

REPORT TO: Environment and Urban Renewal
Policy and Performance Board

DATE: 24th June 2015

REPORTING OFFICER: Strategic Director – Policy and Resources

PORTFOLIO: Physical Environment

SUBJECT: Update on Gypsy and Traveller Needs
Assessments

WARDS: Boroughwide

1.0 PURPOSE OF REPORT

1.1 This report provides an update on current issues around Traveller needs including: sites, unauthorised encampments, needs and management, as requested at the previous meeting of the Board.

2.0 RECOMMENDATION: That the update is noted.

3.0 BACKGROUND

3.1 The Council has a number of duties and responsibilities which impact on Halton's population, including its Traveller community. These include: education, public health, community safety, and equalities and social cohesion in all aspects of service provision.

3.2 Successful working with the Travelling community and providing for its social welfare is linked to the availability and quality of accommodation. Success in addressing health, education, employment and unauthorised encampments is inextricably linked to success in supporting the provision of authorised sites, both publicly and privately owned.

3.3 A full-time Gypsy and Traveller (G&T) Liaison Officer (based in the Communities Directorate) is responsible for the day-to-day management of the G&T Service. This includes:

- the Council's G&T sites (via the site warden (x1) covering the Riverview and Transit sites);
- unauthorised encampments;
- general enquires and complaints relating to G&T.

Within the Children and Enterprise Directorate there is an Attendance and Behaviour Officer who works with Travellers with children so they can access school places and welfare services.

3.4 PERMANENT SITES WITHIN HALTON

3.5 a) Social Sites

HBC owns and manages three sites:

- Widnes: Riverview, Warrington Road - 23 permanent pitches
- Runcorn Warrington Road (Under construction) 12 permanent pitches (see paragraph 4.10)
- Runcorn Transit Site, Warrington Road - A temporary stopping site with 14 pitches where stays are limited to 3 months

b) Traveller Owned Private Sites

(with planning permission for residential caravans - note: numbers of pitches are not formally defined in planning consents)

- Bigfield Lodge, Warrington Road, Runcorn – permanent site
- Windmill Street, Runcorn – permanent site

c) Unauthorised Developments - Traveller Owned Private sites

(without planning permission)

- Ponderosa Site, Chester Road / Newton Lane, Daresbury, Runcorn – planning permission refused by Secretary of State (see paragraph 4.9)
- Ivy House, Brindley Road / Marsh Lane, Astmoor, Runcorn – owners have applied for planning permission

3.6 UNAUTHORISED ENCAMPMENTS

3.7 Encampments are short term stopovers on land not owned by Travellers. Encampments occur when Travellers stop overnight or for a few nights by the roadside or on private land. Since January 2014, Halton has seen 18 encampments, mainly in Runcorn. 6 of these encampments have been caused by a group of Travellers who are well-known across the Merseyside and Cheshire region. This group of Travellers moved to Warrington in October and have not returned since. The cost of clearing up a site after an encampment on public land is borne by the Council, for example, repairing damage and removing rubbish and debris.

3.8 Most encampments in Halton are dealt with by the Council & the Police within hours using Section 62 powers. Police have powers, under sections 62 A-E of the Criminal Justice and Public Order Act 1994, to direct both trespassers and travellers to leave land and remove any vehicle and property from the land where there is a suitable pitch available on a caravan site elsewhere in the local authority area. As the Council provides the Transit Sites referred to above, these powers can be used.

3.9 The Travellers can also be moved on from encampments using Section 61 powers. Should trespassers refuse to adhere to a request to leave the land, sections 61- 62 of Criminal Justice and Public Order Act 1994 gives the police discretionary powers to direct trespassers to leave and remove any property or vehicles they have with them. The powers apply where the senior police officer reasonably believes that two or more people are trespassing on land with the purpose of residing there, that

the occupier has taken reasonable steps to ask them to leave, and any of the following:

- a) trespassers have caused damage to land or property;
- b) trespassers have used threatening, abusive or insulting words or behaviour towards the occupier, a member of the occupier's family or an employee or agent of the occupier; or
- c) trespassers have between them six or more vehicles on the land.

Failure to comply with the direction to leave the land, as soon as reasonably practicable, is an offence. Similarly, it is an offence for a trespasser, who has left the land in compliance with an order, to re-enter it as a trespasser within three months of the direction being given.

3.10 EDUCATION

3.11 While individual pupils can and do perform well, children from Traveller communities are among the lowest achieving groups at every key stage of education. Particular difficulties are identified with attendance and in making the transition from primary to secondary school. At present, funding is available through Dedicated Schools Grant to provide local authority-based support. The Council's G&T Service has good links with local schools and all G&T children living on sites within Halton have school places.

3.12 HEALTH

3.13 There is no national data to work from, but sufficient information is available to conclude that Gypsies and Travellers can expect reduced life expectancy and poor levels of health at all stages of life, exacerbated by social factors.

3.14 At present, it is estimated that 20% of members of Travelling communities live on unauthorised sites. While 80% do live on authorised sites, there are issues about the standards of health on both public and private sites nationally. Halton is recognised as having a good standard of Gypsy and Traveller sites. In exceptional circumstances, the Council allows temporary and extended stays on the Transit Site in Runcorn for Travellers who need emergency care or who have life threatening illnesses and do not have a place to live and access health services.

4.0 POLICY IMPLICATIONS

4.1 The Council is bound by the law, regulations and national policy. In all planning decisions, including decisions made by the Planning Inspectorate and Secretary of State, national policy is a significant material consideration given significant weight. The latest national policy for Traveller Sites can be found here:

<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

4.2 Government policy recognises that there are social consequences for Gypsies and Travellers of having a reduced rate of site provision and insufficient supply of Traveller sites. The lack of authorised sites can lead to an increase in unauthorised sites and encampments that lead to increased tensions with settled communities.

4.3 Local authorities are now expected to plan and set targets for accommodation of Gypsies and Travellers in their Local Plans and to justify policies for site provision using robust evidence which will be tested at Local Plan examinations.

4.4 Below is an outline of what is expected from Local Authorities in national policy:

- i) An emphasis on discussing accommodation needs with Travellers – authorities are required to pay particular attention to early community engagement with both settled and Traveller communities.
- ii) An emphasis on working collaboratively with neighbouring local planning authorities to establish need – and removing the proposal that need be assessed ‘in the light of historical demand’ – see 4.6 below.
- iii) Modification of the timescale for identifying a supply of specific deliverable sites – authorities are now required to identify sufficient to provide five years’ worth of sites against their locally set targets, together with areas for growth for years six to ten, and where possible years 11-15.
- iv) A requirement that criteria-based policies should be fair, and facilitate the traditional and nomadic life of Travellers while respecting the interests of the settled community.

4.5 The Council has been recognised for being forward thinking in its strategies when developing new sites for Gypsies and Travellers and is consistently used by other authorities for bench marking.

4.6 GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT 2014

There has been a long standing statutory requirement for local authorities to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) (s.225 of the Housing Act 2004). A feature of needs assessments is what has been termed ‘need where need arises’; this effectively means that where there is a permanent resident Traveller population it can generally be expected to grow through natural population growth. The first Traveller site in Halton was Riverview in Widnes which was developed by Cheshire County Council.

- 4.7 The first GTAA covering Halton was undertaken in 2007 by Salford Housing and Urban Studies Unit as part of the evidence base for the Regional Spatial Strategy. This concluded that Halton should provide for an **unmet** need (i.e. in addition to the existing permanent pitches already provided in Halton) of **28 – 32** permanent pitches by **2016**.
- 4.8 A second Gypsy and Traveller Accommodation Assessment (GTAA) was published in March 2014 on behalf of the Cheshire Partnership. This evidence has already been successfully used at public inquiry (this Council) and local plan examination (Cheshire West and Chester Council).

The revised pitch targets in the new GTAA (for Halton until 2028) are as follows:

Authority	2013 - 2018	2018 - 2023	2023 - 2028	Total
Halton	12	6	7	25

Delivery of the new permanent site at Warrington Road, Runcorn meets the 5 year pitch requirement (2013 – 2018) entirely. Therefore, this new site is critical to meeting national policy requirements.

4.9 DARESBURY PUBLIC INQUIRY OUTCOME (PONDEROSA SITE)

A brief recent history of this site is as follows. The Travellers occupying the site known as 'Ponderosa', Chester Road / Newton Lane, located in the Daresbury Green Belt applied in 2012 to make their site permanent as the planning consent (granted on appeal) by which they lawfully occupied the site was a temporary consent and expired on 30 November 2014. The Council refused the application and the applicant appealed. A public inquiry was held between November 2013 and February 2014. A decision was received on 24 September 2014. As the Secretary of State (SoS) recovered the appeal (meaning the SoS makes the decision personally rather than the Planning Inspectorate making a decision. In practice, this means a Planning Inspector makes a recommendation (to allow / dismiss the appeal) to the SoS, who then makes a decision on the outcome of the appeal) Both a planning inspector and the Secretary of State considered the appeal and both rejected the appeal and dismissed it. The effect is that the temporary planning consent for the Ponderosa Site expired 30 November 2014.

4.10 DELIVERY OF NEW PERMANENT TRAVELLER PITCHES

The new Warrington Road, Runcorn site was approved by Executive Board on 28 February 2013. This permanent site is essential to meeting Halton's pitch targets contained in the new GTAA as it provides 12 new permanent pitches and meets the forecast need 2013 - 2018. The construction of the new site was delayed by the need to get a court injunction to prevent interference from a neighbouring land owner who was trespassing on Council land, and also due to Scottish Power (SP)

requesting the diversion of high voltage cables that SP had previously said could remain in situ. Construction is now well underway with completion expected at the end of May 2015.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications associated with this report.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

Anecdotal evidence indicates that those Travellers who have a permanent base are much more likely to access the education and health care systems for their children, leading to positive lifestyle outcomes.

6.2 Employment, Learning and Skills in Halton

A proactive response in terms of permanent pitch provision will lead to better educational outcomes for the Travelling community due to having improved access to educational facilities.

6.3 A Healthy Halton

The health and wellbeing of those Travellers based on permanent sites is often significantly better than those who continually travel, due to the ability to register with a GP and access health care when it is required.

6.4 A Safer Halton

Where Traveller sites are properly planned it is far easier to provide the required services and support to the Travelling community. Official, well located sites can also help reduce the tensions and anxieties of the wider settled community.

6.5 Environment and Regeneration in Halton

The delivery of the new Warrington Road site will provide a form of affordable housing. This will provide additional housing opportunities for local needs. The site is considered to be in a sustainable location. Adequate provision of accommodation for the Traveller population reduces tensions with the settled community and allows far greater control over unauthorised development.

7.0 RISK ANALYSIS

7.1 Failure to meet European and national law and policy can lead to legal challenges to the Council. In planning decisions, national policy carries significant weight. As the report describes, there are a number of community safety issues which require strong partnership working, particularly with regard to encampments and unauthorised development.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups. Compliance with the new national policy will have a positive impact on minority groups.
- 8.2 Since 1999, Gypsies and Irish Travellers have been recognised in English Law as ethnic groups and protected under the Race Relations Act. Recent legislation and guidance from the government has indicated a commitment to taking steps to resolve some of the long standing accommodation issues for members of the Gypsy and Traveller communities. This legislation has an overarching aim of ensuring that members of Gypsy and Traveller communities have equal access to decent and appropriate accommodation options akin to each and every other member of society. Following the Housing Act 2004, local authorities have been preparing to develop and implement strategies to respond to the accommodation needs of the Gypsy and Traveller communities.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Planning Policy for Traveller Sites. DCLG.	Municipal Building or http://www.communities.gov.uk/publications/planningandbuildi ng/planningpolicytravellers	Tim Gibbs
<p>Members will be aware of a number of reports to Executive Board and other formal boards reasonably recently:</p> <ul style="list-style-type: none"> • Health PPB 29 May 2012, Item 16 – Traveller pitch allocations policy - http://members/ieListDocuments.aspx?CId=429&MId=4005&Ver=4 • Exec Board 6 Sept 2012, Item 61 – New National Policy – Implications for Halton - http://members/ieListDocuments.aspx?CId=292&MId=3986&Ver=4 • Exec Board 28 February 2013, Item 162 – National Traveller Planning Policy – Update on the Implications for Halton - http://members/ieListDocuments.aspx?CId=292&MId=3996&Ver=4 • Exec Board 20 November 2014, Item 103 – Warrington Road Travellers Site - http://members/ieListDocuments.aspx?CId=292&MId=4440&Ver=4 		