

By: Oliver Mills, Managing Director, Kent Adult Social Services
To: Gypsy and Traveller Advisory Board – 25 July 2007
Subject: GOVERNMENT CONSULTATION ON GYPSY AND
TRAVELLER PUBLIC SITE MANAGEMENT GUIDANCE
Classification: Unrestricted

Summary: Report on a consultation document on Gypsy and Traveller Site Management Guidance for Local Authorities, produced by the Department for Communities and Local Government (CLG)

Background

1. The Department for Communities and Local Government is consulting, until 22 August, on Draft Guidance on the management of Gypsy and Traveller sites.
2. The document *, the first such guidance from Government since 1981, contains 17 sections across its 53 pages, and includes proposed guidance on the factors that influence good site management, the approach to be adopted, and the roles of the site owner, managing organisation and site manager.
3. The Draft Guidance contains sections on a whole range of management issues, from waiting-lists and plot allocation and site licence agreements through repairs and maintenance to conduct on site, departures from site and enforcement/eviction policy.
4. It has drawn on the experience of a whole range of public site managers across England, including Kent's experience.

Key points

5. The Draft Guidance begins with the views of site residents about what makes a successful site, as gathered by Pat Niner of Birmingham University in 2002, for a major Government Publication.
6. These views are very similar to the views that residents of social housing would have, and include such issues as the site being in good repair, clean and tidy and quiet and peaceful. The included the freedom to carry on their lifestyle alongside children being in school and access to health and other services.

7. The document goes on to say that these factors interrelate and **“can be achieved where the right structure, people and skills are all in place”**.
8. The draft guidance highlights the importance of good relationships – between landlords and residents, between senior managers and site managers, and between site residents and neighbouring residents and businesses to the site.
9. The role of the site manager is covered in great detail, including the systems for site inspection, health and safety and site maintenance and repair.
10. Detailed advice is given on waiting-lists for sites and allocations policies and procedures, designed to ensure both thoroughness of consideration of applications and fairness in making decisions about who should get a pitch on a site.
11. There is also guidance on protection from eviction, which reflects the legislative progress towards the same security of tenure as people have in social housing, but the fact that security of tenure on public Gypsy and Traveller sites still falls far short of that equality.
12. The remainder of the guidance provides practical help on issues like finance and benefits, repairs and maintenance and involvement of site residents in site management.

Links with current Kent Policy and practice

13. Quite a bit of the draft guidance reflects current KCC practice.
14. Some of the recommendations (for example the one about involvement of site residents in site management matters), reflect recommendations of the KCC Select Committee which reported in May 2006.
15. The section on protection from eviction is particularly helpful, and consideration is being given to the amendment of the KCC standard site licence, to ensure that all the reasons for eviction are contained within the licence. That would mean that any licensee would know the reasons which could lead to termination of the licence, but also have security of tenure because the listed reasons for termination would be complete and comprehensive, and summary eviction would not be possible either for no reason or a reason other than one of the ones listed.
16. The management of sites, both by KCC and by other Kent and Medway Councils is becoming more consistent as time goes on. The site managers of all Kent and Medway publicly-run Gypsy and Traveller sites now meet quite regularly to discuss and exchange practice. The material in the draft guidance now out for consultation will be discussed by the site managers' group on 20 July and their comments reported orally to the Advisory Board meeting.

SE Region Site Managers Group

17. One of the difficulties in the past has been lack of consistency in practice in site management. KCC has been actively involved with GOSE and other County councils in the South East in setting up a forum for site managers to discuss good practice in site management.
18. The Group met for the first time on Friday 6 July, at the GOSE offices in Guildford and about 30 attendees, including those managing sites from Oxford and Hampshire in the West to Kent and the Sussexes in the East, discussed site management issues, and the best way of tackling them, for the first time in such a forum.
19. The discussion included both the site design and the site management guidance, currently out for consultation.

Weaknesses of the Draft Guidance

20. The Draft Guidance contains a great deal of good policy and good practice on a whole range of aspects of site management. It very much describes what should be done to maintain good management.
21. What is missing, however, is how management can effectively be restored on a site where management has failed or broken down, and how order can be returned to such a site, through the more advanced techniques of site management. This is the key to ensuring that the existing sites are retained, and fully occupied, they provide good quality accommodation for those who need it, and the full income is received for rents.
22. It may be that a separate document should contain such more advanced site management guidance.
23. Another weakness lies in the legislation rather than the guidance. While this draft guidance is very welcome, it is just guidance. Although local authorities will be more at risk of having their decisions challenged for unreasonableness, or under human rights law, if they fail to follow the eventual final management guidance, there is nothing mandatory about authorities following this guidance.

Conclusions and recommendations

24. This draft guidance is very welcome, and long overdue. Although there are various aspects of it which might be improved, it is broadly in keeping with Kent best practice. It provides a basis for reference of all site management across England, as well as an excellent guide for those authorities and site managers who are new to site management.

25. Members are asked to consider and comment on the consultation document and note that the views of this Board will be forwarded to the Cabinet Member for Adult Social Services for him to consider as part of the County Council's response to this consultation.

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

Background Papers: The Draft Site Management Guidance from CLG

* A copy of the CLG Draft Site Management Guidance is attached for Members of the Board. Further copies are available electronically via the following link:
<http://www.communities.gov.uk/index.asp?id=1510557>