

Subject:	Traveller Commissioning Strategy 2012		
Date of Meeting:	15 March 2012 - Cabinet 22 March 2012 - Council		
Report of:	Strategic Director, Place		
Lead Cabinet Member:	Cabinet Member for Environment & Sustainability		
Contact Officer:	Name:	Andy Staniford	Tel: 29-3159
	Email:	andy.staniford@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No:	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 On 14 July Cabinet resolved to review the 2008 Traveller Strategy.
- 1.2 As a group, Travellers suffer some of the worst levels of inequality, particularly around life expectancy, health and education and face discrimination and racial hatred on a regular basis. The national shortage of permanent, transit and informal stopping places for Travellers has seen Travellers set up unauthorised encampments in higher profile parks and open spaces increasing tensions in local communities.
- 1.3 Through the new Traveller Commissioning Strategy 2012, the Council seeks to balance its responsibility to local residents to ensure they are able to enjoy the city's parks and open spaces, with the need to be mindful that Travellers are an often marginalised group with a way of life that the Council seeks to protect.

2. RECOMMENDATIONS:

- 2.1 To recommend to Full Council that it approves the Traveller Commissioning Strategy 2012 (Appendix 1) and accompanying Action Plan (Appendix 2).
- 2.2 To recommend to Full Council that it delegates authority to the Strategic Directors and Heads of Delivery to take all steps necessary or incidental to the Traveller Commissioning Strategy 2012 and accompanying Action Plan.
- 2.3 To recommend to Full Council that it thanks the local residents, Travellers, Community & Voluntary Sector Organisations, community representatives, officers from other public sector organisations and the Traveller Scrutiny Panel who have given their time to help develop the Strategy.

3. MAKING A DIFFERENCE:

- 3.1 In addition to reaffirming our commitment to the permanent Traveller site, our new strategy offers a fresh and co-ordinated partnership approach to addressing the key issues facing the Traveller and settled communities. Some work is already in progress and others are planned over the lifetime of the strategy, including:
- A successful Operation Monza carried out by the Police last summer and plans to build on this with more joint working if the operation is required again this year
 - A new Joint Sussex Local Authority Traveller Forum has been set up to provide a coordinated response across the whole of Sussex
 - A new Brighton & Hove Traveller Forum to be set up to bring Travellers and service providers together
 - A new waste management contract approved to improve our response to site clearances
 - A new dedicated manager to be recruited at Horsdean to improve site management
 - A proposal for the Council to celebrate Gypsy, Roma and Traveller Month in June
 - Continuing to look at protecting sensitive sites

4. CHRONOLOGY OF KEY EVENTS:

- 4.1 On 14 July Cabinet resolved to review the 2008 Traveller Strategy.
- 4.2 On 22 September 2011 Cabinet agreed the scope and timetable for the strategy review with the intention of having the new strategy approved at Cabinet on 15 March 2012 in time for the new Traveller season.
- 4.3 On 20 October 2011 an amendment to the Council's constitution added the Traveller Strategy to the Policy Framework so it requires Full Council approval.

Scrutiny Review:

- 4.4 A formal request for scrutiny was made at the 5 September 2011 meeting of the City Council's Environment & Community Safety Overview & Scrutiny Committee (ECSOSC). Following discussion ECSOSC agreed to establish a 3-Member Scrutiny Panel to be involved in the Cabinet review of the Travellers Strategy.
- 4.5 The Traveller Scrutiny Panel shadowed the development of the strategy and gathered evidence from a wide range of sources. The Panel submitted its initial recommendations as part of the consultation on the draft strategy which have been used to help shape the final draft strategy and action plan.
- 4.6 The Panel's final report is due for approval at the ESCOSC meeting of 7 March 2012 and is anticipated to go to Cabinet on 15 March with a formal response.

A Partnership Approach:

- 4.7 The Traveller Commissioning Strategy has not been developed in isolation but has been led by the Housing Commissioning and Delivery Units as part of a wider partnership throughout the Council that includes Public Health, the Learning & Partnerships, Communities & Equalities Commissioning Units and the City Infrastructure and Planning & Public Protection Delivery Units.

- 4.8 This partnership approach has also extended beyond the Council to include NHS Sussex (Brighton & Hove), Sussex Police and the Education Welfare Service provided by East Sussex County Council.

5. RELEVANT BACKGROUND INFORMATION:

Who we define as Travellers:

- 5.1 'Travellers' is a collective term used to describe different groups who have a nomadic lifestyle or tradition/heritage of nomadism. Romany Travellers, English and Irish Travellers are recognised in law as ethnic groups and are identified as having a shared culture, language and beliefs. Romany Gypsies have been in England for over 600 years and Irish Travellers have a long history of travelling and living in this country.
- 5.2 The term 'Travellers' also covers some groups not currently recognised as ethnic groups including 'New Travellers' who are non-traditional travellers (most of whom originate from the settled community, although some children have been born into New Traveller communities) and Travelling showpeople. It also covers those who have stopped travelling due to ill health old age or young children.

Van Dwellers:

- 5.3 Brighton & Hove also has a population locally termed as Van Dwellers. Van Dwellers are usually found living in their vehicles on the roadside or on unauthorised encampments and are generally not nomadic. Van Dwellers are not considered to meet the definition of a Traveller in any national policy as collectively they are not a recognised ethnic group nor are they considered New Travellers as they are effectively permanently resident in the city, such as through work or education. This distinction between Travellers and Van Dwellers is often not recognised by local people who experience lived-in vehicles parked outside their homes, often for many days, which can further inflame tensions against Travellers. As lived-in vehicles are an issue for the city, a separate protocol for van dwellers is planned.

Traveller Inequality:

- 5.4 The report 'Inequalities experienced by Gypsy and Traveller Communities: A Review' by the Equality & Human Rights Commission in 2009 shows that Traveller communities experience extensive inequalities, such as:
- Travellers die earlier than the rest of the population
 - They experience worse health, yet are less likely to receive effective, continuous healthcare
 - Children 's educational achievements are worse, and declining still further
 - Participation in secondary education is extremely low
 - Employment rates are low, and poverty high
 - Insecure lifestyles associated with repeated evictions can have a negative psychological impact upon children
 - There is an increasing problem of substance abuse among unemployed and disaffected young people
 - There are high suicide rates among the communities
 - Travellers who live in bricks and mortar housing can experience racist hostility from neighbours and isolation from their communities

- There is a lack of access to culturally appropriate support services for people in the most vulnerable situations, such as women experiencing domestic violence

5.5 The EHRC report highlights that lack of suitable secure accommodation underpins many of the inequalities that Traveller communities experience.

Resident Concerns:

5.6 Responses to this consultation, resident complaints, recent public events and articles in the local press have highlighted a number of resident concerns which are almost exclusively focussed on unauthorised Traveller encampments in local communities, and include problems such as:

- the loss of public space
- anti-social behaviour, crime and nuisance
- rubbish and fly tipping
- damage to the environment
- cost of site clearance and legal action

Our Strategy:

5.7 In response to the needs of Traveller communities and concerns of local people, the Traveller Commissioning Strategy 2012 has been focussed on 4 key outcomes and has a vision of:

Balancing the needs of Traveller communities and the City's settled communities to reduce inequality and improve community relations

5.8 **Outcome 1: Improve site availability**

An appropriate supply of properly managed pitches will help to reduce the level of unauthorised encampments which will not only reduce conflict and tension between communities but it will help Travellers access health and education services.

5.9 **Outcome 2: Improve health, safety and wellbeing**

Travellers have a much poorer health and a significantly lower life expectancy than the general population. As with all sections of society, ensuring the health, safety and wellbeing of the Traveller communities not only raises the quality of life for one of our most disadvantaged communities, it also reduces long term costs public health costs.

5.10 **Outcome 3: Improve education outcomes**

Nationally, Traveller children are the lowest achieving group in our schools. This has been and remains a long standing issue. We want to help embed the value of education throughout the family and make sure that children and young people from Travelling communities are able to access suitable education and training that enables them to attain educational standards that raises economic and employment opportunity.

5.11 **Outcome 4: Improve community cohesion**

Both Travelling and settled communities would like to see an end to unauthorised encampments but unfortunately until there are more stopping places for Travellers then unauthorised encampments will continue to impact on the lives of both the Travelling and settled communities. However, effective community

cohesion is about more than unauthorised encampments, it is about helping the city's diverse communities understand one another to get past the common myths, prejudices and stereotypes and to ensure that all those who have a stake in the city are able to get involved in decisions about the services that affect them. This outcome also seeks to reduce fear of crime, domestic and sexual violence, anti-social behaviour, racism, sexism and homophobia and ensure community cohesion is improved across all of our communities.

Testing Our Strategy:

- 5.12 Our monitoring has shown that our efforts over the summer resulted in a marked decrease in the number of traveller encampments in the city.
- 5.13 During the first quarter of 2011/12 there were 30 encampments compared to 11 in the same period the previous year. This increase was because the authority was moving the Traveller groups on twice as quick as before. However we recognised that this approach was not working as it caused the Travellers to fragment into a larger number of smaller encampments which impacted on local communities.
- 5.14 To minimise the impact on local people we changed our approach and allowed a group to stay at the 19 Acres site. As a direct result of this there was a 40% reduction in the number of encampments during the 2nd quarter of 2011/12 with just 18 encampments. This reduction was seen at the height of the summer where we would normally expect an increase and in fact there were 25% fewer encampments this time than the same period last summer where the previous administration saw 24 encampments.
- 5.15 Withdean Park saw 5 encampments earlier in the year but our site protection works have made sure that there has not been a single encampment on the site since the works were done.
- 5.16 We also worked with the Police to support Operation Monza during the summer where the Police made daily visits to encampments to improve relations with Travellers and reassure residents. During this period, not a single encampment was moved because of nuisance or anti-social behaviour and our teams saw a marked decrease in resident complaints.

6. COMMUNITY ENGAGEMENT AND CONSULTATION:

- 6.1 In keeping with the Community Engagement Framework, consultation with Travellers, partner agencies and support groups (such as Friends, Families and Travellers), and the settled community has been essential to ensure that the Travellers Strategy meets needs in an effective way.
- 6.2 Consultation on the Strategy has been managed in a 2 step process:
 - **Consultation on an initial scoping document**, primarily web based through the Council's Consultation Portal
 - **Consultation on the draft strategy**, again through the Consultation Portal but with additional direct engagement with Travellers at the Horsdean Transit Site, a local school and a nursery which have high numbers of Travellers attending.

- 6.3 Awareness was raised via the council's website, the Argus and direct (e)mailing to a wide range of individuals and organisations. Officers also made presentations at key meetings such as the City Inclusion Partnership and Community Safety Forum.
- 6.4 Responses have been received from a wide range of sources including residents, community groups, Travellers, the Community & Voluntary Sector, service providers and politicians. A Consultation Report has been produced to summarise the findings of the strategy development consultation.
- 6.5 In addition, a Traveller Scrutiny Panel also been gathered evidence from key stakeholders and made a number of recommendations.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 It is proposed that the new permanent site (Goal 1) will be built using grant funding of £1.730 million received from the Homes and Communities Agency (HCA) subject to further agreement with the HCA once the site location is chosen. The cost of recruiting the Horsdean site warden (Goal 2) is contained within 2012/13 revenue budgets for Housing and Social Inclusion. Any other costs arising through the implementation of this strategy will need to be met from current resources and any potential budget pressures reported as part of the monthly budget monitoring process.

Finance Officer Consulted: Monica Brooks Date: 21 February 2012

Legal Implications:

- 7.2 As indicated at paragraph 4.3 above, the Traveller Strategy now comes within the council's Policy Framework, which means the role of Cabinet is to prepare or formulate the strategy for approval and adoption by Full Council.
- 7.3 There is a general power of competence which allows the Council to carry out any act which is not otherwise prohibited. Taken alongside earlier duties such as promotion of welfare, there is the statutory ability to undertake most of the recommendations (some appear to be entirely within the health remit and not a matter for the Council), however as is always the case the actions must be proportionate and reasonable.
- 7.4 There are of course equalities duties which no doubt will be referred to in the section below.
- 7.5 The Council will need to ensure that it has obtained all necessary planning permissions prior to the setting up of sites.
- 7.6 Human Rights Act will apply in certain circumstances and in particular towards encampments and management of unauthorised encampments. It will also apply to planning and any other judicial process which is employed.
- 7.7 Some of the actions will require the assistance of third parties – such as schools and nothing in this report can bind them with regards to future actions.

Lawyers Consulted: *Simon Court*
 Hilary Woodward

Date: 13 February 2012
Date: 20 February 2012

Equalities Implications:

- 7.8 Travellers are an often marginalised group with a way of life that the authority seeks to protect whilst at the same time considering the needs of local residents. Gypsies, Roma and Travellers as a group suffer a high level of inequality, particularly around life expectancy, health and education issues, and suffer from discrimination and racial hatred.
- 7.9 Gypsies and Irish Travellers were recognised as distinct racial groups under the Race Relations Act 1976 and continue to be recognised as such under the Equality Act 2010.
- 7.10 The whole Strategy, its vision, outcomes and goals are focussed on reducing inequality and improving community cohesion between Travelling and settled communities. Alongside improving health and education outcomes specific goals are also focussed on inclusion, including:
- Goal 13: Improve further the awareness in schools about Traveller History and Culture
 - Goal 14: Increasing awareness of different cultures
 - Goal 15: Involve Travellers in service design and delivery
- 7.11 An Equality Impact Assessment was carried out as part of the development of the Traveller Strategy to help shape our strategic outcomes, goals and actions.

Sustainability Implications:

- 7.12 The repeated evictions of travelling groups from the city's parks, historic and otherwise important sites only to see them again camp on a similar site is causing distress to travelling groups, local people and the environment.
- 7.13 In focussing protection measures on locations most unsuitable for encampments and allowing toleration in limited circumstances the report seek to minimise the impact on residents and Travellers and also prevent further damage to the city's important open spaces.

Crime & Disorder Implications:

- 7.14 If we are successful in achieving Objective 1: Improve site availability this will have an immediate impact on community cohesion by minimising the unauthorised encampments that inflame community tensions.
- 7.15 To address crime, anti-social behaviour and nuisance the Strategy has been developed through close working with Sussex Police and the Crime & Disorder Reduction Partnership with related goals and actions in the strategy:
- Goal 9: Tackle domestic and sexual violence
 - Goal 16: Effective management of unauthorised encampments
 - Goal 18: Tackling crime, anti-social behaviour and nuisance
 - Goal 19: Tackling racism, sexism and homophobia

Risk and Opportunity Management Implications:

7.16 With a national shortage of stopping places for Traveller and limited resources available in the city there are a number of risks associated with the Traveller strategy which will be closely monitored:

- **Obtaining planning permission for the permanent site** as the preferred location is in the South Downs National Park. Officers have been working closely with their counterparts and Members of the National Park Authority to ensure they approve of our methodology and approach to the site selection process.
- **It is not possible to prevent unauthorised encampments and determined incursion past security measures** however the strategy seeks to proactively minimise the potential for this and take robust action when it does occur. In addition, the recruitment of a dedicated manager for the Horsdean Transit site with ongoing occupancy reviews will help us make best use of our transit pitches.
- **Community cohesion may continue to be damaged if there are more high profile encampments.** A coordinated approach involving politicians, the local authority, the Police and the media will be critical in reassuring all communities and tackling nuisance. If Operation Monza is implemented by the Police it would receive additional support from local authority staff.
- **Toleration could cause environmental damage** to sites. A separate protocol on toleration will be developed. Toleration will only be allowed in limited circumstances and carefully monitored.
- **A possible honey pot effect** with the permanent site attracting more Travellers to the area. This will be monitored closely with rigorous action on unauthorised encampments particularly as the permanent site will free up space on the transit site to help us address encampments. In addition, the allocations policy for the permanent site is likely to include criteria around local connection and welfare need.
- **The city's need for Traveller pitches has only been identified up to 2016** (which will be met by the provision of the permanent site with 16 pitches). It is possible that more pitches may be required beyond this date. Pitch needs will be reviewed during the lifetime of the strategy.
- **Van Dweller encampments** can increase tensions against Travellers. A separate protocol is being developed for Van Dwellers.

Public Health Implications:

7.17 Research has shown that Traveller health is far worse than the population as a whole, particularly around life expectancy, infant mortality and maternal mortality, mental health and suicide. These health inequalities are attributed to a combination of factors including lack of stable accommodation to promote effective service engagement, educational disadvantage, environmental hardship, social exclusion and cultural attitudes.

7.18 The Traveller Commissioning Strategy 2012 has been developed in partnership with Public Health and NHS Sussex (Brighton & Hove), which authored the chapter on Traveller Health & Wellbeing Needs and which has led to Outcome 2: Improve health, safety and wellbeing of the Strategy and its associated goals.

- 7.19 The success of our health objective is heavily dependent on Objective 1: Improve site availability which will help Travelling communities and professional build the trust and relationships essential for effective health, care and support services.

Corporate / Citywide Implications:

- 7.20 Traveller inequality not only impacts on the quality of life of Travellers but has an impact on public services and the public purse. By improving site provision for Travellers we will improve service engagement which will in turn help to improve Traveller health, education and employment opportunities.
- 7.21 Effective action to minimise and manage unauthorised encampments is essential to support local residents, the Traveller community and to protect the city's open spaces. An ineffective approach is likely to exacerbate the number of encampments with additional associated community tensions and costs.
- 7.22 The Traveller Commissioning Strategy has not been developed in isolation but has been led by the Housing Commissioning and Delivery Units as part of a wider partnership throughout the Council that includes Public Health, the Learning & Partnerships, Communities & Equalities Commissioning Units and the City Infrastructure and Planning & Public Protection Delivery Units.
- 7.23 This partnership approach has also extended beyond the Council to include NHS Brighton & Hove, Sussex Police and the Education Welfare Service provided by East Sussex County Council.

8. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 8.1 The previous approach resulted in a cycle where travellers were moving from high profile site to high profile site as their preferred locations were no longer available. This resulted in increased costs and community tensions to the detriment of Travellers and the settled community alike.
- 8.2 An alternative approach to increase enforcement and eviction action merely accelerated the cycle of Travellers moving from high profile site to high profile site as moving the encampments quicker caused them to fragment into a larger number of smaller encampments with associated impacts on community cohesion and Traveller welfare.
- 8.3 To completely resolve the issues around unauthorised encampments and facilitate a stable pitch for all Travellers would require a national approach to site provision together with changes in the law which are beyond our remit.

9. REASONS FOR REPORT RECOMMENDATIONS

- 9.1 Our historic approach to dealing with unauthorised Traveller encampments has resulted in a number of high profile encampments on prominent locations throughout the city such as parks and open spaces.
- 9.2 The new Strategy outlines a coordinated approach across the authority and wider public sector to address both the concerns of local people and the wider accommodation, health and education needs of Travellers.

SUPPORTING DOCUMENTATION

Appendices

1. Traveller Commissioning Strategy 2012
2. Traveller Commissioning Strategy 2012 - Action Plan

Documents in Members' Rooms

1. Traveller Commissioning Strategy 2012 - Consultation Report
2. Traveller Commissioning Strategy 2012 - Equality Impact Assessment

Background Documents

1. Gypsy Roma Traveller Action Plan 2011/12, Cabinet, 14 July 2011
2. Gypsies and Travellers; requests for Scrutiny, Environment and Community Safety Overview And Scrutiny Committee, 5 September 2011
3. Traveller Strategy Update, Cabinet, 22 September 2011
4. Traveller Strategy Scrutiny Panel Report, Environment & Community Safety Overview & Scrutiny Committee (ECSOSC), 7 March 2012 (*planned approval date at time of writing*)
5. Formal Response to ECSOSC Traveller Strategy Scrutiny Panel Report, Cabinet, 15 March 2012 (*planned approval date at time of writing*)