



Report of the Director of Neighbourhoods and Housing Department

Executive Board

Date: 20th September 2006

Subject: Government guidance on establishing the Housing Needs of the Gypsy and Traveller Community.

Electoral wards affected:

Specific implications for:

Equality and Diversity

Community Cohesion

Narrowing the gap

Eligible for call in

Not eligible for call in

(Details contained in the report)

Executive Summary

In February 2006 the Government published their guidance for all Local Authorities to undertake an assessment of the housing needs of the Gypsy and Traveller Community. The guidance requires the Council to undertake a comprehensive assessment of the community's needs, for inclusion in the overall Housing Strategy. Where unmet need is identified it places a requirement for the planning process to identify potential new sites. The Government has indicated that the Regional Housing Board will have a key role in providing funding, and in ensuring that the unmet need is included within the Regional Spatial Strategy.

This report identifies the key requirements placed on the council by the Government, identifies the risk to the authority, outlines the actions necessary to manage these risks and the indicative timescales.

1. Purpose of this report

The purpose of this report is to:

- 1.1** Provide information to the Executive Board on the implications of the Government's policy direction on the Gypsy and Traveller community and the supporting legislation and guidance.
- 1.2** To indicate the process this Authority is required to undertake to meet our legal requirements.

2 Background information

The government guidance (Guide to responsibilities and powers) sets out the following principles

- There should be adequate provision of authorised sites in line with need.
- The planning system and property rights must be respected and effective enforcement must be taken against problem sites.
- That the small minority who indulge in Anti-Social behaviour must be dealt with promptly and effectively before they cause further harm to relationships between the communities.
- Ensure effective enforcement powers are available to Local Authorities and are utilised (including Anti-Social behaviour powers) against unauthorised encampments.
- Minimise unauthorised development and the problems they cause
- Identify key priorities for action with other Government Departments to tackle inadequacies in access to service provision experienced by Gypsies and Travellers.

2.1 The Governments Policy

In February 2006 the DGLC (Department of Communities and Local Government) provided the following updated guidance on the requirements on Local Authorities.

- Planning for Gypsies and Travellers sites circular 1/06, replacing circular 1/94, which provides updated guidance on the requirements of planning authorities to identify potential locations for Gypsies and Travellers sites should a local need be identified.
- A Guide to effective use of enforcement powers (part 1)
- Draft Practice Guidance for 'Gypsy and Traveller Accommodation assessments'.
- A Guide to responsibilities and powers.

2.1.1 The guidance expands on the legislative requirements set out in the Housing Act 2004 section 225 as follows:

- There is a requirement on a Local Authority to undertake an assessment of Gypsies and Travellers accommodation needs
- That this assessment must be included in the authority's statutory housing strategies.
- That the authority must develop a strategy to meet the needs of Gypsies and Travellers (in line with section 87 of the local Government act 2003).

Taken together the legislation and the guidance require the Council to comply with s. 225 Housing Act 2004, s.1-3 Homelessness Act 2002 and the DCLG Guidance (in particular planning guidance 1/06). This will require an assessment of housing need, the formulation,

development and review of a strategy in relation to gypsy/traveller issues and, if required the identification of specific sites, via the planning process.

This section of the Act is not yet enacted. The DCLG has advised this will be enacted in October 2006

2.2 The DCLG plan that the measures taken together will work as follows:

- The Housing Act 2004 will require Local Authorities to assess the need for Gypsies and Travellers Accommodation in their areas when they assess the housing requirements of the rest of the population.
- Local Authorities must then develop a strategy which addresses the need arising from the Accommodation Assessment through public or private provision.
- The Regional Planning Body, on the basis of Local Authority assessment of need will determine how many pitches are to be provided across the region. It will then specify in the Regional Spatial Strategy how many pitches need to be provided by each Local Authority, ensuring collectively Local Authorities make provision in a way which is equitable and meets the assessment pattern of need.
- Local planning authorities will be obliged to identify sites in their development plan in line with requirements identified with the Regional Spatial Strategy. It will no longer be acceptable just to specify planning criteria for sites; Local Authorities will be expected to identify land.
- Where there is a clear need, if local planning authorities fail to identify sites in their development plan documents, the secretary of state has the power to direct them to do so.
- Local Authority's are encouraged that in areas where there is an urgent demand for authorised site provision, that they should not wait until the completion of the planning process to provide more sites.

2.2 Time scales

2.2.3 There are no definite timescales within the legislation. However an indicative timeline for providing a rounded assessment and following through to the planning cycles is as follows:

2.2.4 The Regional Housing Board/ Assembly sponsored research has been completed and gives give some indication at a regional level of headline pitch numbers required and common assessment methodology. The completion of this was timed to link to the Examination in Public for the Regional Spatial Strategy.

2.2.5 During the 4th qtr 06/07 the Development Department plan to commence preparation of a Core Strategy ensuring inclusion of Gypsy Travellers needs.

2.2.6 Due to the movements of the population the Neighbourhoods and Housing Department would anticipate undertaking the specific housing needs assessment for Gypsy's and Travellers in 2 phases. The first phase in the winter 06/07 when travelling has ceased, the second in summer 07/08 in the middle of the travelling season.

2.2.7 This assessment could then be submitted for ratification by the Regional Housing Board in the 3rd quarter 07/08. If need for housing is established this outcome would be submitted to Planning to assess potential site locations.

2.2.8 At the end of 08/09 the draft Planning will submit the Core Development Strategy for the City to the Secretary of State with a view for commencement in the 4th quarter 09/10.

3. Local, regional and sub regional focus

- 3.1 Within the guidance and legislation there is strong encouragement from the DCLG to develop a regional focus both in respect of the assessments of need and the planning of provision. The Gypsy Traveller community is by its nature in part a mobile and transient population. Therefore consideration must be given to both the needs of the 'local' population and of those who move through the region.
- 3.2 This Regional and sub regional approach is being promoted through the Government office for Yorkshire and the Humber. A series of sub regional events have provided policy updates, examined sub-regional progress and its associated barriers.
- 3.3 The LGA and the DCLG support a sub-regional and regional approach and will work towards this to promote parity of provision, consistency, and a robust approach to tackling anti-social behaviour.
- 3.4 Within the region there are sites within 3 of the 5 partner authorities (Leeds, Wakefield and Bradford). Within the context of the region there is clearly a need to ensure that every local authority plays its part in the provision of sites and it is hoped that within the Regional Spatial Strategy (RSS) this aspiration is recognised. The Regional Assembly has undertaken and published research to support the development of the RSS. This research indicates the need to undertake the assessment on a sub-regional basis.
- 3.5 Under the umbrella of the West Yorkshire Housing Partnership the West Yorkshire authorities have begun meeting with the aims of:
- Sharing information and good practice.
 - Developing understanding of the sub regional issues
 - Engaging in and supporting a consistent use of relevant enforcement powers.
- 3.6 The funding for development of future sites has been placed into the Regional Housing Board pot. The funding allocated across the region for such developments is £846k in 2006/7 and £1786K for 2007/8. For 2006/7 and 7/8 the DCLG have indicated that 100% funding is available for bids to provide additional sites (both static and transit). There is no advice for future years but it would be reasonable to assume that funding of a similar nature would be made available.
- 3.7 The West Yorkshire Police have developed a force wide policy on the use of S61 of the Criminal Justice and Public Order Act 1994. This policy has been developed to ensure that a consistent approach is taken to the use of key Police powers and is being led through the Community Safety Department of the force. The policy indicates a closer working relationship between the Police and the local authority. This is welcomed by the local authority and the service will be working with the nominated Inspectors to develop a clear understanding of the needs of local communities when faced with unauthorised encampments.

5. Risk Assessment

- 5.1 Failure to undertake the assessment of need, develop a strategy and or plan to identify sites would lead to:
- A potential for an increase in the legal challenges
 - A potential for intervention by the Regional Housing Board who may seek to impose a level of sites onto the local authority that we do not accept is needed.
 - A potential for intervention by Government should we fail to robustly assess the need and if required identify sites.
 - A potential impact on the overall assessment of the authority by the Audit Commission.

6. Recommendations

- 6.1 To note the contents of the report and for Executive Board's approval to undertake the accommodation needs assessment and to develop a strategy for Gypsy and Travellers in Leeds as an element of the wider housing strategy for the city.
- 6.2 To note that for a shared assessment to be undertaken by the 5 West Yorkshire authorities, the estimated total cost for the sub region would be £70,000 - £100,000. Leeds would have to make a proportionate contribution to this cost.