



City of Doncaster Council

Report

Date: 17 July 2023

To: Regeneration and Housing Overview and Scrutiny Panel

Report Title: City of Doncaster Council Gypsy and Traveller Pitch Allocation Policy Review

Relevant Cabinet Member(s)	Wards Affected	Key Decision?
Cllr Glyn Jones	All	Yes

EXECUTIVE SUMMARY

1. This report sets out recommendations for ten proposed changes to City of Doncaster Council's Pitch Allocations Policy for Gypsy and Traveller sites.
 - 1.1. This refers to four council owned sites across Doncaster at the following locations with a total of 65 pitches.
 - White Towers, Armthorpe (although in Intake/Clay Lane ward)
 - Little Lane, Long Sandall
 - Land's End, Thorne
 - Nursery Lane Sprotbrough
 - 1.2. A key part of the review process has been to devise and undertake a consultation process which effectively engaged with residents, direct contact with active waiting list applicants, key stakeholders and elected members using a range of media and support to inform discussion. As referred to in 5.2., advice and support was sought from nationally recognised organisations.
 - 1.3. Members from four wards were consulted on the proposed changes and had the opportunity to feedback on any additional changes. Engagement with site residents has been successful, with 95% (38) seen in person and 100% (28) of the waiting list contacted with a 54% (15) response rate. The consultation is summarised in section 15 and in full in **Appendix C**.

- 1.4. The overall objectives of the Pitch Allocations Policy are to:
 - Have a robust process in place
 - Promote understanding and ownership amongst residents
 - Support sustainable communities
 - Have regard to cultural differences
 - Make the best use of available pitches
 - Fulfil the Council's legal obligations

- 1.5. Headline outcomes of the consultation were
 - All eight proposals were fully supported by all responding consultees
 - Two additional proposals have been included following the consultation process

EXEMPT REPORT

2. No

RECOMMENDATIONS

3. That the Panel consider the outcomes of the review and consultation.

- 3.1. That Panel consider the recommendations on policy changes consulted on, full details of which are in **Appendix A**.

- 3.2. That the Panel support the policy changes outlined in **Appendix A**.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. This policy sets out the revised framework for vacant pitch allocations on council owned Gypsy and Traveller sites in Doncaster.

- 4.1. This review aims to ensure that this policy is fit for purpose and makes the best use of available pitches.

BACKGROUND

5. The management of Gypsy and Traveller sites transferred over to SLHD management in 2014 with the transfer of the Housing Options and Homelessness service and management of council owned residential caravan sites.
 - 5.1. The policy mirrors the banding system of the City of Doncaster Council's Housing Allocations Policy with 4 bands with Platinum being the highest need, Gold, Silver and Bronze being the lowest need. The policy is outdated and awareness from site residents and those on the waiting list is low.
 - 5.2. Advice and support was sought from the National Gypsy and Traveller advisory panel with associated Good Practice guides. National Charity, Friends, Families and Travellers. The Oak Project, a 3-year partnership with Gypsies & Travellers, National Policy Advisory Panel on Gypsy and Traveller Housing and the Housing Diversity Network.

OPTIONS CONSIDERED

6. Options considered have been informed through legislative requirements, research, consultation and input from the project group key officers, including the City of Doncaster Council's Legal services. None of the changes were particularly contentious and this is reflective on the support from consultees.
 - 6.1. On review of Good Practice and policies in other authorities, consideration was given to changing the current structure of the policy, including implementing a points based system vs the current banding and date order approach. After seeking advice from the National Gypsy and Traveller Advisory Panel and reviewing related publications of good practice, the decision was to retain the current banding structure as it is considered good practice to have parity between this policy and the council's Housing Allocations Policy to promote consistency in approach. This is especially important to promote understanding, as residents and applicants may be on both registers.
 - 6.2. Each of the eight changes are outlined in **Appendix A** including:
 - The proposed change
 - The reason for change
 - The consultation outcome
 - The recommendation
 - 6.3. There are also an additional two recommended changes following the consultation process for consideration and comment.





REASONS FOR RECCOMENDED OPTIONS





7. To ensure the policy is fit of purpose

7.1. The majority of changes are not contentious and were unanimously supported by site residents.

IMPACT ON THE COUNCIL’S KEY OUTCOMES

8.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change				☑
 Developing the skills to thrive in life and in work				☑
 Making Doncaster the best place to do business and create good jobs				☑
 Building opportunities for healthier, happier and longer lives for all	☑			
<ul style="list-style-type: none"> • Providing suitable access to pitches to those most in need will significantly improve living circumstances and access to health, education and support services • Supporting people in accessing settled housing to meet their needs 				

<ul style="list-style-type: none"> • Ensuring people are prioritised who live in unsuitable or unsustainable circumstances • Prioritising carers or those needing care in the policy 				
 Creating safer, stronger, greener and cleaner communities where everyone belongs	<input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> • Allocating pitches fairly and consistently in accordance with legal frameworks • Working with partners to ensure that allocations are appropriate and sustainable 				
 Nurturing a child and family-friendly borough	<input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> • Prioritising families in need for settled accommodation • Prioritising those with lack of settled accommodation to enable them to access services including health and education 				
 Building Transport and digital connections fit for the future				<input checked="" type="checkbox"/>
 Promoting the borough and its cultural, sporting, and heritage opportunities				<input checked="" type="checkbox"/>
Fair & Inclusive	<input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> • Operating a legally compliant policy • Promoting understanding and ownership amongst residents and those on the waiting list • Including fair and proportionate checks to support cultural harmony 				

Legal Implications [Officer Initials: NC | Date: 11/05/23]

9. Gypsy and Traveller sites are primarily regulated by the Mobile Homes Act 1983, following amendments made to that Act by the Housing and Regeneration Act 2008. A “Gypsy” is defined by section 24 of the Caravan Sites and Control of Development Act 1960 as “person of nomadic habit of life, whatever their race or origin...”
- 9.1. In terms of the allocation of plots on sites, the Housing Act 2004 (sections 225 and 226) previously imposed a specific duty on local authorities to carry out an assessment of the accommodation need of gypsies and travellers, as part of the periodic review of housing conditions and need within their area, under section 8 of the Housing Act 1985. With effect from the 12th July 2016, the Housing and Planning Act 2016 repealed those sections of the 2004 Act and made amendments to section 8 of the Housing Act 1985. This replaced the previous duty with a general duty to consider the housing needs of all persons, including those residing in or resorting to their area with respect to the provision of caravan sites.
- 9.2. A Caravan is defined by section 29 of the Caravan Sites and Control of Development Act 1960 as “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted...” and so would include the mobile homes sited on the Council’s sites.
- 9.3. In assessing the needs of applicants and considering the allocation of plots on gypsy and traveller sites, the Council also has to comply with its duties under the Equality Act 2010, in particular the public sector equality duty under section 149 which obliges public authorities, when exercising their functions, to have ‘due regard’ to the need to:
 - a) Eliminate discrimination, harassment and victimisation and other conduct which the Act prohibits;
 - b) Advance equality of opportunity between people who share relevant protected characteristics and those who do not; and
 - c) Foster good relations between people who share relevant protected characteristics and those who do not.
- 9.4. Protected characteristics are age, disability, gender reassignment, race, sex, sexual orientation, religion or belief, and pregnancy and maternity. Only the first aim of the Public Sector Equality Duty set out in paragraph (a) above applied to a further protected characteristic of marriage and civil partnership.
- 9.5. Having due regard to advancing equality involves:
 - Removing or minimising disadvantages suffered by people due to their protected characteristic;

- Taking steps to meet the needs of people from protected groups where they are different to the needs of other people; and
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
- 9.6. Romany Gypsies and Irish and Scottish travellers have been declared by the Courts to be protected as “races” under the Act.
- 9.7. Since the adoption of the current allocations policy, the Courts in R (VC) v North Somerset Council (EHRC intervening) 2015 have found that local connection requirements can be indirectly discriminatory as they are likely to have an adverse effect on disproportionately more Gypsies and Travellers than members of the settled population.

Financial Implications [Officer Initials: JC | Date: 15/05/2023]

10. The income budget for Gypsy and Traveller sites is set annually based on pitch occupancy information available at the time of the Council’s budget setting and fees and charges process.
- 10.1. There are no direct financial implications as a result of this policy change, any resulting occupancy changes will be reflected in the annual budget setting process.
- 10.2. The income budget for 2023/24 for these sites is shown below:

Budget 2023/24	£
White Towers	50,014
Little Lane	36,436
Lands’ End	117,572
Nursery Lane	2,917
Total	206,939

Human Resources Implications [Officer Initials: AA | Date: 15/05/2023]

11. There are no direct HR Implications in relation to this report.

Technology Implications [Officer Initials: PW | Date: 12/05/2023]

12. There are no direct technology implications in relation to this report. The author has confirmed that the current waiting list is held on a spreadsheet and it would be a future development to hold it on Open Housing, where required and cost effective.

RISKS AND ASSUMPTIONS

13. There is potential for legal challenge against any aspect of the policy by an individual or organisation. In terms of the recommendations made the extent and robustness of the consultation is mitigation but no guarantee that a challenge will not be made.
- 13.1. Legal services have provided advice and guidance through the review as further mitigation against a successful challenge.

CONSULTATION PROCESS

14. The review process began in February 2023 when suggested changes and the scope of the review were discussed with the Housing Portfolio Holder, and focus groups held with eleven elected members representing the relevant wards. These were informed by best practice, feedback from staff, stakeholders, customers and corporate priorities.
- 14.1. A presentation was given to members and stakeholders and newsletter given to tenants and applicants with the focus on face to face and direct contact. Regeneration and Housing Overview and Scrutiny Panel will also consider the way the consultation has been carried out as well as consideration of the final report before it progresses to Cabinet.
- 14.2. Stakeholders included Doncaster Council Enforcement Team, Public Health, and Education services, NHS Health Services, South Yorkshire Police and SLHD Housing Management.
- 14.3. Public consultation began on Monday 20th February 2023 for a period of 12 weeks with a focus on face-to-face consultation, multiple site visits and personal contact with waiting list applicants to remove barriers relating to literacy.

CONSULTATION OUTCOMES

15. There were fifty-three responses from tenants and waiting list applicants, with comments from Stakeholders being noted. Additional comments made are listed in **Appendix C**.
- 15.1. All of the eight proposals consulted on were all fully supported with an additional two changes arising from consultation responses.

- 15.2. These were the consultation of residents prior to a new pitch being allocated to ensure Community Cohesion, where discretion is already allowed in the policy. This was understood by residents to need to be fair and proportionate and not disclose details of applicant's circumstances and explicit within the application process.
- 15.3. Applying a 6-month waiting list penalty (not able to join or have an application suspended for 6 months) to people pulling onto sites without landlord permission who are not considered for a pitch, to deter people from doing this.
- 15.4. Other themes from discussion with residents are listed below. Some of which were related to the Capital Investment planned for 3 of the sites. This was feedback to SLHD Asset Management to provide information to enable clear feedback to residents through Housing Management.

15.5. Themes from the Consultation

Theme	Mentions
Pitch sizes / Number of trailers should account for age and sex of children.	8
Tenants should be consulted before new allocations made to avoid community tension.	7
People already on site should be sorted first.	4
No transit site in Doncaster for visiting families.	3
Caring responsibilities on site.	2
Site improvement works.	2
Unauthorised residents shouldn't be allowed on waiting list.	1
Relatives waiting for pitch allocation.	1
Make new tenants pay a bond.	1

DUE REGARD STATEMENT

16. A Due Regard Statement has been completed and is in **Appendix B**. Disclosure of some protected characteristics is low from the community.
- 16.1. There are ten potential positive impacts on protected groups in the ten recommended changes, particularly around impact on homeless households, which supports making best use of available pitches to meet those most in need of the policy.
- 16.2. Any unforeseen adverse impacts will be identified through monitoring processes and statistical/data analyses.

APPENDICES

- A** Table of changes and recommendations
- B** Due Regard Statement
- C** Consultation Outcomes

BACKGROUND PAPERS

- None

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

- SLHD St Leger Homes of Doncaster
- EMT Executive Management Team

REPORT AUTHOR & CONTRIBUTORS

Andrea Jarratt, SLHD Access and Allocations Service Manager

01302 737176 | andrea.jarratt@stlegerhomes.co.uk

Neil Concannon, Doncaster Council Head of Service Litigation

01302 734023 | neil.concannon@doncaster.gov.uk

Lead Officer

Dan Swaine, Doncaster Council Director of Economy and Environment

01302 7362503 dan.swaine@doncaster.gov.uk