

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

THE ESTABLISHMENT OF A MID DEVON GYPSY AND TRAVELLER FORUM.

Cabinet Member(s): Cllr Richard Chesterton, Cllr Ray Stanley; Cllr Colin Slade
Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: For Cabinet to consider the establishment of a Gypsy and Traveller forum, together with Member representation.

RECOMMENDATIONS:

1. **That the establishment of a Gypsy and Traveller Forum in Mid Devon be approved.**
2. **That three Elected Members be nominated to attend the forum on a regular basis.**

Relationship to Corporate Plan: The forum relates to two of the key priorities of the Corporate Plan: Homes and Community. The forum will provide an opportunity to work with the gypsy and traveller community of Mid Devon, to build positive relationships and outcomes. The forum will promote partnership working across the Council and with other partners including Devon County Council and the NHS, to work towards improving the health, wellbeing and education needs of the gypsy and traveller community in order to address inequalities. In addition, the forum has the ability to help improve our understanding of the housing needs of the travelling community, such as the size and design of pitches, tenure arrangements and the preferred location of sites.

Financial Implications: None anticipated.

Legal Implications: The Council has a public sector equalities duty (PSED) under the Equality Act 2010. This sets out that a public authority must in the exercise of its functions have due regard to the need to eliminate discrimination and to advance equality of opportunity and to foster good relations between those who share protected characteristics and persons who do not share it. The Council is also required to have a 5 year land supply of deliverable housing sites and Gypsy and Traveller Pitches, as well as developing fair and effective strategies to meet longer term needs.

Risk Assessment: The risk of not establishing a forum is that the Council will be less informed about the needs of the Gypsy and Traveller community. The establishment of a forum will also assist in ensuring that Council efforts over the provision of sites and pitches for Gypsies and Travellers will meet their needs (in terms of the facilities provided and the location) and that the community will want to live there.

Equality Impact Assessment: The Council has a public sector equalities duty (PSED) under the Equality Act 2010 (see above). Both Romany Gypsies and Irish Travellers have race as a protected characteristic under the Equality Act 2010 as they are recognised ethnic groups. The creation of a forum seeks to further the implementation of the Council's Single Equality Scheme to meet the duty set out in the Equality Act 2010. The forum also provides an opportunity to promote the Zero Tolerance to Hate Crime campaign, which the Council has signed a pledge to support.

1.0 INTRODUCTION: WHY IS A FORUM NEEDED?

- 1.1 Gypsies and Travellers form part of Mid Devon's community. Although only accounting for a small proportion of Mid Devon's population, the Gypsy and Traveller community are often hard to reach; as such, a proactive approach is needed in order to positively engage with households from the Gypsy and Traveller communities. Whilst in this report the Gypsy and Traveller community is referred to in the singular, it should be noted that there are several communities and distinct racial groups.
- 1.2 Statistics demonstrate the Gypsies and Travellers have the poorest life chances of any ethnic group today and experience particularly poor outcomes in terms of life expectancy, health, education and employment. Many of the challenges the community faces are exacerbated by a lack of suitable accommodation and experiencing discrimination in every aspect of their lives. **Appendix 1** sets out background statistics on these contextual indicators.
- 1.3 The creation of a forum is justified in order to advance equality of opportunity for Gypsies and Travellers and provides an opportunity to promote good relations and advance efforts to eliminate discrimination. Furthermore, there is evidence from elsewhere to show that site provision can lead to significant tensions with the settled community. Better communication can foster a greater understanding of the needs of different communities and enable more informed decision-making.
- 1.4 The subject of this report cuts across several areas of the Council's activities including housing, planning, public health and licencing.
- 1.5 It is intended that the establishment of the forum will follow best practice from elsewhere. A local example of a similar forum that has been operating for some time is that in Teignbridge.

2.0 POLICY BACKGROUND.

- 2.1 The Devon Partnership Gypsy and Traveller Accommodation Assessment (GTAA) published in March 2015 was carried out at a sub-regional level. The report assessed the current stock of occupied permanent / residential site pitches (53 in Mid Devon at the 2014 baseline) and identified a need for an additional 35 permanent pitches together with 11 plots for travelling show people in Mid Devon between 2014 and 2034. The assessment also identified a need for 34 bricks and mortar accommodation units (dwelling houses). No additional need for transit pitches in Mid Devon was identified.

- 2.2 The GTAA figures translate into an annualised need of 3 pitches per year in Mid Devon 2014-19, falling back to 1.2 per year after 2019. This frontloads the need, although the average yearly need over a five year plan period is 1.8 pitches.
- 2.3 A report on pitch provision to Scrutiny Committee of November 2017 advised that since 2014, 11 private pitches have been granted planning permission; therefore the unmet need requirement up to 2022/23 at that time was 9 pitches. The five year supply is a rolling figure and consequently there is a need to continue to identify developable sites and secure the provision of new pitches through the strategic allocations in Local Plans. Although the GTAA provides a baseline figure for need, it is important to recognise that 'need' is not static and is subject to change.
- 2.4 New pitches are allocated for Gypsies and Travellers within the existing and proposed Local Plan. The pitch allocations form part of Mid Devon's strategic housing sites (Tiverton Eastern Urban Extension, North West Cullompton, East Cullompton and Pedlerspool Crediton). The existing and proposed Local Plan also contains policies for the assessment of Gypsy and Traveller site applications, further details are contained in **Appendix 2**.
- 2.5 The Allocations and Infrastructure Development Plan Document was adopted in 2011 and identified that a public gypsy and traveller site would be sought in Mid Devon, subject to the availability of funding. Despite efforts, no such public site has yet been secured. Officers have also been working actively to bring forward pitch provision within urban extensions in accordance with planning policy. Although no Gypsy and Traveller pitches have been delivered on these sites to date, future pitch provision has been secured under outline planning permissions granted to date on the Tiverton Eastern Urban Extension and a reserved matters planning application has recently been submitted on part of this site that details 3 of these pitches.
- 2.6 The Council's Housing Strategy 2015-2020 identifies housing priorities including the delivery of affordable housing. Within this priority is pitch provision for gypsies and travellers to meet need identified within the GTAA. This Strategy cross-refers to planning policies as the primary means to meet such need.

3.0 **PURPOSE OF THE FORUM.**

- 3.1 The purpose of the forum is to provide a two way information sharing environment between the Council and the Gypsy and Traveller community of Mid Devon. The key aim of the forum is to improve engagement with the Gypsy and Traveller community. Communication with this community will inform policy development in such a way as to enable any community tensions to be addressed and mitigating actions proposed.
- 3.2 The forum will be:
Welcoming – it will provide a friendly place where all members of the travelling community of Mid Devon can come along.
Trusting – it will provide an opportunity for members of the travelling community, Councillors and professionals from planning, housing, public

health, licensing, education, transport and other backgrounds from the Council, Devon County Council, the NHS and other partner organisations to meet together in a safe and friendly environment, to build a working relationship based on trust and respect.

Learning and sharing – it will allow everyone to join in an open, honest and frank discussion about travelling lifestyles, the needs of households from all travelling backgrounds and how these needs can best be met. Everyone will have the right to have their say and be listened to.

Influential – it will not have any formal decision making powers, but will have great value in helping to shape the thinking and work of the Council and other organisations.

- 3.3 The creation of a forum will engender better understanding of the needs of the Gypsy and Traveller community and to work with the community over the design of sites and pitches to help facilitate delivery and ensure what is provided meets their needs. Greater engagement with the Gypsy and Traveller community via the forum could assist in unlocking the provision of pitches as part of wider strategic housing allocations.
- 3.4 The forum also provides opportunity for a waiting list to be set up to allow the Council to better understand the housing need of the Gypsy and Traveller community. There is an opportunity to work to strengthen collaborative working to prevent the homelessness of those occupying unauthorised sites and illegitimate spaces.
- 3.5 The Council's Corporate Plan community priority includes Aims that the Council will work with local communities, including working with health partners and community groups to provide a stronger voice for, and the promotion of, health and wellbeing. In addition, the Plan also specifically states that the Council will work with partners to address health inequalities. The forum provides an opportunity to further these Aims by working positively and proactively with a hard to reach group that suffers unequal life outcomes compared with the wider Mid Devon community.

4.0 **MEMBERSHIP AND ACCOUNTABILITY.**

- 4.1 The forum will be made up of Gypsies and Travellers, Elected Members, Council Officers and other key stakeholders/partnership bodies. Other persons including experts and guest speakers will be permitted to attend by invitation.
- 4.2 The forum is open to be attended by all members of Gypsy and Travelling communities in Mid Devon: the Council's current understanding is that these travelling communities and ethnic groups are made up of New Travellers, Romany Gypsies and Travelling Showmen. Gypsies and Travellers living outside of Mid Devon may attend by advance request or invitation.
- 4.3 Whilst the forum will be open to all elected members, it is anticipated that a select group of members will attend regularly for consistency. It is suggested that 3 members be nominated to attend regularly.
- 4.4 The forum will not be open to the public.

- 4.5 Officers will be responsible for the administration of the forum, for reporting back on any issues or actions raised and in coordinating the operation and running of the forum. Issues raised and actions identified by the forum will be reasonably pursued by Officers as part of a commitment to work with the community to help identify and resolve issues. It will be made clear that due to the resources available, the Council cannot guarantee that all issues and actions raised by the forum will be addressed. It is not intended that the forum be a decision making body.
- 4.6 There will be bimonthly meetings with Officers, Members and other relevant persons between the forum dates to discuss and action progress. This will provide an opportunity to review the relevance of the work and terms of reference if necessary.

5.0 **FORMAT OF THE FORUM.**

- 5.1 It is anticipated that the forum will meet twice yearly; appropriate timings are to be discussed and agreed with all members of the forum.
- 5.2 Chairmanship is also to be agreed by forum members and will be established at the first meeting. It is hoped chairmanship will be representative of all of the Gypsy and Traveller communities in Mid Devon.
- 5.3 An agenda for each meeting will be agreed in advance and will seek to incorporate topics put forward by all members of the forum. The agenda will be circulated with all members of the forum and will be publically available.
- 5.4 Attendance at the forum by members of the travelling community will be on a voluntary and unpaid basis. The forum will agree a set of rules that all attendees must abide by, to include that: all attendees of the forum will be treated with respect and will be given the opportunity to speak should they wish to do so. The forum will not tolerate any discrimination.

6.0 **SHARING OF INFORMATION AND RESOURCES.**

- 6.1 A forum page will be set up on the Mid Devon website, specifically for gypsies and travellers. This page will be used to share the agenda and minutes of each forum meeting and other relevant information of interest.
- 6.2 Any confidential information discussed by the forum will not be shared publically or published on the Council website.
- 6.3 A document containing the forum terms of reference will be agreed by the forum and publically available (see draft in **Appendix 3**).

7.0 **SUMMARY: MID DEVON'S ROLE.**

- 7.1 The Council has a public sector equalities duty (PSED) under the Equality Act 2010. The Commission for Racial Equality (CRE) (2006) sets out that local authorities can play an important role in improving relationships between Gypsies, Travellers and the settled community. This will require positive steps to deal vigorously with the root causes of community tension, and the myths

and stereotypes on all sides, and to publicise the authority's positive initiatives (CRE, 2006). Providing or helping to develop suitable authorised sites can help to achieve this (CRE, 2006).

- 7.2 The GTAA recognised that there are tensions between different Gypsy and Traveller groups and that they have separate histories and cultural traditions; it is acknowledged that households from differing Gypsy or Traveller groups may not want to occupy the same site. The forum is a means by which the Council can actively seek to better understand the community it needs to provide for, so that the actual need is better understood, and strengthening suitable site provision.
- 7.3 Overall, the forum can and should be used as a means to achieve better outcomes for the Gypsy and Traveller community of Mid Devon and in doing so, the Council can further its fulfilment of the PSED and the Homes and Community Aims set out in the Corporate Plan.

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Circulation of the Report: Members of Cabinet, Chairs of Homes and Community PDGs.

List of Background Papers:

Equality and Human Rights Commission 2017: Gypsies and Travellers: simple solutions for living together <https://www.equalityhumanrights.com/en/gypsies-and-travellers-simple-solutions-living-together>

Department for Communities and Local Government [DCLG] (2012) *Progress report by the Ministerial working group on tackling inequalities experienced by Gypsies and Travellers.*

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6287/2124046 .pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6287/2124046.pdf)

Office of National Statistics

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/whatdoesthe2011censustellusaboutthecharacteristicsofgypsyoririshtravellersinenlandandwales/2014-01-21>

Parry, G. et al. (2004) The Health Status of Gypsies and Travellers in England https://www.sheffield.ac.uk/polopoly_fs/1.43714!/file/GT-final-report-for-web.pdf

Commission for Racial Equality (CRE) (2006a). Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers: Report of a CRE inquiry in England and Wales.

<http://www.equalityhumanrights.com/Documents/Race/Services/Common%20ground%20full%20report.pdf>

Commission for Racial Equality (CRE). (2006b) Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers: Report of a CRE inquiry in England and Wales.

http://83.137.212.42/sitearchive/cre/downloads/commonground_summary.pdf

Mid Devon Local Plan <https://www.middevon.gov.uk/residents/planning-policy/mid-devon-local-plan/>

Local Plan Review <https://www.middevon.gov.uk/residents/planning-policy/local-plan-review/>

Gypsy and Traveller Accommodation Assessment 2015 Final Report
<https://www.middevon.gov.uk/media/114028/devon-partnership-2015-gtaa-final-report.pdf>

Mid Devon Housing Strategy 2015 – 2020
<https://www.middevon.gov.uk/media/206508/mddc-housing-strategy-2015-2020.pdf>

Scrutiny Committee 6th November 2017 Gypsy and Traveller Pitch Provision
<https://democracy.middevon.gov.uk/documents/s10044/Gypsy%20and%20traveller%20pitch%20provision%206%20Nov%202017.pdf>

Teignbridge District Council website page for Gypsies and Travellers and document links <https://www.teignbridge.gov.uk/community-and-people/people/gypsies-and-travellers/>

Appendix 1

Life expectancy: The life expectancy of Gypsy and Traveller men and women is around 10 years lower than the national average. Gypsy and Traveller mothers are 20 times more likely than the rest of the population to have experienced the death of a child, infant and maternal mortality rates are also high.

Health: The 2011 Census found that Gypsies and Irish Travellers have the lowest rating of 'good' or 'very good' health across any ethnic group, at 70% compared with 81% over England and Wales as a whole. Compared with the wider population, Gypsies and Travellers are more likely to suffer bad health. This includes low child immunisation levels, higher prevalence chronic cough or bronchitis (even after smoking is taken into account), asthma, chest pain and diabetes (DCLG, 2012). In addition, the premature death from cardiac disease is particularly high for Gypsy and Traveller men. Mental health is also a key issue, studies have found that Gypsies and Travellers are nearly three times more likely to be anxious than others and just over twice as likely to be depressed (Parry et al 2004). There are considered to be a range of contributing factors: including the stresses caused by accommodation problems, unemployment, racism and discrimination by services and the wider public, and bereavement.

Education: Gypsy and Irish Traveller pupils in England are the group most at risk of failure in the education system. Gypsy and Irish Travellers have the highest proportion of their population with no qualifications, this accounted for 60% of the population, which is almost three times higher than for England and Wales as a whole (23%) (ONS 2011).

Accommodation: Statistics show that there is a high proportion of the Gypsy and Traveller community living in bricks and mortar accommodation and less than a quarter in a mobile structure. It is likely that the lack of site provision has a significant impact, particularly the limited number of public sites, as Gypsy and Irish Travellers are more than twice as likely to be living in social housing than the general population, at 41% compared with 16% across England and Wales. Gypsies and Travellers living in housing who travel rarely have been found to have the worst health status of all Gypsy and Traveller groups and reported the highest levels of anxiety. Moving into housing is associated with depression and anxiety, and may be reflective of loss of community, isolation from relatives and experiences of racism and discrimination. This has a profoundly negative impact on well-being, social functioning and mental health.

Economic Activity: Gypsies and Irish Travellers have the lowest levels of economic activity of all ethnic groups, at 47% compared to 63% of the population of England and Wales (ONS 2011). In terms of employment levels, 51% of those that were economically active were employed compared with 75% for the total of England and Wales. Unemployment is high for Gypsies and Irish Travellers, at 20% compared with 7% for England and Wales (ONS 2011). Economic inactivity in the Gypsy and Irish Traveller community is largely due to long-term sickness, being disabled, or looking after the family home. There is a clear link between poor health and the lower levels of economic activity.

Appendix 2

Existing Local Plan: The existing Local Plan (Allocations and Infrastructure Development Plan Document) proposes at least 5 pitches on each of the following strategic sites: Tiverton Eastern Urban Extension (policy AL/TIV/1(c)); North West Cullompton (policy AL/CU1(a)); contingency site at Pedlerspool Crediton (policy AL/CRE/12(a)). In addition policy AL/DE/8 proposes the provision of a public site for Gypsy and Traveller Pitches (subject to funding availability) and AL/DE/7 is a policy for the location of pitches in the countryside where need cannot be reasonably met elsewhere and the site is accessible by public transport within 30 minutes of a secondary school and hospital.

Local Plan Review Submission Plan (incorporating proposed modifications): The emerging Local Plan (which is at examination stage) proposes at least five pitches on each of the following sites: Tiverton Eastern Urban Extension (Tiv1(b)); North West Cullompton (CU1(a)); Pedlerspool Crediton (CRE5(a)) and at least 10 pitches at East Cullompton (CU7(b)); a total of 25 pitches are proposed on strategic allocations. Policy S3 e) states that: “A five year supply of gypsy and traveller pitches will be allocated on deliverable sites within Mid Devon to ensure that the predicted need for traveller sites will be met. A further supply of developable sites or broad locations for growth will be identified equivalent to a further ten years of predicted growth. The Housing Authority will seek to provide a public site for gypsy and traveller pitches within Mid Devon, subject to the availability of funding”. Proposed policy DM7 sets out how planning applications for pitches will be dealt with, including the suitability of locations, the provision of facilities and limits occupation to those that meet the Government’s published definition.

Appendix 3:

Gypsy and Traveller Forum Terms of Reference

“Working with the Gypsy and Traveller Community in Mid Devon”

Terms of reference (DRAFT) 2/02/18

Terms of reference to be agreed by the Forum (DATE)

Name of group: Mid Devon District Council Gypsy and Traveller Forum

Purpose and role of the group: The forum is intended to function as a two way information sharing environment.

The forum will be:

Welcoming – it will provide a friendly place where all members of the travelling community can come along.

Trusting – it will provide an opportunity for members of the travelling community, Councillors and professionals from planning, housing, public health, licensing, education, transport and other backgrounds from the Council, the NHS and other partner organisations to meet together in a safe and friendly environment, to build a working relationship based on trust and respect.

Learning and sharing – it will allow everyone to join in an open, honest and frank discussion about travelling lifestyles, the needs of households from all travelling backgrounds and how these needs can best be met. Everyone will have the right to have their say and be listened to.

Influential – it will not have any formal decision making powers, but will have great value in helping to shape the thinking and work of the Council and other organisations.

Membership: The forum will be made up of Council Officers, Elected Members, Gypsies and Travellers and other key stakeholders/partnership bodies. Other persons/experts/guest speakers will be permitted to attend by invitation.

The forum is open to all members of the Gypsy and Traveller communities in Mid Devon on a voluntary and unpaid basis: the Council’s current understanding that this is made up of New Travellers, Romany Gypsies and Travelling Showmen. Gypsies and Travellers living outside of Mid Devon may attend by advance written request or invitation.

The forum will be open to all elected members, however it is anticipated that a select group of members will attend regularly for consistency.

The forum will not be open to the public.

Accountability: Council Officers will be accountable to the forum, and will be responsible for reporting back on any issues/actions raised.

All issues raised and actions identified by the forum will be reasonably pursued by Council Officers. Due to the resources available, the Council cannot guarantee that all issues and actions raised by the forum will be addressed.

Review: There will be bimonthly officer meetings between the forum dates to discuss and actions progress. This will provide an opportunity to review the relevance of the work and terms of reference if necessary.

Meetings:

- The forum will meet twice yearly at times to suit the Gypsy and Traveller community. Suggested timings February/March and October/November, to be agreed in consultation with all parties.
- Inaugural meeting – May 2018?
- Officers will meet bimonthly between forum meetings.
- The agenda for each meeting will be agreed in advance and will seek to incorporate topics put forward by all members of the forum. The agenda will be circulated with all members of the forum and attendees one week prior to the forum meeting.
- The forum will elect a chair person/s to facilitate the meetings; such person will be elected by a majority vote. For the first year there will be an interim chair who will chair the meetings during the establishment period of the Forum. In future, it would be preferred if the chairs represent each of the Gypsy and Travelling communities in Mid Devon.
- The forum will agree a set of rules that all attendees must abide by, to include that: All attendees of the forum will be treated with respect and will be given the opportunity to speak should they wish to do so. The forum will not tolerate any discrimination.

Sharing of information and resources:

- The minutes of the forum meetings will be made available to all attendees on the Mid Devon website within one calendar month of the meeting.
- A page specifically for Gypsies and Travellers for the sharing of information will be set up on the Mid Devon website.
- The Council will set up and maintain a page on its website.
- Confidential information: any confidential information discussed by the forum will not be shared publically or published on the Council website.
- The terms of reference and other documents shared with the forum will not use acronyms and will be in language that is easily understood by all.