

KENT COUNTY COUNCIL

GYPSY AND TRAVELLER ADVISORY BOARD

MINUTES of A meeting of the Gypsy and Traveller Advisory Board held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 5 December 2008.

PRESENT: Mrs A D Allen (Chairman), Mr A H T Bowles (Vice-Chairman), Mr D S Daley (Substitute for Mr S J G Koowaree), Mr M J Fittock, Mr M J Harrison, Mr I T N Jones, DL and Mr F Wood-Brignall

IN ATTENDANCE: Mr W Forrester (Head of Gypsy & Traveller Unit), Mr R Feasey (Development Planning Manager) and Ms J Robson (Head of Language & Traveller Achievement Service)

UNRESTRICTED ITEMS

1. Minutes of meeting - 2 September 2008
(Item. 3)

RESOLVED that the Minutes of the meeting held on 2 September 2008 were correctly recorded and that they be signed by the Chairman.

2. The Application of the Mobile Homes Act 1983 to Council-Run Traveller Sites
(Item. 4)

(1) At the meeting of the Advisory Board held on 2 September 2008, Members received a report regarding the passing into law of the Housing and Regeneration Act 2008. This Act will make most or all of the provisions of the Mobile Homes Act 1983 apply, for the first time to agreements between Councils and Gypsies and Travellers who live on Traveller Sites run by those Councils.

(2) During the course of discussion, Members of the Advisory Board raised a number of issues particularly around the arrangements for succession to plot agreements. Mr Forrester said that up to now there had been no rules for Council run Traveller Sites on who should succeed to a plot on the death of the licensee. The Consultation did not ask questions about the Mobile Homes Act succession arrangements, but there are some important points that needed to be clarified. These included the list of people who could succeed to the plot which included a "spouse" or "civil partner", but there are many couples in the Romany Gypsy and other Traveller communities who are not legally married, but who were married as far as their community is concerned. It was important therefore, that they are able to succeed to the Plot Agreement. On the death of someone from the Romany Gypsy community, it is the custom that their caravan and belongings are burned. Should this be the main living caravan, then it was important that the survivor who takes over the pitch can live in a new caravan on that pitch. Mr Forrester said that a question asked in the consultation document was whether if there is no-one to succeed to the plot, the pitch agreement can be inherited by the person entitled under the deceased licensee's estate. This would be either under a will, or under

the rules for intestacy, if there was no valid will. One difficulty was that the person entitled to inherit may or may not be eligible to, or wish to, live on the site themselves and they may well have perfectly good accommodation elsewhere. A second difficulty was that there could be delays during probate and during this period a vacant plot would need to be protected, until the issue was resolved. This could also result in the loss of income to the landlord council.

(3) Following further discussion, the Advisory Board recommended that the Cabinet Member for Adult Social Services be advised that:-

- (a) to oppose assignment of plots on publicly run Traveller Sites being permitted by law, recognising that such assignment could be introduced locally, by site or area, if circumstances made that desirable;
- (b) to support the succession to plots on death, but not allowing pitch agreements to be inherited under the wills or the intestacy, of existing licensees or those with pitch agreements in the future;
- (c) to support the proposal for the introduction of new pitch agreements across all council-run Traveller sites in England as follows:-

“Authorities should have to make new plot agreements by a set deadline; if they do not, then the new applied terms would be added in on that date.”

- (d) to make the additional comments on the consultation as detailed in the report; and
- (e) to support circulation of the KCC response to other councils in Kent, in time for them to support it or use it for a response before 19 December 2008 deadline.

3. South East Regional Assembly- Partial Review of South East Plan - Consultation Over Pitch Distribution Options *(Item. 5)*

(1) This report outlined the current public consultation options for the South East Plan Review on Gypsy, Traveller and Travelling Showpeople accommodation and the merits of alternative options in providing a strategic and consistent approach across Kent. The report also detailed the discussions which had been undertaken with other Kent Authorities and set out in the KCC Cabinet Member response to the consultation.

(2) During the course of discussion, Members of the Advisory Board expressed their concern and disappointment that the Board was being consulted on a Government consultation the date of which had already closed and on which a response had already been submitted by the Cabinet Member. They therefore questioned the role of the Advisory Board in this process. Mr Feasey said that it was not certain how SEERA would respond to the County Council's preference for an "Option E" which was preferred because it mirrored more closely the pattern of need at district level while still providing an element of re-distribution within Kent away from the localities with the highest levels of need. Therefore only "Option E" (or C) and to a lesser extent D provided for redistribution within the region. Mr Feasey said that as part of the consultation within Kent, there were meetings held with district councils as part of the process and that "Option E" was available for discussion at that time.

(3) Mr Forrester said that he understood Members concerns and had taken on board the views which they had expressed particularly about having an opportunity to have an input into this process. This would not be the only opportunity that the County Council would have to put forward views in respect of this matter and he said that future GTAB meetings would be organised around the timetable for putting forward to Government these further views. Mr Feasey said that following the current public consultation the process would be that SEERA would select a preferred option for submission to Government, for distributing additional pitch provision between local authority areas. This could be one of the current four consultation options or an alternative that draws upon the consultation response. Submission to Government was envisaged in April 2009 and that would be followed by further public consultation and, in all probability, an Examination in Public. It was anticipated that the outcome of the partial plan review would be adopted by the Government in 2010. Following further discussion, the Members asked that the views which had been expressed regarding the process by which the County Council had responded to this consultation be noted and that a copy of the response sent to the Regional Assembly be circulated to Members of the Advisory Board. This was agreed.