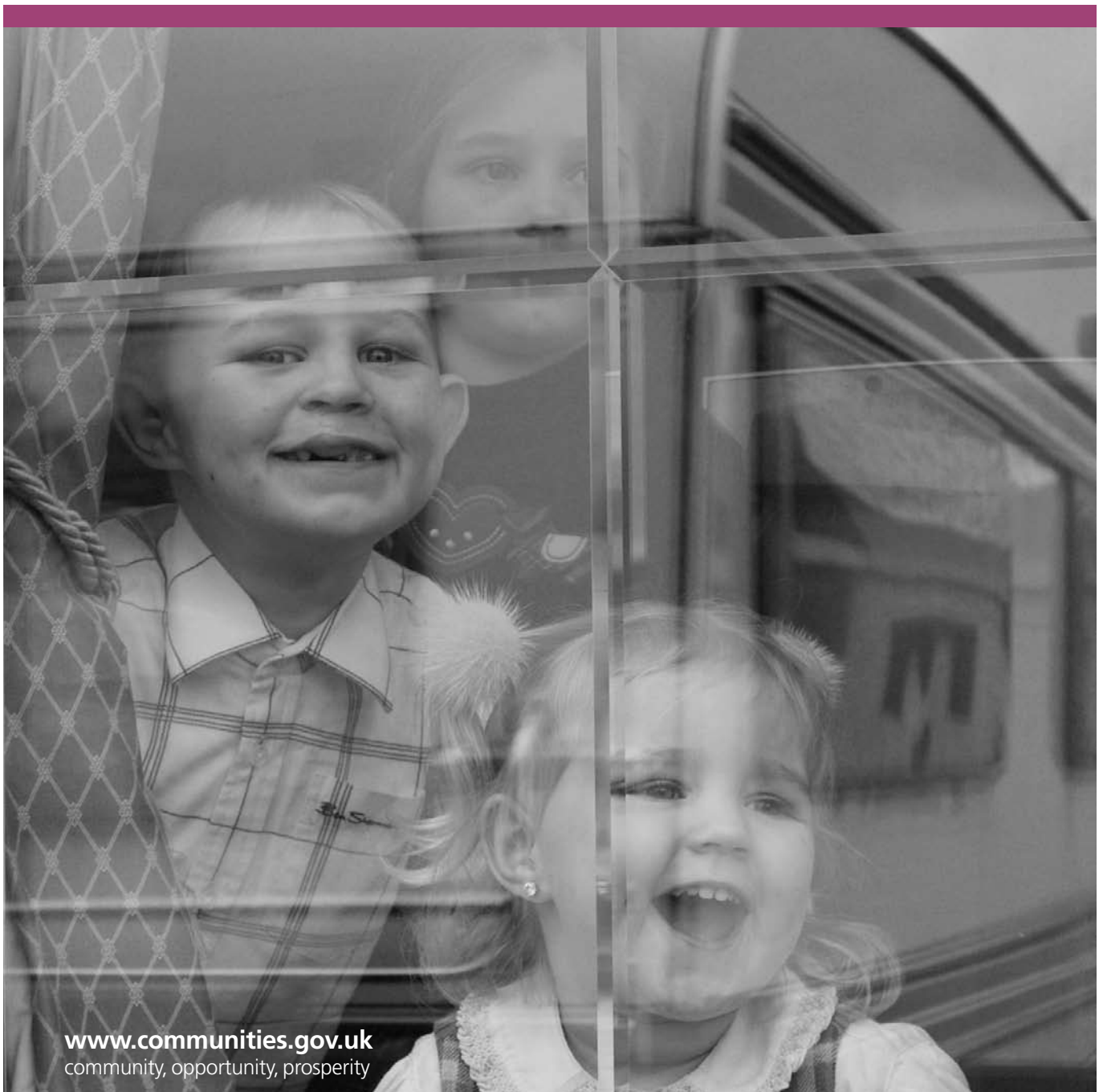


Government Response to
**The Road Ahead: The Final Report of the Independent
Task Group on Site Provision and Enforcement for
Gypsies and Travellers**





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Foreword



The Government believes that everybody has a right to a decent home. In the case of Gypsies and Travellers, the consequence of ignoring that right often attracts controversy and high profile media attention. Unauthorised encampments and developments can strain relations between the travelling and settled communities, cause significant disruption to local services and facilities, and limit the life chances of Gypsies and Travellers themselves.

As a Government, we have reduced levels of rough sleeping by 73 per cent since 1998. By July 2003 every housing authority in England had adopted a strategy for preventing and tackling homelessness, and we have seen a year on year reduction in the number of homelessness acceptances since then. At the same time, we are taking strong action to meet the future housing needs of our population, with an ambitious programme which will see three million new homes provided by 2020.

We want to see the same progress made for Gypsies and Travellers. Around a quarter of families living in caravans still have no authorised pitch. The life expectancy of Gypsies and Travellers can be 10 years less than the national average. Over 17 per cent of Gypsy and Traveller mothers have experienced the death of a child compared to less than 1 per cent of the wider population. More than 40 per cent report long-term illness compared to 18 per cent of the settled community. In education, 16 per cent of Irish Traveller children, and 14 per cent of Gypsy children achieved five A*-C grades at GCSE, compared to 59 per cent of children overall.

Yet large scale public opposition and negative media stories surrounding the provision of new sites are still common when planning applications are submitted. The provision of authorised sites in appropriate locations will help to reduce the incidence of unauthorised pitches, and assist local authorities to take enforcement action where that is appropriate. Such provision can help reduce both community tensions and enforcement costs for local authorities. Of course, criminal and antisocial behaviour, where it occurs, should not be tolerated, whoever is responsible for it. There is only one standard of acceptable behaviour in society and it is one to which everyone – Gypsy, Traveller, a member of the settled community – should adhere.

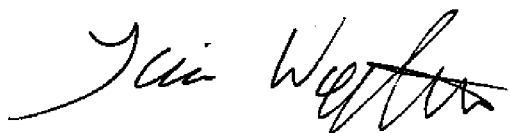
The Government's approach balances firm but fair enforcement against those who camp on land without permission or who breach development control, with proactive measures to increase site provision. We are pleased that the Independent Task Group on Site Provision and Enforcement has agreed that this is the right approach. But we are not complacent.

The Task Group has been clear that the pace of delivery must increase. I agree with that assessment. All Gypsy and Traveller Accommodation Assessments should by now be complete. For the first time, local authorities will have an authoritative statement of need for Gypsy and Traveller accommodation in their areas. It is now time to take action to meet those needs.

The Task Group emphasised that both ministers and elected members have a crucial role in representing and leading all members of their communities. I agree with them that strong and principled leadership combined with the duty to promote good race relations is critical to the provision of new sites.

This response sets out how the Government will play its part. We have set the policy framework. We have made funding available – £97m for the refurbishment of existing sites and new provision over the next three years. And we will work with all partners, and particularly with local authorities, to support and challenge them as they lead delivery on the ground. I welcome the proactive work being taken forward by the Local Government Association and the Improvement and Development Agency to support authorities in this task, and look forward to working with them over the coming months.

I would like to thank Sir Brian Briscoe, members of the Task Group, and all those who gave evidence during the course of its work. The Government will act upon it, and we will report regularly to Parliament on our progress. I encourage all those with a role in meeting the accommodation needs of Gypsies and Travellers to ensure that they play their part as well.

A handwritten signature in black ink, appearing to read 'Iain Wright', written in a cursive style.

Iain Wright MP
Parliamentary Under-Secretary of State

Introduction

In 2006, the Government appointed Sir Brian Briscoe to chair a Task Group to examine the barriers local authorities face in taking effective enforcement action against unauthorised encampments and developments by Gypsies and Travellers. However, it quickly became apparent to the Task Group that there were serious underlying reasons why Gypsies and Travellers often felt that they had no choice but to camp unlawfully, or to develop land without planning permission.

A combination of the removal of the duty on local authorities to provide authorised sites for Gypsies and Travellers and a series of restrictive planning policies in local plans meant that authorised site provision did not meet the need of Gypsies and Travellers for a stable place to raise their families. In order to take a balanced approach, and to fully assess the problems that resulted in unauthorised encampments and developments, the Government was pleased to agree to the Task Group's request to amend its Terms of Reference to examine the barriers to effective site provision alongside barriers to effective enforcement.

The Task Group made 36 recommendations in its final report¹, which covered the roles of central and local government, and a range of other stakeholders. Our response to the recommendations addressed to the Government is set out in this document.

¹ *The Road Ahead: Final Report of the Independent Task Group on Site Provision and Enforcement for Gypsies and Travellers*, Communities and Local Government, December 2007.
www.communities.gov.uk/publications/housing/Taskgroupreport

The Government's response to the Task Group's recommendations

The policy framework

Communities and Local Government should monitor the pace of delivery by local planning authorities. The Secretary of State should be prepared to direct local authorities who are not making adequate progress to prepare Gypsy and Traveller Development Plan Documents

Communities and Local Government regularly monitors local planning authorities' progress in completing their Development Plan Documents (DPDs) to the timetable set out in their Local Development Scheme (LDS). Communities and Local Government and the Government Offices for the Regions work in partnership with local planning authorities in order to ensure that DPDs address the planning needs of the local community – including those of Gypsies and Travellers.

Where Communities and Local Government judges that the planning needs of this community are not being met, we will take action. In the vast majority of cases, we expect any issues which threaten the delivery of Gypsy and Traveller sites to meet identified need to be resolved through constructive partnership working with local authorities. As the Task Group has noted, the Secretary of State has powers to direct local planning authorities to amend their LDS to include a DPD which specifies site allocations for Gypsy and Traveller accommodation. Whilst the use of these powers must be a last resort, the Government is resolute in its determination that the accommodation needs of Gypsies and Travellers will be met, for the benefit of all parts of the community. The Secretary of State has used these powers in the past, and will do so again in the event that local authorities fail to take timely action to meet a clear and pressing need for Gypsy and Traveller accommodation.

The Government should underline its continuing expectation that all local authorities will produce site allocations Development Plan Documents that include specific allocations for Gypsy and Traveller accommodation, unless there is clear evidence that need is not pressing.

The Government's policies set out in ODPM Circular 01/2006² are at the heart of our goal to ensure Gypsies and Travellers have an adequate number of authorised pitches to meet unmet need. The presumption will continue to be that local planning authorities will include land allocated for Gypsy and Traveller accommodation within a Development Plan Document. Any local planning authority not intending to do so will need to provide clear evidence that need is not pressing and, furthermore, that other means are certain to deliver sites to meet present and future needs.

It is important that the Government gives serious consideration to the implications for site provision of the transition of planning responsibilities from Regional Assemblies to Regional Development Agencies. This should include setting out explicitly how it expects regional planning to meet the accommodation needs of Gypsies and Travellers to be undertaken through the transitional period and beyond.

The Government's *Review of Sub-National Economic Development and Regeneration*³ published its report in July 2007 and a document on taking forward the results of the review is currently out for consultation. The document states that the Regional Strategy should include a distribution of housing supply figures as well as targets for affordable housing and achieving quality homes for all, including vulnerable and socially excluded people.

The Government will examine all responses on how to carry forward the results of the review, and the implications for Gypsy and Traveller site provision will form part of this work. Communities and Local Government will be issuing guidance to Regional Development Agencies on their new responsibilities and we will ensure that this includes guidance on addressing the accommodation needs of Gypsies and Travellers.

² Circular 01/2006 (Office of the Deputy Prime Minister): *Planning for Gypsy and Traveller Caravan Sites*, www.communities.gov.uk/publications/planningandbuilding/circularodpmplanning

³ www.hm-treasury.gov.uk/spending_review/spend_csr07/reviews/subnational_econ_review.cfm

Ministers should meet Gypsy and Traveller representatives to discuss their concerns about the different definitions used for Gypsies and Travellers for planning and housing purposes. Government time should also be set aside in the House of Commons to debate this issue openly.

Ministers met Gypsy and Traveller representatives to discuss the issues surrounding the different definitions for housing and planning purposes in February. The Government values the constructive relationship it holds with the Gypsy and Traveller community, as evidenced by their presence on the Task Group, and recognises the importance of their cultural heritage. Ministers will have further meetings with representatives in order to better understand the implications of government policy on the community.

The Government is also actively seeking to secure an adjournment debate in the House of Commons on the Task Group's report, as well as wider Gypsy and Traveller issues, and an announcement on this will be made in due course.

Police services should publish their policies on dealing with unauthorised encampments, setting out clearly what all members of the community should be able to expect.

The Association of Chief Police Officers (ACPO) believes that managing unauthorised encampments is an issue which local agencies need to work together to resolve. ACPO is leading a group developing a police policy for managing unauthorised encampments. It is intended that best practice from this will be used by all forces as their current policies come up for review. The policy will be published later this year.

The aim is to provide a consistent fair approach across force boundaries that reflects considerations around social, health, and education outcomes, as well as criminality, and environmental issues that may exist with any encampment. This approach will help to build confidence in the police service within the Gypsy and Traveller community whilst ensuring the settled community are fully informed of police policies.

The Ministry of Justice should consider how capacity might be increased for specialist legal advice on planning issues, to allow developers – including Gypsies and Travellers – to access such advice within a shortened appeal period.

The Government recognises the Task Group's concern regarding the potential impact on the workload of advisors currently prepared to take on work relating to Gypsies and Travellers and has noted its recommendation for capacity in this sector to be increased. The Legal Services Commission aims to make sure that access to advice is available to all those who may need it and the Government would encourage the private sector to meet demand for legal advice and representation where it arises.

In taking forward its proposals on the regulation of enforcement agents, the Ministry of Justice should ensure that regulation covers the actions of private firms of bailiffs evicting Gypsies and Travellers from sites, and that the system provides for a complaints mechanism if standards are not met.

The Ministry of Justice is actively considering the inclusion of private firms of bailiffs who carry out evictions of Gypsies and Travellers within the new regulation framework and how best to address the issues the Task Group raised in their response to its recent consultation. Work on the regulation of enforcement agents is ongoing and the Ministry of Justice will be examining existing complaints mechanisms in consultation with, amongst others, the Local Government Ombudsman, who provides a course of redress for those wishing to complain about the actions of a local authority.

Policy in action: enforcement

Communities and Local Government should ensure that guidance on tackling antisocial behaviour is completed at the earliest opportunity. This should support local authorities and the police in dealing with Gypsies and Travellers' experience of anti-social behaviour either as victims or as perpetrators.

Communities and Local Government agrees that guidance on tackling antisocial behaviour will be of real help to all those affected by instances of antisocial behaviour towards, or perpetrated by, Gypsies and Travellers. Communities and Local Government is preparing such guidance and aims to publish this in the spring.

Policy in action: site provision

Communities and Local Government should confirm that the Gypsy and Traveller Unit will continue in place to promote government policy, and that Government will maintain the level of funding provided between 2006 and 2008 for the Gypsy and Traveller Sites Grant in real terms, throughout the CSR07 period.

The Gypsy and Traveller Unit was set up to provide a focused approach to addressing the problem of unauthorised camping and the tensions that it causes between Gypsies and Travellers and the settled community.

The Unit works with a range of stakeholders and key agencies to increase site provision for Gypsies and Travellers in line with need; to ensure effective use of enforcement powers against unauthorised encampments and developments; and to work with other government departments to tackle social exclusion experienced by Gypsies and Travellers. Ministers value the successful contribution the Unit has made in fostering positive and effective relationships with these stakeholders and setting out the Government's policy framework.

Communities and Local Government recognises that local authorities should routinely address the needs of Gypsies and Travellers in their wider housing, planning and social exclusion policies. The Unit will continue to assist in this task.

The Government has been pleased to maintain levels of funding for the provision of new sites and the refurbishment of existing ones and has announced a further £97m available to local authorities during 2008–11.

Communities and Local Government should coordinate work with Gypsy and Traveller community groups, the financial industry and other relevant government departments to consider the development of financial products to support Gypsies and Travellers to develop their own sites.

Communities and Local Government recognises that many Gypsies and Travellers can have difficulties accessing mainstream financial products such as bank accounts and low cost loans. This creates problems for the Gypsy and Traveller community in purchasing land to develop private sites. It also creates other practical difficulties such as site residents being unable to make savings through arranging direct debit payments, for example to utility companies.

Communities and Local Government will raise the Task Group's recommendation with the financial services industry and the Financial Inclusion Taskforce and will work with its own Inter-Departmental Group on Gypsy and Traveller Issues and stakeholder groups from the Gypsy and Traveller community to discuss the financial barriers to authorised site provision.

Communities and Local Government should examine the case for regulating rents paid by Gypsies and Travellers living on publicly owned sites, in line with the approach taken towards other forms of social housing.

Communities and Local Government is aware of concerns about the high levels of rent on some local authority sites. Equally, some county councils have indicated that they are unable to cover the operating costs of their sites because of the way that housing benefit is paid to them, and the Department for Work and Pensions and Communities and Local Government are working together to resolve this issue.

The Mobile Homes Act 1983, which the Government is seeking to apply to local authority Gypsy and Traveller sites through the Housing and Regeneration Bill, provides that rents should not generally increase above the rate of inflation. But Communities and Local Government will also be considering the issue raised by the Task Group more widely.

The Government should bring forward legislation in the next parliamentary session to implement the European Court of Human Rights' judgment in the case of Connors vs the UK – ie to improve security of tenure for Gypsies and Travellers living on local authority owned sites.

The Government has been pleased to include a clause in the Housing and Regeneration Bill, currently going through Parliament, which improves the security of tenure, and other rights and responsibilities, of Gypsies and Travellers living on local authority sites by removing the exclusion in the Mobile Homes Act 1983 for these sites.

Discussions on how to implement the provisions of the 1983 Act are taking place with key stakeholders, including local authorities and Gypsies and Travellers.

Tackling social exclusion

The Office for National Statistics should ensure that two separate categories are included in the 2011 Census for Gypsies and Irish Travellers.

The Government wishes to improve its understanding on how policy and local services affect those from ethnic minorities, including Gypsies and Travellers, and has noted the Task Group's recommendation.

In preparation for the 2011 Census, the Office for National Statistics (ONS) is reviewing the questions on ethnicity, national identity, language and religion, and whether separate categories for Gypsies and Irish Travellers should be included.

Communities and Local Government will work with ONS to ensure Gypsies and Irish Travellers are engaged in this process. A Census Rehearsal will take place in 2009 and Parliament will ultimately decide on which categories are included.

In advance of a change to the Census, government departments should work together to agree a consistent approach to data collection to improve understanding of the outcomes experienced by Gypsies and Travellers. In particular, the rollout of the National Health Service national records system should provide an early opportunity to improve monitoring of health outcomes.

The Inter-Departmental Group on Gypsy and Traveller Issues will discuss the methods used by departments to gather information on Gypsies and Travellers.

As part of the preparation for the Census, the Office for National Statistics will work with Communities and Local Government, other government departments and Gypsy and Traveller community groups to examine how data collection can develop understanding of the way services impact on Gypsies and Travellers, and how best practice surrounding the collection of this data can be shared.

The NHS Care Records Service will give healthcare professionals access to up-to-date patient information safely and securely, across a range of healthcare settings and will help support improvements in the delivery of healthcare for Gypsies and Travellers.

The Department of Health should ensure that good practice emerging from its Pacesetters programme is disseminated widely amongst health practitioners.

The Department of Health recognises the importance of the Pacesetters programme in trialling innovative approaches to some of the more deep-seated health access problems experienced by Gypsies and Travellers. Further work will follow the completion of trials in six Strategic Health Authorities. The Department of Health will ensure that the lessons from the trial period, as well as examples of good practice, are disseminated widely to the NHS.

The Audit Commission should set out how it will ensure that the Comprehensive Area Assessment will allow it to evaluate the performance of local authorities in meeting the needs of vulnerable people in their areas. This should include considering how indicators on community cohesion and race equality reflect the experience of Gypsies and Travellers.

The Audit Commission and other public service inspectorates have undertaken an initial consultation on Comprehensive Area Assessment (CAA) in which they set out their thinking on how CAA would address the experience of vulnerable people.

The Commission will expect local authorities and their partners to be able to explain how they engage with all members of their communities, including Gypsies and Travellers, and ensure they have a thorough understanding of their needs. The Commission will be setting out its proposals for CAA in more detail in a further consultation this summer.

Communities and Local Government is working closely with the Commission on the responses to consultation on the definitions of the indicators to be included in the New National Indicator set and will consider how those indicators on community cohesion and race equality reflect the experience of Gypsies and Travellers.

Annual management letters produced by local auditors should include an evaluation of how local authorities are discharging their duties in relation to Gypsies and Travellers.

The Audit Commission recognises the value of ensuring that local authorities take full responsibility for discharging their duties in relation to Gypsies and Travellers, as well as other members of the local community. As the detail of Comprehensive Area Assessment is developed, the Commission will be considering carefully where within this assessment framework it would be best to incorporate such issues that relate to those duties.

Monitoring progress

The Government should report annually to Parliament on progress on Gypsy and Traveller issues.

The Government accepts the Task Group's recommendation that Parliament should be kept fully informed of progress on addressing the issues they discuss in their report and the undertakings set out in this response. The Government will therefore provide an annual policy update to Parliament.

The bodies represented on this Task Group, including representatives of Gypsies and Travellers, should continue to meet on an annual basis to consider this report.

Communities and Local Government will coordinate an annual meeting in order for the organisations represented on the Task Group and their successors to be able to effectively monitor and scrutinise the Government's policies and approach to any emerging barriers to site provision and enforcement, as well as progress made since the publication of the report.

Majority recommendation

The Government should proceed with the proposal in the Planning White Paper to reduce the time limit for planning appeals when the same development is the subject of an enforcement notice.

The Government recognises the concerns some members of the Task Group voiced regarding the capacity of planning advisors to support the development of Gypsy and Traveller sites. However, following consultation, the Government intends to pursue this proposal as it considers that it will make an important contribution towards increasing the efficacy of enforcement in the planning system. The Government will therefore take forward the necessary secondary legislation.