

By: Oliver Mills, Managing Director, Adult Social Services

To: Gypsy and Traveller Advisory Board – 22 April 2008

Subject: **LEGISLATION, POLICY AND PRACTICE CHANGES FROM CENTRAL GOVERNMENT**

Classification: Unrestricted.

Summary: News of a number of current and future legislative changes, policy developments and practice guidance documents which will impact on KCC and/or District Councils in Kent and/or Gypsies and Travellers

Introduction

1. As a result of the Policy Review by central government on this subject area 2003/5, and developments since then on the subject of Gypsies and Travellers as well as caravan sites and Park Homes policy as well, there are a number of changes planned or taking place which this item addresses.
2. Details of most of them are available on the following weblink:
<http://www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/>

Security of Tenure

3. At the last meeting of this Board on 30 November 2007, it was reported that security of tenure for people on public Gypsy and Traveller sites was to be extended so that the Mobile Homes Act 1983 would apply to such sites, for the first time.
4. The proposed changes will have a significant impact on the management of the 17 current publicly-provided caravan sites for Gypsies and Travellers in Kent and Medway, eight of them managed by KCC's Gypsy and Traveller Unit, one by Medway Council and eight by individual district councils.
5. The specific changes which will happen, if the proposed changes are agreed by Parliament as part of the current Housing and Regeneration Bill include those which follow:
 - a) Licensees on public sites are likely to become tenants, especially if a new model agreement is devised nationally for these sites. Of itself, this does not make a difference to their security of tenure, but it means that they would have "an interest in the land" and therefore be in a similar position to tenants of social housing, for the first time.
 - b) Tenants/Licensees will have a right to assign their plot to someone else. This has considerable implications for waiting-lists for sites, and allocation arrangements made by each authority running them. It will give site providers less opportunity to

accommodate those on waiting-lists on sites that are managed, and make new sites much more important to accommodate new demand from families not linked to current sites. It also potentially increases the risks of people selling on their pitch and yet still requiring accommodation.

- c) Other people living on plots when a licensee/tenant dies will have rights to succession to the plot, for the first time on these sites.
- d) Rents for sites will not be able to be raised, without full justification being given, including reference to the Retail Price Index and expenditure incurred on the site and other factors which have increased provider costs. Bearing in mind the history, since 2001, of Housing Benefit not necessarily paying the reasonable rents charged by KCC, this has important implications

Park Home Model Standards

- 6. These standards were published around 7 April 2008 by the Communities and Local Government department. The introduction says that “The standards ... do not apply to sites occupied by gypsies or travellers or caravan sites which house agricultural workers”, but licensing authorities (district councils) must “have regard to them” in the licensing of all other caravan sites in Kent.

Review of Caravan Site Licensing

- 7. The Government is committed to a review of the system of caravan site licensing, which has implications for most caravan sites in Kent, and there will be a consultation on the proposals, probably this summer or autumn.

Site Management Guidance

- 8. Board Members contributed to the consultation on this document, which is due to be published, in final form on 15 May 2008.
- 9. Much of the best practice on Kent and Medway sites is likely to be included in the final document.

Site Design Guidance

- 10. Board Members contributed to the consultation on this document, which is due to be published, in final form on 15 May 2008.
- 11. The document will be significant for new site developments being pursued in Kent and Medway at the moment.

Grant Funding for new site provision and refurbishments

- 12. £97m is being made available by Government 2008/2011 for new sites (at a rate of 100% grant aid) and refurbishments (at 50% grant). South East Region is being allocated £5-6m in each of these three years.

Bidding Guidance for new Grant

13. This is now available on the web, and is highly relevant for bids currently being worked up within Kent and Medway authorities.

Registered Social Landlords (RSL) involvement

14. As part of the government initiatives, there is a desire that RSLs (mainly housing associations) should be encouraged to be involved in the development and management of sites. KCC and Swale Borough Council have taken the initiative in inviting Swale Housing Association to be on the Board for the Three Lakes Project.
15. A guide for RSLs on this subject may follow in due course from government.

Conclusions

16. There are clearly major changes taking place to improve and update both the legislation and the policy underlying caravan site development and management, including those specifically for Gypsies and Travellers.
17. A key issue is the extent to which regulation applies to both private and publicly-run Gypsy and Traveller sites, where the regulatory framework is very much still behind that for caravan sites generally.
18. Representations about this have been made to the LGA and CLG, who are beginning to address some of the issues.
19. Other groups who are left quite out of the reckoning are migrant and other farm workers, increasingly living on farms in Kent and other rural areas of England.

Recommendations

20. Members of the Gypsy and Traveller Advisory Board are asked to:
 - a) Endorse this report, with the implications of the changes for KCC and other Kent and Medway authorities and other stakeholders in the process.
 - b) Agree that a further report be produced, once the legislation and guidance on security of tenure is finalised by Government.
 - c) Agree that representations continue to the Local Government Association and Government on the importance of model standards being extended to all those who live on permanent caravan or mobile home sites, including gypsies, travellers and agricultural workers

Background Papers: None

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