

THE OVERVIEW AND SCRUTINY COMMITTEE

17 October 2011

ALLOCATION OF GYPSY AND TRAVELLER SITES INFORMAL SCRUTINY
GROUP - FINAL REPORT

REPORT OF HEAD OF STRATEGIC PLANNING

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This is the final report of the Allocation of Gypsy and Traveller Sites Informal Scrutiny Group (ISG).

The ISG met on four occasions throughout summer 2011 and took in the views of local settled communities, different traveller, gypsy and travelling showmen groups, the Police, Hampshire County Council's Gypsy Liaison Officer, a charity group and officers from the City Council's Enforcement, Housing, Strategic Planning and Legal teams.

From the evidence gathered at these meetings, the ISG have agreed the attached report and the recommendations. The main recommendations are set out below for The Overview and Scrutiny Committee to consider and recommend in turn to Cabinet to endorse and action. The recommendations refer to the emerging Local Development Framework (LDF) Core Strategy and should, therefore, be considered by Cabinet at its 9 November meeting, to enable its conclusions to be taken into account by the Cabinet (LDF) Committee in finalising the next stage of the Core Strategy.

RECOMMENDATIONS:

That The Overview and Scrutiny Committee recommend to Cabinet the following:

1. That a commitment to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) and a Travelling Showmen Accommodation Assessment (TSAA) be set out in a Core Strategy policy. The policy should include criteria for allocating sites and assessing planning applications.

2. That the above GTAA and TSAA should be carried out, working with neighbouring authorities.
3. That the principle of making suitable provision for gypsies and travellers (including permanent and transit sites) and travelling showmen, based on the assessed need, be supported, including:
 - Sites should be spread around the District with no over-concentration in any one location and be of a scale commensurate with the size of the settlement to avoid dominating the settled community or overloading services.
 - Sites should be located at an appropriate distance from the settled community which still allows access to services.
 - Sites should be suitably screened.
 - Sites must provide appropriate site facilities such as sanitation, services and waste management and room for storing equipment for Travelling Showmen.
4. That temporary planning permissions should be reviewed against the policy criteria: if sites meet the criteria, permissions may be extended or made permanent but if they are found not suitable, enforcement action should be prioritised (which should also help prevent new unauthorised sites becoming established).
5. That the enforcement process at Carousel Park, Micheldever be continued to make this site available for travelling showmen again.
6. That the Council should proactively work with travelling showmen to identify suitable sites for allocation where needed.
7. That further investigations and negotiations be undertaken with a view to possibly taking over Tynefield from Hampshire County Council and managing this site to improve its occupancy/capacity.
8. That Members of the ISG be invited to attend and make representations to the Cabinet (Local Development Framework) Committee when it considers the allocation of site(s) in detail, to share expertise acquired throughout the Review.
9. That the funding available for both revenue and capital costs of providing sites be investigated to establish the likely ongoing cost of site provision.
10. That Parish Councils be given the opportunity to be involved in identifying potential sites.
11. Guidance be sought from the Council's equalities consultant/group on ways to increase cultural awareness of gypsies and travellers with Members, Parish Councils and the wider community.

That The Overview and Scrutiny Committee agree that:

12. The action taken on the ISG's recommendations be reviewed one year after receiving this report.

OTHER CONSIDERATIONS:

3. SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

The Community Strategy and Active Communities Change Plan promote the development of adequate housing to meet a range of needs and seek to protect people from discrimination and harassment. Implementation of the ISG's recommendations would contribute to this aim.

4 RESOURCE IMPLICATIONS:

The ISG's report includes a section on 'funding sources' and acknowledges that there may be costs associated with its recommendations. It is likely that Government grants could cover the capital costs of site provision and layout, but these would not cover the ongoing revenue costs of management. Conversely, failure to make adequate provision for gypsies and travellers also has costs, both financial and social, in terms of clearing up unauthorised encampments, enforcing against unauthorised sites and increased tension between travellers and settled communities.

The report does not recommend a specific financial commitment regarding site provision and management, but that further work is needed to establish the potential costs, including negotiations with the County Council regarding the extent to which these may be covered as part of a package through which the City Council may take over the management of Tynefield.

5 RISK MANAGEMENT ISSUES

The ISG's report includes sections on the potential risks of its recommendations.

BACKGROUND DOCUMENTS:

Files held in the Democratic Services Division.

APPENDICES:

The Allocation of Gypsy and Traveller Sites ISG Final Report

**Allocation of Gypsy and Traveller Sites
Informal Scrutiny Group**

Final Report

October 2011

Index

1	Recommendations	1
2	Introduction	6
	Current Situation	6
	The Different Travelling Communities.....	7
	How Evidence was Gathered	7
3	Summary of Findings	9
	Gypsies and Travellers.....	9
	Travelling Showmen.....	10
	New Travellers	11
	Settled Community Concerns.....	12
	Illegal Encampments	12
4	Conclusions	14
	Romany Gypsies and Irish Travellers	15
	Travelling Showmen.....	15
	New Travellers	15
	Transient Groups.....	16
5	Implementation Plan	17
6	Funding Sources	18
	Gypsy and Traveller Site Grant	18
	New Homes Bonus.....	18
	Appendix 1 – Gypsy and Traveller ISG Terms of Reference	19
	Appendix 2 – Witnesses invited to give evidence to the ISG	20

Key to abbreviated terms

CLG	Department for Communities and Local Government
DPD	Development Plan Document
G&T's	Gypsies and Travellers
GTAA	Gypsy and Traveller Accommodation Assessment
HCA	Homes and Communities Agency
HCC	Hampshire County Council
ISG	Informal Scrutiny Group
LDF	Local Development Framework
TSAA	Travelling Showmen Accommodation Assessment

Pitch For the purposes of this document, a pitch on a G&T site is taken to be room for 1 static caravan, 1 mobile caravan and an amenity block as set out in the recent DCLG consultation on planning for traveller sites.

Plot Also known as a **yard**. For the purposes of this document, a plot on a Travelling Showman site is taken to mean space for a static caravan plus mobile caravan and room for storing equipment.

Site For the purposes of this document, a site is taken to mean a group of pitches on a G&T site or a group of plots/yards on a Travelling Showman site.

1 Recommendations

- 1.1 The following recommendations are being made by the Gypsy and Traveller Informal Scrutiny Group based on the findings from the evidence gathering meetings held during July and August 2011. The term 'gypsies and travellers' is abbreviated to G&Ts for the purposes of this report.

	Recommendations to Cabinet	How the recommendation should be Implemented	Risks involved	Costs/ Funding
Romany Gypsies and Irish Travellers	<p>1. Carry out an assessment of gypsy and traveller accommodation needs - in order to substantiate site allocations set in the LDF, to meet genuine needs and meet the Council's legal obligations</p>	<ul style="list-style-type: none"> ▪ A Gypsy and Traveller Accommodation Assessment (GTAA) should be carried out, working with neighbouring authorities. The commitment to undertake a GTAA should be set out as a policy in the Core Strategy. 		<ul style="list-style-type: none"> ▪ Cost of consultants or in-house staff
	<p>2. Provide for a mixture of private and local authority sites - in order to meet genuine needs, meet the Council's legal obligations and to reduce the costs of enforcement action.</p> <ul style="list-style-type: none"> ▪ Sites should be spread around the District with no over concentration in any one location and of a scale commensurate with the size of the settlement to avoid overloading services. ▪ Sites should be located at an appropriate distance from the settled community whilst still allowing access to services. ▪ Sites should be suitably screened. ▪ Sites must provide appropriate site facilities such as sanitation, services and waste management. 	<ul style="list-style-type: none"> ▪ Use the GTAA to identify how many sites are required to meet the genuine need. ▪ Cabinet should investigate the merits and costs of taking over Tynefield from HCC and managing this to improve its occupancy/ capacity. ▪ A criteria based policy should be included in the Core Strategy to allow for the development of private sites. The criteria should allow for small dispersed sites in appropriate locations. The policy would include criteria for allocating sites and assessing planning applications. ▪ Review temporary planning permissions against the policy criteria. For sites found not suitable, enforcement action should be prioritised. 	<ul style="list-style-type: none"> ▪ Larger Sites are politically less acceptable, but are an easier way to accommodate a given number of pitches; smaller sites are more suitable for family groups and would better meet the needs identified, but are more resource intensive to find. 	<ul style="list-style-type: none"> ▪ Possible cost of taking over management of Tynefield; would expect a financial contribution from HCC for meeting ongoing site management costs. ▪ Identifying sites could be resource intensive.

	Recommendation to Cabinet	How the recommendation should be Implemented	Risks involved	Costs/ Funding
Travelling Showmen	<p>3. Carry out an assessment of travelling showmen accommodation needs - in order to substantiate site allocations set in the LDF, to meet genuine needs and meet the Council's legal obligations.</p>	<ul style="list-style-type: none"> An accommodation assessment should be carried out, working with neighbouring authorities. The commitment to undertake this assessment should be set out as a policy in the Core Strategy. 		<ul style="list-style-type: none"> Cost of consultants, or in-house staff
	<p>4. Provide for genuine needs through private site provision - in order to meet the Council's legal obligations.</p> <ul style="list-style-type: none"> Plot requirements are likely to be accommodated on a small number of sites, with no over-concentration in any one location. Sites should be located at an appropriate distance from the settled community which still allows access to services. Sites should be well screened, principally due to the size of the equipment stored. Sites must provide sufficient space for storing equipment and appropriate site facilities such as sanitation, services and waste management. 	<ul style="list-style-type: none"> Continue the enforcement process at Carousel Park to make this site available for travelling Showmen again. Set criteria in the Core Strategy for permitting small, dispersed sites in appropriate locations. Review temporary planning permissions against the policy criteria. For sites found not suitable, enforcement action should be prioritised. The Council should proactively work with travelling Showmen to identify suitable sites for allocation where needed. 	<ul style="list-style-type: none"> Consider the future of the Shedfield showmen site – should it be granted permanent permission; whether to find a new site and an incentive for them to move; future of existing site. 	<p>Likely to be private provision but possible management / enforcement costs.</p>

	Recommendation to Cabinet	How the recommendation should be Implemented	Risks involved	Costs/ Funding
New Travellers	5. Carry out an assessment of new travellers' accommodation needs - in order to address local concerns and issues with new traveller sites.	<ul style="list-style-type: none"> An accommodation assessment should be carried out. The commitment to undertake this assessment (as part of a wider G&T assessment) should be set out as a policy in the Core Strategy. 		<ul style="list-style-type: none"> Cost of consultants or in-house staff
	6. Identify site(s) for new travellers – in order to address local concerns and issues with new traveller sites, to meet genuine needs and to reduce the costs of enforcement action. <ul style="list-style-type: none"> Pitch requirements are likely to be accommodated on a public site(s). Site(s) should be located at an appropriate distance from the settled community which still allows access to services. Site(s) should be suitably screened. Site(s) must provide appropriate site facilities such as sanitation, services and waste management. 	<ul style="list-style-type: none"> Public sites could be provided through exploring and negotiating with landowners (possibly Hampshire County Council as part of a deal on Tynfield). There is no need for private provision, which is not affordable and likely to raise problems of incursion by other G&Ts. 	<ul style="list-style-type: none"> This would require additional resources to meet the needs of the new travellers. 	<ul style="list-style-type: none"> Capital cost of providing new sites would be funded directly by HCA. Ongoing management will need funding; seek to negotiate a financial contribution from HCC for site management costs.

	Recommendation to Cabinet	How the recommendation should be Implemented	Risks involved	Costs/ Funding
Transit Groups	<p>7. Carry out an assessment of legitimate transit site needs of gypsies and travellers - in order to substantiate site allocations set in the LDF, to meet genuine needs and meet the Council's legal obligations</p>	<ul style="list-style-type: none"> ▪ Through an update of the GTAA. Working with neighbouring authorities. 		<ul style="list-style-type: none"> ▪ Cost of consultants or in-house staff
	<p>8. Provide local authority transit site(s) - to meet genuine needs and the Council's legal obligations, to reduce costs of enforcement action and to enable itinerant transit groups to be moved from unsuitable sites without having to go through the courts (under Section 62A of the Justice and Public Order Act 1994).</p> <ul style="list-style-type: none"> ▪ Sites should be suitably screened and easy to maintain with controlled access. ▪ Sites must provide appropriate site facilities such as sanitation, services and waste management. 	<ul style="list-style-type: none"> ▪ Work in partnership with other local authorities ▪ This should be through the provision of a public transit site along the M27 corridor (in Winchester or in conjunction with other Districts) and through the provision of a transit site along M3/A303 corridor in negotiation with Basingstoke. ▪ The transit site would need to be controlled/managed (e.g. in conjunction with Tynefield and any site for new travellers), but will enable unauthorised encampments to be moved on quickly and disturbance minimised. 		<ul style="list-style-type: none"> ▪ Capital cost of providing new sites would be funded directly by HCA. ▪ Ongoing management will need funding; seek to negotiate a financial contribution from HCC for site management costs.

	Recommendations to Cabinet
Managing implementation	<p>9. A working group should be set up after the updated GTAA & TSAAs have been carried out to consider possible sites that might be allocated, and/or the mechanism under which such sites might be delivered. This should include relevant officers from Planning Enforcement, Strategic Planning, Legal and Environmental Health. A co-ordinated approach is required as the issues raised by gypsy and traveller accommodation span many departments, so it is important that expertise is shared.</p> <p>10. The allocation of site(s) will be considered in detail by the Cabinet (Local Development Framework) Committee and Members of this ISG should be invited to attend and make representations to this Committee to share their expertise acquired throughout the Review (provided they remain Members of the Council).</p> <p>11. The Overview and Scrutiny Committee should review the actions taken to implement the ISG's recommendations one year after receiving this report.</p> <p>12. Investigate the funding available for both revenue and capital costs of providing sites and establish the likely ongoing cost of site provision.</p> <p>13. Parish Councils should have the opportunity to be involved in identifying potential sites.</p> <p>14. Seek guidance from the Council's equalities consultant/group on ways to increase cultural awareness of gypsies and travellers with Members, Parish Councils and the wider community.</p>

2 Introduction

- 2.1 The aim of the Informal Scrutiny Group (ISG) is to make recommendations to Cabinet (via The Overview and Scrutiny Committee) to reconcile the needs of gypsies and travellers with the expectations of the settled community. It is likely that these recommendations may give guidance to work on the LDF in developing the policy approach to gypsies and travellers, providing evidence of gypsy and traveller needs and criteria for assessing future gypsy and traveller sites, as well as making other recommendations to the City Council or its partners. The full terms of reference for the Group are set out in Appendix 1.
- 2.2 The ISG has reviewed the issues faced by the gypsy and traveller community and by the settled community through a series of meetings at which representatives from different groups and service providers were asked to come and speak. This report draws together conclusions and makes recommendations to Cabinet with the aim of reconciling the needs of gypsies and travellers with the expectations of the settled community.

Current Situation

- 2.3 To a significant degree the problems suffered from unauthorised sites are caused by a lack of proper provision. This has led to encampments where they are not suitable and delays in clearing sites because inadequate provision has been made. When groups are moved on it is claimed that less mess would have been left had they moved on in their own time.
- 2.4 Winchester City Council has a statutory duty under the 2004 Housing Act to "...carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district" as part of their review of housing needs. Under the Local Government Act 2003 they must also prepare a strategy on how these accommodation needs will be met.
- 2.5 Due to changing government policy and planning processes it has been difficult to make proper provision for gypsies and travellers, which has led to some of these communities using unsuitable or illegal sites. Currently in the District the following provision for gypsies and travellers exists:-

	Gypsy and Traveller Permanent		Gypsy and Traveller Transit		Travelling Showmen	
	Sites	Pitches	Sites	Pitches	Sites	Plots
Local Authority	1	18	0	0	0	0
Private ^a	14	22	N/a	N/a	11 ^b	26
Unauthorised	3	7	N/a	N/a	1	4 ^c
Total	18	47	0	0		

- 2.6 The local authority gypsy and traveller site (at Tynfield, Segensworth) is currently managed by Hampshire County Council (HCC), although a decision has been made that this site will be transferred to more appropriate authorities by January 2013^d. To get a

1.1 _____

^a Includes sites with temporary planning permission

^b Includes Carousel Park, Micheldever a large authorised Travelling Showpeople site (9 plots) which is currently the subject of enforcement action as the occupants are not believed to be Travelling Showpeople. Also includes a large site at Firgrove Lane, North Boarhunt (16 caravans, but no identifiable plots), which is claimed to be a Travelling Showpeople site, but suspect that it might be being occupied by non-travelling showpeople (the site is not subject to planning control as it gained immunity through the passage of time).

^c Travelling Showmen site at The Nurseries, Botley Road, Shedfield has a total of 7 plots – 3 are the subject of temporary planning permissions (and therefore also included as a private site) and 4 remain unauthorised

^d [Hampshire County Council Executive Decision Record 21 January 2010](#)

pitch on a Local Authority site, families apply to HCC and are put on a waiting list before being allocated to a site. There are currently 6-8 families on the waiting list for each of the four HCC sites in Hampshire. On privately-run sites elsewhere, there is a waiting list for vacant pitches together with an interview and reference process.

- 2.7 A partial review of the South East Plan began a process of identifying the accommodation needs of gypsies and travellers in the South East and allocating a number of pitches to each District. This work was abandoned when the Government announced that it intended to revoke the SE Plan through the Localism Bill. There have been various assessments of gypsy and traveller needs, which require further work and now need to be updated. Based on the 2006 GTAA / TSAA, the Partial Review of the South East Plan suggested a requirement for at least 21 gypsy and traveller pitches and 16 travelling showmen plots in Winchester District between 2006 - 2016. The unpublished draft Partial Review Panel Report was in the process of recommending significantly higher numbers, although this was incomplete and has no formal status.
- 2.8 Since then there has been a Government consultation on replacing the existing Gypsy and Traveller and Travelling Showpeople planning circulars (CLG Circulars 01/2006 and 04/2007) with a Planning Policy Statement for traveller sites which will eventually become part of the National Planning Policy Framework. A [Portfolio holder decision \(PHD352\)](#) sets out the Council's response to this consultation. The policies within the Planning Policy Framework/Statement will be a material consideration where relevant for the determination of planning applications and appeals.
- 2.9 In its response to this consultation, the City Council agreed that a local assessment of the gypsy and traveller accommodation requirements and a target for provision is needed. However, due to the advanced stage of the preparation of the Core Strategy, the Council proposed that local planning authorities should be able to set interim criteria-based policies with the aim of undertaking a needs assessment and setting targets through the Development Management and Allocations DPD.

The Different Travelling Communities

- 2.10 There are four separate cultural groups of travelling communities. Each group has different site requirements and due to their cultural difference, the different groups do not easily share sites together.
- Romany Gypsies
 - Irish Travellers
 - New age travellers
 - Travelling showmen
- 2.11 Romany Gypsies and Irish Travellers are the only ethnically recognised groups under the Race Relations Act. They are also the largest minority group in Hampshire.
- 2.12 New age travellers are a distinct group who began travelling more recently, often in the 1960s. In many cases, their children have only ever experienced living as travellers.
- 2.13 Travelling showmen travel for economic purposes. They run own their own businesses, travelling to shows and fairs.

How Evidence was Gathered

- 2.14 Four meetings were held in July and August where witnesses were invited to give evidence to the ISG (as set out in Appendix 2). The meetings covered local community views and views of the different travellers, gypsies and travelling showmen on their needs and concerns. Representatives of the WCC Enforcement, Housing, Strategic Planning,

and Legal Services teams and Police also gave evidence alongside the Gypsy Liaison Officer at HCC and charitable groups who provide health and education services to travellers.

- 2.15 The full minutes from the meetings are available on the Members' intranet site. This report sets out the key issues raised in the Summary of Findings.

3 Summary of Findings

Gypsies and Travellers	
Sites	<ul style="list-style-type: none"> ▪ Current site situation <ul style="list-style-type: none"> ○ Most Gypsies travel away from their fixed sites for approximately 6 weeks of the year. ○ Many would rather live on family orientated sites than on large Council owned sites. Some prefer a Council-owned site but for others this provides temporary accommodation until a private site is found. ○ A local authority provided pitch is normally around 20x30m and each pitch has a purpose built outhouse (toilet and washroom, including bathing and laundry). A pitch tends to take a large mobile home and a small travelling caravan. ○ On-site managers are gradually being phased out. ○ A weekly rent is paid for a pitch and council tax, water rates, electricity are also charged for. Site turn-over varies. ○ Different gypsy and traveller cultures do not readily share sites due to cultural differences. ○ There is frustration that the 2006 GTAA was never implemented and additional sites provided. ▪ Site Preference <ul style="list-style-type: none"> ○ Transit provision/emergency stopping places (24/48hrs) are important for use in the travelling season. ○ Prefer rural sites that are out of sight from the settled community – due to prejudice issues. ○ Proximity to key travelling routes is important. ○ Prefer smaller, family sites i.e. enough for circa 6-8 pitches. ○ Prefer good public transport links to access services as many women do not drive. ○ Require utility building (kitchen area block, bathroom block) (Kanes Hill given as good example). ○ Need more for the children to do, such as additional play facilities. ○ Need opportunities to move on to other sites, or buy own site. ○ Some prefer sites to be run by the local authority as tensions and personal issues can arise where large sites are run by a member of the travelling community. However there are some sites which are well run by G&Ts.
Education	<ul style="list-style-type: none"> ▪ The Gypsies and Travellers culture and lifestyle is different from the settled community and therefore a lot of the standard education doesn't relate to their way of life. Gypsy and Traveller children therefore tend to be less academic (they are the least likely group

	<p>to finish secondary education), but have more life skills than children in the settled community. Girls are often taken out of school around 10/11 and boys around 14.</p> <ul style="list-style-type: none"> ▪ Would like more educational help at home for older children. ▪ Barriers to education include: <ul style="list-style-type: none"> ○ Attitude of the school – if the school is accommodating, more Gypsy and Travellers will send their children to the school. ○ G&T children miss education when travelling and therefore may fall behind. ○ Home education can be varied and support services such as Hampshire Ethnic Minority and Traveller Achievement Service can lose contact when families move. ○ If school places are not available at the chosen school, it is unlikely that they will be sent to an alternative school. The availability of school places is only a barrier in the first year, after which the ‘fair access policy’ can be used to increase numbers above the set figure.
Health	<ul style="list-style-type: none"> ▪ There is a high infant mortality and lower (and worsening) life expectancy in the Gypsy and Traveller community. ▪ Increasingly G&Ts are registering with a GP. ▪ Barriers to health services include: <ul style="list-style-type: none"> ○ Lack of access to services (a high proportion of G&T women don’t drive). ○ Different attitude to death and illnesses such as cancer
Discrimination	<ul style="list-style-type: none"> ▪ Most of electorate do not want G&T sites local to their property. ▪ The problems often caused by transient G&T groups are then also attributed to the more settled, local G&T community. ▪ Feel that the settled community don’t welcome them into the local community. ▪ Children can often be bullied at school. ▪ The settled community often believe that G&T encampments lead to increased criminal activity locally, although the Police have had an improving relationship with many of the G&T groups over the past 20 years.

Travelling Showmen

Sites	<ul style="list-style-type: none"> ▪ Current site situation <ul style="list-style-type: none"> ○ There are not enough sites in the County for travelling Showmen to allow their business to expand and have enough room to allow children to take up the business (often live in extended family groups). ○ There may be separate plots/yards within a larger site, some
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	<p>of which have temporary planning permission.</p> <ul style="list-style-type: none"> ○ A typical plot/yard includes room for a 10m x 4m mobile home, a touring caravan and room to store the show equipment, which could be very large. ○ There is an issue that when plots/yards get planning permission, they are often bought up by third parties as investments which make them unaffordable and unavailable to many Travelling Showmen. There is therefore a shortage of plots/yards available and many Showmen are not willing/able to cooperate to buy a site. ○ Where sites have been permitted for Travelling Showmen in the District, they have allegedly been rented out to other G&Ts. There is concern therefore how the use of the sites will be managed to prevent this happening. <ul style="list-style-type: none"> ▪ Site Preference <ul style="list-style-type: none"> ○ Need large plots/yards in a secure site to store valuable equipment over winter. ○ Need access to schools. ○ Need sites that have a large entrance, with room to pull off the road before opening the gates (electric gates preferable). ○ Need larger sites for 6-7 plots/yards (10 yards at most).
Education	<ul style="list-style-type: none"> ▪ Children can travel away from school for considerable time for economic purposes, but this can have an impact on their education. ▪ Many children may suffer bullying, and loose friends in the community if continually having to travel. ▪ Want to integrate with local community and often do so well.

New Travellers	
Sites	<ul style="list-style-type: none"> ▪ Current site situation <ul style="list-style-type: none"> ○ Move between sites every 3-6 months (due to eviction rather than choice) ○ Try not be intimidating to local community, but to foster good relations with their neighbours ○ Are tied to the area by their work ▪ Site Preference <ul style="list-style-type: none"> ○ Prefer rural sites that are out of sight from the settled community – due to prejudice issues. ○ Could pay weekly rent for pitches. ○ Proximity to key travelling routes is important. ○ Prefer sites for circa. 8 vans (around 8-12 people on average)

	<p>and towing vehicles.</p> <ul style="list-style-type: none"> ○ Require areas of hard-standing. ○ Prefer good public transport links to access services. ○ A utility building would make life easier for many. ○ The provision of a fresh water source in particular is important. ○ Need good security on site. Need for those on the sites to provide security for their property; no sites are left unattended due to incidents of damage to property. ○ Would ideally like to have 2-3 new sites to accommodate separate groups.
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Settled Community Concerns

	<ul style="list-style-type: none"> ▪ Concern that G&T sites will lead to damage to the settled community’s land and property. Often the local settled community feel the need to step up security around their property which can be costly. ▪ Fear of intimidation and reprisals from the G&T community. ▪ Inappropriate use and management of local authority sites. ▪ Perceived increase in rubbish and mess around the site. ▪ Length of enforcement process and misunderstanding of enforcement process – local authority need to receive complaints to take action. ▪ Dislike highly visible G&T sites in visually sensitive areas. ▪ Dislike large transit traveller groups. Small family groups more accepted by local community. ▪ Desire transit rather than permanent sites.
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Illegal Encampments

Landowners	<ul style="list-style-type: none"> ▪ Illegal encampments on private land are the responsibility of the landowner to deal with. Landowners have the right to use ‘reasonable force’ to remove illegal encampments without going through the Courts, but any damage or injury caused during this process could be subject to criminal proceedings. Often private bailiffs are used to remove groups. 24hrs notice to leave the land must be served before removal action is taken. ▪ Three courses of legal action are available to a landowner: <ul style="list-style-type: none"> ○ Civil Procedure: They can make an application to the County Court through an Order 24 proceeding, which will give them a County Court bailiff warrant of procession to remove illegal encampments from their land – however, this takes time. A
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	<p>judge can also delay the order for up to 6 weeks and there is a greater cost involved.</p> <ul style="list-style-type: none"> ○ Criminal Procedure: Alternatively a landowner can make an application to the Magistrates Court under the Criminal Justice and Public Order Act 1994 S.77 to remove illegal encampments from their land. However, the landowner has to undertake the eviction themselves and provide a means of removing the illegally camped vehicles. ○ For both of these routes, there is an obligation to undertake a welfare report prior to removing groups, to assess whether removing encampments would negatively affect the health of anyone in the group.
<p>Police</p>	<ul style="list-style-type: none"> ▪ When G&Ts occupy a site illegally, the police are obliged to treat it as a G&T residence until a court order advises otherwise. The police have powers under Section 62A of the Justice and Public Order Act 1994 to remove unauthorised encampments without going through the Courts, providing that there are suitable alternative sites (transit sites) to direct those vehicles to. They also have powers under S.61 of this Act, which are not used as there is a very high resource cost and a strong risk that proceeding will result in negative case law. ▪ Often when first notified of an illegal encampment which is of concern to the local community, the Police increase their visibility in the area and liaise with the local authorities. However, without clear evidence, action cannot be taken on individuals causing criminal damage.
<p>Planning and housing</p>	<ul style="list-style-type: none"> ▪ Applications for planning permission are mainly for families who have been able to buy a site, but it's not necessarily the best site and it's often not in accordance with the City Council's planning policies. ▪ Planning permission for G&T sites is frequently refused, and will often go to appeal. Recently more temporary planning permissions have been granted while waiting for new G&T planning policies and site allocations. Where planning permission is granted, it is often granted for specified families using that site. ▪ Where a breach of planning has occurred, enforcement action can be taken. The fact that the G&T families have nowhere to go is a very strong material consideration, as are welfare considerations. Enforcement action is usually locally focused and there is little cross boundary working. ▪ The Government intends to close the loophole which would stop people applying for retrospective planning permission once an enforcement notice has been issued. This is likely to lead to evicted G&Ts registering themselves as homeless with the Council. When G&Ts are evicted from sites they have the right to apply to the Council to be housed in traveller sites (not bricks and mortar). However most prefer to find their own sites leading into ongoing conflict with planning.

4 Conclusions

- 4.1 The evidence and information presented by the various 'witnesses' has proved invaluable to the members of the ISG and the Group is extremely grateful to everyone who participated for giving their time and knowledge so freely. The ISG members have learnt a huge amount about the various needs and aspirations of different types of gypsy and traveller groups and about the concerns of the settled community. The meetings have particularly helped the ISG to clarify the differences between different G&T groups and emphasised the need for its recommendations to be sensitive to these differences. Accordingly, the conclusions below are set out under different headings for each of the main groups, following discussion of some general conclusions.
- 4.2 The Council recognises its responsibilities in terms of assessing and meeting the needs of G&Ts, as well as other housing needs. Good progress was being made on this through the Hampshire GTAA and the Partial Review of the South East Plan. The Council had been working on the basis that the Partial Review would provide a pitch/plot requirement for the District, which it would incorporate into its LDF Core Strategy. However, despite the progress made on the Partial Review, the change of Government has resulted in this work being abandoned and there is now no prospect of a District pitch/plot target being determined through this route.
- 4.3 The work of the ISG has contributed substantially to the 'qualitative' assessment of G&T needs, such as the type of provision needed, whether it should be on public or private sites and other matters which the G&T and settled communities think need to be addressed. However the ISG has not attempted to make a quantitative assessment of the number of G&T pitches/plots needed, as this was not part of its terms of reference. The previous GTAA and the work on the Partial Review did not reach a final conclusion on pitch requirements and does not cover the plan period now being used for the Core Strategy. Further needs assessment work will, therefore, inevitably be required.
- 4.4 Although in an ideal world the LDF Core Strategy would include a pitch requirement, it is not possible to do the necessary assessment and consultation to achieve this while maintaining the programme for producing the Core Strategy. A substantial delay would be needed to this programme to allow such a requirement to be established and consulted on, and this would have even more disadvantages. Therefore, the first conclusion is that the Core Strategy should include a policy commitment to assess and provide for G&T needs, but that the whole Core Strategy process cannot be delayed to allow the pitch/plot requirement to be established in advance.
- 4.5 The ISG heard that most public sites in Hampshire are managed by Hampshire County Council, but that the County Council has resolved that it wishes to transfer the operation of these sites by January 2013. It will offer site management services to appropriate bodies on a full cost basis. The City Council needs to consider whether it would be willing to take on the operation of the site in its area, Tynfield, and the ISG sees this as an opportunity to explore the options with the County Council. It may be advantageous to negotiate over the use of other sites and extend management arrangements over a wider number of sites, but this needs further investigation and the City Council should not commit itself to any particular course until it has explored the options further and established the potential costs.
- 4.6 The ISG notes that central Government funding is likely to be available in relation to the capital costs of establishing new sites. This will be very useful, but the costs of site management are not included in this funding. Depending on the outcome of discussions with the County Council, there may be an additional cost for the City Council, but set against this are the costs (financial and community) of not addressing G&T needs properly. These not only include the very visible clear-up costs associated with the type of large unauthorised encampments experienced in the south of the District during summer

2011, but also enforcement costs associated with unauthorised private sites, and the wider social costs and conflicts that can be associated with unauthorised G&T developments.

- 4.7 The ISG considers that it is possible to develop a positive package of measures that will address the needs of the different groups that fall within the heading of G&Ts and help to allay the fears of the settled community. Further work is needed to investigate and develop these possibilities, but the ISG considers it important that its recommendations are considered as a whole, rather than 'cherry-picking' the easier options.

Romany Gypsies and Irish Travellers

- 4.8 The Council should commit to assess and meet the legitimate housing and service needs of Gypsies through a mixture of private and local authority site provision. Ideally this work will be done in conjunction with neighbouring Districts as many local Gypsies and Travellers travel across neighbouring Districts within Hampshire, but this should not delay progress.
- Public site provision may be met by negotiating with HCC to take control of Tynefield and manage this to improve its occupancy/capacity.
 - Private provision may be met by setting criteria for permitting small dispersed sites in appropriate locations. Temporary planning permissions should be reviewed against the criteria and extended (or make permanent) if they meet the criteria and show good local integration. If, however, sites are found not suitable, enforcement action should be prioritised and also used to avoid new unauthorised sites being established.
- 4.9 Risks: Larger Sites are politically less acceptable, but fewer sites would need to be found. However, the public opposition to large sites and the potential overload on local services makes it much better value in the long term to provide smaller and more distributed permanent sites. This is also the preference of gypsy families.

Travelling Showmen

- 4.10 The Council should commit to assess and meet the legitimate housing and service needs of Travelling Showmen through private site provision. Ideally this work will be done in conjunction with neighbouring Districts to help to identify the most suitable sites by sharing expertise and knowledge.
- 4.11 This should be achieved through continuing the enforcement process at Carousel Park to make this site available for Travelling Showmen again. Alternatively, or additionally if further sites are needed, the Council should set criteria for permitting dispersed sites in appropriate locations. Temporary planning permissions should be reviewed and extended, or make permanent if they meet the criteria and show good local integration. If, however, sites are found not suitable, enforcement action should be prioritised and also used to avoid new unauthorised sites being established. The Council should proactively work with travelling Showmen to identify suitable sites for allocation where needed and try to resolve the future of the longstanding unauthorised Travelling Showmen site in Shedfield.

New Travellers

- 4.12 The new travellers are a group which do not fall into the defined ethnic groups of Gypsies & Travellers, although many of them have travelled locally for decades and their children may have always lived as travellers. It is therefore difficult to determine whether there is any requirement, or commitment, to assess needs. However, there is a local issue with

New Travellers within the District and it is therefore recommended that sites need to be identified for this group.

- 4.13 This group has local needs and issues which could be met through local authority site provision. Public sites could be provided through exploring and negotiating with landowners, including Hampshire County Council, to develop or regularise the use of suitable sites. There is no need for private provision, which is not affordable and likely to raise problems of incursion by other G&Ts.
- 4.14 Risk: This would require additional resources to meet the needs of the new travellers, but the capital costs of site provision and development could be funded by government grants.

Transient Groups

- 4.15 The Council should commit to assess and meet the legitimate housing and transit site needs of transient gypsies and travellers through public site provision. Ideally this work will be done in conjunction with neighbouring Districts.
- 4.16 This should be through the adequate provision of a public transit site along the M27 and through the provision of a suitable transit site along the M3/A303 corridor, in negotiation with neighbouring councils. The transit site(s) may need to be managed in conjunction with Tynfield and any site for New Travellers, but should enable travelling groups to stop for short periods in the area and to be moved on quickly and disturbance minimised if they are causing problems.

5 Implementation Plan

5.1 The above will be achieved through the following stages as set out in the Recommendations:-

1. Set out a commitment to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) and a Travelling Showmen Accommodation Assessment (TSAA) in a Core Strategy policy. The policy would include criteria for allocating sites and assessing planning applications. This may require two separate criteria based policies.
2. A GTAA and TSAA should be carried out, working with neighbouring authorities
3. Make suitable provision for gypsies and travellers (permanent and transit sites) and Travelling Showmen, based on the assessed need.
 - Sites should be spread around the District with no over concentration in any one location and be of a scale commensurate with the size of the settlement to avoid dominating the settled community or overloading services.
 - Sites should be located at an appropriate distance from the settled community which still allows access to services.
 - Sites should be suitably screened.
 - Sites must provide appropriate site facilities such as sanitation, services and waste management and room for storing equipment for Travelling Showmen.
4. Temporary planning permissions should be reviewed against the policy criteria; if sites meet the criteria permissions may be extended or made permanent but if they are found not suitable, enforcement action should be prioritised (which should also help prevent new unauthorised sites becoming established)
5. Continue the enforcement process at Carousel Park to make this site available for travelling Showmen again.
6. The Council should proactively work with Travelling Showmen to identify suitable sites for allocation where needed.
7. Further investigations and negotiations should be undertaken with a view to taking over Tynefield from HCC and managing this to improve its occupancy/ capacity.
8. The allocation of site(s) will be considered in detail by the Cabinet (Local Development Framework) Committee and Members of this ISG should be invited to attend and make representations to this Committee to share their expertise acquired throughout the Review (provided they remain Members of the Council).
9. The Overview and Scrutiny Committee should review the action taken on the ISG's recommendations one year after receiving this report.
10. Investigate the funding available for both revenue and capital costs of providing sites and establish the likely ongoing cost of site provision.
11. Parish Councils should have the opportunity to be involved in identifying potential sites.
12. Seek guidance from the Council's equalities consultant/group on ways to increase cultural awareness of gypsies and travellers with Members, Parish Councils and the wider community.

6 Funding Sources

- 6.1 Funding is available to approved bodies for new gypsy and traveller sites. Funding for the provision of new sites and the refurbishment costs of existing sites will come from the Homes and Communities Agency through the Gypsy and Traveller Site Grant, but the Council will have to fund on-going management costs. There may be scope to negotiate over this funding with the County Council as part of a package to take over the operation of Tynefield.
- 6.2 The Council would also receive some funding for new gypsy and traveller sites from the New Homes Bonus, although the money gathered would be limited and not ring fenced for this use.

Gypsy and Traveller Site Grant

- Administrated by the Homes and Communities Agency (HCA).
- Provides grants for capital funding to create new sites and refurbish existing sites
- Available to local authorities and registered social landlords.
- Bidding: annual bidding round starting around March.

New Homes Bonus

- Administrated by Department of Communities and Local Government/HCA
- Provides revenue for 6 years from each additional new home.
 - The bonus is equal to the national average of the new additional property's council tax band, and will be paid for six years as a non-ring fenced grant.
 - New traveller sites on privately owned land will also attract new Homes Bonus where they are valued for council tax.
 - There will also be an additional payment for affordable homes, which is a flat rate £350 per annum for each additional affordable home. Traveller sites in public ownership or owned by registered social landlords are classed a part of the supply of affordable homes.
- Available to local authorities - 80% of the bonus would go to the Council, with the remainder going to Hampshire County Council.
- Payment will be annual for 6 years, with final allocations set in February each year. Once a new home is recorded on the council tax base form it will become eligible for New Homes Bonus grant.

Appendix 1 – Gypsy and Traveller ISG Terms of Reference

The aim of the ISG is to make recommendations to Cabinet to reconcile the needs of gypsies and travellers with the expectations of the settled community. It is likely that these recommendations may give guidance to work on the LDF in developing the policy approach to gypsies and travellers, evidence of gypsy and traveller needs and criteria for assessing future gypsy and traveller sites, as well as making other recommendations to the City Council or its partners.

As background information the ISG will:

- understand the role and responsibilities of the City Council regarding the gypsy and traveller community (what the Council can and can't do/enforcement/local and national planning policies)
- understand the role and responsibilities of other partners, agencies and service providers regarding the gypsy and traveller community (such as the County Council, health, education, Police)
- In the context of the above, create an evidence base by:
 - understanding the issues faced by the gypsy and traveller community
 - understanding the issues faced by the settled community
- Draw conclusions and make recommendations to Cabinet to reconcile the needs of gypsies and travellers with the expectations of the settled community

The Government's recent 'Planning for Traveller Sites: Consultation' document is important background reading which gives a useful summary of the issues and definitions of the various groups. This also sets out the Government's proposals for changes to national planning policies on gypsies and travellers. The consultation document can be downloaded here:

<http://www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation>

Appendix 2 – Witnesses invited to give evidence to the ISG

Meeting 1: Tuesday 19 July

Evidence from:

- Barry Jordan-Davis - Gypsy Liaison Officer – HCC
- Steve Opacic – Head Of Strategic Planning
- Tracey Wilson – Principal Legal Officer

Meeting 2: Tuesday 9 August

Evidence from:

- Education Issues – Graham Ellwood, HCC Ethnic Minorities And Traveller Advisory Service (Emtas)
- Health Issues – Jane Peacock, Forest Bus Ltd
- G&T Needs In The Winchester District – Neil March, WCC Planning Enforcement

Meeting 3: Tuesday 16 August 2011

Evidence from:

- Police Enforcement Powers/Procedures – Emma Port & Patrick Redding
- Micheldever Parish Council Representatives – John Botham, Peter Bradley
- WCC Enforcement Powers/Procedures – Neil March
- Housing Needs & Duties – Andrew Palmer

Meeting 4: Monday 22 August 2011

Evidence from:

- New travellers
- Romany Gypsies from Tynefield
- Representatives from the Southern Gypsy Network (including resident of Star Hill)
- HCC Site managers from Tynefield
- Travelling Showmen