

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 – 10 October 2019

Subject: Gypsy and Traveller Service: Draft Pitch Allocation and Site Management Policy

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 outlining the key features of the draft Pitch Allocations and Site Management Policy. It also describes the development of a new draft Gypsy and Traveller Service Fee Setting and Charges Policy for presentation in November 2019, and by the end of the financial year, an Unauthorised Encampment Strategy.

Recommendation: The Cabinet Committee is asked to discuss and make recommendations to the Cabinet Member on the draft Pitch Allocations and Site Management Policy for public consultation beginning in December 2019.

1. Introduction and background

- 1.1. Kent County Council (KCC) owns and manages eight settled Gypsy and Traveller sites. KCC manages a further two sites on behalf of Maidstone Borough Council. Out of the 4,522¹ estimated Gypsy and Travellers living in Kent, approx. 343 residents² live on the eight sites owned and run by the KCC Gypsy and Traveller Service (GTS).
- 1.2. The district and borough councils have a duty to provide accommodation for the Gypsy and Traveller community through the Gypsy and Traveller Accommodation Assessment (GTAA). KCC has no statutory obligation to provide or manage sites however contributes to a number of Kent Districts' assessments by providing 131 pitches in total, across the county.
- 1.3. The decision for KCC to own and manage sites is historic but came about through negotiation in 1967 where a number transferred 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

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

² Gypsy and Traveller Service Census 2016, encompassing the eight KCC owned sites.

sites must 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.

1.4. In October 2017, a consultation took place on a draft Gypsy and Traveller Pitch Allocation Policy, both to meet the residents' needs and the changing demands on the service, thereby developing sustainable provision fit for the future. Respondents highlighted their concerns regarding: the approach to allocation not having parity with social housing; charges and increased fees; investment into the sites; literacy and ICT challenges affecting the consultation process.

1.5. As a result of the consultation, KCC has developed further proposals informing two draft policies, the Pitch Allocation and Site Management Policy which is presented in this report and the Fee Setting and Charges Policy, due to be presented to ETCC in November 2019.

2. Draft Pitch Allocation and Site Management Policy proposals

2.1. Table 1 below details the two key features of the draft policy proposals

Table 1

Outcome	Summary highlights
<p>Increased parity with social housing and improved customer journey</p>	<p>Pitch Application and Allocation Process (part 1 & 2) Respondents from the first consultation highlighted the disparity between the application process for social housing and KCC Gypsy and Traveller pitch accommodation allocation processes. The draft policy before Environment and Transport Cabinet Committee introduces a banding (prioritisation) system used by social housing that can be applied to Gypsy and Traveller pitches.</p> <p>The draft policy proposes participation in Home Choice Based Lettings (HCBL) used by the district and borough councils of Kent, to enable applicants to apply for pitches in the same way as applicants would apply for 'bricks and mortar' properties.</p> <p>This involves registering online, where the application will then be assessed and banded. Once a band has been given accommodation can be applied for in line with the social housing allocation processes within that district. Applications for KCC pitches, commonly known as 'bids', will be undertaken by the applicant to show interest in a KCC Gypsy and Traveller pitch and processed by the GTS.</p> <p>The current GTS allocation process requires applicants to apply to a waiting list where assessment for a pitch only takes place when a vacant pitch 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 the Gypsy and Traveller community would prefer parity with the district/borough banded allocation process.</p> <p>The Gypsy and Traveller community are currently disadvantaged by the existing process as social housing applicants are banded at</p>

	<p>registration bringing increased levels of control and transparency to the applicant. The new policy proposes that the same principles be applied for eligibility and assessment to those applicants wishing to register and apply for a pitch on a KCC managed gypsy and traveller site.</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"> • Band A – urgent need to move • Band B – high priority • Band C – medium priority • Band D – low priority <p>Further information on the Priority Bands can be found in the draft Pitch Allocation and Site Management Policy, Appendix 1.</p>
<p>Sustainable and innovative service</p>	<p>Site Management (Part 3)</p> <p>An asset management approach is being developed by the GTS to ensure a fair condition of pitches and communal areas across the KCC sites. This has involved site condition surveys and pitch assessments enabling the GTS to forecast capital spends for the next five years.</p> <p>This policy levies a charge consistent with social housing provider practice, in addition to the pitch fee to cover maintenance costs incurred for the upkeep of these communal areas. In addition, the policy sets out expectations for residents in relation to the upkeep of pitches and to not falling into arrears with fee payments. Residents are requested to keep a two-week credit balance maintained to reduce the risk of debt for residents. The GTS, like social housing providers, will seek to deliver ‘pre-tenancy’ support to those applicants who may require help.</p> <p>The policy also sets out what is expected of KCC including welfare responsibilities and site management.</p>

3. Public Consultation

3.1. The consultation on the draft Pitch Allocation and Site Management Policy is planned to begin in December 2019 and will engage all current site residents, district and borough councils, the Voluntary and Community Sector (VCS) and wider stakeholders, including national representative groups for gypsy and traveller communities. This consultation will be one consultation on both the Pitch Allocation and Site Management Policy and the associated Fee Setting and Charges Policy which Environment and Transport Cabinet Committee will review at its November meeting. It is envisaged that the consultation will run for 12 weeks.

3.2. As the draft Pitch Allocation and Site Management Policy will directly complement the district / borough councils’ existing housing policies, it has been imperative to participate in pre-consultation dialogue. This has shaped the current draft of the policy and highlighted areas for further partnership working, such as delivery.

- 3.3. As the previous consultation received a low number of responses, the GTS will be delivering an engagement period over 12 weeks and will be ensuring face to face opportunities are made available with current residents of sites. Once the consultation has commenced 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 Assessment. 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 and potential residents to come and talk to staff about the proposals.
- 3.4. Following the end of the consultation a full analysis and report will be completed which will be presented to Environment and Transport Cabinet Committee in anticipated for May 2020. The recommendations from Committee will then be considered by the Cabinet Member for Community and Regulatory services before a key decision is taken on each of the policies: Pitch Allocation and Site Management Policy, and the Gypsy and Traveller Fee Setting and Charges Policy.

4. Forthcoming Policy:

Draft Gypsy and Traveller Service Fee Setting and Charges Policy

- 4.1. The District Valuer Services (DVS) in the past have assessed and set 'rent' for Gypsy and Traveller sites. However, since 2016 'Rents' have been agreed with individual local authorities in line with the localised rent affordability calculations for social housing within any particular district or borough.
- 4.2. Nationally pitch costs vary, few are genuine comparisons with publicly run Gypsy and Traveller sites and even fewer are in the South East. This has led the GTS to look to take an asset management approach to fee setting which will increase sustainability and improve transparency. The Asset Management Strategy and Plan has been developed to ensure all costs are recovered.
- 4.3. The draft Fee Setting and Charges Policy is to be presented in November 2019 to ETCC and will be included in the public consultation to commence in December 2019.

5. Equalities Implications

- 5.1. An Equality Impact Assessment (EqIA) has informed the Pitch Allocation and Site Management Policy and is attached as Appendix B. Based on the analysis to date it is concluded that there are potential effective mitigations to be tested at consultation.

6. Financial, GDPR and HR Implications

- 6.1. Currently the allocation of pitches is processed by the GTS team manually. This process can be frustrating for the applicant. A written application can be a barrier to some applicants in regard to literacy levels making it harder to make a

submission. It is also time consuming for the applicant especially when further information needs to be gained. Delivering this service online with 'pre-tenancy' support in line with district / borough practice would streamline the process, increase control for the applicant, bring greater transparency and improve efficiency. A costed, business case to fully test this assumption will be developed during the consultation period.

- 6.2. There are limited financial implications in relation to the draft Pitch Allocation and Site Management Policy as most implications are considered within the Fee Setting and Charges Policy. However, the development of the online allocation process and on-going associated costs will be allocated within the revenue budget.
- 6.3. This report does not contain nor consider any personal data and therefore there are no GDPR implications of this report.

7. Conclusion

- 7.1. By delivering an allocation process that has parity with social housing, KCC will be delivering a comparable and fit-for-purpose pitch allocation and site management policy. The current 'waiting list' approach lacks transparency and fairness whereas the new proposed policy aligns processes in partnership with the district / borough councils to improve outcomes for the Gypsy and Traveller community.
- 7.2. The draft Pitch Allocation and Site Management Policy, and the draft Gypsy and Traveller Service Fee Setting and Charges Policy will be brought to Environment and Transport Cabinet Committee in October and November 2019 respectively, ahead of one public consultation, to support KCC providing a sustainable service for the Gypsy and Traveller Community and in turn deliver against our strategic outcomes.
- 7.3. An optional briefing for Members on the draft Pitch Allocation and Site Management Policy, draft Fee Setting and Charges Policy and on wider priorities and work of the KCC Gypsy and Traveller Service will be organised for December 2019.

Recommendation: The Cabinet Committee is asked to discuss and make recommendations to the Cabinet Member on the draft Pitch Allocations and Site Management Policy for public consultation beginning in December 2019.

Background Documents

- **Appendix A** - Draft Pitch Allocation and Site Management Policy
- **Appendix B** - Equality Impact Assessment

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