

## Update on potential sites for a temporary stopping site

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| Cabinet                  | <b>17 September 2020</b>   |
| Report Author            | <b>Penny Button, Director of Safer Neighbourhoods</b>  |
| Portfolio Holder         | <b>Cllr Whitehead, Deputy Leader and Cabinet Member for Housing and Community Services</b>                                     |
| Status                   | <b>For Decision</b>  |
| Classification:          | <b>Unrestricted</b>  |
| Key Decision             | <b>No</b>  |
| Previously Considered by | <b>Traveller Working Party 6 November 2019<br/>Overview &amp; Scrutiny Panel 19 November 2019<br/>Cabinet 16 December 2019</b> |
| Ward:                    | <b>All</b>   |

### **Executive Summary:**

The establishment of a temporary tolerated stopping site within Thanet continues to be important but has been delayed due to COVID 19 activities. This report updates the situation following Cabinet's recommendations for 16 December.

### **Recommendations:**

- That the identification of appropriate tolerated stopping sites becomes part of the Local Plan review.
- Officers continue with an officer and partner group, working with known groups of gypsies and travellers to address site access and behaviours.

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| <b>CORPORATE IMPLICATIONS</b>        |   |
| <b>Financial and Value for Money</b> | There are no direct financial implications arising from the approval of the recommendations contained within this report.   |
| <b>Legal</b>                         | Section 124 of the Housing and Planning Act 2016 removes the duty on local authorities under the Housing Act 2004 to assess the accommodation needs of Gypsies and travellers in their area as a distinct category. Instead, it specifies that local housing authorities should consider the needs of people "residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored" |

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| <p><b>Corporate</b></p>  | <p>Section 124 of the Housing and Planning Act 2016 removes the duty on local authorities under the Housing Act 2004 to assess the accommodation needs of Gypsies and travellers in their area as a distinct category. Instead, it specifies that local housing authorities should consider the needs of people "residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored".</p> <p>It is anticipated that there will be modifications, following the recent examination, to the draft Local Plan to recognise the Gypsy and Traveller accommodation needs identified. Draft Local Plan Policy HO22 would therefore state that "Pending the next review of the Plan the Council will take proactive steps to accommodate all emerging needs of Gypsy and Travelling communities within the District on temporary sites and, wherever possible, permanent sites which meet the [access and environmental criteria set out in the Plan]. The Council shall address the identified need and monitor need in three stages: to continue to work with families to identify suitable short term sites; to commence immediately to identify suitable long term sites and to grant permission for them; and, to identify additional sites required to meet total provision in the next Plan review."</p>   |  |   |  |   |
| <p><b>Equality Act 2010 &amp; Public Sector Equality Duty</b></p>  | <p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <table border="1" data-bbox="464 1518 1342 1783"> <tr> <td>Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> </tr> </table> <p>The council has to ensure it meets the requirements set out within The Equality Act 2010, which makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. The following of a nomadic lifestyle is lawful, indeed it is a culture that is recognised and protected through legislation.</p> | Please indicate which aim is relevant to the report. | Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, | Advance equality of opportunity between people who share a protected characteristic and people who do not share it | Foster good relations between people who share a protected characteristic and people who do not share it. |
| Please indicate which aim is relevant to the report.   |  |  |   |  |   |
| Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,              |  |  |   |  |   |
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| <b>CORPORATE PRIORITIES (tick those relevant) ✓</b> |
| Growth  |
| Environment   |
| Communities ✓                                       |

## **1.0 Introduction and Background**

- 1.1 Historically unauthorised encampments have used TDC land, KCC land and private land; however there has been a growing tendency over the last couple of years to use TDC land.
- 1.2 The Travellers Review Group was set up at the Overview & Scrutiny Panel to review and report back to the Panel on understanding of and an approach to managing the impact of Traveller unauthorised encampments in the Thanet area.
- 1.3 The review group were asked to investigate the impact of unauthorised encampments in Thanet and make recommendations to the Overview and Scrutiny Panel on what the Council could do to mitigate the impact of the unauthorised encampments (if necessary) whilst still meeting its obligations to local residents and the Travellers.
- 1.4 This reviewed all sites owned by TDC with no current use and reported to the Overview and Scrutiny Panel and then Cabinet in December 2019 and recommended that three should be progressed. These were Potten Street, Tivoli Brooks and Ramsgate Port.

## **2.0 The Current Situation**

- 2.1 Over the last six months, especially considering the impact of the global pandemic there has been a significant amount of change and as part of this the Council is reviewing how it delivers services in the future and how it can maximise the benefits of revenue opportunity from existing assets, which include some potential sites previously identified for use.
- 2.2 There has been significant interest from stakeholders and local residents regarding a temporary tolerated site including commentary on suitability of sites, level of need and other locations. In order to capture this information and understand the views of all those with an interest in temporary stopping sites a robust engagement process is required.
- 2.3 The identification of possible temporary stopping sites has previously been restricted to land owned by Thanet District Council, a change in process has the potential to widen the scope for other sites to be identified.
- 2.4 The Local Plan has recently been adopted and is now subject to a review process. Part of this process has a defined consultation and the ability to place a general call to landowners to put forward sites for specific uses.
- 2.5 This process begins with site searches for sites to be included in the local plan, this is called a 'call for sites' to find out what is genuinely available for development and includes private land as well as TDC land. Any sites put forward are assessed for suitability and a set of sites are proposed to Members for public consultation.

- 2.6 Given the concerns raised by all involved in the work looking at tolerated stopping sites and the significant wider interest in the site the Local Plan Review process seems appropriate for further work on this subject to follow.
- 2.7 The identification of a site through the Local Plan Review does not address the concerns regarding unauthorised encampments on land owned by Thanet District Council. Whilst the identification of a site is being progressed the security of sites owned by TDC will continue to be assessed and addressed. The suite of powers available to address criminality and anti-social behaviours associated with unauthorised encampments will continue to be utilised when appropriate.
- 2.8 Establishing working protocols with other statutory agencies to address such behaviours is key to ensuring appropriate and consistent action or toleration is taken.
- 2.9 Those in the Gypsy and Traveller community will be included in the Local Plan Review work as well as continuing to work with officers around acceptable behaviour on unauthorised encampments.

### 3.0 Recommendations

- 3.1 That the identification of appropriate tolerated stopping sites becomes part of the Local Plan review.
- 3.2 Officers continue with an officer and partner group, working with known groups of gypsies and travellers to address site access and behaviours.

### 4.0 Next Steps

- 4.1 The Local Plan review will include the identification of sites for tolerated stopping, this will be included as part of the consultation process.

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| Contact Officer: | Penny Button Head of Safer Neighbourhoods     |
| Reporting to:    | Gavin Waite Director of Operational Services. |

### Background Papers

| Title                                 | Details of where to access copy  |
|---------------------------------------|--|
| Cabinet Paper from 16th December 2019 | TDC Website<br><a href="https://democracy.thanet.gov.uk/documents/s66877/Report.pdf">https://democracy.thanet.gov.uk/documents/s66877/Report.pdf</a> |

### Corporate Consultation

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| <b>Finance</b> | Chris Blundell, Director of Finance             |
| <b>Legal</b>   | Estelle Culligan, Director of Law and Democracy |