



KENT COUNTY COUNCIL

GYPSY AND TRAVELLER ADVISORY BOARD

AGENDA

Tuesday, 19 July 2011, at 2.30 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
Mrs C J Waters

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 (1 - 4)
5. Affordable Homes Programme, including progress reports on site projects (5 - 8)
6. KCC's response to the current Traveller Planning Consultation by CLG (9 - 28)

7. Minority Communities Achievement Service - Update (29 - 34)
8. AOB

Peter Sass
Head of Democratic Services

Monday, 11 July 2011

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

GYPSY AND TRAVELLER ADVISORY BOARD

MINUTES of a meeting of the Gypsy and Traveller Advisory Board held in the Medway Room, Sessions House, County Hall, Maidstone on Thursday, 18 November 2010.

PRESENT: 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 Mr S J G Koowaree

IN ATTENDANCE: Mr W Forrester (Head of Gypsy & Traveller Unit), Mrs A Gamby (Head of Early Years & Childcare), Mrs L Simpson (Advisor Refugee & Traveller Achievement, Mid Kent), Mr G Mills (Democratic Services Manager (Executive)) and Mr A Ballard (Democratic Services - Business Support Officer)

UNRESTRICTED ITEMS

1. Minutes

(Item. 4)

RESOLVED that the Minutes of the meeting held on 11 February 2010 are correctly recorded and that they be signed by the Chairman.

2. Rents on Public Sites Managed by KCC for 2011/12

(Item. 5– report by Managing Director, Kent Adult Social Services)

(1) Mr Forrester introduced this report and detailed the proposed increases in all site rents from 1 April 2011 by a recommended 3.1% which would enable the costs of managing and maintaining the sites to be more adequately covered by the income received. Mr Forrester said that the government intended that the Mobiles Homes Act 1983 will from February 2011 apply to the sites covered in the report and therefore future increases would be regulated under the terms of the Act.

(2) KCC Gypsy and Traveller Unit manage two Maidstone Borough Council sites and consultation will take place with the Borough Council over the rents they plan to charge for 2011/12.

(3) During the course of discussion members raised a number of questions of detail to which officers responded accordingly. As part of this Mr Forrester said he would look into the possibility of closer equalisation for all site rents in the next increase.

(4) The Board Agreed to:

(a) endorse the new rents detailed in the report being applied from 1 April 2011 and that Licensees (or, if the 1983 Act by then applies, those holding “pitch agreements”) be advised of the increases within the required 28 days notice in advance of that date;

(b) the Cabinet Member for Adult Social Services be advised accordingly so that he can take the views of the Advisory Board into account when he takes his decision on this matter

3. Application of the Mobile Homes Act 1983 to Council-run Gypsy and Traveller Sites

(Item. 6–Report by Managing Director for Kent Adult Social Services)

(1) Mr Forrester introduced this item and said the current position was complex and there was a need to find clarity for County Councils, especially, on what law currently applied to agreements with licensees or tenants on sites they manage. KCC would be seeking counsels opinion jointly with other County Councils on the question of whether the Mobile Homes Act 1983 has applied since 2005, and any further decisions on this issue would need to await that advice.

(2) During the course of discussion Mr Forrester confirmed KCC would be taking a lead on this issue and also confirmed he would be working with other local authorities on a partnership basis.

(3) The Board Agreed to recommend to the Cabinet Member for Adult Social Services:

- (a) to support the seeking of joint legal advice with other County Councils about the current application of the Mobile Homes Act 1983 Act to Gypsy and Traveller sites occupied by county councils, and if necessary, other related issues of joint concern with other County Councils or other Councils.
- (b) to support a joint or solo approach to the Communities and Local Government Department, including an approach to a relevant Minister, if appropriate, about the benefits of a standard recommended pitch agreement for all such Council site, and seeking their support for this.
If the CLG Department was unwilling to give its support, then endorsement be given for work to be undertaken with other Councils and interested parties to devise such a recommended agreement, with costs shared amongst the interested parties.

4. The Minority Community Achievement Service - Gypsy Roma Traveller update

(Item. 7– report by Acting Manager, Minority Communities Achievement Service, Children, Families and Education Directorate)

(1) Mrs Simpson introduced this report and provided the Board with an update on the work of the Minority Community Achievement Service (MCAS).

(2) Significant recent developments/events included:

- (a) Pupil Voice

- (b) Moving Forward Together: Raising Gypsy, Roma and Traveller Achievement
- (c) Gypsy, Roma Traveller History Month and,
- (d) School Development.

(3) Following discussion the Board Received this report.

5. Minority Community Achievement Service

(Item. 8– report by Mrs Alex Gamby, Head of Learners with Additional Needs, Children, Families and Education Directorate)

(1) Mrs Gamby summarised the current role and resourcing of Minority Community Achievement Services (MCAS), and outlined the future issues and challenges.

(2) Future funding streams through Ethnic Minority Achievement Grant would cease in March 2011 and be replaced by Dedicated Schools Grant but to what level was currently unclear. Assuming that funding continued through DSG, albeit at a reduced level then the MCAS service would need to be strategically restructured in line with identified need and available resources. On this basis options for consideration by the Board would be brought forward once the budget situation for 2011/12 (and beyond) had been confirmed.

(3) During the course of discussion members raised a number of points of detail to which officers responded as appropriate. In particular discussion took place around the possibility of recruiting volunteers and Mr Forrester said he thought this could be a good opportunity to tackle some of the barriers as direct experience can do much to alter people's perceptions.

(4) The Board then noted this report.

This meeting was webcast and you are able to view the full discussions at:

http://www.kent.gov.uk/your_council/how_the_council_works/watch_council_meetings.aspx

Alternatively please contact Andy Ballard on 01622 694297 for further details:

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By: Mike Austerberry, Corporate Director, Enterprise and Environment
To: Gypsy and Traveller Advisory Board – 19 July 2011
Subject: **AFFORDABLE HOMES PROGRAMME AND NEW SOCIALLY RENTED SITES IN KENT**
Classification: Unrestricted.

Summary: Bringing Board Members up to date with the new Affordable Homes Programme and current projects and plans for additional public Traveller pitches in Kent.

Affordable Homes Programme - Background

1. (1) On 14 February of this year, the Coalition Government, through the Homes and Communities Agency (HCA) published their “new offer” on Affordable Homes financing. Broadly, it invited “Registered Providers” (organisations who can and have registered with the Tenant Services Authority, and largely Housing Associations alone or in consortia, but not local authorities) to apply, by 3 May 2011, for a proportion of the funding needed for affordable housing or new Traveller pitches during the period 2011/15.

- (2) Ring-fenced funding of £60m is available, as a national pot, for Traveller pitches, with a ceiling of £99k per pitch.
- (3) Apart from any grant from the HCA, financing of the balance of the construction and land costs (for housing or Traveller pitches) will largely be from future rents repaying capital borrowed from private sector or public sources.
- (4) In all regions, the HCA has sought “package bids” from bidders covering a larger area. In the South East, that “minimum area” is a county.

Response from KCC, other Kent authorities and Kent Registered Providers

Swale Borough

- 2. (1) KCC has held discussions with Amicus Horizon, a Registered Provider covering a wide area including north Kent. Amicus included a 12-pitch new socially-rented site in Swale Borough within their “package bid” for Kent.
- (2) Their overall bid has been successful at the first stage at regional level, and the result of the first stage national decisions is due to be announced very soon and perhaps by the date of the meeting.
- (3) If successful at the first stage, detailed further work will be carried out on the bid.
- (4) Any successful arrangement will involve a long-term contract between Amicus and KCC to cover the leasing and management arrangements for the new site.

Maidstone Borough

3. (1) Maidstone have also submitted a bid, working with an RP as developer agent, for a new site.
- (2) If successful, probably during 2013/4, the KCC Gypsy and Traveller Unit has agreed to manage the new site as an extension to the current management agreement in place for the Stilebridge, Marden and Water Lane, Ulcombe, sites.
- (3) No location has yet been specified for the proposed new site

Tonbridge and Malling Borough

4. (1) The Coldharbour 18-pitch new site, designed to replace and extend the current eight-pitch site, was unsuccessful for grant when a bid was made in 09/10 and then the previous grant programme was abandoned in 10/11.
- (2) A conditional purchase of the four acres of land required had been extended, but was due to expire on 31 March 2011. The land has now been purchased, with the grant received.
- (3) For the first time in the UK, as far as we are aware, planning consent for a public Traveller site had been granted by KCC without a single valid objection at planning stage.
- (4) On 26 March, the HCA offered KCC £930k of unused grant moneys under the previous programme, because a scheme in Cornwall had not been able to proceed.
- (5) Following discussions, the offer was accepted.
- (6) A new architect, already under contract to KCC, was assigned to redesign the new site.
- (7) As a result, a 26-pitch site has been designed to cover the land on which the current site stands, and some of the newly-acquired land.
- (8) Provisional costs suggest that this is achievable for towards a million pounds less than the original scheme, providing it is a Mobile Home park, with more basic blocks on each pitch, and all the key facilities within the Mobile Homes.
- (9) The HCA are being asked to part-fund the extra pitches, although this is more complex because the £930k grant was under the old grant regime, and the figure was simply funds available from a Cornwall project, and there is no direct link between that sum and the original or current scheme costs.
- (10) The "longstop start date" for the construction (i.e. the date by which construction must have started) is 31 March 2012, but negotiations are continuing with the HCA over further grant, and with all other interested parties.
- (11) There are concerns by current families on the old site about the impact of new families and other concerns by neighbouring landowners which are currently

being discussed. Tonbridge and Malling Borough Members are closely involved in the process, and they are keen to see a robust design developed.

- (12) A planning application is due to be submitted by late July, with tendering for construction in the autumn, to meet the longstop start date, providing funding is available.

Conclusion

5. (1) These three initiatives could, between them, provide over 35 new socially-rented pitches for Travellers and Gypsies in the middle of Kent.
- (2) They not only would provide fresh and much-needed accommodation, but also assist those authorities, when coupled with appropriate Local Development Framework core strategies and, in time, Development Plan Documents, to resist new unauthorised developments in locations which are either Areas of Outstanding Natural Beauty and/or Green Belt and/or protected by planning policy limitations on their development.
- (3) Each site would primarily be for the accommodation of local families, to meet locally-generated need. However, they would also be a precious resource to meet the overall needs for such accommodation within the county.

Recommendations

I recommend that the Board:

1. Endorse and support the actions being taken to secure successful new site accommodation.
2. Consider if there are further site accommodation needs which should be given priority within the county.

Bill Forrester
Head of Gypsy and Traveller Unit

01622 221846

Background papers: none

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By: Mike Austerberry, Corporate Director, Enterprise and Environment
To: Gypsy and Traveller Advisory Board – 19 July 2011
Subject: **“PLANNING FOR TRAVELLER SITES” – PROPOSED KCC RESPONSE TO DCLG CONSULTATION**
Classification: Unrestricted.

Summary: The background to, and KCC response to, the above consultation.

Background

1. The Coalition Government announced on 29 August last year that they would bring forward plans for “fair play in the planning system” for Gypsy and Traveller sites.
2. On 13 April 2011, they launched a consultation on their proposed policy changes, which lasts until 6 July 2011.
3. Their main proposals include the scrapping of the previous Circulars 01/2006 which applies to Gypsy and Traveller sites and 04/2007 which applies to Travelling Showpeople sites, the removal of references to “Gypsy and Traveller Accommodation Assessments” (GTAAs), and their replacement with a requirement on planning authorities to plan for “local need in the context of historic demand”, using a “robust evidence base”, the requirement for planning authorities to have a “five-year supply of traveller pitches/plots”, a tightening of the rules around sites in Green Belts, and the alignment of planning policies for sites more closely with those for housing.
4. The longer and shorter versions of the consultation are available at <http://www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation>
5. There are 13 consultation questions, and the draft KCC response is attached as Appendix A.
6. Although KCC, not being a plan-making authority, does not have any direct responsibilities for the formulation of Local Development Framework policies, KCC is involved as a promoter of, and partner in, new site developments, and the Gypsy and Traveller Unit work closely with a number of plan-making authorities in Kent, as advisers and consultees, including over the content of LDFs.
7. KCC also, through the then Planning Policy Manager and the Head of the Gypsy and Traveller Unit, played a leading role in co-ordinating the Kent and Medway response to the Regional Spatial Strategy discussions 2006-2010, and a leading role in the Examination in Public in Reading in February 2010.

Recommendation

5. I recommend that GTAB consider the draft response, and make any suggestions, comments or proposed amendments to it, before it is finalised for submission to DCLG by 3 August 2011.

Bill Forrester
Head of Gypsy and Traveller Unit

Bill.forrester@kent.gov.uk

01622 221846

Background papers: The DCLG consultation paper and response form.

Planning for traveller sites

Consultation response form

(KCC DRAFT RESPONSE – DEADLINE IS NOW 3 AUGUST 2011)

When complete please email to: travellerspps@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post. Please send to:

Paul Williams
Planning – Economy and Society Division
Department for Communities and Local Government
1/G6 Eland House
Bressenden Place
London SW1E 5DU

The deadline for submissions is Wednesday 6 July 2011.

(a) About you

(i) Your details

Name:	Mike Austerberry
Position:	Corporate Director, Enterprise and Environment Directorate
Name of organisation (if applicable):	Kent County Council
Address:	County Hall, County Road, Maidstone ME14 1XX
Email:	to add
Telephone number:	to add

(ii) Are the views expressed on this consultation an official response

from the organisation you represent or your own personal views?

Organisational response

Personal views

(iii) Please tick the *one* box which best describes you or your organisation:

Voluntary sector or charitable organisation

Relevant authority (i.e. district, London borough, county council)

Parish council

Business

Other public body (please state)

Other (please state)

(iv) Do your views or experiences mainly relate to a particular type of geographical location?

City

London

Urban

Suburban

Rural

Other (please comment)

(vi) Would you be happy for us to contact you again in relation to this consultation?

Yes

No

(b) Consultation questions

Q1. Do you agree that the current definitions of “gypsies and travellers” and “travelling showpeople” should be retained in the new policy?

Yes

No

Comment:

The definition, though lengthy, is appropriate and should be retained

Q2. Do you support the proposal to remove specific reference to *Gypsy and Traveller Accommodation Needs Assessments* in the new policy and instead refer to a “robust evidence base”?

Yes

No

Comment:

No, the requirement for GTAAs should remain in place. The link with the previous GTAAs, which were based on extensive information and data, is too important to lose. Renaming the information or the process is pointless, even if improvements are being sought. To do otherwise will simply provoke confusion from the public and let the whole issue become more political again, rather than evidence-based, as housing needs assessment should be.

Later GTAAs were fit for purpose, and some of them excellent, including the one for North Kent.

"Robust evidence base" is vague and open to varying interpretation, whereas a clear standard of assessment is needed.

Q3. Do you agree that where need has been identified, local planning authorities should set targets for the provision of sites in their local planning policies?

Yes

No

Comment:

The crucial point is "where need has been identified". Some authorities, over many years, have used various measures to resist their being Gypsies and Travellers in their areas, evade any responsibilities for assessing needs, or meeting them. There must be some process which is equitable to all parties, including other authorities and Gypsies and Travellers. Even though local views are important, it should not allow continued evasion of such responsibility and fair distribution of sites. Then targets can allow fair distribution of responsibility for accommodation and allocation of sites in LDFs

If "targets", there must be some teeth to the requirement to allocate land in plans.

Kent has a number of GTAAs which were judged robust, but are now going out of date. However, they include some very useful information and data. These need updating with a common methodology and approach, as for other authorities. Otherwise, the system will be open to abuse, and need will be neither identified nor met.

Q4. Do you think that local planning authorities should plan for "local need in the context of historical demand"?

Yes

No

Comment:

If that expression can be successfully defined, so it can be shown to cater for all needs, YES. Otherwise, NO.

Whilst 'historical demand' can be an important factor in determining needs, there will be changes that emerge to reflect current or changing circumstances. Similarly some historic demand may be atypical owing to local circumstance/non provision by neighbouring authorities/inconsistent approaches across boundaries etc and this might also skew figures and show a greater demand than actually exists. The phrase historical demand would benefit from clarification as it is capable of wide interpretation - particularly to assist the planning inspectorate. This question links closely with the duty to cooperate.

Kent would have benefited from the SE Plan redistribution under the previous

system. Now each district and borough has to provide for all the accommodation need it generates. This has a harsh effect on a DC like Sevenoaks, which is all in Green Belt and has relatively large numbers of public site pitches and Gypsy and Traveller populations. The “duty to co-operate” proposed in the Localism and Decentralisation Bill is unlikely to allow the same redistribution as the RSS would have been able to engineer, taking into account not just local needs, but planning issues, too..

Q5. Do you agree with the proposal to require local planning authorities to plan for a five-year supply of traveller pitches/plots?

Yes

No

Comment:

Providing 2, 3 and 4 can produce reliable need figures, YES. Otherwise, NO.

We believe this can only work if "need" for sites is not just locally determined, and there is some consistency of assessment process, and some acceptance by previously-intransigent authorities of the responsibility for assessing need properly, and setting realistic targets for meeting it. Otherwise, the overall need for sites (especially in certain regions like the old Eastern, South Eastern and Southwestern) and a nomadic population, will mean that those authorities that work to a five-year land supply will simply find that land being purchased by all-comers, perhaps not meeting local need at all. This is quite different from the housing market, and the influence of national housing developers. This is about a network of mobile private developers, going wherever the land and planning consent is.

Q6. Do you agree that the proposed wording of Policy E (in the draft policy) should be included to ensure consistency with Planning Policy Guidance 2: *Green Belts*?

Yes

No

Comment:

Yes, this would help to provide some comfort to councils that Traveller sites really are recognised as inappropriate development in the Green Belt. Applications from Travellers for development in the Green Belt should be dealt with in exactly the same way as applications from members of the settled community. Retrospective applications should not be treated any differently.

Q7. Do you agree with the general principle of aligning planning policy on traveller sites more closely with that on other forms of housing?

Yes

No

Comment:

In principle, we agree.

This may work in some respects, such as Green Belt policy, but the evidence and delivery mechanisms required successfully to provide Traveller sites differ markedly from market and affordable housing, and it is difficult to see how uniformity could be achieved.

In practical terms, does this question mean housing land can be used for sites, and vice versa? If so, how do authorities prevent all the land being used for housing? The land need for Traveller pitches, across England, is tiny in area (one square mile of land) compared with the land need for housing. But local preferences are always going to be for housing land rather than site land.

Additional caution is needed here as (historically at least) some Traveller provision or applications have been allowed, including sometimes on appeal in areas that would simply never be acceptable for other forms of housing. The implications of this might therefore be considerable. Whilst other landowners readily bring land forward for other types of residential use/housing, the land coming forward for Traveller sites is often very much more limited.

However, it needs to be borne in mind that the provision of affordable homes on rural exception sites is dependent upon local need, and the occupiers of such units are required to demonstrate a local connection. For as long as Traveller sites are allowed to establish as exceptions to normal planning policy restrictions, without the need for a local connection to be demonstrated, planning policy on traveller sites will not be accepted as being aligned with that for other forms of housing, ie you cannot have an exception policy if LPAs cannot determine local need as a consideration.

Local need should be relevant, or at least very good reasons for requiring accommodation in the area. It should not be enough that the applicants or appellants have left other accommodation elsewhere, or have a tenuous connection with the area within which they are seeking development consent. This would be a bold and necessary change, challenging the connection with past nomadic movement as being not relevant in the specific case.

Q8. Do you agree with the new emphasis on local planning authorities consulting with settled communities as well as traveller communities when formulating their plans and determining individual planning applications to help improve relations between the communities?

Yes

No

Comment:

Swale BC is an example of excellent local consultation and practice, as they have carried out public meetings discussing site needs and locations, with audiences including Gypsies, Travellers, people living in houses, and other community representatives.

It should be managed skilfully, carried out respectfully (with proper regard for the feelings of those taking part), including if there are large public meetings, and it should promote community cohesion and allay the fears from all sides about others.

Government should assist by supporting local authorities (and rewarding them) for positive and brave and new approaches, to send a message to those negative local authorities who are still on the journey to better community relations.

Q9. Do you agree with the proposal in the transitional arrangements policy (paragraph 26 in the draft policy) for local planning authorities to “consider favourably” planning applications for the grant of temporary permission if they cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, to ensure consistency with Planning Policy Statement 3: *Housing*?

Yes

No

Comment:

Temporary consents may sometimes be appropriate, but it is very important that temporary consents are not seen as the answer to permanent accommodation needs, any more than temporary dwellings of prefabs. are the answer to permanent bricks and mortar housing needs. Local authorities need to get on the front foot, consult and discuss openly and widely, and allocate suitable locations for sites.

Gypsies and Travellers need to discuss planning options for sites before they move to land, and give undertakings about numbers of caravans that they are seeking development for, instead of simply muscling in and using legal aid and the courts to achieve development which would not be allowed for any other group.

Temporary permissions granted in places where no-one else would get development consent, even temporary, runs counter to the stated idea in this Government announcement/consultation of putting all on an even footing.

Further, the resulting temporary permission is often either extended or leads to expensive enforcement and court action when the period of the temporary permission expires and little or nothing has been done to clear the site/find an acceptable and authorised alternative.

The message sent to some in Gypsy and Traveller communities is that, if you play it cleverly, you can develop land that no-one else could and get away with it. The message sent to recalcitrant authorities is that the planning inspectorate will prevent you having to allocate sites in proper places, and be responsible for your local planning policy. Neither of these messages is helpful, positive or promoting good changes.

Local planning authorities need to seize the initiative, call for sites, and allocate suitable land. Gypsies and Travellers need to discuss planning options for sites before they move to land, and give undertakings about numbers of caravans that they are seeking development for, instead of simply muscling in and using legal aid and the courts to achieve development which would not be allowed for any other group.

In addition, there need to be tightening up of procedures around planning appeals and the way they are conducted, to ensure fairness to all parties, and the ability to verify information presented by any parties. At present, the process lacks credibility in many cases.

Q10. Under the transitional arrangements, do you think that six months is the right time local planning authorities should be given to put in place their five-year land supply before the consequences of not having done so come into force?

Yes

No

Comment:

No - This seems to run in the wrong direction, if the government is seeking to send different messages from what has gone before (see answer to last question). If the Government continues to grant special status to Traveller sites by requiring a specific five-year supply of traveller sites, six months is a wholly unacceptable timescale. The allocation of traveller sites has to be through the development plan system, in parallel with the allocation of sites for other forms of housing. There will be an expectation to engage locally. Not all LPAs will be in a position to adopt core strategies or Development Plan

Documents allocating sites within six months of the PPS coming into force.

There are differences between the approach in the draft PPS and the approach to housing in 'PPS3' which it purports to reflect. PPS3 does require the Council to consider applications favourably when a five year land supply cannot be demonstrated, but it cross references to a paragraph referring to other considerations (paragraph 69) which are important considerations, such as considering the 'suitability of a site for housing, including its environmental sustainability'. For a Traveller site to warrant temporary consent, a site would have to be suitable in planning terms. For example, it would be inappropriate to grant consent if it would cause harm to the environment even if it was temporary, or it would not provide a safe residential environment. This should be highlighted in the PPS, in a similar way to how the requirement to consider favourably is caveated in PPS3.

Rather than six months, which will not be achievable, a period of a year or even two years should be allowed, because the benefits of planned arrangements in an area outweigh the risks associated with unplanned development allowed on appeal.

Q11. Do you have any other comments on the transitional arrangements?

Yes

No

Comment:

More use should be made of all of the evidence that was put forward in the regional planning process, for example for the partial review of the South East Plan in respect of Gypsy and Traveller provision - evidence which though never published as an Inspector's report, was made public via an FOI request. If LPAs have to again spend time gathering this information, then this is likely to cause unnecessary delay and a further waste of resources.

Q12. Are there any other ways in which the policy can be made clearer, shorter or more accessible?

Yes

No

Comment:

Yes. A clear and brief statement that the same planning policies and principles will apply to all - including a reference to the fact that (irrespective of 5 year supply) if the site is simply not suitable it will not

be permitted - as is the case with all other forms of housing.

There is nothing wrong with something lengthy, providing it is clear and understandable. Perhaps the new guidance should contain all the relevant policy, as Circulars 01/06 and 04/07 do. That makes it much easier and user-friendly for planning officers and all other interested parties.

The long version of this consultation document was very overwritten and repetitive, and not clear. The fact that a short version was then produced reflects that, and shows what can be done.

Policy F states that where possible Local Planning Authorities should plan for traveller sites suitable for mixed residential and business uses. However, this approach is not consistent with the existing Government guidance (if it still applies?) regarding Design of Gypsy and Traveller Sites, which states at paragraph 49, 'Gypsy and Traveller sites are essentially residential and those living there are entitled to a peaceful and enjoyable environment'. It also does not reflect the experience of South Cambridgeshire, where the vast majority of sites are residential in nature, with occupants working off site. Whilst some sites may have business elements that are specifically consented, sites can be planned with a residential in character and impact. There is a danger that the draft PPS could be presenting all Traveller sites as pseudo-employment sites, and there should be flexibility to plan according to local circumstances and actual needs.

Policy G Major Development projects – The current policy acknowledges some major development proposals could require temporary or permanent relocation of Traveller sites. It is disappointing that the policy does not acknowledge the opportunities provided by major development sites to deliver new site provision, and that this may be a route available to Local Planning Authorities.

Policy H paragraph 20e states that Local Planning Authorities '...should determine applications for sites from any Travellers, not just those with local connections.' The statement is not necessary, as Local Planning Authorities are required to determine valid planning applications.

Policy H (paragraph 21) is specific that phasing the delivery of the identified allocated sites could be a material consideration when determining a planning application for an allocated site that has come forward early. However, sites coming forward as windfalls could equally undermine plan objectives, or mean that sites in a development plan are no longer required. Circular 01/2006 states that 'Local planning authorities should be able to release sites for development sequentially, with sites identified in DPDs being used before windfall sites'. The need to consider the impact on the development plan strategy should be highlighted as a material consideration when considering windfall site applications.

Q13. Do you think that the proposals in this draft statement will have a differential impact, either positive or negative, on people because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation? If so, how in your view should we respond? We are particularly interested in any impacts on (Romany) Gypsies and (Irish) Travellers and welcome the views of organisations and individuals with specific relevant expertise. (A draft Equalities Impact Assessment can be found at Annex C.)

Yes

No

Comment:

There must be wider education and awareness made of the basis for a fair and level playing field for all - and that includes for the due process of seeking permission prior to commencement of works and/or changes of use. This needs to come from central government and the courts if necessary - combined with better provision including continuing grants to LPAs to establish authorised sites if necessary.

The danger from a practical view point is that the document will serve to perpetuate the perception that it is the settled population's rights that are adversely affected by the policy approach.

The consultation draft PPS contains a number of questions on a cost/benefit and impact analysis of the withdrawal and replacement of the existing circulars relating to Gypsies and Travellers and Travelling Show People. As many of these relate to monetary benefits, and the proposed policy changes are considered to be negligible and unquantifiable, no response is suggested to these.

(c) Consultation questions on the impact assessment

The impact assessment is annexed to the consultation document. It is a consultation stage impact assessment, which analyses the costs and benefits of the policy options alongside the 'do nothing' baseline.

General questions about the impact assessment

Q1. Do you think that the impact assessment broadly captures the types and levels of *costs* associated with the policy options? If not, why not?

Yes

No

Comment:

Experience of as number of our councils in Kent and Medway suggests that there will always be very high costs and risks associated with any enforcement process, including in particular, with any court actions (prosecutions and injunctions etc) and that these will not be wholly eradicated even where an LPA can show a 5 year supply. Reference in the consultation to raising fines will have little effect unless the magistracy are closely aligned and the higher levels of fines are ever levied - or even collected. This problem persists and further dissuades compliances and results in a loss of confidence in the system.

Q2. Do you think that the impact assessment broadly captures the types and levels of *benefits* associated with the policy options? If not, why not?

Yes

No

Comment:

A much more rigorous assessment is needed.

Q3. Are there any significant costs and benefits that we have omitted? If so, please describe including the groups in society affected and your view on the extent of the impact.

Yes

No

Comment:

The costs to settled communities and LPA of unauthorised developments - both in terms of Council resources on enforcement and in terms of the impact of such development (HRA) on the rights and freedoms of others, ie the settled community.

Q4. Do you agree that the impact assessment reflects the main impacts that particular sectors and groups are likely to experience as a result of the policy options? If not, why not?

Yes

No

Comment:

There seems to be expectation that assessment of needs will automatically result in suitable land being put forward for allocation purposes. Very few landowners are likely to put their land forward for Gypsy and Traveller sites - even where it may meet a set of clearly agreed criteria. The consultation does not address what is evidently a market failure.

Q5. Are the key assumptions used in the analysis in the impact assessment realistic? If not, what do you think would be more appropriate and do you have any evidence to support your view?

Yes

No

Comment:

See answers to Q2, 3 and 4.

Q6. Are there any other relevant key sources of evidence relating to the policy or the effectiveness of the suggested options that have been omitted? If so, please provide details.

Yes

No

Comment:

Detailed evidence from court cases, injunctions, appeals (including outcomes and costs to LPA) and from LPA officers involved at the sharp end

Q7. Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes

No

Comment:

If the aim is to make a fair playing field for all, it seems that a number of Travellers who now benefit from temporary permissions and maybe even some permanent ones - would not be likely to do so in the future if planning policy is truly applied fairly to all. A shortage of suitable land coming forward is likely to remain a problem.

Specific questions about the proposed policies in the impact assessment

Q8. Do you think there are any other benefits to retaining the existing policy (Option 1, do nothing), and whether these can be quantified?

Yes

No

Comment:

N/A - this has needed reviewing since the 1994 Act when similar concerns were raised.

Q9. Can you identify – in quantitative terms if possible – whether you think there would be any benefits to Option 2 (withdraw circulars 01/2006 and 04/2007 and do not replace them)?

Yes

No

Comment:

Until the issue of "Gypsy Status" as a material consideration in planning appeals is tackled, and the issue of whether formerly nomadic people need special priority in the planning system, there will not be benefits to Option 2. It is the lack of availability of land,

allocated for site use, which is the obstacle. All Option 2 would do is rearrange the deckchairs on the Titanic.

Q10. Please comment on whether you envisage any extra costs to local planning authorities associated with the assessment of need for traveller sites in their areas, over and above those which they experience at present.

Comment:

See also answer to Q11 to main questionnaire above. There will be costs in assessing and reviewing/updating evidence base and consultation - this is likely to increase if the issue of a 5 year supply comes into effect (and where comments as to shortage of land coming forward have also been made) and where no real solution to this problem has been offered.

Q11. Please give your view on the scale of the time and money benefits which will accrue to local planning authorities as a result of being able to set traveller site targets locally.

Comment:

There may well be no time or money benefits of doing so. If the authority is determined to meet needs, then the system of doing so is likely to make little difference. If it is determined not to, it will continue to use up time and money defending appeals and being on the back foot.

Q12. Please give your view on whether the transitional period envisaged will lead to any extra costs – and what those might be in monetised terms.

Comment:

There should be fewer costs if there is a more realistic transitional period.

Q13. Please give your view on the extent to which, and rate at which, you consider new sites will come forward as a result of the new approach.

Comment:

Without expedited CPO powers, district councils do not hold land banks of sites awaiting development. The prospect of suitable land coming forward through a proper planning process seems slim.

But some calls for sites, in Kent, have resulted in numbers of suggested sites coming forward, and this is something that can be developed, but is very difficult to quantify and depends on the speed of LDF processes and the production of DPDs.

Q14. Is the draft policy likely to have any significant monetary benefit in terms of protection of the Green Belt, and, if so, what this is likely to be?

Yes

No

Comment:

No. There is no reaffirmation given to Policy approach in AONBs, National Parks etc. This should be clearly mentioned in para 22 of the draft PPS - a presumption against. Government assessments of the costs/benefits of impact on the landscape/assessment are notoriously weak and lacking in an evidence base.

Q15. Do the familiarisation costs estimated for local planning authorities appear reasonable? Please give your view on the assumptions made in this calculation.

Yes

No

Comment:

One officer will not be able to disseminate the detail of this to all colleagues to any point where they are then able to produce evidence, DPDs, face appeals, court cases etc, assess needs for enforcement action, social needs of Travellers as part of this process etc.

Q16. Do the estimated administrative savings for local planning authorities, as a result of streamlining national planning policy, seem reasonable? Please give your view on the assumptions made in this calculation.

Yes

No

Comment:

See above replies to a number of questions. The savings will be made most by those planning authorities who are or get on the front foot with this issue, and successfully allocate sites and successfully defend appeals.

Q17. Are there any significant costs and benefits that we have omitted? If so, please describe including the groups in society affected and your view on the extent of the impact.

Yes

No

Comment:

Landscape, environment, settled community.

Q18. Do you think that the draft policy is likely to have any impact, positive or negative, on travelling showpeople as an economic group?

Yes

No

Comment:

Of itself no - this will need further and wider work on engagement, testing of evidence, attitude and experience of the courts and the inspectorate decisions on appeals before any of this hoped for change may emerge in any quantifiable form.

Q19. Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes

No

Comment:

Within the draft Policy at para 23, the suggestion that "untidy" land should be looked upon favourably is likely to lead to landowners allowing land to become so in order to gain permission - a not unknown phenomenon. This suggested criteria has no regard to normal planning criteria and should be removed from the draft Policy.

Q20. Do you think there are any groups disproportionately affected?

Yes

No

Comment:

There is a particular issue around Irish Travellers in areas, like Kent, where there are much greater numbers of Romany, English and other non-Irish Travellers. There is a reluctance for Irish Travellers to seek places on public sites where they are in the minority, and then a desire to use this as a reason why they should be granted a private site consent.

This is not an issue where the proposed planning policy produces the disproportionate impact, but an issue onto which any new planning policy is overlaid.

There should not be disproportionate effects if the aim of equality is consistently pursued.

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Report to: Gypsy Traveller Advisory Board

From: Alex Gamby - Head of Learners with Additional Needs Education, Learning and Skills Directorate

Date: 19 July 2011

Classification: Unrestricted

Summary

This report provides information about the current situation for and issues impacting on the Minority Communities Achievement Service.

1. Introduction

In the context of national and local agendas, the current environment and operating framework for the Minority Communities Achievement Service (MCAS) is undergoing major changes. These will inevitably lead to significant change for MCAS itself. This report seeks to describe the changes and possible impact on MCAS.

2. MCAS

MCAS is located in KCC's Education Learning and Skills Directorate (ELS) with Learners with Additional Needs and provides the following range of advice, support and training services in relation to minority ethnic groups, including Gypsy Roma Travellers (GRT):

- Admission procedures including accurate data collection;
- Supporting access to education, including for Children Missing Education;
- Assessment strategies;
- Home/school liaison;
- Classroom strategies to support outstanding teaching and learning;
- Accelerating learning for New Arrivals/beginners of English;
- Distinguishing between English as an additional language and special educational needs;
- Raising attainment of vulnerable groups through appropriate target setting and tracking of progress;
- Effective use of data;
- Racial incidents, policies and procedures;
- Enhancing race equality through the curriculum;
- Audit tools to support planning and identification of good practice;
- Impact assessment;
- Engaging with families from disadvantaged communities;
- Professional development for those in senior leadership roles, including those with designated responsibilities and all other staff groups including, teaching assistants, lunch time supervisors, governors, mentors.

3. Current local context

KCC's Medium Term Plan 2011 – 2015, 'Bold Steps for Kent' has three objectives:

- To help the Kent economy grow;
- To put the citizen in control;
- To tackle disadvantage.

Based on the belief that education, learning and skills are pivotal to these three ambitions, 'Bold Steps for Education' has been introduced as a natural extension of Bold Steps for Kent, seeking to refresh and sharpen the focus on learning and achievement. In the context of Bold Steps for Education, ELS is currently implementing a '100 Plan' which incorporates the following work streams:

- defining its core business;
- consulting with schools on the further delegation of resources;
- developing EduKent as its trading arm;
- introducing The Kent Challenge, a strategy for improving standards in and quality assuring learning provision (including early years providers, schools, academies, colleges etc);
- developing a strategy for supporting learners across the 0 – 24 age range, who may be vulnerable either short term or long term to not aspiring, progressing and achieving to their full potential;
- driving forward its Review of provision for those with Special Educational Needs;
- developing an integrated commissioning plan for early years, schools and vocational delivery;
- reviewing its approach to 14 – 24 learning and skills provision;
- delivering challenging financial savings and identifying those for the future;
- developing a 'Kent Association of Schools';
- In the context of all of the above, considering its future structure.

4. Impact on MCAS

The 100 Plan work streams likely to have the greatest impact on MCAS are:

1. The consultation with schools on the further delegation of resources

The consultation document sets out options for delegating from April 2012 a range of services and responsibilities to schools which have hitherto been provided or paid for centrally out of the government grant provided for schools and pupil services – the Dedicated Schools Grant (DSG).

For each budget that KCC is suggesting could be delegated, the formula by which the funding would be distributed is set out, along with initial information on the choices likely to be available to schools to either buy back the service from the LA via Edukent, or make alternative arrangements. The implications of this approach include the effective “de ring fencing” of funds and the complete transfer of associated responsibilities to schools.

Responses from schools are invited by the 31 July. Final decisions will then be made; schools will be informed of these in the autumn and asked to indicate what services they will want to procure from KCC, so that provision can be planned for April 2012.

MCAS is currently funded from the DSG to the level of £2,381,000. The consultation proposes that £1,983,000 of this be delegated to schools by a formula based on Mosaic, prior attainment, AEN. The balance of £398,000 is proposed to be retained centrally to continue to provide

services which relate to Children Missing Education (CME) including unaccompanied asylum seekers. (This work also contributes to the safeguarding agenda).

2. EduKent

For each service proposed for delegation, there are outline proposals for how buy-back options might work through EduKent, and how current services might be made more flexible to allow schools greater choice.

Where funding is ultimately agreed to be devolved, MCAS will offer a range of prescribed 'bronze, silver and gold' annual 'packages' of services, drawn from those described in paragraph 2. MCAS will also work with individual schools (and potentially other learning providers) to create bespoke packages. (A 'platinum' package will be available, where the Specialist Teaching Service is also purchased, offering added value.)

3. The Kent Challenge

The Kent Challenge, which is 'the vehicle by which we will achieve significant improvements in educational outcomes for all children and young people in Kent'. Its aims include:

- Improving outcomes for all pupils at a faster rate than is currently occurring;
- Providing support for schools to break the link between disadvantage and low attainment;
- Ensuring access to high quality learning experiences for all children and young people whilst raising aspirations and expectations for every child;
- Maximising achievement for all children and young people.

The Kent Challenge will also make a significant contribution to the Government's stated aims to:

- raise the educational achievement of all children and young people
- narrow the gap in educational achievement between children from low income and disadvantaged backgrounds and their peers

Success will include significant improvements in educational outcomes for all but particularly for disadvantaged children and young people. Whilst The Kent Challenge is at this stage primary and secondary focused, it will be supported by strategies for Early Years and 14 - 24. The role for MCAS at the heart of The Kent Challenge and as a key partner in school improvement is evident.

4. Raising Aspiration, Supporting Progress, Ensuring Achievement.

'Raising Aspiration, Supporting Progress, Ensuring Achievement' is the strategy (draft at this stage) for supporting learners across the 0 – 24 age range, who may be vulnerable either short term or long term to not aspiring, progressing and achieving to their full potential. Children and young people from minority ethnic groups in general and GRT specifically are amongst who this Strategy is for.

Its vision statement is *'for a Kent 'learning world' that is inclusive, welcoming and embracing of diversity, where achievement exceeds aspiration and all children and young people achieve more than they ever thought possible. In this 'learning world' all relevant learning providers, agencies and partners work together in a child/young person centred way to consistently deliver joined up, seamless services'*.

The aim and purpose of this Strategy is to:

- ensure appropriate support for all learners across the 0 – 24 age range who may be temporarily or permanently vulnerable to not aspiring, progressing and achieving to their full potential;
- to support narrowing and eventual closing of the gap in achievement between vulnerable learners and others.

It also has a suit of underpinning principles which are enshrined either explicitly or implicitly in Bold Steps for Education, the Kent Children and Young People’s Planning Framework and Early Intervention and Prevention Strategy,

There is a clear imperative to better understand the circumstances and needs of all learners across the 0 – 24 age range who may be temporarily or permanently vulnerable, including in this the narrowing of and working towards closing the gap in achievement. (GRT are of paramount importance in this respect). In responses to this, the following cross cutting strategic priorities have been identified:

- Equal access to learning (including In-Year Fair Access);
- More effective leadership and management;
- More effective engagement and involvement of parents and carers;
- Swifter and increasingly accurate Initial Assessment;
- Universal high quality teaching and learning which is differentiated and personalised
- Raising aspiration;
- Accelerating progress;
- Driving up attainment;
- Driving down exclusions;
- More effective support at points of transition;
- Collaboration within competition (quality assurance driven from within networks of learning providers, including the Kent Association of Schools);
- Meeting or exceeding national comparators;
- Have moved from 'Reactive Intervention' to 'Active Intervention' to 'Proactive Intervention';
- Recruitment and retention and workforce development.

The vehicle for delivering this will be to a significant degree (but not exclusively) the Kent Challenge.

5. Financial Savings

At this stage, no specific financial savings have been identified for MCAS in either the current or future financial years. Clearly, this is highly unlikely to continue to be the case.

6. ELS Restructure

In the context of the ELS defining its business, Delegation Proposals, the introduction of EduKent and the trading of services and the possibility of budget reductions, the future structure for MCAS is likely to be different to the current one, but at the time of writing this report it is difficult to predict quite what it might look like.

5. Summary and Conclusions

The future holds some degree of uncertainty for MCAS. Key issues for GRT will include:

- Whether or not there will be any targeted resources;
- Will there be any ongoing work with other relevant agencies and if so what will this look like?;
- What are the risks for GRT in particular in light of proposals?

Anticipated milestones for the ELS 100 Day Plan are:

- Kent Challenge established by September 2011;
- Raising Aspiration, Supporting Progress, Ensuring Achievement Strategy to be ready for consultation by September 2011;
- Agreed levels of delegation or devolution take effect from April 2012;
- New education service delivery vehicle (EduKent) established from April 2012;

All of this is intended to bring clarity and purpose. A report can be brought to a future meeting of the Gypsy Traveller Advisory Board with the implications for MCAS should this be required.

6. Recommendation:

The Advisory Board is asked to note this report

Louise Simpson
Acting Manager, Minority Communities Achievement Service

Alex Gamby
Head of Learners with Additional Needs

Background documents - none

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