

**From:** Mike Hill, Cabinet Member for Community and Regulatory Services  
Barbara Cooper, Corporate Director of Growth, Environment and Transport

**To:** Environment and Transport Cabinet Committee – 16 July 2019

**Subject:** Gypsy and Traveller Service – emerging Policies

**Classification:** Unrestricted

**Past Pathway of Paper:** n/a

**Future Pathway of Pathway of Paper:** N/A

**Electoral Division:** Canterbury City North, Cranbrook, Dover North, Malling Central, Malling North East, Sevenoaks Rural North East, Sevenoaks West, Sittingbourne North

**Summary:** This report updates Environment and Transport Cabinet Committee on emerging proposed policy changes of the KCC Gypsy and Traveller Service. In particular taking account of the results from the consultation exercise it outlines the approach to developing an Asset Management Plan and a draft Pitch Allocation and Site Management Policy. It also describes the intention to develop a new draft Gypsy and Traveller Service Charges and Rent Setting Policy, and by the end of the financial year, an Unauthorised Encampment Strategy.

**Recommendation:** The Cabinet Committee is asked to note and make comments to the Cabinet Member on the emerging proposed policies and strategies and Asset Management Plan.

## 1. Introduction and background

- 1.1. KCC owns and manages eight gypsy and traveller sites. KCC manages a further two sites on behalf of Maidstone Borough Council.
- 1.2. The Office for National Statistics (ONS) figures suggest that there are an estimated 4,522<sup>1</sup> Gypsy and Travellers living in Kent. This could include individuals living on private or local authority owned sites, 'bricks and mortar' housing, unauthorised developments or travellers in the literal sense. Kent County Council has approx. 343 residents<sup>2</sup> living on the eight sites owned and run by the KCC Gypsy and Traveller Service (GTS).
- 1.3. The County Council has no statutory obligation to provide or manage sites unlike the district councils who have a duty to provide accommodation for the Gypsy and Traveller community through the Gypsy and Traveller Accommodation Assessment (GTAA). KCC contributes to a number of Kent Districts' assessments by providing 131 pitches in total, across the county.

---

<sup>1</sup> Office for National Statistics: Census 2011, CT0769 Metadata – Ethnic group: Gypsy, Traveller, Roma, Gypsy/Romany

<sup>2</sup> Gypsy and Traveller Service Census 2016.

- 1.4. The decision for KCC to own and manage sites is historic but came about as a negotiation in 1967 under the auspices of the forthcoming Caravan Act 1968 that a number transfer from six district and borough councils within Kent. The sites must be managed in line with the Mobile Homes Act 1983. In addition, as a local authority, all policies and practices relating to the sites must of course meet the Public Sector Equality Duty. Case law has determined that Romany Gypsies and Irish Travellers are protected against race discrimination as they are recognised as ethnic groups under the Equality Act.
- 1.5. In October 2017, a consultation took place on a draft Gypsy and Traveller Pitch Allocation Policy, to meet the residents' needs and changing demands on the service, developing sustainable provision fit for the future. This draft policy was wider than its title suggests, and incorporated the allocations process, the licence agreement terms and conditions, rent setting principles (including service charges), resident vetting processes including DBS checks, and enforcement processes.
- 1.6. 47 responses were received, principally from site residents (58% of respondents, both online and orally). Issues on which respondents felt most strongly were: affordability of increased rent; a proposal around a deposit scheme; literacy and ICT challenges in the affected community meaning the consultation process might not reach all of the affected community; understanding how higher charges would be calculated; wishing greater investment into the sites; and the rent approach having parity with social housing. As a result of the consultation KCC has taken into consideration the responses made and has developed further proposals to inform two future draft policies, which are introduced in this report to Environment and Transport Cabinet Committee.
- 1.7. This report outlines the new proposals to inform planning for a second public consultation on a new draft Gypsy and Traveller Pitch Allocation and Site Management policy and on a new draft Gypsy and Traveller Service Charges and Rent Setting Policy. It is intended that the public consultation on both policies will take place in the autumn 2019.

## 2. Proposed Service Policy Changes and Methodology

- 2.1. As a result of the initial consultation in 2017, GTS has been developing the proposals around four areas of work. Table 1 highlights the issues raised, actions being delivered and recommendations for further work.

Table 1

Area	Issues	Action	Recommendation
Asset management	8 sites requiring maintenance and improvement	Asset management strategy and plan to be developed, site action plans to be included.	Further site surveys to be carried out. Investment options to be explored. Resident engagement.
Rental income	Current rental fees do not cover the cost of running and maintaining the sites to desired standard	Rent setting policy and process to be developed in conjunction with asset management strategy.	Increase in rental fee to ensure an effective service and 'steady state asset' can be delivered

Allocations & site management	Current allocation policy does not have parity with social housing	New Pitch Allocation and Site Management policy to be developed to include housing needs banding scheme. New policy to go out to consultation.	Housing needs scheme to be adopted to ensure fair and transparent allocation and site management
Unauthorised encampments	UE service is subsidised from GTS rental income	UE policy to be developed	Funding options to be explored

- 2.2. To develop robust proposals, the GTS have developed in conjunction with GET's Systems and Data team, data capture tools. This includes a case management system to ensure regular updates inform and update planning for the site and pitch provision. In addition, national trends being realised locally such as almost entirely female licence holders, or benefit claim anomalies, have been investigated with the assistance of KCC Strategic Business Development & Intelligence (ST SBDI) team.

### 3. Asset Management Plan

- 3.1. Results from the first consultation in 2017 highlighted the need for an asset management approach. The GTS are currently developing an asset management strategy through which action required on the eight KCC owned and managed sites can be prioritised. The strategy and resultant action plan will detail the repairs, maintenance and investment needed to ensure compliance with the Mobile Homes Act and that standards such as the Housing Health and Safety Rating System (HHSRS) are achieved whilst the service meets budget requirements within a sustainable framework.
- 3.2. The asset management plan has sampled three Gypsy and Traveller sites out of the eight KCC own and manage, to calculate costings per pitch establishing an indicative current 'at steady state' investment position. This along with site action plans will inform the asset management strategy highlighting the capital investment required to ensure sustainability and longevity for the benefits of residents, sites and of the service.
- 3.3. To assist asset management, site visit data has additionally been recorded developing a greater understanding of asset condition.
- 3.4. The refurbishment works needed to improve outcomes for residents will bring parity between sites, ensuring standards are met, improving health outcomes and enhancing the environment. Investigation into central government funds through the Affordable Homes Programme and KCC Capital Works Programme may help to bridge the performance gap. This capital investment would ensure that the sites become sustainable and that the GTS can continue to deliver the service for the Gypsy and Traveller community.
- 3.5. In addition to KCC funding all of the GTS overhead costs, the service additionally derives an income from the residents' pitch fees which contribute to existing critical refurbishment works.

#### 4. Draft Pitch Allocation and Site Management Policy proposals

- 4.1. The current Pitch Allocation Policy 2012 does not include site management. However, 2017 consultation feedback highlighted that the two themes were linked and in response have been included together in the emerging new draft policy.
- 4.2. The new draft Pitch Allocation and Site Management Policy will propose three principal changes from the Gypsy and Traveller Pitch Allocation Policy 2012. These three proposals set out a clear direction for the service to secure a sustainable future, maximising the positive outcomes the service can deliver. These positive outcomes include planned site improvements for residents (based on the Asset Management Strategy and Action Plan described above), an improved allocations process for customers, and efficiencies for the service.
- 4.3. Table 2 below details the key features of the draft policy proposals

Table 2

Outcome	Summary highlights
<p><b>Sustainable and innovative service</b></p>	<p><b>Proposal 1: Applying a service charge for serviced communal areas</b></p> <p>Communal areas including shared grass space, access paths etc that are serviced by the GTS will levy a charge in addition to the pitch rent. This will cover maintenance costs incurred for the upkeep of these areas.</p> <p>These costs in the past have either been met within the budget but consequently another issue has been forgone or no action has been taken due to budget constraints and the situation has worsened. The development of the asset management plan has not only highlighted a more efficient and effective management approach for pitches and overall sites but also for the communal areas.</p>
<p><b>Reduction in debt for residents</b></p>	<p><b>Proposal 2: Two weeks rent in advance.</b></p> <p>Respondents from the 2017 consultation referred to the practices of social housing, utilised by local councils. KCC has listened to these requests and is proposing a similar customer journey. As part of this process residents will be asked to pay two weeks' rent in advance.</p> <p>Two weeks' rent in advance and managing the risk of residents going into arrears, is common practice for Registered Social Landlords (RSLs) commissioned to manage social housing by the local councils. Paying rent is an important responsibility for a resident and paying rent in advance gives residents the opportunity to budget and build up credit, offering a safety net should circumstances change unexpectedly.</p> <p>KCC Gypsy and Traveller site residents are currently asked to give notice of termination at a period of four weeks, and rental for this period is required. When two weeks' rent in advance is applied, this will reduce the end debt, financially helping residents with their move off the site.</p>

	<p>In addition, should a resident vacate without notice the resident remains liable for the costs during the termination period. Again, this debt will be reduced for the resident at this time when the two weeks' rent in advance is applied.</p>
<p><b>Increased parity with social housing and improved customer journey</b></p>	<p><b>Proposal 3: Banded allocation process.</b></p> <p>Respondents from the first consultation highlighted the disparity between the application process for social housing and KCC Gypsy and Traveller pitch accommodation. The draft policy will now recommend addressing the disparity by introducing a banding (prioritisation) system used by social housing that can be applied to Gypsy and Traveller pitches, similar to that of other councils nationally such as Northumberland County Council or in Kent, Maidstone Borough Council (MBC).</p> <p>This proposed change from the current Gypsy and Traveller waiting list process to a fairer banded process will utilise mobile applications and the internet to increase digital accessibility alongside more traditional communication methods.</p> <p>Currently Home Choice Based Lettings (HCBL) is the delivery mechanism used by all district and borough councils of Kent to enable applicants to apply for 'bricks and mortar' properties. Applicants register online, are banded by the district or borough council and then properties can be applied for in line with social housing allocation processes. Applications, commonly known as 'bids', will be undertaken by the applicant to show interest in a KCC Gypsy and Traveller pitch. Under the new draft policy, the applicant by this point has already been assessed and understands the banded allocation (prioritisation) process of awarding pitches.</p> <p>Currently applicants wanting to live on a KCC site apply for a pitch and are registered as such by the GTS. The applicant is then added to the waiting list. The applicant is then only assessed for a pitch when one becomes available. This leaves the applicant uncertain as to whether they are likely to gain a pitch in the near future or at all. The consultation feedback suggested that potential residents would prefer parity with the district/borough banded allocation process.</p> <p>Whilst KCC Gypsy and Traveller pitches are outside the scope of the Choice Based Letting Scheme run by all district and borough councils, where housing applicants apply for social accommodation, the same principles can be applied for eligibility and assessment to those applicants wishing to register and apply for a pitch. To deliver a similar online process, KCC is exploring commissioning a Choice Based Lettings provider to enable applicants to apply, or bid, for the desired pitches, increasing opportunity, transparency and efficiency.</p> <p>The banding award is not based on a points system but by how the allocation of a pitch meets the accommodation need of the individual.</p> <ul style="list-style-type: none"> <li>● Band A – urgent need to move</li> <li>● Band B – high priority</li> </ul>

	<ul style="list-style-type: none"> <li>• Band C – medium priority</li> <li>• Band D – low priority</li> </ul> <p>These bands will be described in detail in the final draft policy. Once banded, it is intended that the applicant can bid for a pitch/pitches that they wish to be considered for and the applicant who has been in the highest priority group for the longest period is then eligible for the pitch. This gives the greatest choice and flexibility for the applicant in relation to their need. If an applicant wishes to apply for both district housing and KCC pitches banding, the GTS service will utilise the accommodation need assessed by the district/borough council to ensure consistency of assessment. However, the principle aim is to emulate the social housing processes, not necessarily delivery from the same process.</p> <p>Every assistance will be given to applicants to access the accommodation register and search for accommodation available as the GTS will work with partners to support internet applications from locations such as libraries, district and borough offices and Citizen Advice Bureaux offices etc.</p>
--	---

4.4 The 2017 consultation highlighted that the proposed Disclosure and Barring Service (DBS) checks are not necessary, and the service will not be continuing with this proposal.

## 5. **Draft Gypsy and Traveller Service Charges and Rent Setting Policy proposals**

5.1. Rental fees in the past have been set by the District Valuer Services (DVS) who carry out a range of statutory duties covering rental data, fair rents and Local Housing Allowance rates. This advice changed in 2016 for Gypsy and Traveller sites, and thus rental fees are currently agreed with individual local authorities in line with the localised rent affordability calculations for social housing within any particular district or borough.

5.2. This original advice determined the pitch fee by comparing similar charges of rent in the locality and the condition of the accommodation. However, there are few genuine comparisons with Gypsy and Traveller site pitches. Nationally sites vary and there are small numbers of publicly run Gypsy and Traveller sites in the South East.

5.3. The condition of the KCC owned sites and pitches has been declining for a number of years and has contributed to a minimal rent charged.

5.4. After discussions with the DVS it was decided that an asset management approach to setting the rent would be fair and transparent. Paragraph 3 above describes the developing asset management strategy which will then inform the rental fee, helping ensure that in the medium-term the sites become sustainable and that all costs to provide the sites and pitches are recovered.

## **6. Draft Unauthorised Encampments Strategy proposals**

- 6.1. An unauthorised encampment is a group of people with vehicles who are trespassing on land with the intention of residing there without the landowner's permission. The Unauthorised Encampment (UE) service delivered by the GTS, removes UEs from KCC owned land on behalf of Highways and Gen2. The service is frequently called upon to advise on UEs on land not owned or managed by the County Council.
- 6.2. Unauthorised Encampment numbers have risen dramatically from 2016, anecdotal evidence suggests a 50% increase on last year 2018/19 in UEs across Kent recorded by all local authorities. Data is currently being captured across Kent by a new multi-disciplinary UE working group and a county wide Memorandum of Understanding is being developed by all partner agencies.
- 6.3. The removal of a UE can take time and the duration and nature of engagement from the GTS can differ from an initial welfare visit to court appearances and finally bailiff removal. This engagement work can typically take from four to seven days for removal.
- 6.4. The cost of managing these unauthorised encampments includes additional staff resources, legal fees, bailiff support, tow trucks, storage charges, disposal charges and clear up costs.
- 6.5. The cost is currently principally absorbed by the GTS when the UE is on KCC owned land.

## **7. Public Consultation**

- 7.1. The consultation on the draft Pitch Allocation and Site Management Policy and on the draft Gypsy and Traveller Service Charges and Rent Setting Policy is planned to take place in Autumn 2019 and will engage all current site residents, district and borough councils, the Voluntary and Community Sector (VCS) and wider stakeholders.
- 7.2. Stakeholders will be sent draft policy documents providing details of the proposals, a questionnaire, an easy-read version and a copy of the Equality Impact Assessments. The consultation documents will also be available in hard copy from KCC libraries, Gateways and will also be available online. During the consultation period, the Service will hold drop-in events at each of the eight KCC sites across the county for site residents to come and talk to staff about the proposals.
- 7.3. Pre-consultation work is taking place with district and borough councils to ensure the proposals are robust. The new Pitch Allocation and Site Management policy may directly impact the district /borough councils' existing housing policies as they currently do not include the allocation of local Gypsy and Traveller pitches. Discussion and analysis of their allocation process and application data will shape further the KCC Gypsy and Traveller pitch allocation process.
- 7.4. Following the end of the consultation a full analysis and report will be completed which will be presented to Environment and Transport Cabinet Committee. The recommendations, analysis reports and updated Equality Impact Assessments will then be considered by the Cabinet Member for Community and Regulatory

services before a key decision is taken on each of the Pitch Allocation and Site Management Policy, the Gypsy and Traveller (Service) Rent and Charges Policy, and latterly within the year, the Unauthorised Encampment Strategy.

## **8. Equalities Implications**

- 8.1. The initial Equality Impact Assessment from the 2017 consultation is currently being updated in light of the issues raised by the respondents. New Equality Impact Assessments are being developed to inform the emerging Policies and Strategies outlined in this report. Based on the analysis to date it is concluded that there are potential effective mitigations to be tested at consultation.
- 8.2. The original consultation raised concern for the Race protected characteristic within the Gypsy and Traveller community in relation to the perceived unaffordable increase in pitch fees and lack of improvements to sites. Investigating these issues further, KCC has identified effective mitigation reducing the risk of inequality. The Equality Impact Assessments are therefore informing the new proposals including reviewing cases on a case by case basis; offering support from organisations such as Citizens' Advice Bureaux; and the proposed asset management strategy led approach.

## **9. Financial, GDPR and HR Implications**

- 9.1. The GTS budget comprises of rental income only. KCC covers all of the wider overheads.
- 9.2. The GTS income derives from rent gained from the 131 pitches and has to date covered the cost of staffing, emergency site and pitch repairs, and unauthorised encampment costs.
- 9.3. The GTS has an income target to enable it to invest back into the sites and pitches according to their need identified through the asset management plan. The service will not be in a position to confirm the validity of that income target and therefore of the income available to reinvest, until it has completed the Asset Management Plan, Pitch Allocation and Site Management Policy, and Gypsy and Traveller Service Charges and Rent Setting Policy. The service is therefore currently presenting an ongoing financial pressure (overspend) which needs to be addressed.
- 9.4. Maintenance on-site has been reactive reflecting the short-term availability of funding rather than the consideration for durability, life cycle, replacement costs or longevity. The asset management strategy, plan and site action plans are being developed to identify the capital works needed over the next three years and identify the investment required to bring the sites to a 'steady state of asset'.
- 9.5. The asset management surveying to date has identified that the smaller more remote sites are the least cost effective and need the greatest amount of refurbishment.
- 9.6. In addition, there are two sites that have been identified as having serious fly-tipping issues needing resolution through enforcement. This has been difficult to resolve as there is no one enforcement service within KCC which is responsible for the legal enforcement of this type of waste disposal, therefore, to resolve the fly-



tipping issues on site, the GTS require additional support. A GET Directorate Investigations and Enforcement Project will support the service in taking this forward.

- 9.7. Detailed financial implications will be presented alongside each draft policy or strategy when it comes before Environment and Transport Cabinet Committee.
- 9.8. The current staffing levels are adequate therefore it is not predicted that there are any HR implications.
- 9.9. This report does not contain nor consider any personal data and therefore there are no GDPR implications of this report.

## **10. Conclusion**

- 10.1. By delivering the two strategies and two policies described in outline within this report, KCC can ensure the GTS sites are fit for purpose, benefiting the communities on and around the sites, helping to deliver the three KCC strategic outcomes.
- 10.2. The draft Pitch Allocation and Site Management Policy, the draft Gypsy and Traveller Service Charges and Rent Setting Policy and the draft Unauthorised Encampment Strategy will all be brought to Environment and Transport Cabinet Committee in 2019, ahead of their respective public consultation, to support KCC to provide a sustainable service to the Gypsy and Traveller Community.

**Recommendation:** The Cabinet Committee is asked to note and make comments to the Cabinet Member on the emerging proposed policies and strategies and Asset Management Plan.

## **Background Documents**

### **Report Author:**

Jayne Collier-Smith, Project Manager Gypsy and Traveller Service.

Helen Page, Head of Countryside and Community Development Group

### **Relevant Director:**

Stephanie Holt-Castle

Interim Director for Environment, Planning and Enforcement

Tel: 03000 412064

Email: [stephanie.holt-castle@kent.gov.uk](mailto:stephanie.holt-castle@kent.gov.uk)