCC, other Councils and the National Association of Gypsy and Traveller Officers (which is chaired by Bill Forrester) proposed back in 2008 that a standard recommended pitch agreement should be devised and promoted. This would include all the standard "implied terms" which the 1983 adds by law to any pitch agreement, as well as reasonable "express terms" which could be adopted by site-running Councils.

(2) Although in 2008, the Department for Communities and Local Government (CLG) were keen on the idea, it appears that they have since been advised against recommending any particular terms for inclusion in agreements made between local authorities and Gypsy or Traveller licensees. The latest CLG document is very lukewarm on the idea.

(3) Indeed, CLG recommends that no changes should be made by Councils to their agreements before the new law comes in, but the new law should simply apply to existing agreements on non-County Council sites and new agreements on County Council sites, whatever the confusion that results from that for Councils and site residents.

(4) However, there is still great support for the idea of a standard recommended pitch agreement in Councils across the country, especially with the need to avoid unnecessary spending.

### **Implications for KCC-managed sites**

4. (1) Seven of the ten sites currently managed by the KCC Gypsy and Traveller Unit are in the freehold ownership of KCC, and are therefore definitely "occupied" by KCC, and have been since before January 2005.

(2) The Windmill Lane site in West Malling is within the freehold ownership of Tonbridge & Malling Borough Council and therefore advice will need to be taken on whether it is “occupied” by KCC, who have managed it since 1993.

(3) The two Maidstone Borough Council sites are managed under a written contract, and are therefore “occupied” by Maidstone Borough Council.

(4) Joint legal advice with other County Councils is being pursued over the question of whether the Mobile Homes Act 1983 has applied since January 2005, and any decisions will need to await the advice.

## **Conclusions**

5. (1) The current position is complex, and there is a need to find clarity for County Councils, especially, on what law currently applies to agreements with licensees or tenants on sites they manage.

(2) There is a need to obtain the best legal advice on that issue, jointly with other County Councils. There may well be other issues which need legal advice, jointly with a wider range of Councils.

(3) There are clearly benefits, to help bring in the new law, in having a new standard recommended pitch agreement, capable for local modification where the 1983 Act allows, and local circumstances dictate.

(4) There is a need for Councils to have enough time to bring in the changes with the least confusion to all parties as is possible.

(5) All Councils across the country, and including KCC and other Kent and Medway Councils who currently manage sites, need to communicate the impact of these changes to those on sites they manage, and working closely together on how best to do that.

## **Recommendations**

6. (1) Members of the Board are asked to recommend to the Cabinet Member for Adult Social Services:

a) support for seeking joint legal advice with other County Councils about the current application of the 1983 Act to Gypsy and Traveller sites occupied by county councils, and, if necessary, other issues of joint concern with other County Councils or other Councils.

b) support for a joint or solo approach to CLG, including an approach to a Minister, if appropriate, about the benefits of a standard recommended pitch agreement for all such Council sites, and seeking their support for this.

c) if CLG are unwilling to support this, support for work with other Councils and other interested parties to devise such a recommended agreement, with costs shared amongst interested parties.

d) support an approach to CLG to ask for a reasonable time (perhaps until June 2011) for the change to be able to be brought in smoothly and with least confusion and expense being risked.

e) support the work of the joint Kent and Medway site managers group in working jointly to bring the new law in effectively across Kent and Medway sites.

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*Background paper: Consultation on Implementing the Mobile Homes Act 1983 on local authority Gypsy and Traveller Sites - Summary of responses*

Report To: Gypsy & Traveller Advisory Board

From: Louise Simpson  
Acting Manager, Minority Communities Achievement Service  
Children, Families and Education

Date: 18 November 2010

Subject: The Minority Community Achievement Service – Gypsy Roma Traveller update

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Summary: This report provides a brief, general update on the work of the Minority Community Achievement Service (MCAS).

#### FOR INFORMATION AND DISCUSSION

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Significant recent developments/events include:

#### 1. **Pupil Voice**

Using MCAS contacts and relationships in a secondary school in Maidstone, young Gypsy Travellers were consulted as part of the work to ensure that their voices were heard in response to the Kent Children and Young People's Plan. Colleagues worked in partnership with a Participation Worker to discuss leisure activities, education and culture. The group was keen that feedback was given to teachers. As a result of this consultation, young people designed a power-point presentation to show to school staff to raise awareness of the issues important to them. This was positively received by staff and parents were very supportive. This Focus Group will continue and develop within the school. There are currently discussions taking place on how the Group could engage in discussions with the Police. MCAS is also aware that a number of families, as is their right to do so, have opted for Elective Home Education. We are currently working to ensure that the voices of these children and young people are also heard.

#### 2. **Moving Forward Together: Raising Gypsy, Roma and Traveller Achievement**

Following completion of the initial stages of the DfE Gypsy Roma and Traveller Achievement Project that Kent took part in; a national resource has been produced incorporating the good practice identified. This is being used as a tool to capacity build further in Kent schools.

#### 3. **GRT History Month**

Four children from High Halden Primary School won prizes in the Gypsy, Roma Traveller Poetry Competition. There were over 1000 entries from across the country so this is a great achievement. The children have been invited to a ceremony in Lewes, East Sussex on November 11<sup>th</sup> to receive their awards.

MCAS continued to collaborate with libraries and schools to facilitate activities such as storytelling in schools and libraries and producing cultural displays. In Thanet at the Harbour Arm Gallery there was also a display of Roma Women self-portraits.

#### **4. School Developments**

Good news stories continue with examples of young people progressing to Grammar Schools and Further and Higher education. There is also community representation on Governing Bodies.

#### **5. Recommendation**

GTAB is recommended to receive this report.

Louise Simpson  
Acting Manager, Minority Communities Achievement Service

To: Gypsy & Traveller Advisory Board

From: Alex Gamby  
Head of Learners with Additional Needs  
Children, Families and Education

Date: 18 November 2010

Subject: Minority Community Achievement Service  
(MCAS)

Summary: This report summarises the current role and resourcing of MCAS, and outlines future issues and challenges.

FOR INFORMATION AND COMMENT

1. MCAS Role and Purpose

1.1 MCAS exists to provide challenge, advice, support and training to schools and early years provisions, with the aim of ensuring access to and inclusion within provision for children and young people from vulnerable and/or BME communities (including Gypsy, Roma communities), and that they are supported to achieve to their maximum potential, hence ensuring equality of outcomes.

2. Current Resourcing

2.1 MCAS is currently resourced through two funding streams:

- Dedicated Schools Grant (DSG) (£1.35m).
- Ethnic Minority Achievement Grant (EMAG) (£1.15m).

Total £2.5m.

2.2 Staffing currently funded by each of these budgets are as follows:

DSG:

MCAS Manager	KR14	1
Advisor for Minority Ethnic and Bilingual Achievement (MEBA)	Soulbury 10 - 13	3
Advisory Teachers, Minority Ethnic Achievement	Upper Pay Scale	10
Senior Family Liaison Officer (FLO)	KR8	3
FLO	KR6	9
<b>Total</b>		<b>26</b>

## EMAG

Advisor for MEBA	Soulbury 10 - 13	3
MEBA Specialist Teachers	Teacher P & C	14
MEBA Teaching Assistants	KR5	12
<b>Total</b>		<b>29</b>
<b>Grand total</b>		<b>54</b>

### 3. Future Funding

3.1 EMAG (as a ring fenced grant) will cease in March 2011. The Government has stated its intention to 'replace this' in the DSG, but to what level and/or how transparent this will be is still unclear. The continuation of funding the DSG itself is also still subject to confirmation. The expectation is that levels of funding will be confirmed early to mid December.

3.2 Assuming that if funding through the DSG does continue albeit at a reduced level, the MCAS service will need to be strategically restructured in line with identified need and available resources.

### 4. Issues for consideration

4.1 Key in shaping the future of MCAS services will be the Government's White Paper, now anticipated mid December.

4.2 Irrespective of levels of funding post March 2011, the following issues will need to be taken into consideration for vulnerable and/or BME communities (including GRT) across the 3 – 24 age range:

- statutory responsibilities;
- preventative work;
- access, admissions and attendance;
- children missing education (CME);
- achievement;
- safeguarding;
- the sharing and dissemination of effective practice.

4.3 Factored into considerations arising out of the White Paper and issues as listed in paragraph 4.2 will need to be the increasing numbers of declared GRT in Kent, as follows:

	January 2006	January 2007	January 2008	January 2009	January 2010
Gypsy Roma	694	827	887	1040	1286
Traveller of Irish Heritage	74	86	82	85	88

5. Next steps

5.1 Options for consideration will be brought forward once the budget situation for 2011/12 (and beyond) is confirmed.

6. Recommendation

6.1 This report is presented for information and comment.

Alex Gamby  
Head of Learners with Additional Needs

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