



# **Gypsy and Traveller Sites**

## **Select Committee Report**

May 2006





## Foreword



On behalf of the Select Committee, I am pleased to present this report on Gypsy and Traveller sites. This report concentrates on the difficult and contentious issue of site provision for Gypsies and Travellers in Kent.

Through meeting a wide range of stakeholders and gathering evidence, it was surprisingly apparent that there was a high degree of consensus over the need for increased provision of sites for Gypsies and Travellers. The contention lies in regard to where sites are located.

The process involved in producing this report has been a real learning experience for all Members of the Select Committee. We were privileged to have the opportunity to undertake a number of visits where we learned first hand about the experiences of Gypsies and Travellers.

One of the most memorable and enjoyable visits was meeting sixteen Gypsy and Traveller young people who attended Sittingbourne Community College. This really placed in context the important Community Leadership role that local authorities have in ensuring that there is sufficient authorised accommodation for Gypsies and Travellers in Kent. Gypsy and Traveller young people, like all young people, need a stable environment in which to fully develop into adulthood. We have a responsibility to these young people and to all of our young people to work towards long-term sustainable solutions.

The recommendations in this report are part of these solutions, through reducing the number of unauthorised encampments and developments in Kent and increasing provision for Gypsies and Travellers. The increased provision of authorised sites is vital for both Gypsies and Travellers and the settled population.

This report reflects the views of all my colleagues on the Committee on a cross party basis. Finally, I would like to thank my colleagues on the Committee, particularly my District Council colleagues for their participation and all those who gave up their time to give evidence.

*Mr Fullarton, Chairman of the Select Committee*



# Contents

---

		<i>Page</i>
<b>1</b>	<b>Executive Summary</b>	<b>1</b>
<b>2</b>	<b>Background Context</b>	<b>6</b>
<b>3</b>	<b>Legislative and Planning Context</b>	<b>10</b>
<b>4</b>	<b>Current Provision and Demand Levels</b>	<b>17</b>
<b>5</b>	<b>Site Management</b>	<b>28</b>
<b>6</b>	<b>Unauthorised Encampments and Developments</b>	<b>36</b>
<b>7</b>	<b>Public Concerns</b>	<b>43</b>
<b>8</b>	<b>Strategic Considerations</b>	<b>48</b>
<b>Appendices</b>		
<b>1</b>	<b>Evidence</b>	<b>50</b>
<b>2</b>	<b>Glossary of Terms</b>	<b>52</b>
<b>3</b>	<b>Local Authority Site Provision in Kent</b>	<b>54</b>
<b>4</b>	<b>Caravan Count Jan 2005</b>	<b>55</b>
<b>5</b>	<b>South East Authorised Sites Jan 2005</b>	<b>56</b>
<b>6</b>	<b>South East Unauthorised Sites Jan 2005</b>	<b>57</b>
	<b>References</b>	<b>58</b>



# 1. Executive Summary

---

## 1.1 Committee Membership

The Select Committee consisted of seven Members of the County Council, five Conservative and two Labour. The County Members agreed to co-opt five further Members onto the Committee to ensure representation from District Councils and Medway Authority. Representatives from the Districts filled four of these five co-opted places.

### Kent County Council Members (County Councillors)



Mrs. Ann Allen



Mr. Andrew Bowles



Mr. Mark Fittock



Mr. John Fullarton  
(Chairman)



Mr. Tom Maddison



Ms. Brenda Simpson



Mr. Mike Snelling

### District and Borough Members (Councillors)



Cllr Lee Croxton,  
Gravesham Borough  
Council



Cllr Brian Luker,  
Tonbridge and Malling  
Borough Council



Cllr Richard Lusty,  
Maidstone Borough  
Council



Cllr Robert Taylor,  
Ashford Borough  
Council



## 1.2 The Terms of Reference

The Terms of Reference for this Select Committee Topic Review were to examine: -

- Current provision and location of Kent's Gypsy sites.
- New duties on, and powers for, local authorities and police, and new government policies and how they will apply in Kent.
- Demand for and use of current residential sites both public and private – and an update on district assessment of current and future need.
- Need for transit sites, and who should provide them: how, where and for whom?
- Management of and concerns about unauthorised camping.
- Management of and concerns about unauthorised development.
- Public concern about the issues and how to reduce it effectively.

1.3 The Committee received evidence from a wide range of stakeholders, including the Gypsy and Traveller community, the Police, the KCC Gypsy Unit, other local authorities and the public. A full list of witnesses, who attended Select Committee hearings, visits made and written evidence received is shown in Appendix One.

1.4 There were a number of drivers for establishing this Select Committee. Critically the Select Committee was formed in response to the proposed national changes in regard to the planning process for Gypsies and Travellers. This Select Committee report will assist Kent County Council (KCC) and partners in the implementation of these changes, which have significant implications for Kent and the rest of England.

1.5 Over the past few years there has been increased partnership working between Kent local authorities in regard to dealing with unauthorised encampments and issues generally. The opportunity for further collaboration exists and it is hoped that one of the benefits of this Select Committee will be to contribute to this.

1.6 Local politicians and local government have a critical role in community leadership, in finding and implementing long-term solutions that are acceptable to both the settled population and Gypsies and Travellers. The work of the Select Committee and its recommendations are part of the process in reaching these solutions.

1.7 The review has looked at five main areas:

- The impact of national government guidance and legislation
- Current provision and demand
- Site management issues
- Unauthorised encampments and developments
- Public concerns.

**1.8 Select Committee Recommendations**

- 1. For KCC, in partnership with all Kent local authorities, to take joint responsibility for the establishment of a network of transit sites across Kent. For KCC to co-ordinate the submission of funding bids to the regional housing fund for January 2007 and subsequent bidding opportunities, where appropriate and sustainable. (Page 22, 4.5.10)**
- 2. For Kent local authorities to investigate ways to facilitate growth in the number of self-owned, self-leased and self-managed private sites, within the existing planning and legislative framework. (Page 23, 4.6.4)**
- 3. For the KCC Gypsy Unit to investigate the situation of Irish Travellers in Kent, regarding access to local authority sites, and to monitor and report on the pitch occupancy rate on public sites. (Page 25, 4.7.8)**
- 4. For KCC to facilitate the sharing of best practice between Kent local authorities, over the needs assessment processes, including addressing future needs. (Page 28, 5.1.4)**
- 5. All Transit and permanent site provision in Kent should have amenities and services, including boundary fencing, hardstanding on each pitch, water supply, toilet and washing facilities, waste disposal and electricity supply and ensure adequate health and safety measures are taken. (Page 30, 5.2.5)**
- 6. Where transit sites are to be provided in Kent by the district authorities, KCC should offer its expertise in managing sites that have special challenges. (Page 31, 5.3.5)**
- 7. For all Kent local authorities, to increase the involvement and responsibility of Gypsy and Traveller residents in site management arrangements. (Page 32, 5.4.6)**

- 8. For KCC, in consultation with district authorities, to consider having a residential 'gatekeeper' on transit sites in Kent. (Page 33, 5.5.3)**
- 9. For Kent local authorities to ensure that any new transit sites in Kent should be self-financing, with rent charged on sites. The revenue costs for the running of transit sites should be shared between KCC and the relevant District/Borough Councils. (Page 34, 5.6.5)**
- 10. For KCC, with district authorities, to lobby the Department of Work and Pensions to address the difference in the treatment of County Councils (as if they were profit-making landlords) in comparison to housing authorities. This is in the context of the Department of Work and Pensions meeting the full reasonable rent of claimants in receipt of housing benefit who reside on Gypsy and Traveller sites. This is in order to ensure that County Councils and Housing Associations who provide and manage public sites are not forced to subsidise the costs of provision. (Page 35, 5.7.6)**
- 11. For KCC, with district authorities, lobby the government to provide sufficient resource to ensure that unsuccessful retrospective planning applications can be dealt with in weeks rather than years. (Page 42, 6.9.14)**
- 12. For Kent local planning authorities to consider the importance of ensuring that temporary applications are refused in situations where there are material objections, along the same lines as dealing with permanent permission applications. (Page 42, 6.9.14)**
- 13. For Kent local planning authorities to consider the importance of ensuring that, where rural exception policies are included within Local Development Frameworks, there is a need to ensure that they are tightly drafted to mitigate any potential increase in planning applications on these grounds. (Page 42, 6.9.14)**
- 14. KCC to facilitate the establishment of a Countywide partnership group, which will work to share best practice and information to reduce and tackle Unauthorised Developments. (Page 42, 6.9.14)**
- 15. For the KCC Gypsy Unit and Trading Standards to demonstrate increased collaboration in effectively reducing the practice of rogue trading, including more effective strategic and operational data sharing. (Page 45, 7.4.8)**
- 16. For KCC, with district authorities, to lobby the government, to ensure that there is stronger multi-agency working to tackle any criminality or tax evasion in transient populations. (Page 47, 7.5.9)**

- 17. For KCC to facilitate the establishment of a joint Kent and Medway Authority group, to address the accommodation needs for Gypsies and Travellers. The primary objective of this group is to address the accommodation needs that are identified. It will also provide a vehicle for consultation and a sub-regional approach for applying for funding. In addition, it will consider the revenue cost implications linked to site provision, with a view to pooling resources. (Page 49, 8.5)**
- 18. For the KCC Gypsy Unit to be renamed as the 'Gypsy and Traveller Unit', in order to reflect the role of the Unit in working with all Gypsies and Travellers. (Page 49, 8.5)**

## 2. Background Context

---

- 2.1 Gypsies and Travellers are a long established ethnic group in Britain. Their histories and traditions stretch back many hundreds of years. There are three broad groupings of Gypsies and Travellers in England: English (Romany) Gypsies, Irish Travellers and New Travellers. Romany Gypsies were first recorded in Britain in the 16<sup>th</sup> century, having migrated across Europe from an initial point of origin in Northern India. Many Irish Travellers came to England in the 19<sup>th</sup> century (during the potato famine) and in greater numbers from 1960 onwards.<sup>1</sup> Romany Gypsies and Irish Travellers are recognised by case law under the Race Relations Act 1976.
- 2.2 The total Gypsy/Traveller population in England is unknown. Estimates range between 90,000 and 300,000 for the United Kingdom, with the majority residing in England. The latter figure of 300,000 equates to an estimated 0.6% of the UK population.<sup>2</sup> There are uncertainties due to different definitions and the lack of data. The 2001 national census, which is the basis for most population data, did not include the legally recognised categories of Romany Gypsy and Irish Travellers on the Census form. Although there is little information on Gypsies and Travellers who live in settled accommodation it has been estimated that it may be up to 200,000 people.<sup>3</sup> This figure equates to over 50% of the Gypsy and Traveller national population living in permanent housing. Recent caravan count figures show that there are around 15,000 Gypsy caravans, with around three-quarters of these on authorised sites. The overall need for Gypsy and Traveller sites is therefore statistically tiny in comparison to the overall UK population, however this need has often proved extremely difficult to meet.
- 2.3 For Gypsy and Traveller accommodation issues, it is important to recognise the wider social context. National evidence shows that Gypsies and Travellers are significantly disadvantaged in regard to health and education. Ms Banks, ODPM, provided the Select Committee with some key statistics:-
- Over 17% of Gypsy and Traveller mothers experience the death of their child compared to less than 1% from the wider community.

---

<sup>1</sup> P143. P Niner. March 2004. *Accommodating Nomadism?*, <http://sca.lib.liv.ac.uk/collections/gypsy/travell.htm>

<sup>2</sup> P5 ODPM Select Committee Report quotes figures between 90-120,000. The figure of 0.6% of population is widely used, quoted within report to GTAB on 27 July 2005.

<sup>3</sup> P43. ODPM Select Committee Report

- Nearly 50% of the Gypsy and Traveller community report long-term illness compared to 18% of the general population.
- 30% of Irish Traveller children and 13.5% of Gypsy children achieve 5 grade A-C GCSEs compared to 51% of the general population.

2.4 Ofsted has highlighted that Gypsy and Travellers are the minority ethnic group most at risk of underachievement in education, this is evidenced locally in Kent<sup>4</sup>. The reasons for this underachievement are complex. Mobility is an issue, however it is important to remember that the majority of Gypsies and Travellers are in housing.

## 2.5 Kent Context

Based upon national estimates of the total Gypsy/Traveller population it can be estimated that there are a total of 9,600 Gypsy/Travellers residing in Kent, out of the overall Kent population of 1.6 million.<sup>5</sup>

Only a minority of the local Gypsy and Traveller population is nomadic. It is important to recognise that an estimated 70% of the Gypsy and Traveller population in Kent is estimated to live in settled housing or on sites.<sup>6</sup> Gypsies and Travellers have a long tradition of travelling in Kent due to historical agricultural links within the area. Kent, as a large shire, contains at any one time about 700-750 caravans.

## 2.6 Definitions

2.6.1 There is an enormous amount of debate and confusion around the definition of who are the 'real Gypsies and Travellers'. The government applies different definitions to different policies. Although there may be valid reasons for this, it does add to the confusion. The definition is of importance due to the consequences or policies that result from such definitions.

2.6.2 For example, in the planning system the definition is of central importance in determining the validity of applications. The government has issued a revised definition for the purposes of planning in the new planning circular. The implications of the planning circular are outlined in section 3.

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their*

---

<sup>4</sup> KCC Strategic Director, Education & Libraries. 'Education of Traveller Children' Report to Select Committee. Oct 2005.

<sup>5</sup> 0.6% of the total Kent population.

<sup>6</sup> P2. Item B1, *Gypsies and Travellers in Kent*. GTAB 27 July 2005

*family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."*<sup>7</sup>

- 2.6.3 The Government issued a consultation on the definition of the term 'gypsies and travellers' for the purposes of the Housing Act 2004. Within this consultation the proposed definition is:

*"Persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism and/or caravan dwelling."*<sup>8</sup>

- 2.6.4 The Select Committee is pleased to see that the planning circular has removed from the definition of Gypsies and Travellers the phrase *"cultural preference for living in caravans"*. In KCC's response to the ODPM consultation it was explained that this wording would have increased the likelihood of an unjustifiable number of people claiming to have "exceptional" status in the planning sense.

- 2.6.5 The Select Committee also notes that the new definition in the consultation document for the purposes of the Housing Act 2004 is wider than the planning definition as it also includes *"all other persons with a cultural tradition of nomadism and/or caravan dwelling"*. The Select Committee heard evidence from the ODPM that the housing definition would not impact upon the planning process, as planning applications would only be assessed using the planning definition.

- 2.6.6 The KCC Gypsy Unit currently uses the legal definition of Gypsy for the management of sites, this is that *"a gypsy is a person of nomadic habit of life, whatever their race or origin"*.<sup>9</sup> The ability of Gypsies and Travellers to maintain a mobile lifestyle is key to their definition in law, however it has become increasingly difficult and many have chosen to settle. Work patterns have changed and legal stopping places have declined, this situation is recognised by KCC and reflected within KCC's response to the ODPM consultation on the draft planning circular.<sup>10</sup>

- 2.6.7 For the purposes of this report the term 'Gypsies and Travellers' will reflect the definition provided by KCC in its response to the ODPM draft planning

---

<sup>7</sup> P6. ODPM. 2 Feb 2006. *Planning for Gypsy and Traveller Caravan Sites*. Planning Circular 01/2006.

<sup>8</sup> P10. ODPM 2 Feb 2006. Consultation on Definition of the term 'gypsies and travellers'

<sup>9</sup> Ibid

<sup>10</sup> Kent County Council. *Planning for Gypsy and Traveller Sites Circular*. 17 March 2005

circular. This is on the basis that the Select Committee believes that the KCC definition is useful due to the focus on ensuring that definition is evidence based. The inclusion of the words 'evidence based' is lacking within the latest government versions.

*“a person or persons who have an evidence based cultural tradition of living in caravans and who either pursue a nomadic habit of life in caravans or have pursued such a habit but have ceased travelling, whether permanently or temporarily, but not including Members of an organised group of travelling show people or circus people, travelling together as such.”*

2.6.8 However, it must be remembered that many of the witnesses and written evidence submitted to the Committee have different interpretations of term 'Gypsies and Travellers' and this is reflected in their contributions.

2.7 This report has considered the situation of New Age Travellers and travellers from mainland Europe. However, it became apparent at an early stage that there is no evidence of any significant numbers of these groups residing within Kent on unauthorised encampments. Evidence from the KCC Gypsy Unit who collate data from the districts showed that currently there are no known caravan encampments (authorised or unauthorised) in Kent by New Age Travellers or travellers from mainland Europe. This is in contrast to other counties such as East Sussex where there seem to be significant numbers of New Age Travellers, perhaps due to the attraction of Brighton.<sup>11</sup>

2.8 It is likely that some Roma enter Kent from mainland Europe as asylum seekers, however they reside in housing accommodation. Consequently, this is beyond the scope of this report as the focus of this review is to examine the issues surrounding site provision.

---

<sup>11</sup> Ben Hunter, Lewes District Council - Site Visit 071105



### **3. Legislative and Planning Context**

---

#### **3.1 History of Key Legislation and Policy**

In examining issues relating to Gypsies and Travellers, it is important to take into account the current and historical context of legislation and policy. A brief outline of the key legislation is provided in regard to the following Acts:

The Caravan Sites and Control of Development Act 1960  
The Caravan Sites Act 1968  
Criminal Justice and Public Order Act 1994 (CJPOA)  
Housing Act 1996  
Human Rights Act 1998  
Race Relations Act 1976 and Race Relations Amendment Act 2000  
Homelessness Act 2002  
Housing Act 2004

#### **3.2 The Caravan Sites and Control of Development Act 1960**

Under section 24 of this Act, local authorities were given discretionary powers to provide caravan sites, but there was no mandatory duty. Caravans were prohibited from common land. This led to a reduction in the number of places where Gypsies could stop.

#### **3.3 The Caravan Sites Act 1968**

This Act, which came into force in April 1970, placed a duty on County Councils and districts to provide accommodation for Gypsies residing in and resorting to their areas. The Act required counties to assess the level of provision required, and to acquire the land. In Shire counties districts were responsible for the development and management of sites. If the Secretary of State deemed adequate provision to have been made, counties (and later individual districts) could apply to be 'designated'. This gave them increased powers to deal with illegal encampments. There was no time-scale given for local authorities to make provision and some authorities failed to meet their obligations. The Secretary of State could direct a county to make adequate provision of sites but these powers were rarely used. In non-county areas, similar, but more limited, duties were placed on London and county boroughs.

### 3.4 Criminal Justice and Public Order Act 1994 (CJPOA)

3.4.1 Section 80 of this Act repealed the duty imposed on Councils by the 1968 Act to provide sites. Grant aid for the provision of sites was also withdrawn.

3.4.2 Further sections of the Act dealt with police and local authority powers to remove unauthorised campers. Section 61 of the Act confers a power, not a duty, on the police to remove trespassers from land. It can be used when two or more people are trespassing on land and one of the following tests is satisfied:

- They have six or more vehicles
- Where they have damaged land or property
- Where there has been threatening/abusive/insulting behaviour used against the occupier, or the family or agent and where the landowner has asked them to leave (and they have failed to do so).

The exercise of this power is at the discretion of the most senior police officer Present at the encampment. However, before this power can be enacted the specific criteria contained within the legislation have to be met and then only after welfare issues have been considered.

3.4.3 Section 62A-E of the Act is a recent police power, added in 2004, but it will only be useable in Kent once there are other vacant pitches available. The legislation provides the police with a power to direct even a small number of trespassers to leave land and to remove any vehicles and other property from the land. This is in situations where there is a *suitable pitch* available on a *relevant caravan site* elsewhere in the local authority area (in Kent this relates to the Kent County Council or Medway Local Authority area). Where a direction has been given to a person it is an offence for that person to fail to leave the land as soon as reasonably practicable or to enter any land in the local authority area as a trespasser within 3 months of the direction being given.

The power may be used where: -

- at least two persons are trespassing
- the trespassers have between them at least one vehicle
- the trespassers are present on the land with the common purpose of residing there for any period
- It appears to the officer that the person has one or more caravans in his possession or under his control on the land, and that there is a *suitable pitch* on a *relevant caravan site* for that caravan or each of those caravans.

- the occupier of the land (i.e. the freehold owner or lessee), or a person acting on the occupier's behalf has asked the police to remove the trespassers from the land<sup>12</sup>

3.4.4 The authority, as a landowner, can use civil powers and Sections 77 and 78 of the 1994 Act. Section 77 gives the local authority power to direct unauthorised campers to leave the land and remove vehicles and any other property they have with them on the land.

3.4.5 Under section 78, a magistrates' court may make an order requiring the removal of any vehicle or other property which is present on the land and any person residing in it.

### **3.5 Housing Act 1996**

This Act defined a person as homeless if they have accommodation but: -

- Can not secure entry to it, or it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where they are entitled or permitted both to place it and to reside in it. Consequently Gypsies on unauthorised sites are, by law, homeless.

### **3.5 Homelessness Act 2002**

By July of 2003, all local authorities were required to develop housing strategies that reviewed and predicted levels of homelessness within the authority's area. The strategy is required to ensure there is sufficient accommodation for all homeless people in the area and to prevent and reduce future homelessness. Very few such policies mention Gypsies and Travellers and their accommodation needs.

### **3.6 National Equalities Legislation**

The key equality legislation to take into account includes the Race Relations Act 1976, the Amendment Act of 2000 and the Human Rights Act 1998.

3.6.1. *The Race Relations Act 1976, and Race Relations (Amendment) Act 2000*  
- this Act places a duty on public authorities, including local authorities, to eliminate unlawful discrimination and promote equal opportunities and good race relations. The Act requires local authorities to assess the

---

<sup>12</sup> ODPM, Supplementary Guidance on Managing Unauthorised Encampments, March 2005

impact of any proposed policies on all ethnic minorities; to have due regard to the need to eliminate unlawful racial discrimination, and to promote equality of opportunity and good relations between persons of different racial groups. Gypsies were recognised as an ethnic minority in 1989, and Irish Travellers in 2000, by decided cases in those years.

3.6.2 *The Human Rights Act 1998* - this Act came into effect in October 2000 when provisions of the European Convention on Human Rights were incorporated into UK law. The Act makes it unlawful for a public authority to act in breach of Convention Rights unless it could not have acted differently under reasonable and justifiable primary legislation. Any interference with a Convention Right must be proportionate to the objective in question and must not be arbitrary, unfair or oppressive.<sup>13</sup>

### 3.7 Unauthorised Developments

Planning legislation is the main tool to tackle unauthorised developments on land owned by Gypsies and Travellers. There are a variety of enforcement measures that can be used by Local Planning Authorities to tackle unauthorised developments. They include the following: -

- **Temporary Stop Notices** (TSNs) can be used to stop or limit further development for 28 days, without first having had to serve an enforcement notice.
- **Enforcement notices** but these are subject to appeal or retrospective consent.
- **Stop notices** - which can only be issued after enforcement notices have been issued - stop further development, they may in exceptional cases, require removal of caravans; there is no right of appeal, and it is an offence to breach a stop notice.
- **Eviction** - by Direct Action - is possible at the end of the enforcement notice compliance period; usually only after a long process of court hearings; this uses powers under s178.
- **Injunctions** can be sought at any point and failure to comply can mean prison, these have been effective in support of TSNs.

---

<sup>13</sup> Articles 1, 8 and 14 are the most pertinent to Gypsies and Travellers.

### 3.8 National and Local Policy Developments

3.8.1 There are two elements within the government's current strategy to deal with issues relating to Gypsies and Travellers. Its stated aim is to: -

*"reduce tensions between Gypsies and Travellers and the settled community, through sustainable site provision and effective enforcement."*<sup>14</sup>

3.8.2 On 2 February 2006 the Office of the Deputy Prime Minister published a series of key documents with significant implications for local authorities in dealing with Gypsies and Travellers. These are outlined below:

- Planning for Gypsy and Traveller Caravan Sites. Planning Circular 01/2006
- Gypsy and Traveller Accommodation Assessments - Draft practice guidance
- Guide to responsibilities and Powers
- Guide to effective use of enforcement powers
- Definition of the term 'gypsies and travellers' for the purposes of the Housing Act 2004

3.8.3 The assessment of Gypsy and Traveller accommodation need is a statutory requirement under the Housing Act 2004 and is due to come into force in 2006. This also requires local authorities with housing responsibilities (which in Kent rests with the district councils) to produce a Gypsy and Traveller accommodation strategy. The ODPM has produced detailed guidance on how this should be undertaken.

3.8.4 The planning system is now significantly changed in regard to Gypsies and Travellers. The new planning circular outlines the new regional level role for the Regional Planning Body. The Regional Planning Body on the basis of the assessments will then determine the number of pitches needed (but not location) for each local authority area, ensuring that collectively local authorities make provision in a way which is equitable and meets the assessed pattern of need.

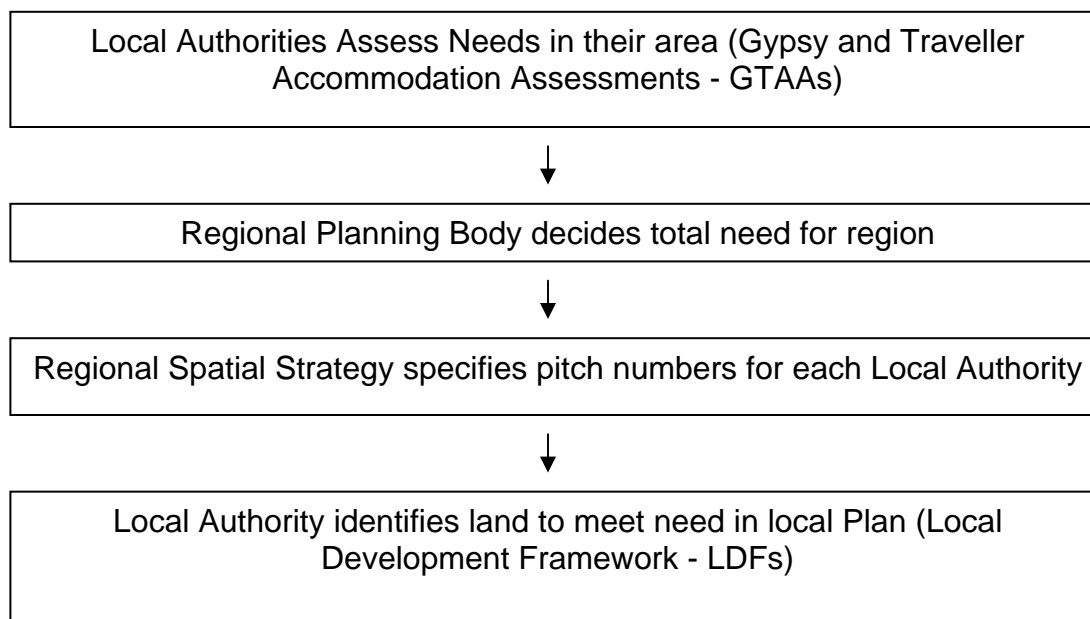
3.8.4 Each District Authority in Kent is required to set out criteria for the location of gypsy and traveller sites, which will be used to guide the allocation of

---

<sup>14</sup> 'Government Policy on Gypsies and Travellers' [www.odpm.gov.uk](http://www.odpm.gov.uk)

sites in the relevant Development Plan Documents (DPDs), in particular the Local Development Frameworks (LDFs). Local Authorities must allocate sufficient sites for Gypsies and Travellers, in terms of the number of pitches required by the Regional Planning Body and specified within the Regional Spatial Strategy. It will no longer be acceptable for local authorities just to specify planning criteria for sites: they will be expected to identify specific plots of land.

### **The New Planning Process**



3.8.6 Kent districts are at very different stages in examining the accommodation needs of Gypsies and Travellers within their areas and in producing their Local Development Frameworks (LDFs). Most of these timescales run into 2007, with the South East Plan due for adoption in 2008.<sup>15</sup> The implications of this will be examined in more depth within Section 4.

## **3.9 Funding Site Provision**

From the financial year 2006/7, funding for new Gypsy and Traveller sites will be routed through the Regional Housing Boards. The Boards will be responsible for allocating funding for site provision and refurbishment by local authorities and Registered Social Landlords, who will be invited to bring forward schemes for funding. This brings the funding system more in line with the way funding is distributed for social housing.

---

<sup>15</sup> GTAB report 7 December 2005.

The Government has made up to £56m available over the two years 2006/7 and 2007/8. The South East single capital pot includes an allocation of £5m for each year to fund capital expenditure for new Gypsy and Traveller sites (at 100% grant rate) and for the refurbishment of existing sites (at 75% grant rate). The implications of this change will be examined in Section 5.

## 4. Current Provision and Demand Levels

---

4.1 In considering the accommodation needs of Gypsies and Travellers, it is important to consider the range of accommodation that exists. The key types are outlined below:-

- **Authorised Sites**
  - Local Authority Permanent Sites
  - Local Authority Transit Sites/Emergency Stopping Places
  - Private Sites. Whether a privately owned 'commercial' Gypsy Site or family owned site
  - Permanent Housing
- **Unauthorised Sites**
  - Unauthorised Encampments (UEs). This is where camping takes place on land without the permission of the landowner
  - Unauthorised Developments (UDs). This is where someone owns (or buys) land and carries out development without the necessary planning consent.
  - Tolerated Sites. These are sites which were informally agreed to remain many years ago, but have never had the necessary planning consent.<sup>16</sup>

### 4.2 National Context

#### 4.2.1 Local Authority Sites:

There are currently estimated to be 320 local authority sites providing around 5000 pitches. Most sites were built during the period 1970 to 1994 when local authorities had a duty to provide site accommodation.<sup>17</sup> Pat Niner in the report

*'The Provision and Condition of Local Authority Gypsy/Traveller sites in England'* highlighted that by 2007 there is a national need for up to 2,055 additional residential pitches in order to meet demand.<sup>18</sup>

*Nationally, there is an estimated additional need for up to 2,055 residential pitches by 2007*

---

<sup>16</sup> They include Hoath Woods in Tonbridge and Malling and Chilham Beeches in Ashford.

<sup>17</sup> P145. Niner. March 2004

<sup>18</sup> P33. ODPM Select Committee Report. 2004.



#### 4.2.2 Transit Sites:

Nationally, it is recognised that the options for accommodation for Gypsies and Travellers who wish to travel either full-time or on a seasonal basis “are the most inadequate”. It was estimated that in 2002 there were 500 pitches in the UK. By 2007, it is estimated that up to 2,545 transit pitches are needed to meet demand, this equates to an additional need for 2,000 transit pitches.

*Nationally, there is an estimated additional need for 2,000 transit pitches by 2007*

<sup>19</sup>

#### 4.2.3 Authorised Private Sites:

A number of Gypsy and Travellers stay on private sites that are either owned by Gypsies/Travellers or rented with the full consent of the landowner. There are an estimated 650 owner-occupied sites providing 1,800 pitches on a 'friends and family' basis and 90 private sites with 1,750 pitches to rent. The great majority of these are owned by Gypsies/Travellers, and most are permanent long-stay sites<sup>20</sup>.

### 4.3 Local Context - Needs Assessment Process

4.3.1 As explained within the introduction, the government has published new guidance on how to conduct an accommodation needs assessment for Gypsies and Travellers. This outlines the detailed process that is now a statutory responsibility on all housing authorities. Kent District Councils are at different stages in undertaking these. Sevenoaks began their exercise in autumn 2003 and are due to publish during 2006. Ashford, Maidstone, Tonbridge and Malling and Tunbridge Wells chose to pool their resources and conduct a joint West Kent Assessment. Other Kent districts may also choose to collaborate on this assessment process. These assessments will provide a detailed sampling of the current accommodation needs of Gypsy and Travellers, which will vary across the County. As such, it would not be appropriate for this report to pre-empt this objective detailed process by identifying specific sites.

4.3.2 However, it is likely to take a considerable amount of time before all needs assessments are complete across the county (by early 2007) and before provision is made in local and regional plans for Gypsy and Travellers, possibly 2009-10. There is therefore a need for local authorities to meet the immediate identified needs of Gypsy and Travellers before this planning regime is implemented.

<sup>19</sup> P151. Niner, Pat. (July 2003) *Local Authority Gypsy/Traveller Sites in England*. ODPM

<sup>20</sup> P42. ODPM Select Committee Report. 2004.

4.3.3 This reality is recognised by the government<sup>21</sup> and transitional arrangements have been suggested to assist in identifying immediate need. These include using the following data to identify areas in need of immediate provision:-

- Levels of unauthorised encampments
- Numbers and outcomes of planning applications and appeals
- Levels of occupancy, plot turnover, waiting lists for authorised public sites.
- Status of existing authorised private sites
- Caravan Count

4.3.4 Using this data it is possible to identify areas within Kent that are in need of immediate permanent and transit provision. Some districts have already identified immediate need levels and are working towards site provision. For example, Gravesham Borough Council has identified an immediate need to provide permanent accommodation for 20 caravans and is in the process of identifying sites within the urban area. Gravesham Borough Council has also identified a need for a transit site within the North Kent area.<sup>22</sup>

4.3.5 The existing evidence and data shows that there are immediate needs that should be addressed. It is in the interests of the settled population to ensure that provision is made to meet these immediate needs across Kent. It is neither necessary nor desirable to wait until provision is made within the Regional Spatial Strategy for local authorities to do this.

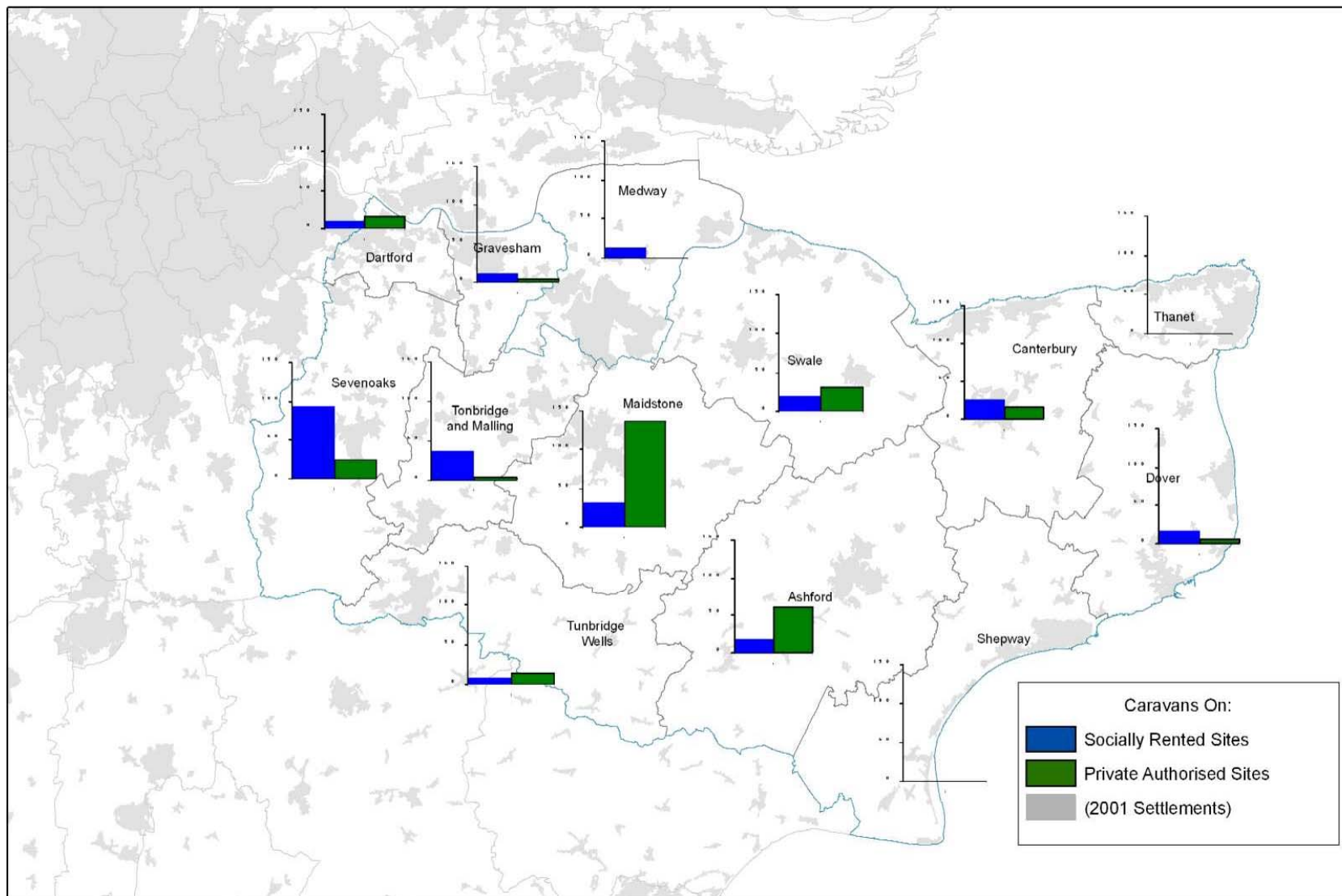
4.3.6 The diagram on the following page outlines the varying provision levels that are found across the county. However, for a complete picture it is also necessary to look the pattern of unauthorised encampments across the county (see Section 6).

---

<sup>21</sup> ODPM. *Planning for Gypsy and Traveller Caravan Sites. Planning Circular 01/2006.*

<sup>22</sup> Written Evidence - Gravesham Borough Council

# Gypsy and Traveller Caravans on Authorised Sites - Kent - July 2005



#### **4.4 Accommodation - Local Authority Sites**

There are 206 pitches (each one designed to cater for one family unit) on 17 sites across Kent offering permanent accommodation. Eight of these sites are provided by KCC, the remainder by Medway Council and the district authorities. A full list of these sites is contained in Appendix 3.

#### **4.5 Transit Sites/Emergency Stopping Places**

- 4.5.1 There are currently no transit sites located within Kent. In 2002, a need for transit sites and emergency stopping-places was evidenced, and some initial discussion took place between KCC and District Councils. However, so far, no progress has been made in establishing transit sites.
- 4.5.2 The barriers to enabling site provision to take place are widely known and discussed at the end of this section. The difficulties in gaining public and political support for specific sites have been the main obstacles. However, it is hoped that changes in the planning system and the new government funding will enable future progress to be made.
- 4.5.3 There is often confusion between the use of the terms transit and 'emergency stopping places'. The distinction is the length of stay and standard of provision. It is usual for transit sites to offer stays up to 3 months with stopping places being for a few days and having fewer facilities. Mr and Mrs Jones from the Canterbury Gypsy Support Group were in support of emergency stopping places as a matter of urgency in addition to the long-term provision. However, it should be noted that the national Select Committee did not find any evidence to support the establishment of 'stopping places' and received submissions citing increased opposition from the settled community due to their informal nature and lack of management.<sup>23</sup>
- 4.5.4 Support for the principle of establishing transit sites in Kent was received from evidence provided to the Committee,<sup>24</sup> with some concerns voiced over the management issues. These will be discussed in section five. The Committee spoke to Gypsy and Traveller young people who were in favour of provision for those who wished to travel, in addition to more and high quality permanent residential sites.
- 4.5.5 Representatives from the Canterbury Gypsy Support Group explained that transit sites were necessary in order to facilitate the nomadic lifestyle and allow Gypsies and Travellers to take temporary and

---

<sup>23</sup> P40. ODP Select Committee Report.

<sup>24</sup> Mrs. Redman, Hartley PC, Written Evidence - Maidstone BC, Swale BC, Blackmore Heath Ltd, Gravesham BC

seasonal work. They stated that this would save the taxpayer money by reducing unauthorised encampments.

4.5.6 A number of witnesses and written evidence reflected that this accommodation would be useful in enabling enforcement action to be carried out against unauthorised encampments.<sup>25</sup> In particular the National Farmers Union expressed strong support for the establishment of a national network of transit sites in order to reduce Unauthorised Encampments (UEs).

4.5.7 In deciding locations for transit sites it would make sense to give strong consideration to areas where there is a pattern of high numbers of UEs. In addition, it is essential to examine the migration patterns of Gypsies and Travellers within Kent and beyond; this work is ongoing, led by the KCC Gypsy Unit.

4.5.8 In 2003 Kent County Council made a decision to progress the provision of three transit sites within Kent.<sup>26</sup> Three years on the need still remains for provision. In the evidence received by the Committee there is some support for this provision. For example, Maidstone Borough Council suggested that these:-

*“should be strategically located to the main route network with possibly three sites, one in the east, one in the west and another towards the centre of the county”.*<sup>27</sup>

4.5.9 One of the areas that there appears to be a clear need for a transit site is within the North Kent area, due to the significant numbers of UEs. The neighbouring London Borough of Bromley has also identified and accepted a need for a transit site of 10 pitches, assisting in the process of developing a network of transit sites.<sup>28</sup>

4.5.10

#### **Recommendation 1**

**For KCC, in partnership with all Kent local authorities, to take joint responsibility for the establishment of a network of transit sites across Kent. For KCC to co-ordinate the submission of funding bids to the regional housing fund for January 2007 and subsequent bidding opportunities, where appropriate and sustainable.**

---

<sup>25</sup> Written Evidence - MBC

<sup>26</sup> Gypsy and Traveller Advisory Board

<sup>27</sup> Written Evidence

<sup>28</sup> P5. UE s GTAB Paper 27 July 2005. Written Evidence - Bromley Borough Council

## 4.6 Private Sites

- 4.6.1 The numbers of private sites across the county is identified through the bi-annual caravan count. There are over 300 caravans in 8 districts in Kent, full details are provided in Appendix 4.<sup>29</sup> Locally, these tend to be small scale with only a few number of caravans on the sites and with evidence of some successful establishment (though planning permission has tended to be granted only via appeal<sup>30</sup>). Maidstone has the highest number of approved private sites in Kent. It has been suggested that this is influenced by the historical agricultural links to the area and due to being the first Borough beyond the restrictions of the Metropolitan Green Belt.<sup>31</sup>
- 4.6.2 The key issue in regard to private sites for Gypsies and Travellers is planning permission. There are strong views in regard to this issue from both sides of the debate. There is a perception amongst many in the settled community that Gypsies and Travellers are privileged under the planning system and are able to gain permission for development in Green Belt land where others would not, particularly in regard to the outcome of planning appeals.<sup>32</sup> These issues are explored in more depth in Section Six. However, what is clear from the increasing levels of unauthorised developments is that there is an increasing demand from Gypsies and Travellers for private sites.
- 4.6.3 Evidence received from Mr Baker, Research Manager, in regard to the Cambridgeshire Needs Assessment and from Mr Couttie, who conducted the West Kent Needs Assessment, indicated that Gypsies and Travellers have a much greater preference for private sites than public ones. This is comparable to the preferences of the settled population, where the overwhelming majority of the UK population have a preference for owning their own home over renting accommodation.<sup>33</sup> As such, part of the solution to greater accommodation needs to be ensuring that a greater number of private sites are available in Kent with the necessary planning permission.

### 4.6.4

#### **Recommendation 2**

**For Kent local authorities to investigate ways to facilitate growth in the number of self-owned, self-leased and self-managed private sites, within the existing planning and legislative framework.**

---

<sup>29</sup> Michelle Banks, ODPM. 'Regional Analysis – Jan03-05'.

<sup>30</sup> Mrs. Clinch, Sevenoaks

<sup>31</sup> Written Evidence, Maidstone Borough Council

<sup>32</sup> Mrs. Redman, Hartley PC

<sup>33</sup> ODPM. <http://www.odpm.gov.uk/index.asp?id=1150765>

## 4.7 Different Traveller Groups

- 4.7.1 Gypsies and Irish Travellers are recognised as distinct ethnic groups for the purposes of the Race Relations Act (1976). The Select Committee ensured that evidence was received from both Romany Gypsies and Irish Travellers. It became apparent through this research and dialogue that there is a need to ensure that Irish Travellers and Romany Gypsies are recognised as being distinct ethnic groups by Local Authorities. Their differing needs and situations should be reflected in policy and provision, whilst at the same time ensuring that they are treated equally. The public perception is often to assume that they are all one group without recognising that each group has its own distinct identity and way of life.

*"Irish Travellers are not Gypsies. The two races have a different culture, language, religion, beliefs and family structure"*<sup>34</sup>

- 4.7.2 As explained earlier there are 17 authorised Council sites provided for Gypsies and Travellers within Kent. All Gypsies and Travellers are eligible to apply to stay on these sites when vacant pitches become available. No distinction is made between Gypsies and Irish Travellers in the formal application process.

- 4.7.3 However, evidence from Mr Forrester, Gypsy Unit, and Mr Ratigan, PAAD, suggested that in practice the situation in Kent is that Romany Gypsies currently occupy the vast majority, if not all, Local Authority site pitches.

*"There is not one local authority site for Irish Travellers in the county of Kent, be it transit or permanent. And so Irish Travellers and likewise have had to buy land or use public land"*<sup>35</sup>

- 4.7.4 The reasons suggested for this situation are the need to ensure that any new site residents are able to settle well into the site with the existing residents and due to the high demand for site places, which is necessarily a consideration. A number of witnesses who were providing evidence in regard to site management stated that they would not wish to have 'mixed' sites due to the potential for conflict between families, potentially leading to existing residents moving off the site.

- 4.7.5 This is supported by national evidence by Pat Niner, which shows that 79% of the sites studied in her report catered for a single group of Gypsies/Travellers. From the sites studied, English Gypsies were the most widely catered for. Out of these mixed sites, they resided on 92% of the mixed sites with Irish Travellers only residing on 28%. The

---

<sup>34</sup> Phien O-Reachtigan, PAAD, Kent on Sunday 201105

<sup>35</sup> Ibid.



Select Committee did not gain any evidence of successfully managed sites that were mixed. However, this is not to say that this is not possible. However, the overwhelming established view is that this can present greater management problems due to the increased likelihood of conflicts between family groups.

4.7.6 Evidence from both Mr Ratigan and Mr Jones supported the view that by choice Gypsies and Irish Travellers prefer not to be on the same sites but to remain with their own family networks.<sup>36</sup> Mr Ratigan stated that *"in the main we do not co-exist very well"* and that *"in the main English Travellers will not accept Irish Travellers on sites...and in some cases the other way around"*.

4.7.7 The current situation in Kent is that Irish Travellers are disproportionately affected by the lack of public site provision, and this could be perceived as indirect discrimination.

4.7.8

### **Recommendation 3**

**For the KCC Gypsy Unit to investigate the situation of Irish Travellers in Kent, regarding access to local authority sites, and to monitor and report on the pitch occupancy rate on public sites.**

## **4.8 A Range of Provision**

4.8.1 Just like the settled population, Gypsies and Travellers have different needs. Gypsies/Travellers recognise travelling as part of their cultural heritage. However, not all Gypsies/Travellers actually travel.<sup>37</sup> This can often be interpreted by the settled population as an indication that they are not 'real Gypsies'. This is based on a lack of knowledge and understanding of the ethnicity and culture of Gypsies and Travellers.

4.8.2 According to Pat Niner, who has produced a number of authoritative reports on Gypsies and Travellers, there is wide range of travelling patterns, which are impacted by economic factors.

*"There are indications that fewer Gypsies/Travellers now travel full-time. On the one hand, it is increasingly difficult to find safe places to stop without being hassled or evicted rapidly. On the other hand, some Gypsies/Travellers want an easier and more comfortable lifestyle with access to water, electricity, central heating, health, education and other services"*<sup>38</sup>

---

<sup>36</sup> Also supported by Mr Couttie of David Couttie Associates Ltd.

<sup>37</sup> Meaning moving from one place to another while living in caravans/trailers

<sup>38</sup> P144. Niner, Pat. (July 2003) *Local Authority Gypsy/Traveller Sites in England*. ODPM



Economics factors may be one reason for the changing travelling patterns and these patterns need to be recognised by Councils in providing a range of sites.

## **4.9 Barriers to Provision**

4.9.1 The obstacles to site provision are widely recognised. Sir John Cripps, reporting in 1977 on the workings of the Caravan Sites Act 1968, identified a number of reasons for failure that are still relevant today - 29 years on. Some of the reasons he identified are as follows:-

- The pressure of public opinion and the link to local politicians - *'A councillor who fails to oppose a site in his ward immediately feels that his seat is in jeopardy'*<sup>39</sup>.
- Public perception of Gypsy behaviour.
- Vandalism.
- A national responsibility - Local authorities may be 'over-influenced' by largely local considerations, and (by implication) may not accept responsibility.
- An uncertain problem - This refers to the fluidity of need/demand levels.

4.9.2 In 2002 the ODPM conducted a survey of obstacles identified by local authorities. The top three were as follows:-

- Resistance from local residents (89%)
- Funding for new sites (76%)
- Problems of getting planning permission (64%)

4.9.3 It is hoped that the issue of financial support for new sites will be addressed by the new government funding. The recent changes to the planning framework, specifically the requirement for pitch numbers to be specified in the regional spatial strategy, may be useful in ensuring progress with the district councils in the provision of sites, particularly transit sites. This is on the basis that any additional site provision that is identified as a need will now have to be tackled by all housing authorities across the region.

4.9.4 However, obstacles still remain to be tackled, nationally and locally. Part of the resistance from local residents can stem from ignorance, fear of the unknown, and their own experiences of Gypsies/Travellers. There is likely to be local public opposition to any new site provision. The Select Committee heard evidence from West Sussex County Council, who outlined the intense public hostility that prevented a transit site being established. Any plans to establish new sites involve

---

<sup>39</sup> Written Evidence - Mr. Forrester, P11.

extensive consultation with the local population and this should continue to be the case with any future planning applications.

- 4.9.5 Any long-term solutions to accommodation are not going to be reached without tackling the misconceptions of the settled population about the Gypsy and Traveller population, without local authorities actively building good community relations and without a change in the behaviour of some of the Traveller population. As discussed in more depth in Section 7; only a very small minority of Gypsies and Travellers are engaged in anti-social behaviour such as littering, fly tipping or crime. However, it is important that this behaviour changes in order to help reassure the settled population and gain acceptance for new sites. For example, on a number of unauthorised encampments when Gypsies and Travellers depart there are high clean up costs. Kent County Council and all local authorities have a role in promoting good community relations and helping increase understanding between communities, breaking down any misconceptions.
- 4.9.6 As discussed in Section 3, new government capital funding has become available for 2005/6 and 2006/7. This is an excellent opportunity for Kent to address the lack of sites and reduce the levels of unauthorised encampments. This government funding is only guaranteed for these two years. Within Kent there are already some geographical areas that can be identified as having significant level of accommodation needs, therefore this is an important opportunity to bid for funding that should not be missed.
- 4.9.7 From the evidence submitted, there is support for KCC taking a sub-regional strategic role in co-ordination and supporting the submission of bids across Kent. A sub-regional approach in regard to this would seem appropriate, in order to ensure that areas most in need are put forward and co-ordinated, maximising the funding opportunity for Kent as a whole.

## 5. Site Management

---

### 5.1 Site Size and Location

5.1.1 A number of witnesses provided evidence to support the view that site size should be kept small. This was on the grounds that smaller sites of between 10-15 pitches were easier to manage and integrate into the existing community and leads to less internal and external tensions. This was expressed in regard to both permanent and transit sites.<sup>40</sup> The national select committee recommended a maximum number of 18 pitches. It has been estimated that the median number of persons per occupied pitch is 3.13, equating to 47 persons on a 15 pitch site.

5.1.2 One of the issues that arose from site visits and witnesses was the difficulty in managing situations where children grow up on sites and wish to remain with their families, but the sites are full.<sup>41</sup> This can lead to tensions and difficulties for site managers and families.

In addition, the late Mr Smith, Chair of the Gypsy Council, gave evidence to the national Select Committee and argued: -

*“We are always living with a shortfall, that is the problem, because by the time they get around to providing our sites, if it takes them ten years in that time we are still going to have 2,000 pitches that we are going to be short of”*

5.1.3 It has been identified that it could take until 2010 before pitch numbers are specified within the regional spatial strategy (South East Plan). If the situation that Mr Smith described is not to take place it is important that regional and local site provision takes this into account at strategic and operational levels. This is along similar lines to the principles that apply for the settled population in planning housing building and infrastructure needs.

5.1.4

#### **Recommendation 4**

**For KCC to facilitate the sharing of best practice between Kent local authorities, over the needs assessment processes, including addressing future needs.**

---

<sup>40</sup> Mrs. Redman, Hartley Parish Council, Jo/Bridie Jones, Canterbury Support Group

<sup>41</sup> Ms Guidan, East Sussex. Mr. Hunter/Ms Quarm, West Sussex CC - Hearing 151105,

## 5.2 Site Facilities

5.2.1 The facilities that are available on Council run sites appear to vary considerably in their condition, both within Kent and nationally. Members of the Select Committee visited two authorised permanent sites managed by KCC. The site at Windmill Lane, Tonbridge and Malling was of a very high physical condition. All driveways, gardens were extremely well maintained with a co-ordinated layout.



*Windmill Lane, Jan 2006*

5.2.2 In contrast, the site at Murston, Sittingbourne, appeared to be of a poor physical standard. The site facilities included old block-built amenity blocks, with no bath facilities on any plot. This was supported by comments from those living on the site. On the site visit, discarded



*Murston Site, Sittingbourne, Summer 2005*

equipment/litter and fly tipping were apparent on the area around the site. The site manager explained that this was a continual issue and difficult to control as the location of the site is within a construction and development area. However, increased security measures will hopefully reduce this problem.

5.2.3 The Committee heard evidence from Gypsy and Traveller young people who lived on the Murston site. Comments were made in regard to the condition of the site, for example in regard to the rubbish dumped next to the site and lack of adequate washing facilities. In the visit to the 'transit site' run by Lewes District Council there were no facilities available other than water.

5.2.4 It is important to ensure that there are adequate facilities on transit sites for a number of reasons.

- They need to be made sufficiently attractive for Gypsies and Travellers to be willing to use the sites and pay rent.
- Statistics show that Gypsies and Travellers have a significantly lower life expectancy and poorer health than the settled population. Providing basic facilities will help address this health inequality.
- Government guidance states that all sites need to have basic amenities including water, toilets and waste disposal facilities in order to implement the provisions contained within the Anti-Social Behaviour Act 2003 to enable the police to evict UEs.

5.2.5

#### **Recommendation 5**

**All Transit and permanent site provision in Kent should have amenities and services, including boundary fencing, hardstanding on each pitch, water supply, toilet and washing facilities, waste disposal and electricity supply and ensure adequate health and safety measures are taken.**

### **5.3 Site Responsibility**

5.3.1 There are 17 Local Authority Sites in Kent. KCC manage eight of these sites and the remaining nine are managed by the local District Councils. In other areas such as in East Sussex and Bromley, a Housing Association owns and/or runs sites on behalf of the Council.

5.3.2 The evidence that the Select Committee received did not show that any particular provider was necessarily best placed to run permanent site provision. Mr and Mrs Jones viewed that the responsibility for provision should continue as a partnership between the County Council and Districts.

5.3.3 As discussed in detail in Section 3, the statutory responsibility for ensuring that sufficient accommodation is provided for Gypsies and Travellers within their local area within Kent rests with the District Councils. However, there was evidence of support for Kent County

Council taking responsibility for the management of transit site provision, on the grounds that KCC would be best placed to run sites given its experience, expertise, and the need for a network of sites to be established.<sup>42</sup> Given that there is an identified need for a network of sites, it may be more effective for KCC to manage these sites. This may ensure some savings on management overheads and ensure consistence in provision levels. However, the statutory responsibility for identifying these sites does rest with the districts, with which KCC has a strategic role in providing assistance.

- 5.3.4 There are also potentially opportunities for Registered Social Landlords (RSLs) to run sites. However, whether they will be willing and best placed to take on this role is not certain. From 1 April 2006, RSLs will be able to alter their constitutions, if necessary seeking the agreement of the Housing Corporation, to develop and manage caravan sites for Gypsies and Travellers. They will also be able to apply for funding from the same Regional Housing Fund as is available to local authorities seeking to develop the same type of sites. This is an excellent opportunity for KCC and other authorities to work more closely with Housing Associations and other Registered Social Landlords to bid for regional funding.

5.3.5

**Recommendation 6**

**Where transit sites are to be provided in Kent by the district authorities, KCC should offer its expertise in managing sites that have special challenges.**

## **5.4 Site Management Issues**

- 5.4.1 From the visit to the authorised sites within Kent Members learnt about the effective management arrangements in place on these sites. A number of witnesses stressed the importance of having strong and effective local site management to overcome any potential difficulties on the site and manage community relations.<sup>43</sup>
- 5.4.2 There is often a public perception that any type of Gypsy and Traveller site leads to increased social problems (see Section 7). However, Mr Forrester, in his evidence, stated that in his twenty-five years' experience, a well-established and well-managed site gave rise to no more problems than a social housing development.
- 5.4.3 The Members undertook a visit to a transit site at South Mimms to investigate how this was managed. The responsibility for site management rested with Hertfordshire County Council; however a

---

<sup>42</sup> Swale BC, Tonbridge & Malling BC

<sup>43</sup> Jo/Bridie Jones, Canterbury Support Group, Mr. Forrester, KCC Gypsy Unit, Ms McGuigan, East Sussex County Council.



Gypsy site resident 'gatekeeper' undertook the day-to-day management of the site. This model appeared to work well at a low cost to the Council. Mr Ratigan, in his evidence to the Committee, also stated that his organisation 'Pavee Advise and Assist Direct' (PAAD) would be interested in assisting the Council in this type of management arrangement.

5.4.4 However, Mr and Mrs Jones from the Canterbury Support Group also stressed the need for the Council to maintain strong involvement in the management of sites. This would assist in having to deal with situations where it was necessary to evict a Gypsy/Traveller from a site.<sup>44</sup>

5.4.5 Gypsies and Travellers on authorised sites need to take responsibility for integrating themselves successfully into the existing local community. From visiting the successfully established site at Windmill Lane it can be seen that it is possible for sites to co-exist with the settled population without conflict.

5.4.6 Mr and Mrs Jones also stated that Gypsies and Travellers on public sites should have tenancy agreements, like council house residents. This would give them greater security and encourage them to look after their sites. This view is also supported by evidence gathered by the national Select Committee on Gypsies and Travellers. However, the law governing caravan sites itself says that there is no difference between tenancies and licences for the purposes of protection from eviction and security of tenure. For sites to be successfully established it is necessary for Gypsies and Travellers to have a sense of ownership over their sites, for them to take responsibility for the quality of their sites and integration into the existing local community.

5.4.7

#### **Recommendation 7**

**For all Kent local authorities, to increase the involvement and responsibility of Gypsy and Traveller residents in site management arrangements**

## **5.5 Transit Sites**

5.5.1 Transit sites have a reputation for being harder to manage than permanent sites because it is hard to control access, behaviour and length of stay.



(28.11.05, South Mimms)

<sup>44</sup> Jo/Bridie Jones

5.5.2 One of the concerns often voiced about transit site provision is the perceived difficulty in moving families on. The transit sites in Hertfordshire and Lewes had a maximum length of stay of 3 months. At the Hertfordshire site it was explained that there were some frequent users of the site who would depart for a short period of time and return. As there is a significant shortfall in permanent accommodation for Gypsies and Travellers, moving people on can be a difficulty. However, the transit site at Hertfordshire demonstrated that this issue could be effectively dealt with by having a site 'gatekeeper' permanently residing on the site to tackle these issues.

5.5.3

**Recommendation 8**

**For KCC, in consultation with district authorities, to consider having a residential 'gatekeeper' on transit sites in Kent.**

## **5.6 Funding Transit Site Provision**

5.6.1 It was clear from the evidence provided that there is a need for more intensive staffing and closer management of transit sites in comparison to permanent site provision. This does lead to the perception that there are higher revenue costs to transit site provision.

5.6.2 In addition, some witnesses expressed concerns over difficulties in enforcing a charge on users of transit sites and the administrative burden of collecting rent. Lewes District Council does not currently charge for use of their site. However, on the site visit it was explained that this was because there were no facilities on the site (other than water) and that they intended to charge rent once the site was refurbished.

5.6.3 The South Mimms transit site is 'self-financing' through the revenue from rent collection. The Council's management costs appear to be minimised by the day-to-day site management being undertaken by a 'caretaker' who lives permanently on the site. This person undertakes general maintenance and collection of rents and decides who has access to the site.

5.6.4 If this model were adopted in Kent it is possible that transit site provision would be self-financing over the medium-term. However, in the short-term the evidence suggests that there would be revenue implications. Mr Forrester, in his evidence, stated that transit sites in the short-term often carry a £30-60,000 per year deficit.<sup>45</sup> Mr Hunter had estimated the cost to be £40,000 for the first year of a transit site in

---

<sup>45</sup> Select Committee Hearing – 17.10.05



West Sussex. However, this initial cost needs to be balanced against the cost of not providing accommodation. The costs of dealing with unauthorised encampments are discussed in Section 6.

5.6.5

**Recommendation 9**

**For Kent local authorities to ensure that any new transit sites in Kent should be self-financing, with rent charged on sites. The revenue costs for the running of transit sites should be shared between KCC and the relevant District/Borough Councils.**

## **5.7 Funding Permanent Site Provision**

- 5.7.1 Contrary to public belief, Gypsies and Travellers living on local authority permanent sites in Kent pay rent as do the rest of the population. This often includes service charges. Pitch rentals currently average between £30-47 per week. Although the KCC net deficit on sites has been reduced over the past few years there is still currently a revenue cost to the Council, with no additional Government funding provided for this.
- 5.7.2 One of the issues that arose from looking at the cost of site provision is the national anomaly of housing benefit and rent charges. Many residents on local authority Gypsy/Traveller sites within Kent are in receipt of housing benefit. The relevant local authority that runs each site then claims back the rent owed by the residents on housing benefit from the national government in order to cover its costs.
- 5.7.3 However, different government rules apply to County Councils than apply to District Councils. The result of this is that District Councils can claim back the full amount of money from housing benefit that is needed to cover the rent, whereas KCC as a County Council cannot.
- 5.7.4 On sites that are run by KCC the amount of money that can be claimed is set by the Rent Service. As KCC is not a housing authority (which in Kent is the responsibility of the District Councils) it is classified as 'private' and treated as if it were a profit-making landlord. The Rent Service then calculates an average amount of rent rather than basing it on the actual rent cost. The actual cost is much higher, therefore this results in KCC having to subsidise the costs of provision for residents in receipt of housing benefit.

5.7.5 This is a national issue that was highlighted in the National Select Committee Report in recommendation 173<sup>46</sup>. The government has yet to address this issue despite it having been identified and recognised for a number of years.

5.7.6

**Recommendation 10**

**For KCC to lobby the Department of Work and Pensions to address the difference in the treatment of County Councils (as if they were profit-making landlords) in comparison to housing authorities. This is in the context of the Department of Work and Pensions meeting the full reasonable rent of claimants in receipt of housing benefit who reside on Gypsy and Traveller sites. This is in order to ensure that County Councils and Housing Associations who provide and manage public sites are not forced to subsidise the costs of provision.**

---

<sup>46</sup> House of Commons. (Oct 2004) ODPM: Housing, Planning, Local Government and the Regions Committee - *Gypsy and Traveller Sites*.

## 6. Unauthorised Encampments and Developments

---

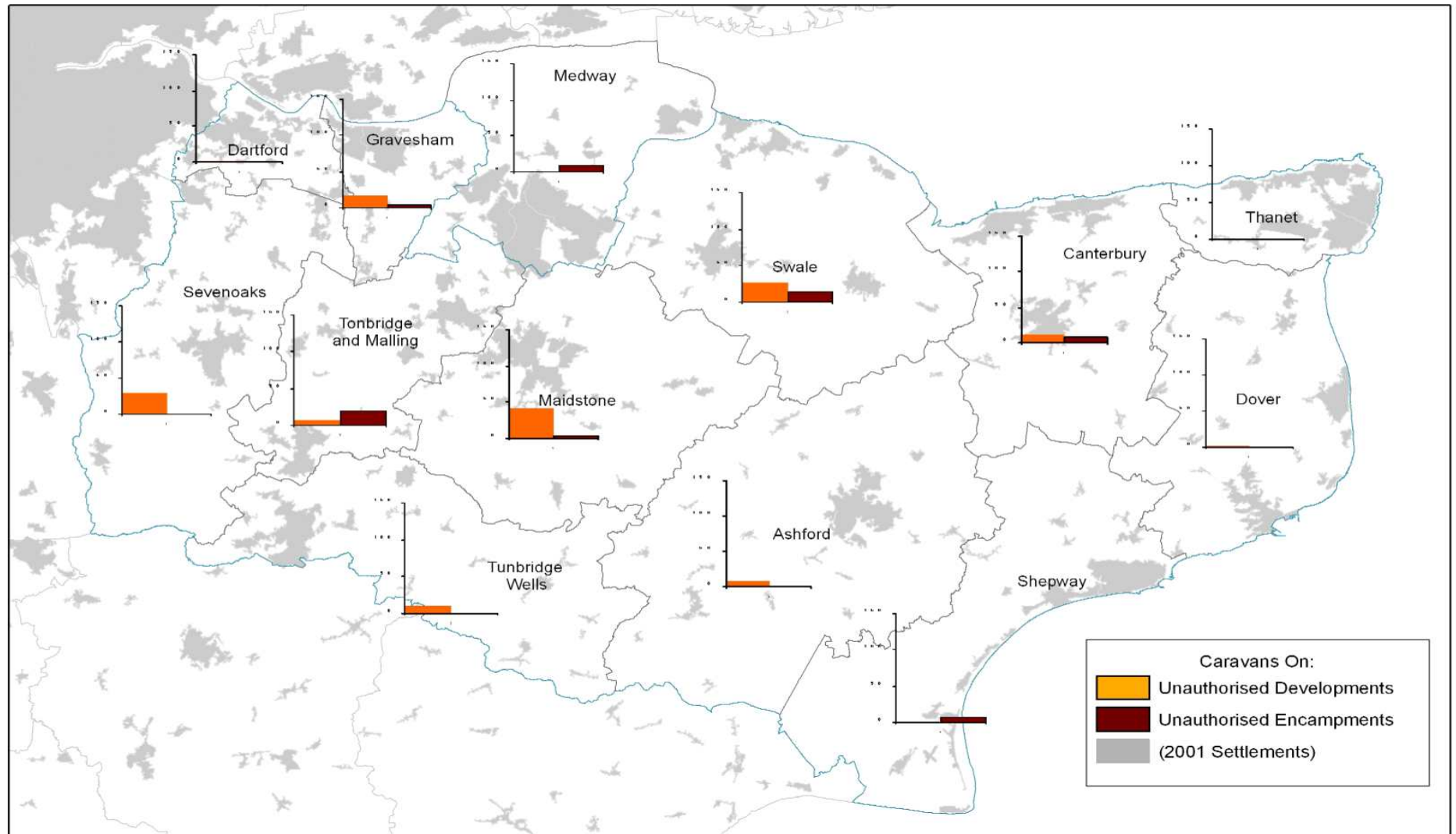
- 6.1 Overall, there has been an increase in unauthorised sites (unauthorised encampments and developments) in Kent over a number of years. This is a national trend and not unique to Kent. Changing work patterns and economic factors contribute to this. One factor is that the number of Gypsies and Travellers working on farms (and thereby stopping on farms with permission) has diminished considerably, as a result of cheap labour from East Europe<sup>47</sup> coupled with a national decline in the number of stopping places available.
- 6.2 Data on unauthorised encampments and, latterly, developments is closely monitored and collated by the KCC Gypsy Unit. The figures from the caravan count for July 2005 (see diagram on following page) show that of the 199 caravans on unauthorised sites only 23 (11%) related to unauthorised encampments; the remainder are on unauthorised developments<sup>48</sup>. This data represents an overall decrease in unauthorised encampments and an increase in unauthorised developments.
- 6.3 The diagram on the following page indicates the high variations in caravan numbers between district areas. Appendix 6 and 7 show the position of Kent districts in relation to the rest of the South East in regard to authorised and unauthorised encampments. This indicates the areas where high numbers of Unauthorised Encampments (UEs) are most prevalent are Gravesham, Tonbridge and Malling, Maidstone, Swale and Medway.

---

<sup>47</sup> Written Evidence provided by the National Farmers Union

<sup>48</sup> Kent & Medway Caravan Survey Jan 02-July 05

# Gypsy and Traveller Caravans on Unauthorised Sites - Kent - July 2005



- 6.4 Within the written evidence some authorities expressed their frustration with the length of time it can take to bring breaches under control via enforcement measures.<sup>49</sup> This difficulty is exacerbated by the lack of alternative sites to move Gypsies and Travellers onto<sup>50</sup>.
- 6.5 The landowners and police tolerate some unauthorised sites within the county, for a short period of time, if campers are behaving and the site is kept tidy. However, if there is evidence that they are not behaving then there is a presumption towards eviction.
- 6.6 Evidence from the Gypsy Unit and Kent Police explained that it was much more useful to try and reach a negotiated agreement with the campers to leave than to force an eviction. One of the critical reasons for this approach is the extensive cost involved in a forced eviction in comparison to a negotiated approach.

*"One of the reasons that we engage...by negotiation is the huge financial issue for the Kent Police so we look at reaching a realistic solution to suit all parties"*

It is extremely time consuming for Kent police to be involved in this, in addition to the straight financial cost.

## **6.7 Costs**

- 6.7.1 In 2003/4 the Gypsy Unit, for the first time in Kent, carried out an exercise to help determine the full cost of managing UEs in Kent and Medway across the public sector (published on [www.kent.gov.uk/travellers](http://www.kent.gov.uk/travellers)). The total reported costs to agencies were £270,000. However, due to a lack of returns from some agencies the likely cost is estimated to be nearer 350K for the public sector. If the cost to private landowners is added in, the total cost is estimated to be at least £500,000.
- 6.7.2 The costs of dealing with UEs can then be compared to the costs of accommodation provision. As discussed elsewhere, capital funds are available from the government and revenue costs could be between £30-60,000 for a transit site. On a cost basis there appears to be a strong argument in favour of establishing greater levels of provision. Strategically, this is in line with KCC's approach to tackling other social issues through preventative measures.

---

<sup>49</sup> Written Evidence - Maidstone BC

<sup>50</sup> Written Evidence - Maidstone BC

## 6.8 Joint Working

Locally, the evidence suggests that there is now excellent joint working between partners in tackling unauthorised encampments. Since 1999, a more joined up approach has been developed via the Kent Unauthorised Encampments Working Group (now the Kent Unauthorised Encampments Monitoring Group). A joint protocol is now in operation between all local authorities, police and KCC. This is called the Management Protocol for Unauthorised Encampments on Local Authority land in Kent and Medway. KCC has now put into place a fully staffed 24-hour customer Reporting Line that enables anyone to report issues of concern and for it to be managed effectively.<sup>51</sup>

## 6.9 Unauthorised Developments

- 6.9.1 One of the public concerns that exists in regard to Gypsies and Travellers is the perception that they have a privileged position in gaining planning permission, particularly in regard to appeals. This has been accentuated by the increase in the number of unauthorised developments in Kent. In these situations Gypsies and Travellers have bought land and moved on to it without having secured the necessary planning permission first. As this greenfield land is purchased without planning permission, it is significantly cheaper than brownfield land. This is a national issue and not Kent-specific, but it does give rise to a significant level of public concern within Kent.
- 6.9.2 Some witnesses were asked about their views in regard to planning legislation and if it would be helpful to ban all retrospective planning applications. However, the evidence received did not support this view. Mrs Clinch, Head of Planning Enforcement at Sevenoaks District Council, stated that, in her view, criminalising retrospective planning applications would not solve the problem long-term as it was known that many Gypsies and Travellers would be willing to go to prison. Ms Banks, ODPM, explained that if retrospective planning applications were to be criminalised it would need to apply to all the population equally. There are significant implications of this policy change for the rest of the population.
- 6.9.3 Statistics do not appear to support that this perception of privilege is in fact a reality. Figures from the Racial Equality Council estimate that 90% of planning applications from Gypsies and Travellers are initially rejected in comparison to 20% from the rest of the population.<sup>52</sup>

---

<sup>51</sup> Tel: **0845 345 0210**. The phone line is open from 8am to 8pm Monday to Friday, and 9am to 2pm on Saturdays. Outside those hours, please call 08458 247 100.

<sup>52</sup> [http://www.cre.gov.uk/gdpract/g\\_and\\_t\\_facts.html](http://www.cre.gov.uk/gdpract/g_and_t_facts.html)



However, it is recognised that these figures do not identify applications that are in regard to Green Belt or applications granted on appeal, which would impact upon these percentages, given the tendency for Gypsies and Travellers to apply for planning permission on Green Belt.



*Orchard Park, Oak Lane, Upchurch, Swale  
- Visit to Unauthorised Development, 14.11.05*

- 6.9.4 It is clear that there is a real need to reduce retrospective planning applications from Gypsies and Travellers, in order to decrease the great frustration and uncertainty that this causes for the settled population, local authorities and Gypsies and Travellers. In addition, there is a significant financial cost attached to having to deal with retrospective planning applications and appeals which ultimately is a cost that is borne by the tax payer.
- 6.9.5 Gypsies and Travellers have a responsibility to consult planning authorities before purchasing land on which they intend to develop. One of the actions that is being taken by local planning authorities to reduce the number of unsuitable retrospective planning applications that are submitted is to pro-actively engage in pre-application discussions with potential applicants. This practice should be encouraged if the increased provision of authorised suitable private sites is to be achieved.<sup>53</sup>
- 6.9.6 Another concern raised in regard to granting planning permission for Gypsies and Travellers is that, if granted, the land could then be sold on for housing development. However, Ms McGuigan explained to the Committee that planning permission specifies the type of development that is appropriate, so can be specified to be suitable only for caravans and explicitly not housing.

---

<sup>53</sup> Oral Evidence - Mrs Clinch, Sevenoaks. Mr Forrester, KCC Gypsy Unit., ODPM Planning Circular. 01/2006.

- 6.9.7 From the written and oral evidence received by the Committee, many of those who provided evidence highlighted the length of time that the planning system can take and the uncertainty this can cause for everyone, as a frustration. This was voiced from parishes, District Councils, KCC and from Gypsies and Travellers themselves.<sup>54</sup>
- 6.9.8 The Select Committee welcomes the recent ODPM announcement of the establishment of a national Task Group to look at consistency of enforcement action across England and to look at the possibility of new powers or guidance including strengthening Temporary Stop Notices. The Select Committee would welcome further guidance that strengthens enforcement measures, however the committee is doubtful that this would resolve the situation of unauthorised developments, given the length of time that the planning process takes.
- 6.9.9 The Select Committee notes that the recent ODPM planning circular, in paragraph 45 & 46, outlines advice in regard to the granting of temporary permissions. Although this advice is not new and is contained in Circular 11/95, given the new process of allocating sites within Development Plan Documents (DPDs), it is possible that an increased number of temporary applications from Gypsies and Travellers may be submitted. This could be on the grounds that this is to meet a temporary need prior to the new permanent sites being available.
- 6.9.10 The Select Committee is concerned about the possibility of an increased number of temporary applications being submitted on the grounds that this is to meet a temporary need, prior to the new permanent sites being available. However, the Circular 11/95 says that the "material considerations" must not be "made different" or "limited" because it is an application for temporary permission. Therefore, it is of vital importance that planning authorities ensure that temporary applications are refused in situations where there are material objections, along the same lines as dealing with permanent permission applications. In addition, the local authority must ensure that it can maintain control over the use of the land after the temporary permission expires. But where a residential use is concerned, albeit a Gypsy and Traveller caravan site, there is often a reluctance to relocate, and objections may be raised to enforced removal on social justice grounds.
- 6.9.11 The Select Committee is also concerned about the impact of the new ODPM guidance in regard to rural exception sites. Paragraphs 47 & 48 of the circular refer to a new requirement on local planning authorities to include within their Development Plan Documents (DPDs) a 'rural exception policy' for Gypsy and Traveller sites where there is a lack of affordable land to meet local gypsy and traveller needs.

---

<sup>54</sup> Written Evidence -Maidstone BC, Swale BC, Tonbridge & Malling BC



6.9.12 In the ODPM consultation, KCC raised strong objections to any rural exception policy for Gypsies and Travellers, on the grounds that it is not a good principle to apply one set of planning rules to one section of the community and another to the rest. Exception sites for affordable housing are necessary due to the difficulty that Registered Social Landlords (RSLs) have in obtaining land at market prices. Obtaining land for Gypsies and Travellers is not a parallel situation as the value of the land is not the major issue in finding sites to accommodate Gypsies and Travellers. The new guidance on rural exception sites brings too much uncertainty into local planning. The government has not accepted these objections raised by KCC. There is a strong concern that the impact of this new guidance will be to increase the number of applications by Gypsies and Travellers for sites on greenfield land.

6.9.13 There is, at present, no known Group which links Kent Planning Authority Councils (District Councils and Medway) who have unauthorised developments of caravan sites in their areas. The Kent Unauthorised Encampment Monitoring Group only covers unauthorised encampments where people park on someone else's land. It is important that local authorities share best practice in regard to tackling Unauthorised Developments along similar lines to the role of the group covering Unauthorised Encampments.

6.9.14

**Recommendation 11**

**For KCC, with district authorities, lobby the government to provide sufficient resource to ensure that unsuccessful retrospective planning applications can be dealt with in weeks rather than years.**

**Recommendation 12**

**For Kent local planning authorities to consider the importance of ensuring that temporary applications are refused in situations where there are material objections, along the same lines as dealing with permanent permission applications**

**Recommendation 13**

**For Kent local planning authorities to consider the importance of ensuring that, where rural exception policies are included within Local Development Frameworks, there is a need to ensure that they are tightly drafted to mitigate any potential increase in planning applications on these grounds.**

**Recommendation 14**

**KCC to facilitate the establishment of a Countywide partnership group, which will work to share best practice and information to reduce and tackle Unauthorised Developments.**

## 7. Public Concerns

---

- 7.1 The main concerns raised in regard to Gypsy and Traveller sites were in relation to four main issues: litter/fly-tipping, schools and services, anti-social behaviour/crime, and tax.

### 7.2 Litter/fly-tipping

- 7.2.1 This is often one of the biggest public concerns about UEs. The Kent data shows that 21% of UEs involved littering and 15% fly-tipping. Some of this fly-tipping is not undertaken by the Gypsies and Travellers themselves, but by criminal gangs. This was supported by evidence from the Kent Police, who referred to a 'dummy study' in Cambridgeshire where CCTV cameras were fitted to monitor the situation and no Travellers were actually on the site. This site then attracted considerable litter/fly-tipping and stolen cars.
- 7.2.2 At the site visit to Murston, Sittingbourne, it was explained that there had been a history of fly tipping on the Gypsy and Traveller Site of industrial waste. Mrs Redman, Ash-cum-Ridley Parish Council, stated that fly tipping sometimes occurred on the access road to Barnfield Park and that this required 24 hour security to fully prevent it.
- 7.2.3 Another real concern to residents is the cost to the landowner and taxpayer of the clean-up once unauthorised encampments are moved on.<sup>55</sup> Mrs Taylor informed the Committee about the high clean-up costs that Longfield and New Barn Parish Council had had to pay. This resulted in an additional £7,000 being passed onto the local taxpayer through the precept. Evidence from the National Farmers Union also voiced concern over the high economic cost to farmers from UEs. This includes the legal fees, damage to crops and potentially long-term damage to contracts the farmers may have.

### 7.3 Schools and Services

KCC has a statutory responsibility to provide school places for all children, including Gypsies and Travellers. One of the concerns that can arise from local residents is that unauthorised encampments may result in an increased pressure on local services, particularly school places. Mrs Redman, Ash-cum-Ridley Parish Council, explained to the committee that local residents had also feared that Gypsy and Traveller children would not integrate well within the local school. However, she explained that some of these concerns had turned out not to be

---

<sup>55</sup> Mrs. Redman, Ash-cum-Ridley PC, Mrs. Taylor, Longfield and New Barn, Highpoint Business Village

justified and that the Traveller children at Barnfield Park mixed well with those from the settled communities.

## **7.4 Anti-Social Behaviour/Crime**

7.4.1 It is a view commonly held by the 'public' and reinforced by the media, that UEs are disruptive and the people who stay on them badly behaved. Ash-cum-Ridley Parish Council, in their evidence explained that there had been widespread fear of attacks and damage to property by local residents, due to the unauthorised development at Swan Farm (now an authorised site known as Barnfield Park). They stated that this had even led to a number of residents being placed under a considerable amount of stress and danger.

7.4.2 Authorities must recognise this perception and seek to ease tensions and tackle any problems raised whilst at the same time recognising that the statistical data does not support that this is in fact the reality. For example, reported figures from the Kentwide UE database show that only 8% of UEs in Kent are recorded as involving any disruption. Only 3% of cases in Kent (5 in total) involved any degree of abuse or violence being directed towards Council staff or Police Officers.<sup>56</sup> Assistant Chief Constable, Mr Ainsworth stated that it is:-

*"important to remember that only a small minority of the Gypsy and Traveller population are criminals the same as the settled population"*

7.4.3 Through the Kent-wide Protocol on the Management of Unauthorised Encampments, there seems to be agreement that the situation is improving. The Protocol includes a policy that bad behaviour will lead to evictions and that good behaviour may lead to temporary toleration being considered.<sup>57</sup>

7.4.4 Strong management arrangements can play an important part in easing these tensions on authorised sites. Mr Forrester explained to the Select Committee that establishing a social contract between the local residents and those managing the site, to agree how the site would be run, could overcome some of these fears. An example of where this is being used successfully is Barnfield Park.

7.4.5 Another issue that emerged within this Select Committee was the perceived level of Gypsies and Travellers that were engaged in 'rogue trading' practices.<sup>58</sup> The Select Committee heard evidence from Mr Bainbridge, Head of Trading Standards, KCC, who stated that there was a perception that the *"majority of cold callers were travellers"*. In

---

<sup>56</sup> PB3: 4. *Statistical and Behaviour Analysis of Kent & Medway Unauthorised Encampments in 2004.*

<sup>57</sup> Ibid.

<sup>58</sup> Evidence from Mr. Bainbridge, Head of Trading Standards. Blackmore Heath Ltd.

supplementary evidence provided it is clarified that this refers to all people with no regular fixed abode rather than only 'Gypsies and Travellers'.

7.4.6 The Select Committee is not aware of any statistical data to substantiate that this is the situation in regard to 'Gypsies and Travellers' as distinct to those generally who may have no fixed abode.

7.4.7 Trading Standards and the Gypsy Unit do have some liaison at an operational level. However, this evidence does highlight the need for closer operational and strategic level working between the Gypsy Unit and Trading Standards, in order to share intelligence to reduce rogue trading and to develop a consistent shared understanding of the issues.

7.4.8

#### **Recommendation 15**

**For the KCC Gypsy Unit and Trading Standards to demonstrate increased collaboration in effectively reducing the practice of rogue trading, including more effective strategic and operational data sharing.**

## **7.5 Tax Issues**

7.5.1 There is a perception from the settled community that Gypsies and Travellers do not pay their fair share of taxes like the settled population. This view was expressed to the Committee by some witnesses and in written evidence.<sup>59</sup>

7.5.2 Representatives from the Gypsy and Traveller community and the settled population agree that all residents on authorised sites should pay Council Tax. However, there are mixed views as to whether Council Tax is actually paid. Mr Jones stated that, in his view, most Gypsies and Travellers do pay Council Tax, and that even if they are on unauthorised developments they are very willing to pay the tax.

7.5.3 There are no current reported issues in regard to tax avoidance on authorised sites within Kent; District Councils do issue Council Tax notices to those on sites. However it is difficult to make any objective assessment of the extent or scale of this issue, given that tax is the responsibility of individuals on sites, the same as with the settled population.

7.5.4 Council Tax is unlikely to be paid by Gypsies and Travellers who are mobile within Kent and living on unauthorised encampments. It is difficult to foresee how this could be practically collected and

---

<sup>59</sup> Mrs. Redman, Hartley PC, Written Evidence - Upchurch River Valley Golf Course Ltd

administered and the justification for enforcing this on groups of people who are defined under the Housing Act as 'homeless'.

*"People cannot expect anyone, be they Traveller or not, to pay Council Tax if they are beside the road or in a field for a day or two before being moved on" - Phien O'Reachtigan, PAAD*

However, if transit sites were established, Council Tax would be charged to residents. The provider would ensure that this was paid and the charges passed onto the residents through the fee levels.

- 7.5.5 The payment of income tax by Gypsies and Travellers arose as an issue through this Select Committee. The general public perception is that Gypsies and Travellers tend to pay less income tax than the settled population. Tax collection is the responsibility of HM Revenue and Customs, not local authorities; however they were contacted in order to investigate this situation. They were unable to provide a witness to speak to the Select Committee, however they did provide a written statement in regard to the information and actions that the department takes to investigate claims of non-payment.

*"If we were to target any demographic or socio-economic group, the Department could be vulnerable in relation to claims of discrimination. We do not target groups separately, but we do have specific teams that look at businesses operating in the informal economy"*<sup>60</sup>

- 7.5.6 There appears to be little objective evidence in regard to levels of income tax payment by Gypsies and Travellers. The national Select Committee on Gypsies and Travellers raised this issue and recommended stronger multi-agency working to tackle any criminality, particularly tax evasion.
- 7.5.7 Whilst appreciating the legitimate sensitivities around this issue, it is known that a large percentage of Gypsies and Travellers are self-employed rather than working directly for another employer. Given this situation, it is surprising that national research and/or agency action has not taken place to guide tax evasion measures locally.
- 7.5.8 It is clear from the evidence from Trading Standards that it is more difficult for agencies to tackle and track criminality in transient populations than it is for those at fixed abodes. Therefore any measures that result in an increase in permanent accommodation for Gypsies and Travellers will make it easier for agencies to reduce criminality. For example, in any new transit sites that are provided in Kent, sites should be open only to residents that supply evidence of having the relevant trading/business licences.

---

<sup>60</sup> Written Evidence. Email received 021105

7.5.9

**Recommendation 16**

**For KCC, with district authorities, to lobby the government, to ensure that there is stronger multi-agency working to tackle any criminality or tax evasion in transient populations.**

## 8. Strategic Considerations

---

- 8.1 Throughout the process of gathering evidence for this Select Committee, one of the emerging issues was the need for effective multi-agency working and clarity on the roles and responsibilities of respective organisations. The changes to the planning system clarify that it is the statutory responsibility of the district authorities to meet the accommodation needs of Gypsies and Travellers within their areas. However, this does not imply a reduced role for KCC in regard to Gypsies and Travellers, but instead a strategic role.
- 8.2 All Kent local authorities were invited to submit written evidence. Out of the four district councils that provided written evidence to the Select Committee all four expressed support for the continuing need for KCC to take a strategic co-ordinating role.<sup>61</sup> Maidstone Borough Council expressed support for the role of KCC in providing a hierarchy of sites. Swale Borough Council suggested that KCC should provide a 'pool of expertise on needs assessment and site management across the county.'
- 8.3 From the evidence received, there is a continuing and increasing need and support for KCC, via the Gypsy Unit, to fulfil this sub-regional role. There is a continuing need for the unit to maintain its expertise and remit for site management. In addition, there is a need for KCC to continue to promote effective intelligence and best practice, to co-ordinate and assist districts with the submission of bids to the regional housing fund and to build community relations. This remit needs to be reflected within the resource allocation processes.
- 8.4 The new ODPM guidance has an increased workload implication on all local authorities. The process of finding and providing acceptable sites for Gypsies and Travellers is resource intensive for Kent district authorities who have statutory responsibility for this, and for KCC in its strategic role. They should ensure that staffing arrangements are in place to undertake this additional workload.

---

<sup>61</sup> Written Evidence - Maidstone BC, Swale BC, Tonbridge & Malling

**Recommendation 17**

For KCC to facilitate the establishment of a joint Kent and Medway Authority group, to address the accommodation needs for Gypsies and Travellers. The primary objective of this group is to address the accommodation needs that are identified. It will also provide a vehicle for consultation and a sub-regional approach for applying for funding. In addition, it will consider the revenue cost implications linked to site provision, with a view to pooling resources.

**Recommendation 18**

For the KCC Gypsy Unit to be renamed as the 'Gypsy and Traveller Unit', in order to reflect the role of the Unit in working with all Gypsies and Travellers.



## Appendix 1 - Evidence

---

Witnesses that gave evidence to the Select Committee;

**1. 17 October 2005**

Mr. Forrester, Head of Gypsy Unit, Kent County Council  
Mr. Casson, Operations Manager, Gypsy Unit, Kent County Council  
Mrs. Clinch, Senior Investigation Officer, Planning & Enforcement, Sevenoaks District Council  
Mr. Avis, Unauthorised Encampments Officer, Housing Dept, Sevenoaks District Council

**2. 19 October 2005**

Ms. Banks, Head of Gypsy Unit, ODPM  
Mrs. Ndweni-Miller, GOSE  
Mr. Nix, Temporary Superintendent, Kent Police  
Mr. Ainsworth, Assistant Chief Constable, Kent Police  
Sgt Taylor, Community Engagement Officer, Kent Police  
Mr. Ratigan, Pavee Advise and Assist Direct

**3. 2 November 2005**

Mr. Sharma, North West Kent Racial Equality Council  
Mr. & Mrs. Jones, Canterbury Gypsy Support Group  
Mrs. Redman, Clerk, Ash-cum-Ridley Parish Council  
Mrs. Taylor, Clerk, Longfield and New Barn Parish Council

**4. 15 November 2005**

Mr. Couttie, David Couttie Associates Ltd  
Ms. McGuigan, Gypsy Unit, East Sussex County Council  
Mr. Hunter, and Mrs. Quarm, West Sussex County Council

**5. 16 November 2005**

Mr. Baker, Research Manager, Cambridge County Council  
Mr. Bainbridge, Trading Standards, Kent County Council

**6. 8 February 2006**

Mr. Stafford, Gypsy and Traveller Unit, Office of the Deputy Prime Minister

### **Visits**

**7 November 2005:** Visit to Southerham 'transit' site and South Mimms Transit Site.

Interview - Ben Hunter, Chief Environmental Health Officer, Lewes District Council

Interview - Norbert McCabe, Gypsy & Traveller Manager, Hertfordshire County Council

**10 November 2005:** Visit to Sittingbourne Community College.

Group interviews with 16 Gypsy and Traveller young people, facilitated by the Minority Communities Achievement Service, KCC.

**14 November 2005:** Site Visits to Gypsy and Traveller Sites within Kent - Windmill Lane, West Malling, Murston Site, Sittingbourne and Orchard Park, Oak Lane, Upchurch, Swale.

**List of Supplementary written evidence received:**

Blackmore Health Ltd  
Bromley Council  
Gravesham Borough Council  
Highpoint Business Village  
Maidstone Borough Council  
Mr. Forrester, Gypsy Unit, Kent County Council  
Mr. Dipper, Planning, Kent County Council (supported by Mr. Crossley)  
National Farmers Union  
Prime Construction Consultations Ltd  
Swale Borough Council  
Tonbridge & Malling Borough Council  
Upchurch River Valley Golf Course

## Appendix 2 - Glossary of Terms

---

<b>Unauthorised Encampments (UEs)</b>	Where someone puts one or more caravans and then lives in them, on a piece of land without the agreement of the landowner or the highways authority.
<b>Unauthorised Development (UDs)</b>	This is where someone owns (or buys) land and carries out development without the necessary planning consent. In Kent, District or Medway Councils are responsible for using planning enforcement powers where they are appropriate.
<b>Tolerated</b>	A tolerated site is one that it does not have planning consent, but for special reasons those on the land are not facing planning enforcement processes.
<b>Local Development Framework (LDF)</b>	In Kent, the District Councils are preparing these documents for the first time. Each LDF sets out the planning framework for the local area. They replace Local Plans.
<b>South East Plan / Regional Spatial Strategy</b>	This sets out a broad spatial planning strategy for how the area should look over the following 15 - 20 years.
<b>Regional Planning Body</b>	The South East Regional Assembly is the regional planning body for the South East from 2008.
<b>Caravan Count</b>	A bi-annual caravan count takes place across the country, as the official record of numbers of caravans.
<b>GTAB</b>	Gypsy and Traveller Advisory Board – this is a KCC member committee that advises the Cabinet Member responsible (portfolio holder for Adult Services) on Gypsy and Traveller issues.
<b>RSLs</b>	Registered Social Landlords – not-for-profit housing organisations that can now bid for regional funding to establish and run sites.
<b>Habit</b>	In the report, this is referred to in the definition of 'Gypsy and Traveller'. The Oxford dictionary definition of 'habit' refers to a regular tendency or practice, one that is hard to give up.

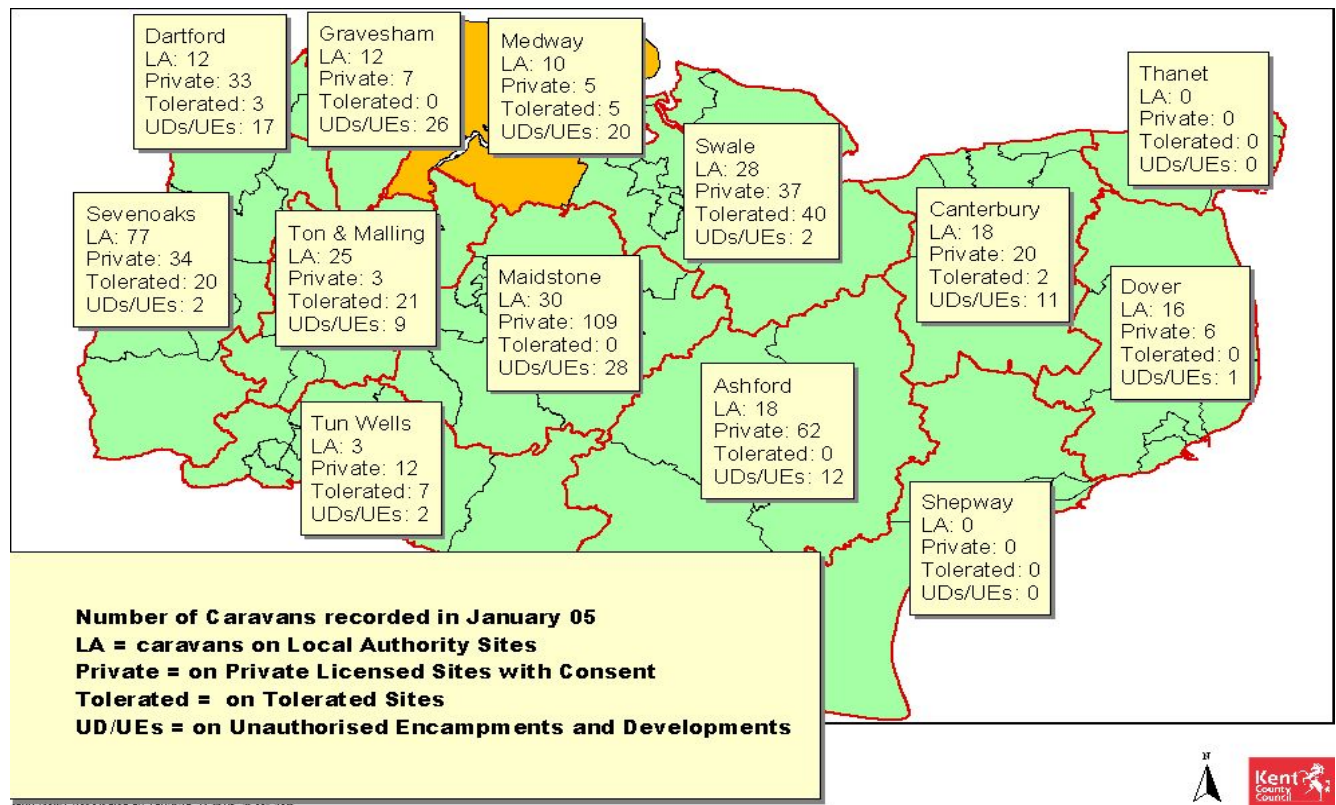
<b>Pitch</b>	Area of land on a Gypsy/Traveller site rented, under licence, to a single resident. Often referred to by Gypsy/Traveller residents as a 'plot'.
<b>Trailer</b>	Term used for mobile living vehicles used by Gypsies and Travellers. Also referred to as 'caravans'.
<b>Transit Site</b>	A Gypsy and Traveller site intended for short-term use by those in transit. The site is permanent, while its residents are temporary, and a maximum period of stay is usually imposed.
<b>Ofsted</b>	Ofsted is the inspectorate for children and learners in England.
<b>Emergency Stopping Place</b>	A Gypsy and Traveller site intended for short-term use. The distinction between this and a transit site is that these sites usually have fewer facilities and are intended to only host stays of a few days.

## Appendix 3 - Local Authority Site Provision in Kent and Medway 2005

---

Site	Council Area	Owned by	No of Plots	Max No of Trailers	Managed by
Aylesham	Dover	KCC	14	28	KCC
Barnfield Park	Sevenoaks	KCC	35	45	KCC
Bean	Dartford	Dartford BC	12	12	Dartford BC
Chilmington	Ashford	Ashford BC	18	18	Ashford BC
Cinderhill Wood	Tunbridge Wells	Tunbridge Wells BC	7	7	Tunbridge Wells BC
Coldharbour	Tonbridge & Malling	KCC	8	16	KCC
Cuxton	Medway	Medway Authority	11	22	Medway Authority
Denton	Gravesham	Gravesham BC	8	24	Gravesham BC
Heartenoak	Tunbridge Wells	KCC	3	3	KCC
Hever Road	Sevenoaks	Sevenoaks DC	12	24	Sevenoaks DC
Murston	Swale	KCC	14	22	KCC
Polhill	Sevenoaks	KCC	7	14	KCC
Silverspot	Swale	Swale/KCC	1	2	Swale
Stilebridge	Maidstone	Maidstone BC	17	19	Maidstone BC
Vauxhall	Canterbury	KCC	18	30	KCC
Water Lane	Maidstone	Maidstone BC	13	13	Maidstone BC
Windmill Lane	Tonbridge & Malling	Tonbridge & Malling BC	14	14	KCC

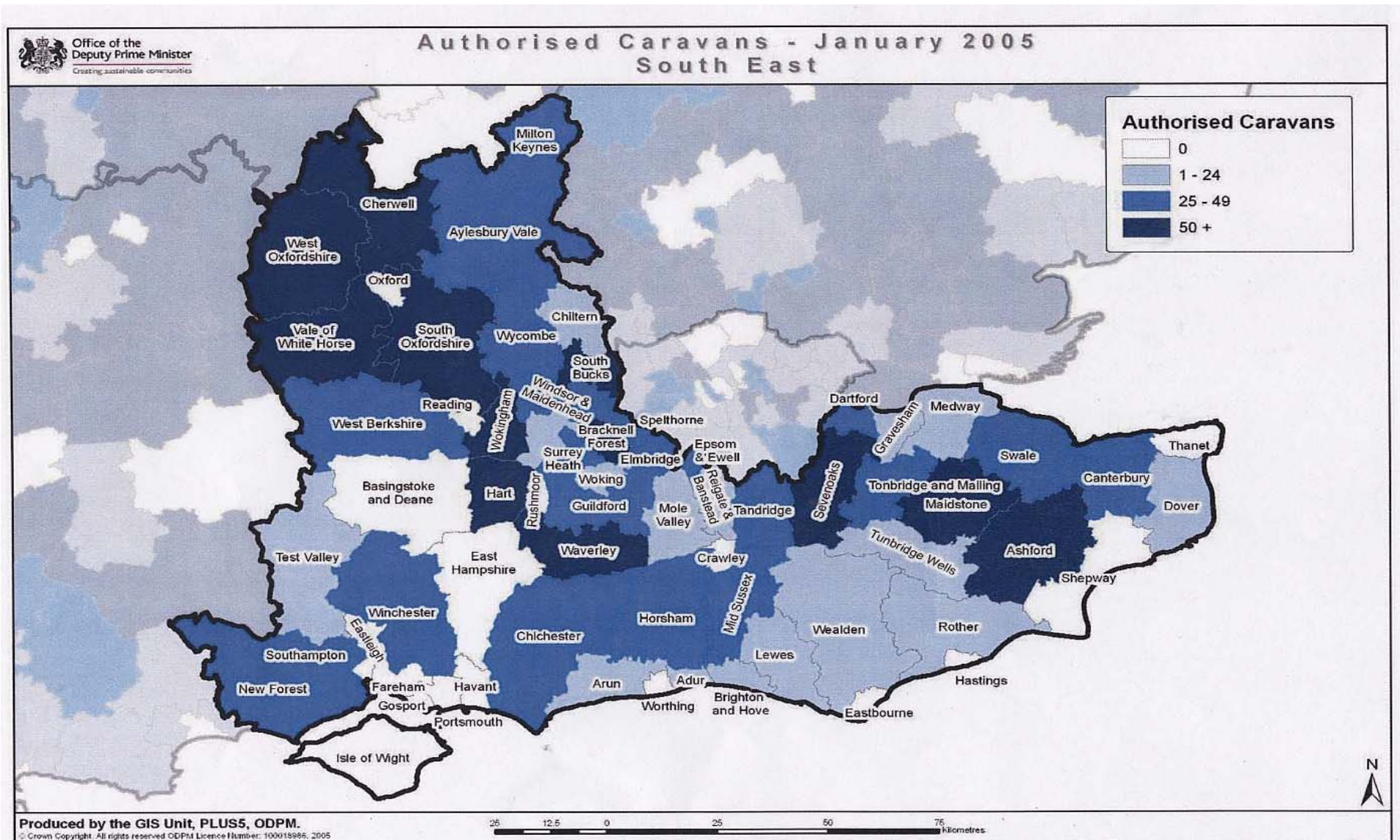
## Appendix 4 - Caravan Count January 2005



Extract from Presentation by Bill Forrester, Head of the Gypsy Unit, KCC  
 provided to GTAB on 27 July 2005

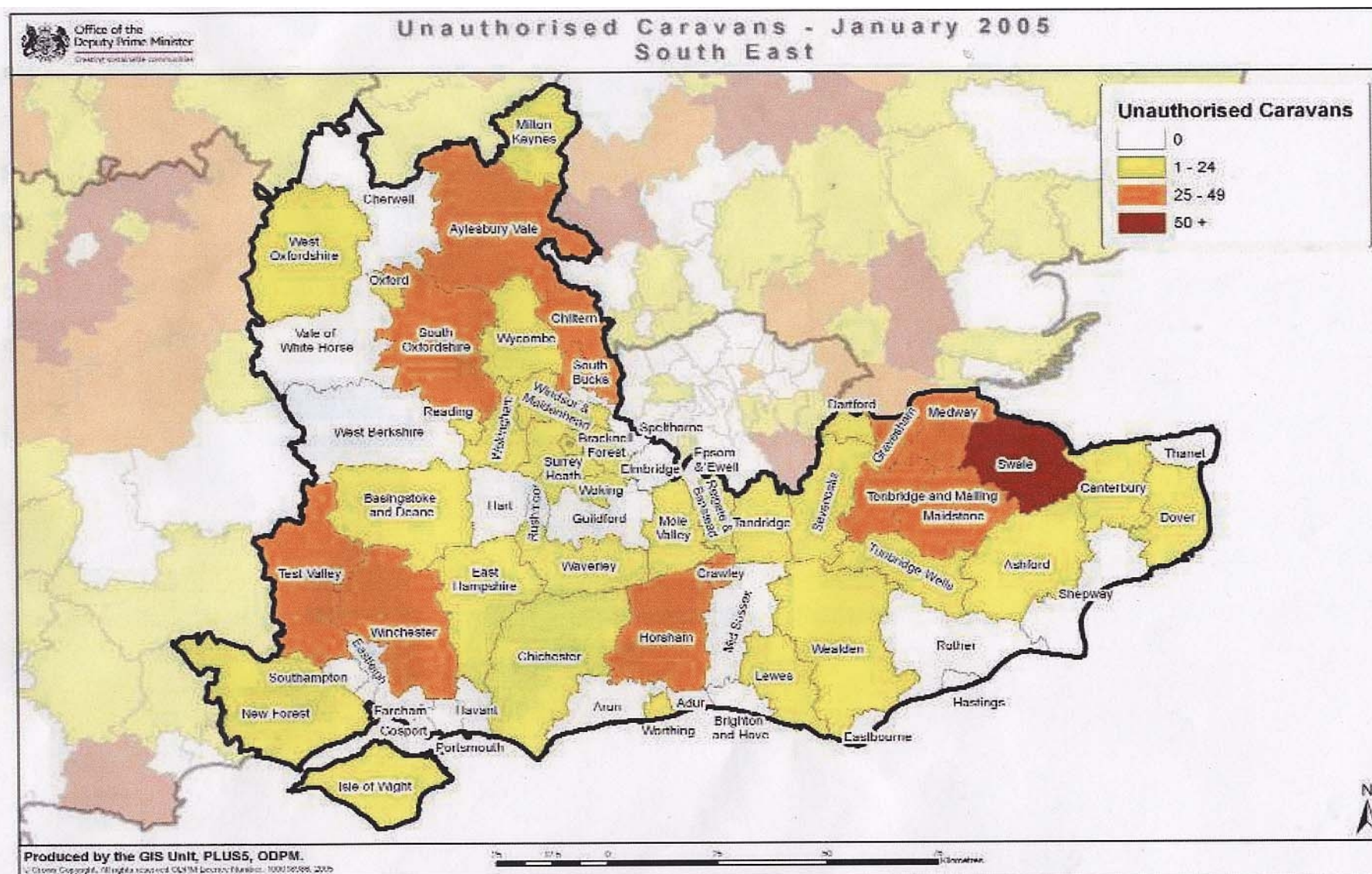


## Appendix 5





## Appendix Six





## References

---

**Gypsy Unit.** (Oct 05) Kent & Medway Caravan Survey Jan 02-July 05. Kent County Council.

**House of Commons.** (Oct 2004) ODPM: Housing, Planning, Local Government and the Regions Committee - *Gypsy and Traveller Sites*.

**IPPR.** *Moving Forward*

**Kent County Council** (17 March 05) *Planning for Gypsy and Traveller Sites Circular*. Kent County Council.

**Kent County Council.** *2004 Unauthorised Encampments Analysis Paper*.  
<http://www.kent.gov.uk/caring/travellers/downloads/ue-analysis.pdf>

**Kent County Council.** (March 2005) *KCC's Response to the ODPM's Planning for gypsy and Traveller Sites Circular*.  
<http://www.kent.gov.uk/caring/travellers/downloads/odpm-consltn-resp-17-03-05.pdf>

**Kent County Council.** (27 July 2005) Gypsies and Travellers Advisory Board Paper Item B - *Gypsies and Travellers in Kent*. Kent County Council.

**Kent Unauthorised Encampments Monitoring Group** (9 Feb 2005) *Gypsies and Travellers Advisory Board Paper Item 3 - Statistical and Behaviour Analysis of Kent and Medway Unauthorised Encampments in 2004*. Kent County Council.

**Niner, Pat.** (March 2004) *Housing Studies, Vol 19, No2*, 141-159, 'Accommodating Nomadism? An examination of Accommodation Options'. Carfax Publishing.

**Niner, Pat.** (July 2003) *Local Authority Gypsy/Traveller Sites in England*. ODPM  
[http://www.odpm.gov.uk/pub/516/LocalAuthorityGypsyTravellersitesinEnglandFullReportPDF985Kb\\_id1153516.pdf](http://www.odpm.gov.uk/pub/516/LocalAuthorityGypsyTravellersitesinEnglandFullReportPDF985Kb_id1153516.pdf)

**ODPM.** (Jan 2005) *Government Response to the ODPM Select Committee's Report on Gypsy and Traveller Sites*.  
[http://www.odpm.gov.uk/stellent/groups/odpm\\_housing/documents/page/odpm\\_house\\_034457-02.hcsp](http://www.odpm.gov.uk/stellent/groups/odpm_housing/documents/page/odpm_house_034457-02.hcsp)

**ODPM.** (2 Feb 2006) *Planning for Gypsy and Traveller Caravan Sites*. Planning Circular 01/2006.

**ODPM.** (2 Feb 2006) *Gypsy and Traveller Accommodation Assessments - Draft practice guidance*. ODPM.

**ODPM** (2 Feb 2006) *Guide to responsibilities and Powers*. ODPM.

**ODPM** (2 Feb 2006) *Guide to effective use of enforcement powers*. ODPM

**ODPM** (2 Feb 2006) Definition of the term 'gypsies and travellers' for the purposes of the Housing Act 2004

This document is available in alternative formats and can be produced in a range of languages. If you would like a copy in an alternative format please contact 01622 691876