

By: Oliver Mills, Managing Director, Kent Adult Social Services
To: Gypsy and Traveller Advisory Board – 2 September 2008
Subject: **SECURITY OF TENURE ON PUBLIC TRAVELLER SITES**
Classification: Unrestricted.

Summary: Bringing the Board up to date on new legislation and the plans for consultation on its details, and its implementation and the impact for Kent Gypsies and Travellers.

Background

1. (1) Since 1983, when the Mobile Homes Act was passed, publicly-provided sites for Gypsies and Travellers have been regulated by a different law from other publicly-provided caravan sites, and private or Park Home sites.

(2) This has resulted in challenges to the different treatment of Gypsies and Travellers, most notably in the successful European Court of Human Rights case of Connors in 2004, and the recent House of Lords decision of Doherty, where judgement was handed down on 30 July 2008.

(3) As a result of the Connors case, the Government agreed to make further improvements to the law on this subject, to promote equal treatment.

The effect of the new Act

2. (1) The Housing and Regeneration Act received the Royal Assent on Tuesday 22 July 2008.

(2) Section 318 of the Act allows the Mobile Homes Act 1983 to apply to caravan sites for Gypsies and Travellers provided by local authorities, whether managed directly or under contract.

(3) The Act also allows the Secretary of State to change the way that the 1983 Act applies to such sites, by regulations, after consultation.

Consultation on the details of the changes

3. (1) It is understood that the Communities and Local Government Department (CLG) will produce a consultation paper in August 2008, seeking views on any changes needed, primarily, over the right to assign plots and sell on caravans (both of which the 1983 Act allows) and rights to succession.

Impact on current licensees of public sites

4. (1) The changes to security of tenure are retrospective, so all current licence agreements will need to change, whenever they were entered into.

(2) There are plans for a standard tenancy or licence agreement, to be drawn up by the Communities and Local Government Department, in consultation with stakeholders affected, and then recommended to all public or socially renting site providers of such sites.

(3) It is very likely that there may be a need for local consultation with current public site licensees on the changes, before, with any amendments, they come into effect.

Timescale of change

5. (1) This is not yet clear, but it may be that the above process will enable the changes to be brought into force on 1 April 2009.

Recommendations

6. (1) Members are asked to NOTE and COMMENT on the contents of the report.

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

Background Documents: None