

From: Mike Hill, Cabinet Member for Community and Regulatory Services
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To: Growth, Economic Development and Communities Cabinet Committee
– 22 November 2022

Subject: Gypsy and Traveller Site Pitch Allocation Policy Update

Classification: Unrestricted

Electoral Divisions: All divisions

Summary: The Gypsy and Traveller Site Pitch Allocation Policy underpins Kent County Council's aim to provide a safe environment for Gypsy and Traveller communities to live and thrive in Kent. This report informs the Cabinet Committee about the proposed updated policy that will be used to establish an applicant's need for a pitch on a Kent County Council owned Gypsy and Traveller site and how pitches will be allocated to ensure fairness and consistency. The draft policy has had informal input from a number of key stakeholders to ensure it is appropriate, fair, and fit for purpose ahead of Member endorsement of the draft preceding formal consultation with wider stakeholders.

Recommendation(s): The Cabinet Committee is asked to comment on the updated draft Gypsy and Traveller Site Pitch Allocation Policy for formal consultation.

1. Introduction

- 1.1 KCC owns and manages seven sites across the County which are used to accommodate the Gypsy and Traveller community and manages a further two on behalf of Maidstone Borough Council until the end of the 2022/23 financial year.
- 1.2 There is a variety of legislation in force which impacts on the requirement of councils to provide support to gypsies and travellers, and where sites for gypsies and travellers are provided. The Mobile Homes Act 2013 provides security of tenure to residents of mobile home sites where they own the home they live in and rent the pitch from the site owner. From April 2011, this included all local authority Gypsy and Traveller sites.
- 1.3 A public Gypsy and Traveller pitch can be viewed as the equivalent to social rented housing and is for Gypsies and Travellers only, who cannot meet their accommodation need via private provision.
- 1.4 It evolved through several member decisions historically (circa 1960s) that KCC would provide accommodation sites for the Gypsy and Traveller community. Whilst there is no statutory responsibility on KCC to provide sites, the provision from KCC does assist District and Borough Councils in meeting their statutory responsibilities.
- 1.5 As KCC has provided these sites for a number of years, KCC is obliged to maintain the site from a landowner/landlord perspective and that all maintenance and council-led services should be provided by the Owner.

- 1.6 KCC currently owns and manages seven sites designated for gypsy and traveller accommodation providing 128 pitches of varying size at the following locations:

Site	Address	Pitches
Aylesham Caravan Park	Dover CT15 4LS	14
Barnfield Park Caravan Park	Sevenoaks, TN15 7LY	35
Coldharbour Caravan Site	Aylesford, ME20 7NZ	26
Greenbridge Park	Canterbury, CT1 1YZ	18
Polhill Caravan Site	Polhill, TN14 7BG	7
Three Lakes Caravan Site	Sittingbourne, ME10 3NL	14
Windmill Lane Caravan Park	West Malling, ME19 6PQ	14

2. Background

- 2.1 The Kent County Council Gypsy and Traveller Site Pitch Allocation Policy was last updated in 2012 and it sets out how the County Council will establish an applicants need for a pitch on a site it owns, and how vacant plots will be allocated. The current version is published on the Kent County Council website and is actively used to inform pitch allocation.
- 2.2 This policy is pivotal to the good management of our sites and to ensure that our sites provide a safe environment for Gypsy and Traveller communities.
- 2.3 The current policy is out of date and in need of a review and refresh to ensure that it includes learnings from recent enforcement and compliance actions, as well as good practice adopted by other Local Authority Gypsy and Traveller teams.
- 2.4 There have been two attempts historically to update the Pitch Allocations Policy. The first went out for public consultation in 2017 but was withdrawn after an unsupportive reaction from the community, and the second time was in 2019. On this occasion the draft policy was agreed by Environment and Transport Cabinet Committee but was paused until a further policy for public consultation was ready. During this work, several issues were then identified which have taken time to resolve and have been included as appropriate in the draft policy attached.

3. The New Policy

- 3.1 The updated draft aims to strengthen the current allocation process, and by requesting supporting documents and formalising the inclusion of due diligence checks, it aims to drive out false applications, fraud and overall, minimise the number of enforcement and compliance actions that are needed to ensure continuous good management of sites.
- 3.2 It also includes the introduction of a deposit for each pitch which will be the equivalent of two weeks' pitch rent. This is a practice adopted by a number of other Local Authorities (including East Sussex County Council, Dorset County Council, Essex County Council and Herefordshire Council) and the rate of deposit varies between

each Authority. The deposit will provide some limited reimbursement to Kent County Council when a resident absconds from site, either leaving behind waste, owing rent arrears to the Authority, or causing damage when leaving.

- 3.3 The draft also proposes to exclude applications from those who set up an unauthorised encampment on Kent County Council land (including highways) within the last three years. This is to act as a deterrent to the few seeking to force allocation of a pitch on one of the County Council owned sites by intentionally setting up roadside encampments.
- 3.4 It should be noted that the new draft policy is longer than the current published one, and this is because it is intended to remove any ambiguity or vagueness that exists in the current version. It is essential that applicants can understand the whole process and the expectations on them as well as how Kent County Council will process their application.
- 3.5 The draft policy can be found in Appendix 1, with the draft application form and points allocation attached in Appendix 2 and 3 respectively.

4. Pre-Consultation Activity

- 4.1 As part of the work drafting the new policy, several partners were contacted and asked to provide feedback on the draft. Responses were received from:
 - Internal Kent County Council services – Internal Audit, Counter Fraud and the Public Protection Intelligence Team
 - Dartford Borough Council and Tunbridge Wells Borough Council as Local Authorities in Kent who also provide accommodation for Gypsy and Travellers
 - East Sussex County Council as a neighbouring Authority who has a well-managed portfolio of Gypsy and Traveller Sites
 - London Gypsies and Travellers, which is an organisation which challenges social exclusion and discrimination, working for change in partnership with Gypsies and Travellers. They work with the Gypsy and Traveller community and a range of trusted partners to contribute to the development of local, regional, and national policy.
- 4.2 The responses received were supportive of the new strengthened approach and identified opportunities and suggestions to make the policy more robust. All recommendations were considered individually and adopted.

5. Formal Consultation Plan

- 5.1 Working with a dedicated Engagement and Consultation Development Officer, a formal consultation plan has been established to meet the needs of the key groups we wish to consult with.
- 5.2 Based on the results of the EqIA, it is felt that this consultation is a medium risk consultation.
- 5.3 The proposed timeline for the formal consultation is:

Launch consultation	Wednesday 30 th November 2022
Consultation period - 10 weeks (eight plus two to mitigate for consultation running through Christmas).	
Close consultation	Tuesday 7 th February 2023
Analysis and reporting - 6 weeks	
Final approval sought at GEDCCC	Tuesday 16 th May 2023

6. Legal Implications

The draft policy has been written with due regard to the following:

- Mobile Homes Act 1983 (as amended)
- Housing Act 2004
- Human Rights Act 1998
- Equality Act 2010

External legal advisors have been engaged as part of the consultation process and will be providing legal scrutiny to the draft policy and appendices.

7. Equality Impact Assessment

7.1 Screening of the project has not highlighted any significant direct negative impact on any of the protected groups. However, some specific areas for consideration have been highlighted which predominantly focus around making the consultation and application process accessible to all. Support for both processes will be available from the KCC Gypsy and Traveller Service.

7.2 The complete Equality Impact Assessment can be found in Appendix 4.

8. Data Protection Implications

8.1 The new application form to support the Draft Pitch Allocation Policy includes updated consent statements which meet the consent requirements of the Data Protection Act 2018. The consent statements are clear and unambiguous.

8.2 Only the necessary amount of personal data which allows the fair and consistent processing of applications is gathered as part of the Pitch Allocation Policy. A Data Protection Impact Assessment has been submitted to the Data Protection Officer for approval to support the revised policy.

9. Finance Implications

9.1 There are no negative financial implications to the draft Pitch Allocation Policy; however, the introduction of the deposit scheme will provide some limited reimbursement to Kent County Council when a resident absconds from site, either leaving behind waste, owing rent arrears to the Authority or causing damage when leaving.

10. Recommendation(s)

Recommendation(s): The Cabinet Committee is asked to comment on the updated draft Gypsy and Traveller Site Pitch Allocation Policy for formal consultation.

11. Appendices

- Appendix 1 – Draft Gypsy and Traveller Pitch Allocation Policy
- Appendix 2 – Draft application form
- Appendix 3 – Draft Points Allocation Criteria
- Appendix 4 - EqIA:
<https://democracy.kent.gov.uk/documents/s115086/GypsyTravellerPitchAllocationPolicyEqIA.doc.pdf>

12. Contact details

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