



Gypsy and Traveller Task Group on Site Provision and Enforcement

Interim report to Ministers

Introduction

1. The Task Group on Site Provision and Enforcement was tasked by Ministers in Spring 2006 to:
 - examine variations in the use and effectiveness of enforcement powers across the country and the causes of such variations;
 - identify barriers to the delivery of new site provision and advise on action to address or remove them;
 - act as champions and advocates, to underline the importance of adequate site provision as the key to effective enforcement and to ensure that enforcement powers are used effectively;
 - act as a sounding board on potential new measures to strengthen enforcement powers and to support and encourage site provision.
2. The Group has been meeting on a monthly basis since May 2006. This interim report is informed by the contributions from a range of organisations and individuals, the reports of the Local Government

Association (LGA) Task Group, and the Commission for Racial Equality (CRE). The presence of Gypsies and Travellers on the Task Group has also had a positive impact on the Group's work. This is the first time that Gypsies and Travellers have been part of a Government-led body such as the Task Group.

3. **National Policy framework** – The Task Group agrees that the Government's general approach and policy framework as set out in The Housing Act 2004 and The Planning and Compulsory Purchase Act 2004 is the right way forward.

Whilst the issues and problems associated with Gypsy and Traveller site provision have not been as high profile recently (in media and political terms), that should not be taken as a reason not to continue to vigorously pursue the policy framework you have adopted.

We are clear that effective enforcement against unauthorised sites will only be possible when there is appropriate provision of authorised sites.

Within the national framework, the issue of delivering more sites (whether public or private) is one for local authorities to address. They need to find local solutions for local needs, albeit needs seen in a regional context.

We are convinced that the joint issues of site provision and improved enforcement can be solved. It is important that momentum is maintained so that the system operates consistently over a long period, and that appropriate transitional arrangements are in place until the planning system identifies land in Development Plan Documents.

4. **Gypsy and Traveller Accommodation Needs Assessments** – It is important to ensure that regional and local assessments are carried out as soon as possible. There is a danger that a paper planning exercise could disguise a lack of action to provide sites.

We are pleased to note the progress that many local authorities are making with their accommodation assessments. We also note that you have set a deadline for them to be completed by the end of 2007. It is crucial that the 20% of local authorities which have not commenced their assessments do so without delay.

5. We have received evidence that early Gypsy and Traveller Needs Assessments may not have been sufficiently robust. We appreciate that these are new requirements and that a learning process is inevitable. We intend to review the assessments and have asked the Gypsy and Traveller Unit (GTU) to report regularly to us on its monitoring of authorities' progress in conducting needs assessments.

We are inviting the LGA to support the Task Group by encouraging authorities to speed up their assessments. We believe progress in carrying out these responsibilities may be a matter on which auditors are encouraged to comment in the Annual Management Letter.

6. **Enforcement** – Having reviewed the current operation and practice in enforcement against unauthorised sites and taken evidence from local authorities, it is clear that enforcement to prevent or remedy unauthorised development remains a blunt weapon.

The evidence suggests that better outcomes could be achieved by helping authorities use the existing legal framework more effectively and more rapidly.

We believe there is much that can be done to instil best practice and that the GTU should work closely with the professional bodies and LGA / IDeA to secure better performance. We do not believe that criminalisation or the removal of retrospective planning consent are likely to be useful options. We have commented on the proposals to amend Temporary Stop Notice provisions and agree that it is important to maintain the link with provision.

However, when planning permission has been granted subject to conditions, Gypsies and Travellers must comply with those conditions in the same way as any other person or body granted planning permission with conditions, and enforcement would be reasonable to secure such compliance.

7. We recognise that there are resource constraints in the Planning Inspectorate, in the availability of qualified planners and planning enforcement officers. We agree with the findings of the recently published Planning Enforcement Review; that steps should be taken to improve and promote the image of enforcement and that the use of scarce resource should be prioritised to ensure that public confidence in the system is not undermined by failure to take prompt and effective action. Planning enforcement cases of this nature occur occasionally so individual local authorities may not build up

experience and expertise. It is important that good practice is identified and shared with others.

8. Enforcement of non-planning issues such as pollution and anti-social behaviour should continue to be undertaken irrespective of the status of the persons or organisations involved.
9. We have identified a way in which the delay in managing planning and enforcement appeals might be avoided. The Gypsy and Traveller Unit is currently pursuing this issue with the Planning Inspectorate and Planning Directorate, and will give further advice if we believe that amendments to legislation may be required.
10. We noted that there is an expectation that Gypsies and Travellers will abide by other laws, such as those relating to environmental pollution, and that enforcement action, should they break the law, will be the same as for other groups within society.
11. **Site provision** – Our investigations have underlined the view that enforcement against unauthorised sites can only be used successfully if there is sufficient provision of authorised sites. The scale of the problem is small (when compared to the general housing shortage) and a sustained programme supported by a grant system which will need to continue for some years, should enable most areas to provide permanent sites with a network of transit sites, sufficient to meet the present requirement of pitches for 4000 caravans and future growth.
12. **Resources** – Communities and Local Government is providing £56m for site provision in 2006-08 – this is a very small percentage of the overall social housing budget.

We consider that at the minimum, a similar level of funding that maintains the baseline, is required for the next few years. More consideration needs to be given to refurbishment and new sites and whether the level of grant available for this work should be changed.

We have some concerns whether some site costs represent good value for money and we are investigating how local authorities could be supported in the way that they procure sites. Clearly, if unit costs can be reduced more pitches could be provided using the same level of resources. In order to increase the level of provision there may be benefit in providing advice to local authorities on the procurement of new sites, through the Regional Centres of Excellence.

Registered Social Landlords (RSLs) will also be key players in the delivery of new sites.

13. The analysis of site provision costs and the costs of enforcement demonstrate that providing sites may be more cost effective in the medium term as well as being more socially and economically satisfactory for both travellers and the settled community (eg Bristol spent around £200,000 per annum on enforcement before building a transit site which cost £425,000, after which their enforcement costs fell to around £5000 per annum).
14. **Community leadership** - We have identified skill and people shortages in planning, enforcement and inspectorate agencies.

Gypsies and Travellers can also find difficulty in accessing advice and support on planning and site matters.

We are clear that the political difficulties are significant in many locations and a programme of communication and confidence building is urgently needed. This is particularly so in the number of authorities where there are significant concentrations of unauthorised developments and encampments. The Task Group have directly engaged with local authorities including West Yorkshire which resulted in their agreement to commence the Gypsy and Traveller Accommodation Assessment for their area.

15. The approach to improving delivery of services to Gypsies and Travellers is a low priority in some areas where decision making is fragmented and leadership lacking. We are also clear that some police service contributions are more effective than others, often dependent upon the relative priority accorded to the problems of Gypsies and Travellers. There is a need for a corporate, joined up approach between agencies and across authority areas. The evidence indicates it is important in each authority area to have a senior politician and a senior official identified as having responsibility for, and authority to act on Gypsy and Traveller issues in a corporate capacity.
16. The GTU should continue to engage with authorities in areas with particular problems and seek to build political support for appropriate action in those areas. There are good practice examples to be used.
17. **Capacity and confidence building** – Although the scale of the accommodation shortage is small, it gives rise to problems of community conflict, in some places, with appalling consequences.

We believe it is necessary to build understanding of the legitimate accommodation needs of Gypsies and Travellers and to build bridges between communities, to foster understanding and build cooperation. Initially, it may also be necessary to commence a programme of public information with councillors as community leaders. There is also a role for MPs.

18. **Conclusions/Future Direction** - Thus far, the Task Group has carried out a policy audit and identified key barriers to delivery. This is an essential first step, but arguably has not yet fully discharged our “terms of reference”.

19. We believe the Task Group should refocus, moving away from investigation/policy examination to a “delivery phase”.

This would involve tackling specific barriers to delivery on the ground, drawing on intelligence provided by the GTU, evidence that we receive directly from our local visits and from a programme of reports from local authorities and national agencies to the Task Group. Action may range from supporting general initiatives, (such as mediation or capacity building), to engaging with key players in particular areas of the country where there appears to be a lack of commitment to addressing Gypsy and Traveller issues. The Task Group has considered broadening its membership to include organisations that can advise on and/or actively contribute to the delivery of sites.

20. The Improvement and Development Agency (IDeA) has considerable expertise in training and capacity building. It is responsible for the Planning Advisory Service (PAS) and could be of considerable assistance.

The Housing Corporation has been very supportive in encouraging registered social landlords to develop Gypsy and Traveller sites. Its representatives also sit on Regional Housing Boards and their successor bodies. We recommend that both of these organisations be invited to join the Task Group.

21. If Ministers agree, we propose to carry out the additional work suggested in the interim report. We will invite Department of Health and Department for Education and Skills officials to a Task Group meeting so that they may advise the Group on their departmental approach to Gypsy and Traveller issues.

22. We met with representatives of the Gypsy and Traveller community for a second time on 11 January 2007 and explained our interim conclusions. The Gypsy and Traveller view is that they generally agree with the conclusions in this report. They believe that the policy framework is effective, but that there are problems with the speed at which the policies are implemented. Despite this Gypsies and Travellers feel that the Task Group communicates effectively with them and that their views are being taken into account.

A handwritten signature in black ink that reads "Brian Briscoe". The signature is written in a cursive style with a large initial 'B'.

Sir Brian Briscoe
Chair

March 2007

Terms of reference

The aim of the Group is:

- to examine variations in the use and effectiveness of enforcement powers across the country and the causes of such variations
- to identify barriers to delivery of new site provision and advise on action to address or remove them
- to act as champions and advocates, to underline the importance of adequate site provision as the key to effective enforcement and to ensure that enforcement powers are used effectively.
- to act as a sounding board on potential new measure to strengthen enforcement powers and to support and encourage site provision.

Communities and Local Government © Crown Copyright 2007
Product Code: 06HC03845/73