

## **Hampshire and Isle of Wight Local Government Association**

**30 March 2007**

### **Regional Spatial Strategy – Provision for Gypsies & Travellers**

**Report by the Head of Estates Practice, Hampshire County Council and  
Head of Housing Strategic Services (Gosport Borough Council)**

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## **1 Executive Summary**

### **1.1 This report:**

- Provides an update of the actions taken by the Hampshire Local Authorities Gypsy & Traveller Panel
- Identifies the accommodation assessment and town planning requirements of recent legislation and government guidance relating to provision of facilities for gypsy and travellers
- Proposes a method to deliver recommendations for levels of Gypsy and travellers accommodation in Hampshire to SEERA in connection with the Regional Spatial Strategy
- Proposes that the members of HIOW continue to work through the joint authorities gypsy & traveller panel to co-ordinate the implementation of facilities allocated in the regional spatial strategy and to be included in the emerging development plan documents being produced by each Local Planning Authority in Hampshire.

## **2 Background**

2.1 Gypsies and other traditional Travellers, have been one of Great Britain's minorities for about 500 years. They have followed a distinctive way of life as nomadic people who have remained separate from the settled community other than maintaining links through short-term employment, originally in rural areas with agricultural employment but now mainly in and around urban areas.

2.2 Over time the Gypsies have linked with other travelling groups who, today, are referred to as Gypsies or Travellers and are members of recognised ethnic groups defined by their descent, shared values and customs. Some have retained a nomadic lifestyle throughout the year but others have settled in houses or on private or council permanent caravan sites from which they continue a nomadic existence for part only of the year. This accounts for the seasonal fluctuations in the number of unauthorised encampments.

2.3 It is estimated that there are over 15,000 gypsy and travellers caravans in England with around  $\frac{3}{4}$  of these caravans located on unauthorised sites.

### **3 Local authority services for gypsy and travellers.**

3.1 The local authorities in Hampshire and the Isle of Wight currently provide the following services:

- i) Children's Services to Gypsies and Travellers by Hampshire County, Southampton and Portsmouth City Councils under their statutory responsibilities, including specialist teacher advisers and Education Welfare Officers. These people form the Traveller Education Services (TES). There is a high incidence of special needs identified amongst the Gypsy and Traveller children attending schools in Hampshire. Current policies, development plans and practise are focussed towards the social inclusion and participation of Traveller children. Early intervention, especially within the early years and transition through the key stages to post 16+, is of key importance. TES also supports the travelling community in gaining access to early years, healthcare and other support services.
- ii) Hampshire County Council manages 4 permanent Gypsy sites with accommodation for a total of 78 families on sites near Hartley Wintney, Yateley, Eling and Titchfield. These sites were originally provided to meet the County Council's obligations under the Caravan Sites Act, 1968. The continued operation of these sites makes a major contribution to the provision of permanent sites for Hampshire-based gypsies. A fifth site was transferred in 1997 to Southampton City Council who manage the site which is located at Kanes Hill, Southampton and provides 14 pitches.
- iii) All fourteen authorities employ staff on a full and part time basis with responsibility for gypsy and traveller matters. In its role as a major landowner, the County Council employs two Gypsy Liaison Officers who deal with unauthorised encampments on its land. In addition they act on behalf of seven Districts and one Unitary Council to carry out the required needs assessments of unauthorised encampments on the council land under Service Level Agreements.

### **4 Issues for the local authorities arising from Gypsy and Traveller encampments on publicly owned land**

4.1 In the last five years on average there have been 200/250 caravans moving around Hampshire in the peak summer months, made up of local Gypsies and Travellers moving within Hampshire and others from outside Hampshire.

The main reasons for these movements are:

- (i) the widespread availability of casual employment in the Hampshire;
- (ii) holidays, i.e. 'on the road';
- (iii) family and other traveller gatherings such as marriages, funerals and fairs.

4.2 The buoyant employment market in most parts of Hampshire and a willingness of local businesses and householders to take on casual labour offer good employment prospects to Gypsies and Travellers visiting the area on a short or medium term basis.

4.3 Over the last few years there has been a significant increase in problems experienced by landowners and nearby residents and businesses arising from unauthorised encampments, both in Hampshire and nationally. The number of encampments has increased and at the same time, the number of sites traditionally available to Gypsies and Travellers has reduced due to the way in which landowners, including the County Council, have protected their land against incursions. In addition, there have been changes to the pattern of movements in Hampshire arising from the changing lifestyle and employment of Travellers.

4.4 Whilst some of the Gypsies and Travellers occupy land without causing significant problems, regrettably many of the unauthorised encampments involve some or all of the following:

- physical damage to land and buildings;
- waste left on the site of the encampment and surrounding land;
- noise disturbance; and
- intimidation of local residents, farmers and businesses.

The concerns of local people are reflected in the large number of complaints on this subject received by local authorities in Hampshire. A common theme amongst complainants is an expectation that local authorities will immediately move the gypsies and travellers off private or publicly owned land and away from their immediate environs.

4.5 In the last five years or so there has also been a marked change in the nature of the encampments with more frequent occupations of school and recreation sites with high clean-up costs and the temporary loss of playing fields. The increased speed and range of vehicles and equipment used by travellers together with access to mobile telecommunications has enabled large encampments to assemble more quickly once access to land is gained. There is now the tendency for larger groups to assemble and seek to stay longer on any accessible sites. If entry can be obtained, with or without damage, to Council-owned land, it offers advantages to travellers as local authorities (unlike private landowners) have a duty to undertake formal needs assessments of the health, education and welfare of travellers which should be taken into account when deciding how and when to recover possession of land.

- 4.6 During the period September 2005 – September 2006, 180 unauthorised encampments were reported on publicly owned land in Hampshire. The cost to the local authorities in Hampshire of repossession proceedings, including staff, legal, repair, clean-up, and site defensive costs is estimated at £ 400,000 per annum. In addition there is evidence of extensive fly tipping in the vicinity of these encampments with the clean-up costs being borne by the local authorities.

## **5. Statutory Framework**

- 5.1 Until 1994 County Councils had a duty to provide sites for Gypsies under the Caravan Sites Act 1968 which was repealed with the introduction of the Criminal Justice and Public Order Act 1994 (CJPOA). Under recent amendments to the CJPOA, the Police have enhanced powers to move Gypsies and Travellers off unauthorised sites but only if alternative sites are available within the local authority area to which they may be directed. If local authorities seek re-possession through the Courts, the availability of alternative short stay sites is an important consideration of the Courts in deciding whether to grant orders for re-possession.

- 5.2 A body of case law has been established which requires local authorities to ensure that due consideration has been given to the health, education and welfare requirements of Gypsies and Travellers before deciding how and when to end unauthorised encampments. Failure to do this adequately, had led to delays in securing orders for re-possession from the Courts and to successful legal challenge to local authorities.

## **6 Joint Authorities Gypsy and Travellers Panel**

- 6.1 The setting-up of the Joint Authorities' Gypsy & Traveller Panel under the auspices of HIOW, arose from concerns of councils particularly those in the South East of Hampshire over increased encampments. The Panel has involved representatives of all of the local authorities in Hampshire as well as the Hampshire Police, Association of Parish Councils, representatives of adjoining local authorities and private landowners. The Panel was formerly chaired by Councillor Mrs June Fulcher of Havant Borough Council and latterly by Councillor Mrs Cecily Sutton of Winchester City Council and has been working to improve the management of unauthorised encampments to reduce the problems experienced between the settled community and travellers. The Panel has instigated the following:

- i) *Protocol* - a protocol on the management of unauthorised encampments has been adopted across the County and has secured improvements in the way that local authorities co-operate with each other and the Police in sharing information and advice. The procedures for contact with gypsies and travellers and providing information for the settled community and securing repossession are now more consistent across Hampshire;

- ii) *Database* – an electronic database containing information on the location and nature of unauthorised encampments is maintained by the County Council's Gypsy and Traveller Team with contributions from the other local authorities in Hampshire. This provides each authority with intelligence on the nature and pattern of encampments and assists with decisions to defend areas against the imminent arrival of groups of travellers and in deciding the most effective and cost-efficient means to secure repossession;
- iii) *Representations* – These have been made to GOSE and central government in respect of problems experienced by local authorities, private land owners and adjoining residents and businesses in Hampshire.
- iv) *Common approach* - A common approach to carry out the assessment of accommodation needs of gypsy & travellers required under the Housing Act 2004.
- v) *Accommodation assessment* – Work is well advanced with the Strategic Housing Officers Group (SHOG) in Hampshire to employ consultants to carry out an accommodation assessment for gypsies and travellers within the county in 2006 to inform the preparation of the Regional Spatial Strategy.

6.2 To date the original objective of securing additional, permanent and or short stay facilities to overcome the problems of unauthorised encampments have not been achieved. This has in part been due to the absence of:

- 1) firm local plan policies on the provision of gypsy and traveller facilities,
- 2) a strategic approach being agreed throughout Hampshire and with adjoining authorities.
- 3) any statutory duty on local authorities to provide:

However the Housing Act 2004 and Circular 01/2006 now place obligations on local authorities to carry out accommodation assessments of gypsy and travellers for aggregation into regional spatial strategies and for allocations to be made in development plan documents.

As the gypsy and traveller assessments are linked into wider housing policies an assessment for the 11 district councils and 3 unitary authorities in HIOW has been arranged by the SHOG. These assessments are being carried out by consultants and the results are due to be received by 23 March 2007 and the Steering Group are meeting in 28 March 2007.

The results of the accommodation assessments will be forwarded to the South East England Regional Assembly (SEERA) through SHOG. The allocation of temporary and permanent sites for each district and unitary council will then be subject of debate and formal negotiation as part of the preparation of the Regional Spatial Strategy.

Policies relating to the specific provision of these allocations will then emerge through the preparation of the development plan documents for each of the 13 unitary and district authorities in Hampshire.

- 6.3 As the demand for short stay sites is largely linked to economic activity rather than local authority boundaries and given the need to establish cost effective and manageable sites it may be advisable to for more than one local authority to share the provision of facilities for Gypsies and Travellers.
- 6.4 Experience has shown that in approximately 90% of the cases of unauthorised encampments on County Council land, earlier re-possession is achieved and damage to property reduced by negotiation and the substantial cost of legal proceedings through the Courts is avoided. However, in the remaining 10% or so of cases, legal proceedings are necessary and case law has established the importance of strict adherence by Councils to procedures, including the completion of needs assessment of the Gypsies and Travellers if the Courts are to find in favour of the Councils and grant orders for re-possession. The availability of alternative sites is already a factor in decisions secured through the courts and the significance of the availability of alternative sites is expected to increase in the future.
- 6.5 The above factors led to the Joint Authorities' Gypsy & Traveller Panel to commence an exercise to identify suitable short-stay sites in each local authority area. In order to progress this work, the Panel has created three sub-groups of officers representing each local authority in the north, west and east of the county, with the objective of identifying suitable sites for short-stay stopping places. It has been intended that the District Councils will be responsible for identifying potential sites and thereafter securing planning consent for the short stay stopping places in their area.

Investigative work was carried out on proposals to create a network of short stay sites for gypsies and travellers. However it was apparent that the absence of a statutory requirement to make provision within planning and housing policies that assembling an effective network of short stay site was unlikely to be achieved. To date only Southampton City Council has brought forward proposals for short stay facilities and a planning application for a site close to the M27 at Stoneham is in preparation.

However the requirements of the Housing Act 2004 and Circular 01/2006 now require all district and unitary authorities to make assessments of the accommodation needs for gypsies and travellers which will inform the Regional and Spatial Strategy. In response to allocations from SEERA local authorities will be obliged to make provision in their plan documents.

It will be several years before all these documents are in place and the Department of Communities and Local Government (DCLG) has provided guidance aimed at bringing forward additional facilities for gypsies and travellers in advance of the adoption of the development plan documents.

Identifying such suitable sites for such facilities will be difficult and it will be of great importance to ensure that the process of identifying potential sites is carried out in a rigorous manner including effective consultation.

The shift in emphasis towards statutory housing and planning policies is reflected in the following proposals from SHOG to deliver Gypsy and Traveller accommodation recommendations to SEERA.

## **7. Proposals to deliver Gypsies & Travellers' recommendations to SEERA**

- 7.1 SEERA will set out the number of pitches for each Local Authority in the South East Plan. However, it is reliant on the results of the Gypsy and Traveller Accommodation Assessments, undertaken by each Local Authority, to inform their figures for pitch requirements. SEERA requires the information by October 15<sup>th</sup> 2007 and each Local Authority must supply information on the number of permanent and transit pitches required in their own area.

David Couttie Associates (DCA) has been tasked to produce a Gypsies and Travellers Accommodation Assessment (GTAA) for those Local Authorities in Hampshire who are members of the Strategic Housing Officers Group (SHOG). SHOG set up a steering group to work with DCA to ensure that the GTAA was fit for purpose.

- 7.2 GTAA Progress - In February 2007 The steering group met again with DCA and the GTAA has progressed well. DCA has been given direction on the required amendments needed to the report and it is expected to be delivered before the end of March.

It is hoped that all the Hampshire Local Authorities will sign up to the GTAA.

- 7.3 Current Position - SHOG met in early March and agreed that an extraordinary meeting will be called in April 2007 so that it can collectively approve the GTAA. The Hampshire and Isle of Wight Planning Officers Group (HIPOG) met on 16 March 2007 and was briefed by Kim Carron the Chair of SHOG and proposed the following:

- 7.4 Delivery Vehicle - Information has been shared between representatives of SHOG, HIPOG and the Members' Gypsy and Traveller Panel working together as the Traveller Accommodation Group (TAG). Proposals have been made to discuss how to collectively identify a vehicle which will enable Hampshire Local Authorities to deliver the information required to SEERA by the October deadline. This group will meet regularly over the coming months to monitor the progress that Local Authorities in Hampshire are making with the identification and approval of pitch provision in their areas.

Consideration was given to how the Joint Authorities Gypsies and Travellers Panel consisting of Elected Members and Officers, SHOG, HIPOG and the HIOW Chief Executives' Group would interact and also how the three area sub panels that have been set up under Members' Gypsy and Traveller Panel would identify pitch provision in each of their sub areas.

7.5 A suggested timetable is shown below and a flow chart has been produced see appendix 1

Action	By
SHOG steering group to meet and agree changes to GTAA	28.3.07
GTAA to be distributed to SHOG members for consideration	1.4.07
GTAA to be agreed by SHOG. Proposed delivery vehicle to be agreed by SHOG	By 1.5.07
HIPOG to consider GTAA findings	April 07
Next TAG meeting	16.5.07
Members' Gypsy and Traveller Panel sub groups to meet to discuss GTAA and pitch provision	May 07
Recommendations from the sub groups to be considered by each Local Authority and the necessary approvals to be sought by their elected members	June - July 07
HIOW and Members' Gypsy and Traveller Panel to be informed of pitch numbers	July 07
Each council to notify SEERA direct of the pitch requirements in their areas	By 15 <sup>th</sup> October 2007

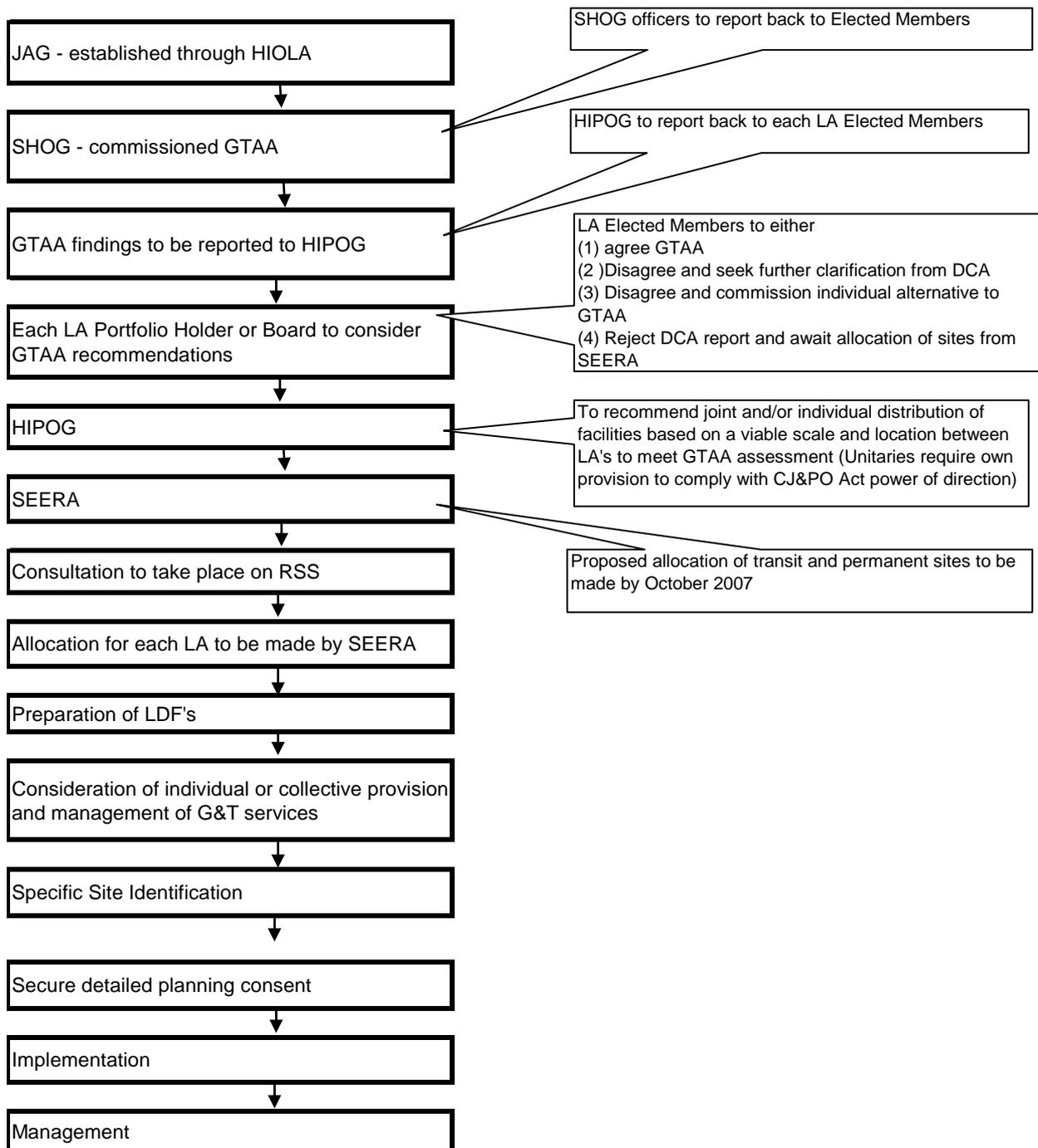
## 8 Recommendations:

That the members of HIOW:

1. Note the actions of the Hampshire Joint Authority Gypsy and Traveller Panel.
2. Resolve to continue to work together through the Joint Authorities Gypsy & Traveller Panel to agree the numbers and broad locations of permanent and short stay sites consistent with their local development frameworks incorporating the individual decisions of each council on the provision and funding of these facilities.
3. Approve the proposed method to deliver recommendations for levels of gypsies' and travellers' accommodation in Hampshire to SEERA.

4. Approve the proposed steps set out in this report to identify the need for additional facilities for gypsies and travellers and to include appropriate policies in emerging Local Development Frameworks; support the continuing work of the panel aimed at improving the management of gypsy and traveller issues in Hampshire; and to continue to work with adjoining counties and other partner organisations such as the Hampshire Police and the Town and Parish Councils.

## Appendix 1 - Timetable flowchart



## Appendix 2

### Glossary of terms

CJPOA	The Criminal Justice and Public Order Act 1994
SHOG	Strategic Housing Officers Group
SEERA	South East England Regional Assembly
DCLG	Department of Communications and Local Government
DCA	David Coutti Associates
GTAA	Gypsy & Travellers Accommodation Assessment
TAG	Travellers Accommodation Group
HIPOG	Hampshire & Isle of Wight Planning Officers Group
HIOW/HIOLA	Hampshire and Isle of Wight Local Government Association
LA	Local Authority
RSS	Regional Spatial Strategy
LDF	Local Development Framework
G&T	Gypsy and Traveller