

20 April 2017 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 10.04.17



Cabinet

Membership:





Chairman, Cllr. Fleming; Vice-Chairman, Cllr. Lowe
Cllrs. Dickins, Firth, Hogarth, Piper and Scholey

Agenda


There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 9 March 2017, as a correct record.	(Pages 1 - 10)	
2. Declarations of interest Any interests not already registered.		
3. Questions from Members (maximum 15 minutes)		
4. Matters referred from Council, Audit Committee, Scrutiny Committee or other Committees a) Reference from Sevenoaks District Joint Transportation Board b) Reference from Scrutiny Committee	(Pages 11 - 34)	
REPORTS ALSO CONSIDERED BY THE CABINET ADVISORY COMMITTEES		
5. Primary Authority - Support for local businesses (Environmental Health Partnership)	(Pages 35 - 42)	Annie Sargent Tel: 01322343085



- | | | | |
|-----|--|----------------------|---|
| 6. | Civil Penalties for Council Tax, Housing Benefit and Council Tax Reduction & Sanctions & Prosecution Policy for Council Tax and Council Tax Reduction | (Pages 43 - 66) | Glen Moore,
Adrian Rowbotham
Tel: 01322343240,
Tel: 01732 227153 |
| |  | | |
| 7. | Carry Forward requests 2016/17 | (Pages 67 - 76) | Helen Martin Tel:
01732 227483 |
| 8. | Financial Results - to the end of January 2017 | (Pages 77 - 84) | Helen Martin Tel:
01732 227483 |
| 9. | Property Investment Strategy Update | (Pages 85 - 106) | Adrian Rowbotham
Tel: 01732 227153 |
| |  | | |
| 10. | Sevenoaks Local List | (Pages 107 -
118) | Rebecca Lamb
Tel: 01732227334 |
| |  | | |
| 11. | Gypsy & Travellers Accommodation Assessment | (Pages 119 -
228) | Helen French
Tel: 01732 227357 |
| |  | | |

 Indicates a Key Decision

 indicates a matter to be referred to Council

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

CABINET

Minutes of the meeting held on 9 March 2017 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllr. Lowe (Vice Chairman)

Cllrs. Dickins, Firth, Piper and Scholey

Apologies for absence were received from Cllr. Hogarth

Cllrs. Canet, Eyre, Horwood, McGarvey and Parkin were also in attendance.

74. Minutes

Resolved: That the Minutes of the meeting of Cabinet held on 9 February 2017 be approved and signed as a correct record, subject to the insertion of the words 'government housing' in a sentence at minute 66. The sentence will now read: "The Portfolio Holder confirmed that 'exceptional circumstances' would not include the need to make up the government housing numbers."

75. Declarations of interest

There were no additional declarations of interest.

76. Questions from Members

There were none.

77. Matters referred from Council, Audit Committee, Scrutiny Committee or Cabinet Advisory Committees

There were none.

CHANGE IN AGENDA ITEM ORDER

With Cabinet's agreement the Chairman announced that he would deal with agenda item 7 before agenda item 5.

78. Syrian Vulnerable Persons Relocation Scheme (SVPRS) - Housing Provision

The Portfolio Holder for Housing and Health presented the report which set out information about a vacant six bedroom social housing property and seeks approval to work with West Kent Housing Association to make the property available for a Syrian refugee family, as part of the Kent Syrian Vulnerable Persons Relocation

Scheme (SVPRS). She advised that the Housing & Health Advisory Committee had considered and noted the report, the relevant minutes of which had been circulated earlier that day and tabled for information.

The Head of Housing and Health explained the proposal further and addressed questions raised by members of the public and Members. She explained that the beneficiaries of the scheme would be selected to ensure their suitability for the property and that it was not viable to under-occupy the six bedroom property in question due to the spare room subsidy. A formal support arrangement for families resettled under the scheme would be provided through the County Council. Offers of help from the community had been gratefully received and would be co-ordinated.

Public Sector Equality Duty

Under the Public Sector Equality Duty (section 149 of the Equality Act 2010) the Council must have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through the paper directly impacted on end users. The impact had been analysed and did not vary between groups of people. The decisions recommended through the paper would assist vulnerable families.

Resolved: That Officers be asked to work with West Kent Housing Association to make available a vacant six bedroom adapted social housing property in Eynsford to resettle a suitable Syrian refugee family as part of the Kent SVPRS.

79. Bank Account Signatories

The Portfolio Holder for Finance introduced the report which set out that in order to facilitate the payment of small but urgent items of expenditure, an imprest account was maintained. The report sought approval for a change to the list of officers authorised to sign cheques and sanction banking instruments on behalf of the Council

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) Mr John Leach, former Solicitor, no longer be authorised to sign cheques and sanction banking instruments on behalf of the Council in relation to the Chief Executive's Imprest Account; and

- b) pursuant to Financial Procedure Rules 4.73 and 4.74, Mr Martin Goodman, Head of Legal and Democratic Services, and Mr David Lagzdins, Solicitor, be authorised to sign cheques and sanction banking instruments on behalf of the Council in relation to the Chief Executive's Imprest Account.

80. Annual Review of Parking Charges 2017-18 - results of consultation

The Portfolio Holder for Direct and Trading Services introduced the report which informed Members of the outcome of the public consultation on the annual review of parking charges for 2017-18, which proposed the extension of charges in the Council's Blighs car park and a modest rise to one on-street tariff in Sevenoaks town.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That following consideration of the responses to the public consultation, the revised parking charges for 2017-18 be agreed as below

Fees and Charges 2017/18			
Off Street			
1A	Blighs	Up to 30 mins	70p
		Up to 1 hr	£1.50
		Up to 2 hrs	£3
		Up to 3 hrs	£5
		Up to 4 hrs	£10
		Evening	£1
		Sundays - Up to 4 hrs	Normal day tariff
1B		Up to 1 hr	£1
	Buckhurst 1	Up to 2 hrs	£2
	South Park	Up to 3 hrs	£3
	Suffolk Way	Up to 4 hrs	£4
		Up to 5 hrs	£4.50
		Evening	£1
1C	Buckhurst 2 Weekdays	All day	£4.60
		Evening	£1
	Buckhurst 2 Saturdays	Up to 1 hr	£1
		Up to 2 hrs	£2
		Up to 3 hrs	£3
		Up to 4 hrs	£4
		Over 4 hours and all day	£4.60

	Buckhurst 2 and South Park Season Tickets	Evening	£1
		Annual Season Ticket	£859
		Quarterly Season Ticket	£224.75
		Resident Permit	£35
1D	Council Offices	Saturdays & Sundays	Free
2A	St Johns St James	Up to 30 mins	20p
		Up to 1 hr	40p
		Up to 2hrs	60p
		Up to 4 hrs	£1
		Over 3 hrs and all day	£3.10
		Annual Season Ticket	£429
		Quarterly Season Ticket	£117.25
		Resident Permit	£35
2B	Bradbourne	All day	£7
		After 3pm up to 6.30pm	£1.50
	Bradbourne Season	Annual Season Ticket	£1,110
		Quarterly Season Ticket	£287.50
2C	Sennocke	All day	£7
		Up to 2 hrs	£1
		After 3pm up to 6.30pm	£1.50
	Sennocke Season Tickets	Annual Season Ticket	£1,150
		Quarterly Season Ticket	£297.50
2D		Up to 30 mins	30p
	Bevan Place	Up to 1 hr	50p
	Park Road (not all day)	Up to 2 hrs	70p
	Station Road	Up to 4 hrs	£1.10
		Over 4 hrs and all day	£4
2E	Bevan Place Season Tickets	Annual Season Ticket	£396
		Quarterly Season Ticket	£109
2F	Darent	Up to 30 mins	Free

Cabinet - 9 March 2017

		Up to 1 hr	
		Up to 2 hrs	
		Up to 3 hrs	
		Up to 4 hrs	
		Over 4 hrs and all day	£1.50
2G	Quebec Avenue	Up to 15 mins	£3.50
		Up to 30 mins	10p
		Up to 1 hr	20p
		Up to 2 hrs	50p
		Up to 4 hrs	70p
		Over 4 hrs and all day	£1.20
2H	Vicarage Hill	Up to 15 mins	£3.10
		Up to 30 mins	10p
		Up to 1 hr	20p
		Up to 2 hrs	60p
			£1.50

Fees and Charges 2017/18			
On Street			
			Current
3A	High Street	Up to 30 mins	50p
	London Road	Up to 1 hour	£1
	South Park	Up to 2 hours	£2
		Sunday	2 hours max stay
3B	Sevenoaks Town	Up to 30 mins	20p
	Holly Bush Lane	Up to 1 hour	60p
	Plymouth Drive	Up to 2 hours	£1.30
		Over 2 hrs and all day	£3
3C	Sevenoaks Station	Up to 30 mins	20p
	Moorwood Close (West)	Up to 1 hour	60p
		Up to 2 hours	£1.30
		Up to 4 hours	£2.40
3D	Sevenoaks Station	Up to 30 mins	20p
	St Botolphs	Up to 1 hour	60p
	Ashley Close	Up to 2 hours	£1.30
	Moorwood Close (East)	Up to 4 hours	£2.40
		Over 4 hrs and all day	£5.50
3E		First	£35

	Sevenoaks District	Second	£70
	Resident Parking Permits	Third	£125
		Fourth	£250
3F	Resident Vistors	Book of 5	£6
3G		Town Annual	£270
		Town Half Yearly	£135
		Town Quarterly	£67.50
		Station (West) Annual	£765
	Non-Resident Parking Permits	Station (West) Half Yearly	£382.50
		Station (West) Quarterly	£191.25
		Station (East) Annual	£650
		Station (East) Half Yearly	£325
		Station (East) Quarterly	£162.50
4A	Knockholt	All Day	£3.50
		After 2pm up to 6pm	£2.40
4B		Up to 30 mins	20p
	Swanley Station	Up to 1 hour	60p
	Azalea Road	Up to 2 hours	£1.30
	Godsel Road	Up to 4 hours	£2.40
		Over 4 ours and all day	£3.50
4C	Westerham On Street	15 minutes	10p
	The Green	30 minutes	20p
	The Grange	1 hour	60p
	Market Square	2 hours	£1.50
4D		15 minutes	10p
	Westerham On Street	30 minutes	20p
	Fullers Hill	1 hour	60p
	Croydon Road	2 hours	£1.50
		3 hours	£2.50

81. Sevenoaks Leisure Centre - Application for a loan by Sencio Community Leisure

The Chief Officer for Communities and Business presented the report which outlined Sencio's proposals for works to Sevenoaks Leisure Centre to improve the Centre and take advantage of unmet latent demand in the town. Members were asked to recommend that Cabinet agree a 10 year loan of £600,000 for Sencio at an interest rate of 6% per annum.

The Portfolio Holder for Housing and Health and Portfolio Holder for Finance advised that their Advisory Committees had considered the report, the relevant minutes of which had been circulated and tabled for information.

Members discussed the item and there was some consideration of the risks involved with the proposal. The Chief Finance Officer set out that he was satisfied that the proposal was financially acceptable.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That Sencio be granted a loan of £600,000 over ten years at an interest rate of 6% per annum under the terms set out below

'That the agreed works will be recorded by way of a Licence for Alterations. The Licence will set out the terms for the works, and it is recommended that these will include:

- That the improvements will be made to the Council's satisfaction;
- That the works be carried out in accordance with any statutory requirements, the cost of which need to be met by Sencio prior to any work commencing;
- Sencio will be responsible for the ongoing maintenance of and repairs to the works covered by the loan;
- At the end of the current lease in 2029, the Council will not be liable to pay Sencio for the improvements made.
- In the event that Sencio defaults on its loan repayment for the works, the Council will look to declare Sencio insolvent and thereby in breach of the lease and, subject to the Court's relief, terminate the same. This will be actioned if Sencio makes one loan repayment in excess of 30 days late or three loan repayments in excess of one day late.'

82. Statement of principles for determining the amount of a Penalty Charge

The Chief Officer Environmental and Operational Services presented the report which sought adoption of the proposed statement of principles associated with enforcing The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (SI 2015/1693). Without a published policy no penalty charges could be required of landlords who were in breach of their duty. It was recommended that the statement of principles be adopted to ensure a full compliment of actions and financial penalties are available, ensuring the safety of occupiers.

It was advised that the Housing & Health Advisory Committee had considered the same report, the relevant minute of which had been circulated earlier that day and tabled for information. The Chief Officer Environmental and Operational Services suggested that the appropriate level of fine would be £5,000 for an offence with a 50% discount for early payment being offered in the case of a first offence.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the statement of principles and associated penalties charges associated with the regulations be approved; and
- b) that the level of fine be set at £5,000 with a 50% early payment discount for a first offence, with a £5,000 fine and no discount for a second or subsequent offence.

83. Community Grant Scheme Draft Allocations 2017/18

The Partnership and Project Officer presented the report which set out information about the Community Grant Scheme and summarised applications received by the Council from voluntary organisations for funding during 2017/18. Details of the appraisal process were provided and included a lengthy and detailed consultation with the Portfolio Holder for Economic & Community Development, Cllr Hogarth, the Deputy Portfolio Holders for Economic & Community Development, Cllrs Maskell and McGarvey and Cllr Mrs Bosley who had been trained in appraisal techniques.

It was noted that the Economic and Community Development Advisory Committee had considered the same report, the relevant minute of which had been circulated earlier that day and tabled for information. Cabinet noted that the Advisory Committee had requested a vote of thanks be recorded and wished to express the same thanks to volunteers and voluntary groups.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That Grants, as set out in Appendix C of to the report be approved subject to the conditions set out below

- i) that performance indicators as set out in the application forms are adhered to and monitored;
- ii) that appropriate Safeguarding policies and arrangements are in place, where necessary;
- iii) that appropriate recognition of this Council's funding contribution is made in all their publicity; and
- iv) where services are provided over a wider area than the District boundaries, organisations will be required to hold grant aid from this Council in a restricted fund for the benefit of Sevenoaks District residents.

84. Draft Community Safety Strategy & Action Plan 2017-18

The Community Safety Manager introduced the report which sought consideration of the 2017-18 Sevenoaks District Community Safety Strategy and Action Plan. The plan responded to the community safety priorities identified in the most recent Strategic Assessment.

It was noted that the Economic and Community Development Advisory Committee had considered the same report, the relevant minute of which had been circulated earlier that day and tabled for information.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the Community Safety Strategy & Action Plan for 2017-18 be approved.

THE MEETING WAS CONCLUDED AT 8.50 PM

CHAIRMAN

IMPLEMENTATION OF DECISIONS

This notice was published on 13 March 2017. The decisions contained in Minutes 78, 79, and 82 take effect immediately. The decisions contained in Minutes 80, 81, 83 and 84 take effect on 21 March 2017.

Item 4a - Reference from Sevenoaks District Joint Transportation Board held on 8 March 2017

The attached report was considered by the Sevenoaks District Joint Transportation Board on 8 March 2017. The relevant Minute extract is below.

38. Sevenoaks Cycling Strategy Working Group

The Chairman of the Sevenoaks Cycling Strategy Working Group introduced the action notes from the meeting of the Working Group held on 20 February 2017 and explained that he felt that progress had been made after a number of years of inactivity. He highlighted that he had been asked to raise the issue of funding and he asked that the Cabinet of the District Council consider contributing some money towards the £15,000 feasibility study for Cycling Strategy Route 1: East/West Cycle Route.

Resolved: That the Sevenoaks District Council Cabinet be requested to consider contributing towards the £15,000 cost of the feasibility study for Cycling Strategy Route 1: East/West Cycle Route.

This page is intentionally left blank

SEVENOAKS CYCLING STRATEGY WORKING GROUP

Monday 20 February 2017 at 7:00pm

Conference Room, Council Offices, Argyle Road, Sevenoaks

Present:

Cllr. J. Edwards-Winsor
John Morrison (JM)
Andrew Michaelides (AM)
Simon Taylor (ST)
Katie Cullen (KC)

Group Chairman (SDC)
Sevenoaks Cycle Forum
Sevenoaks Cycle Forum
SDC Planning Officer (Policy)
KCC Cycling Transport Planner

Apologies:

Cllr. A. Eyre
Neil Proudfoot
Reg Oakley

Sevenoaks Town Council
Sevenoaks Cycling Forum
Sevenoaks Cycling Forum

		Action by
42.	Apologies for absence See above.	
43.	Notes from previous meeting Notes of the Sevenoaks Cycling Strategy Working Group on 15 November 2016 were received.	
44.	Matters arising/update (including actions from previous meetings) Since the last meeting of the Working Group, there have been some changes in the Sevenoaks Cycling Forum membership. Following their annual meeting, Reg Oakley and John Morrison will faze themselves out as representatives for the Working Group; Andrew Michaelides and Neil Proudfoot will now attend on behalf of the Sevenoaks Cycling Forum. The Group welcomed AM to the meeting. KCC Bikeability training - £1.4m has been awarded to KCC and some of it has been allocated for improving cycling training and education by KCC Transport Innovations. Further details will be announced later in the year. ST to contact and get some details about the project. JM asked if there was any further money available from the Bat & Ball contributions to help deliver more cycling infrastructure (i.e. Route 6 Otford to the Vine). KC confirmed that the full contribution for Bat & Ball junction has now been	ST to send previous meeting notes to AM, as well as any additional information.

	<p>fully spent.</p> <p>ST updated the Group on the developments of the KCC Active Travel Strategy, following the public consultation held last year. The Strategy intends to help links relating to walking and cycling between points of interest, encouraging walking/cycling for short journeys, as well as encouraging better integration in planning future developments. It is intended that a report will be presented to the KCC Environment and Transport Cabinet Committee later this year.</p>	<p>ST to circulate the KCC papers to the Group for information (once available).</p>
45.	<p>Cycling Strategy Route 1: East/West Cycle Route (Update)</p> <p>KC informed the Group that a bid has been put in for LGF funding to get the route feasibility study up and running. Following the feasibility study, then design work can begin. The feasibility study is still expected to cost in excess of £15,000 (2015 price). Cllr. Edwards-Winsor requested further clarification on the cost for the feasibility study.</p> <p>RM suggests that the District Council contributes some money towards the feasibility work.</p> <p>In principle, the route is mainly a school route for Knole, Trinity and the grammar annex which could encourage more people to cycle to school. This part of the route would be a preferred priority over western half of the route (Riverhead to Knole Academy).</p>	<p>KC to circulate the document that was prepared by Amey.</p> <p>Cllr. Edwards-Winsor agreed to raise this at the next JTB in March.</p>
46.	<p>Cycling Strategy Route 5: Off-road Route between Oakdene Road and Otford Road via Wildfowl Reserve (Update)</p> <p>Nothing further to add from the last meeting.</p> <p>Cllr. Edwards-Winsor mentioned the Northern Sevenoaks Masterplan and the potential connections for cycling and making use of the wildfowl reserve/Greatness quarry.</p>	<p>Cllr Eyre to update the Group of progress of the Northern Sevenoaks Masterplan.</p>
47.	<p>Cycling Strategy Route 6: Otford to Bat & Ball Cycle Route (Update)</p> <p>KC has found money to conduct the feasibility study and the route split into two parts (Otford/Bat & Ball and Bat & Ball/The Vine). The feasibility study is now under way and should be completed by the end of March 2017.</p>	

	<p>KC discussed this proposal with colleagues at KCC Transport and Highways. Delivery and construction of the project could come through the Local Transport Plan 4, as well as any CIL from Otford Parish Council and Sevenoaks Town Council. It was noted that discussions would have to take place between the parish/town councils and KCC before anything was agreed. This could follow on from the feasibility study, and having a clearer picture of costs for route design.</p> <p>Cllr. Edwards-Winsor asked whether the route will be on the footpath between Bubblestone Road to Sainsburys. KC confirmed that it would but it was dependent on potentially moving street lights on that part of the highway as well as raising the motorway bridge parapets to improve safety. The study cannot recommend reducing speed limits and will assume the speed limits remain the same here when designed.</p> <p>JM requested a site meeting to discuss the technicalities of the route on the scheme. KC to try and arrange some contact with the Forum and Otford Parish Council to discuss the proposals.</p> <p>CIL funding was discussed and the role of the CIL Spending Board. ST updated the position of CIL Governance and how the bidding process will likely look.</p> <p>Recognition that St John's Hill will most likely be an issue as a result of this feasibility study.</p>	
48.	<p>Sevenoaks District Cycling Strategy Review 2017 - Initial Discussions</p> <p>Due to Officer time pressures and workload, a paper was not prepared for the March JTB. The Group agreed that the paper can be pushed back to a JTB later in the year. The Group agreed that the review should not be rushed but should be considered properly.</p> <p>There was a suggestion from the Sevenoaks Cycling Forum that the review of the Cycling Strategy should be handled by KCC and SDC Councillors and Officers, rather than the JTB.</p> <p>AM recalled the JTB endorsing of the Strategy in 2012. AM noted that he liked the principle but noted that there was no clear implementation of the Strategy as well as clear responsibility for delivery. These issues would need to be addressed in any future review of the Strategy.</p>	
49.	<p>AOB</p> <p>KC updated the Group on the Spa & Castle leisure route. It was recognised that a feasibility study would be required for the Penshurst to Poundsbridge section of the route. KC has</p>	KC to circulate a summary of the designs/drawings

Agenda Item 4a

	<p>made a further bid for LGF funding to facilitate this work. KC also updated the Group on work for roundabout at Morrants Court at the foot of Polhill for safety improvements. The Group requested to see the designs for the scheme for information.</p> <p>School Travel Plans -the Group could write to schools within the area to discuss producing and implementing Travel Plans.</p> <p>JM noted that work on cycling is moving quickly in Tunbridge Wells. JM suggested that a West Kent Cycling workshop could be set up to discuss cycling issues across the area and share ideas. This could include a number of Cllrs/Officers attending from Tonbridge & Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council. Representation from KCC would also be welcomed.</p>	<p>to the Group</p> <p>The Group to explore the possibility of setting up a workshop in the future.</p>
50.	<p>Date of next meeting</p> <ul style="list-style-type: none"> The next meeting of the JTB will be held on Wednesday 14th June 2017. ST suggested that the next meeting of the Working Group should be held at the end of April. Discussions took place whether the next meeting should be held during the day or the evening. It was suggested that evening meetings could be better for Group members. It was agreed that ST will discuss potential dates with District Cllrs. and town/parish councils to ensure that there are no clashes with other meetings. 	<p>ST to circulate potential details once a discussion with District Cllrs. and town/parish councils has taken place.</p>

Item 4b - Reference from Scrutiny Committee held on 30 March 2017

The attached report was considered by the Scrutiny Committee on 30 March 2017. The relevant Minute extract is below.

39. Final Report from the Property Investment Strategy In-Depth Scrutiny Working Group

Cllr. Clack presented the report of the Property Investment Strategy In-Depth Working Group that considered whether the benefits of the Council's Property Investment Strategy outweighed the risks. The report detailed the summary of work that had been carried out by the working group including speaking with Ashford Borough Council, a case study on Suffolk House and speaking to the Leader. Conclusions of the working group and the recommendations were discussed including communication to Members, the professionalism and competence of Officers, self-sufficiency plus and affordable housing.

In response to questions Members were advised that Savills had been appointed as the Investment Advisors and would notify the Council if a property was coming up for sale. A Property Investment Strategy Update had been looked at by the Policy & Performance Advisory Committee and Finance Advisory Committee before going to Council on 25 April 2017 which was requesting that a further £25m be sought from external borrowing.

Members discussed 'self-sufficiency plus' and how this could work through Quercus 7. It was also discussed how information could be shared regarding purchases and how the Scrutiny Committee could be kept informed on individual properties performance, it was discussed that the performance monitoring should include information on the strategy. Members discussed the suggested recommendations to Cabinet.

The Chairman moved that recommendation within the report subject to the amendment of recommendation '(d) to explore possibilities of self-financing affordable housing and shared-ownership projects to help the less wealthy within the District' be amended to 'to explore the advantages and disadvantages of self financing affordable housing and shared ownership projects to help the less wealthy within the District'.

The motion was put to the vote and it was:

Resolved: That it be recommended to Cabinet that

- a) there be improved on-going communication with Members on progress with the exiting portfolio, the financial viability and returns being achieved, and details of new investments (as soon as it is appropriate to make Members aware);
- b) a single location be accessible to Members where all relevant information can be maintained and updated;

Agenda Item 4b

- c) in any month a purchase is made, an update be provided to Members, by the end of the same month (or within seven days, whichever is the latter) with details of the cost, source of financing and projected income; and
- d) the advantages and disadvantages of self financing affordable housing and shared ownership projects to help the less wealthy within the District be explored.

REPORT OF THE PROPERTY INVESTMENT STRATEGY IN-DEPTH WORKING GROUP

Scrutiny Committee - 30 March 2017

Report of Cllr Clack, on behalf of the Working Group

Status For Consideration

Executive Summary: The Property Investment Strategy In-Depth Working Group has considered whether the benefits of the council's property investment strategy, outweighs the risks. Conclusions and recommendations are set out below.

Recommendations to Scrutiny Committee

To consider the report and agree the report and recommendations contained within paragraph 60 be referred to Cabinet.

Introduction and Background

- 1 In recent years, Sevenoaks District Council having been faced with on-going reductions in Government financial support, adopted a 10 year budget process to enable the council to have a greater visibility of both future income and expenditure, plus ensure that the council remained in a financially sustainable position going forwards.
- 2 Key to achieving financial self-sufficiency was to create additional sources of revenue, particularly as reserves were providing very low returns from money held in the bank.
- 3 To achieve this, on 22 July 2014, Council agreed the Property Investment Strategy set out in Appendix A.
- 4 Funding for acquisitions was to be decided on a case by case basis, coming from either receipts from disposals, use of some funds held in reserve or external borrowing.
- 5 The following five acquisitions have been made to date:
 - Swanley Working Men's Club
 - Suffolk House, Sevenoaks - freehold office building
 - 73 - 75 High Street, Swanley - petrol filling station
 - Ground and upper floors, 96 High Street, Sevenoaks (M & Co occupy the ground floor)
 - 26-28 Pembroke Road, Sevenoaks

Agenda Item 4b

- 6 It should be noted that the purchases for 96 High Street and Pembroke Road were made subsequent to the meetings of the working group.
- 7 In addition to these purchases, money has also been allocated to build and lease a hotel on the Sennocke site, which also involved decking the Bradbourne car park.
- 8 With regard to funding the strategy, on 22 July 2014, Council agreed to set aside up to £5m from a review of reserves for the purpose of the proposals outlined in the Property Investment Strategy. On 17 February 2015, Council agreed that a further £3m be allocated to the Property Investment Strategy from the Capital Receipts Reserve. On 21/07/15 Council agreed to a further £10m to be allocated.
- 9 This report should be read in conjunction with the Property Investment Strategy report (and its appendices) presented to the Policy and Performance Advisory Committee on 23 March 2017 (Appendix B). This report provides much useful information and it is therefore not proposed to duplicate much of this information.

10 Scope of property investment strategy work group

Terms of reference for the group:

- The membership of the Working Group to consist of 5 Councillors (subsequently only 4 councillors formed the group) who do not sit on the Policy and Performance Advisory Committee.
- Examine the Council's Property Investment Strategy and whether the benefits outweighed the risks.
- The Working Group to regularly report back in line with the Scrutiny Committee Work Plan.

11 Summary of work carried out

The working group has met 6 times as follows;

- A familiarisation with the subject area with Adrian Rowbotham and Lesley Bowles;
- A case study on Suffolk House with Robin Cooper and Leigh Keating;
- Hearing from a member and two officers from Ashford Borough Council on their experiences concerning investments;
- A case study on the hotel and car park with Richard Wilson;
- Discussing with Peter Fleming and John Scholey the investment strategy generally, past, present and future
- To consider all that the working group had heard in order to draw conclusions and make recommendations.

- 12 The initial meeting with Lesley Bowles and Adrian Rowbotham discussed broadly the strategy, the process to make an investment, and to determine who should be invited to attend future meetings.
- 13 In particular, at this meeting, the working group discussed the existing sites (at that time) namely the hotel; Swanley Working Men's Club; Swanley petrol station; Suffolk House.
- 14 It was explained that when purchased, Suffolk House and the petrol station had existing occupants, and therefore income had been immediate, whereas the Working Men's Club was a development opportunity and therefore income would not be forthcoming until development took place.
- 15 Additionally, the working group were advised of potential areas of investment, including possibly Fort Halstead (the business area) and other small parcels of land.
- 16 The group were provided with a summary setting out (as at 16 August 2016) expenditure and funding sources (Appendix C) and a time line and process for decision making (Appendix D).
- 17 The working group were advised that from the outset, the council recognised that for the strategy to be a success, it was necessary to make arrangements for the prior approval of funds, as it was recognised that in order to react quickly to quickly changing markets, and the speed at which opportunities came about, the approval of funds using the normal structure of decision making at council and committees, would prohibit progress. Through a council recommendation, it set out to approve the allocation of funds (with two further allocations - as set out in the Introduction and Background section of this report) with a robust investment criteria. This approach meant that providing any opportunity met the pre-determined tests, then progress could be made and the purchase could go through. Similarly, the failure to meet all the tests ensures that an opportunity is not further progressed.
- 18 It was explained that before purchasing a property, a detailed acquisition report is produced setting out the project details, the business requirement, the due diligence carried out, the finances and risks. This has to be signed off before a purchase is completed. Appropriate Officers and the relevant Portfolio Holders are involved in the process before the final Portfolio Holder decision is made.
- 19 An explanation was also given concerning the trading company (Quercus 7 Limited) and its purpose to do things the council can't. It is an independent trading arm of the council, set up to purchase residential property and can be used to operate housing stock. The group were advised that the company was in its infancy and no trading to date had taken place to date.
- 20 At the next meeting, the working group met with Robin Cooper and Leigh Keating, who outlined a case study relating to Suffolk House (Appendix E).

Agenda Item 4b

- 21 They went through the criteria considerations, how the building met those criteria, and the acquisition process. They also discussed the weaknesses and strengths that had been identified during the process.
- 22 They indicated that the processes in place for property purchases meant the council were able to move quickly (for instance from heads of terms to completion within 2 months).
- 23 Having made the purchase, further opportunities were identified and the working group were given details of subsequent investment made in Suffolk House to refurbish and reconfigure; which although an initial additional cost, would increase the return going forward.
- 24 It was pointed out that the purchase of Suffolk House had enabled the council to maintain an office building within the town, whereas potentially other purchasers may have turned the building into living accommodation. Whilst more housing is required, it was suggested that the strategy could bring balance (albeit only within the set criteria) thus helping with strategic aims within the District. The working group were also given an example relating to another property, to show where the council had proved its mettle to the market by sticking to the investment strategy. It related to an occasion where the council were advised it had been outbid, but were then offered the opportunity to re-bid at a higher amount. This was turned down, as the return would not have met the requirements of the strategy. The point made, was that by strictly adhering to the strategy, it indicated to the market that the council would not be taken beyond what it was prepared to pay.
- 25 With regard to the strategy generally, possible future shifts in interest rates, and the ongoing monitoring of the council's investments were discussed. The group were referred to the Investment Strategy itself and the Risk Register Report (the updated version of which is contained within Appendix B).
- 26 This report included risks concerning upturn/downturn in the property market and changes in interest rates. The Monitoring of the markets was to remain important and each asset required to deliver a 6% return as specified in the Property Investment Strategy. If the rate of return was no longer expected to be received, the council would look to dispose of the asset. None of the investments to date had been funded by external borrowing but if future acquisitions were funded by external borrowing, the borrowing was likely to come from the Public Works Loans Board (PWLb). Rates would be set at the outset of the loan for the full period so there would be certainty regarding future repayments.
- 27 Overall, Robin Cooper and Leigh Keating expressed an opinion that by being fleet of foot (and the market knowing this to be the case) plus the benefit of being a council thus having finances in place to complete purchases, the council is already trusted by agents. This trust means approaches are being made to the council as other opportunities arise; with agents and sellers

willing to do business with the council; and the council are well positioned to take up suitable opportunities as they occur.

- 28 The group then met with a member and two officers from Ashford Borough Council. This authority had been invited as they were one of the first to undertake a property strategy and had the most significant portfolio of properties within Kent.
- 29 Their presentation touched upon the reasoning for commercialisation of the council; the methods of funding; their planning for the long term strategic aim to become self-sufficient; the consideration of investment opportunities. They also referred to specific investments made.
- 30 They had, and were, involved in many projects, including commercial properties, housing and leisure/retail developments. They had taken over an existing shopping centre, and also created housing for people who would normally go into bed and breakfast; thereby saving paying external landlords to house people.
- 31 They had used a mixture of financing, including using their own money, and borrowing; including borrowing in order to provide short term finance to developers. For instance, borrowing at 0.5% and lending to developers at 5%.
- 32 They talked about the integrity of investments locally. They consider whether as well as being a good investment, it is good for the area. They were prepared to invest outside their own area (although they hadn't done so as yet) as this would enable them to consider investments that might otherwise cause difficulties in their own area.
- 33 They broadly aimed at a minimum of a 6% return on their investment. They advised that one of their investments in the past hadn't worked out and they used this example to warn to expect this to occur at some stage in the future. However, they said by having a wide portfolio to spread the risk, this minimised and mitigated the possibility. They stated it was vital to be risk aware, not risk adverse and if a mistake is made; accept it and not throw good money after bad.
- 34 They were asked about issues faced and they said being under-resourced was a false economy, as this at one stage had caused them problems. They stated it was very important to keep staff internally happy and stressed getting project management right was vital. They also said when using external advisors, it was important to get the right horses for courses and also people you trusted - not necessarily the cheapest. They considered it extremely important to bring members on board with the investments and to keep them updated and informed.
- 35 It was clear that the scale of Ashford's developments and plans are on a different level to which could be considered within the Sevenoaks District Council area. Ashford are not constrained in the same way by green belt

Agenda Item 4b

land, so they have a lot more land that can be developed. Their population is also much higher, meaning they had greater financing opportunities.

- 36 At the meeting with Richard Wilson, the group were given an overview of Bradbourne car park, the temporary arrangements during building works and the financial deal concerning the hotel development. Questions were also asked about the South Eastern car park.
- 37 A main driver of the proposal to extend the car park was the strategic objective to have further hotel accommodation within Sevenoaks. The Sennocke car park was identified as a location for such a hotel. It was unlikely a hotel company would have been interested in the site, without parking being available nearby.
- 38 The parking proposal created 135 extra parking spaces, in comparison to the (then) existing combined provision of the Bradbourne and Sennocke car parks. When taking into account the removal of 70 on-street parking spaces, This figure netted to an extra 65 spaces. It was noted that the income from the existing 70 on street spaces is ring-fenced for parking related expenditure, whereas the income from the car park can be spent on other council services. It was stated that it was desirable to replace long stay on street parking with off street parking.
- 39 The cost of extending Bradbourne car park was £5.3m. The working group were advised it would take 30 years to pay back this expenditure from additional income generated by the extra spaces and that this was not an abnormal length of time for payback on capital expenditure.
- 40 Questions were asked concerning whether the extension of the existing South Eastern railway car park would have provided the additional spaces required, rather than extending the existing car park.
- 41 Essentially, the working group were informed that any deal with South Eastern (even if possible) would not have provided value for money. South Eastern could not pay for the works as their franchise was not long enough to recoup the money required. So if the council wanted to go ahead, it would have had to pay for the infrastructure - but then would have to share the income with South Eastern. There were other complications due to the land being owned by Network rail, which is nationalised, and the council paying for an asset on Government land.
- 42 In response to questions concerning loss of income whilst the car park was closed, it was stated that at the time of the meeting (8 December 2016) £55k had been lost, but there had been additional income of £184k from on street parking. This meant that in the next financial year no budget was required for asset maintenance of car parks.
- 43 With regard to the hotel, expenditure was budgeted to be £7.5m. It was estimated that the rate of return would be 7% and building works would commence in May 2017. Works would take approximately 12-14 months. A

question was asked whether the hotel would have dedicated parking spaces in the car park. In answer, the working group were advised that if a request was made, it would be looked at, but the hotel would have to pay the going rate for spaces.

- 44 At the next meeting, Cllr Fleming and Cllr Scholey attended to provide an overview of the strategy past, present and future.
- 45 In light of ongoing reductions in revenue support grant and the perceived risk (soon to become a reality) of the loss of support grant completely, it was considered a priority to maintain services at the same level (such as weekly bin collections) and then work out how to afford this. Savings were an important part of the process, but in themselves could not deliver self-sufficiency. Nor could large Council tax rises be considered as they were capped. The strategy was therefore developed in response to these challenges as it was considered the risk of doing nothing outweighed the risk of investments.
- 46 Cllr Fleming said it was important to have a wide portfolio to spread the risk. He repeated that as with all investments, the property investment strategy is not without risk, and that at some stage one investment won't deliver expected returns or may fail in another way, he believed that a wider portfolio ensures there is less financial exposure if an investment does not perform.
- 47 He explained it was important to be clear that different investments provided income or profit at different times. Some, such as property purchased with existing tenants, produced income from day one, others (such as the Swanley Working Men's Club) would provide a revenue stream further down the line. He stated that going forward it was important for members to understand and be clear when it comes to developer and investment risk, and that those levels of risk are phased depending on the type of investment; also how profit is viewed, due to the different nature of investments.
- 48 For instance, how profit is viewed if development takes place on land already owned by the council. An example was given of the purchase (at that stage in the process of being made) in respect of 96 High Street, Sevenoaks. Flats upstairs could be developed and sold and then the proceeds used to finance another purchase. So expenditure and income were moving feasts, profit obtained at different stages, so it was important to explain these issues as clearly as possible to members, so they could understand the value of investments, particularly where (after purchase) further investment is required before a profit or income is achieved.
- 49 Cllr Fleming, in response to a question, explained that to maintain self-sufficiency, investments would have to be made annually. He then went on to discuss "self-sufficiency +". He said it may be possible, and members may find it desirable, for the district council to support or take on extra services

Agenda Item 4b

from other existing providers, such as support around adult care and local road maintenance in order to protect services for residents.

- 50 To achieve self-sufficiency + he had in mind a target of 25% growth beyond district self-sufficiency. If this could be achieved, he wanted the council to consider the provision of affordable housing or shared ownership, perhaps in partnership with others. He did identify that a challenge for both self-sufficiency and self-sufficiency + is potential wage growth, as it was becoming increasingly difficult to recruit and maintain staff and gave one example of a council not too far away paying £15k more per annum for a department head.

Conclusions

- 51 The working group has concluded that the benefits of the Property Investment Strategy do outweigh the risks, provided that the council remains constantly aware of changes in the market and financial risks - for example oversupply of office accommodation, which would affect lettings. In particular:
- 52 Evidence provided at the sub-group meetings clearly demonstrated that the approach taken by Sevenoaks District Council to pre-authorise expenditure, and set clear financial tests, has enabled it to build a positive reputation in the market place as a trusted and respected organisation to deal with.
- 53 The professionalism and competence of officers; the thoroughness of checks and balances; the worthiness and the results of the strategy thus far demonstrates competent management of this policy
- 54 Excluding some set-up costs, initial refurbishment and initial outlay; the net investment returns to date have all exceeded the limit set out in the policy. This is particularly the case with the Suffolk House investment.
- 55 Officers have shown a sound level of competence, and used this to the councils advantage in identifying prudent (and well costed) additional expenditure that offers an overall enhancement on the return.
- 56 Sevenoaks District Council's approach to tackle the loss of the government Support grant has been innovative and effective to date. The desire for "self-sufficiency plus" was welcomed by the working group including the potential to increase the provision of affordable housing.
- 57 The council's communications to members is currently not maximising the benefit that could be gained by engaging more with members.
- 58 Following the evidence from Ashford Borough Council, there are clearly lessons that can be learnt from other local authorities and this type of engagement with other similar councils is only to be encouraged. The council

should particularly bear in mind that there are risks from overstretching, or attempting to take on too much, too quickly.

- 59 In reaching its conclusion, the working group were able to draw upon the detailed information provided verbally within the meetings and from documents provided. It was felt that without going through this process, other members are not sufficiently aware of the process including; the checks and balances; risks and opportunities; the overall running total of expenditure and income. While most, if not all, of this information is available, it is in disparate locations and not necessarily easily found.
- 60 Therefore the following recommendations are made:
- a) There is improved on-going communication with members on progress with the existing portfolio, the financial viability and returns being achieved, and details of new investments (as soon as it is appropriate to make members aware)
 - b) To have a single location accessible to members where all relevant information is maintained and updated.
 - c) In any month a purchase is made, an update should be provided to members, by the end of the same month (or within seven days, whichever is the later) with details of the cost, source of financing and projected income.
 - d) To explore possibilities of self-financing affordable housing and shared-ownership projects to help the less wealthy within the District.

Appendices

[Appendix A - Property Investment Strategy approved 22 July 2014](#)

[Appendix B - Property Investment Strategy Update Report \(with appendices\) to the Policy and Performance Advisory Committee - 23 March 2017](#)

Appendix C - Property Investment Strategy Summary (as of 16 August 2016)[Exempted information]

Appendix D - Sevenoaks Property Strategy - A Time Line and Process for Decision Making

Appendix E- The Acquisition Process of Suffolk House - Case Study

Cllr. Graham Clack
Chairman of the Property Investment Strategy In-Depth Working Group

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 4b

Document is Restricted

This page is intentionally left blank

The Sevenoaks Property Strategy – Time Line and Process for Decision Making

November 2013 Cabinet had approved the Corporate Plan which recognised the need to be self sufficient and an approach of investing in assets that generated revenue income.

In **December 2013** the Council undertook a **Peer Review**. The findings were reported to **Cabinet in February 2014** and **Council** approved the direction towards self sufficiency and the opportunity to create greater income from investing in appropriate property assets.

Finance and Resources Advisory Committee 26 March 2014 proposing an investment strategy based on an initial £5mil investment. Committee agreed to recommend to Cabinet and Council to go forward with the strategy.

It was agreed that investment in offices, retail, industrial and housing sectors would be a lower risk to the Council than markets such as student housing, nursing homes and medical centres.

On **10 April 2014 Cabinet** agreed an Investment Strategy building on an approach of property based investment in order to deliver increased revenue income. Officers had discussed the proposal with Grant Thornton, the Council's external auditors, who viewed it as a coherent case for change and that the solution was consistent with the goal of becoming more self-sufficient. Members agreed that external borrowing should not be a recommended source for funding.

22 July, 2014 Council endorsed the investment strategy and agreed an initial £5mil investment

Audit Committee on 9 September 2014 agreed a Risk Strategy to consider the Risk Management associated with the Investment Strategy. The Risk Register had been developed by Officers, taking in the views of the relevant Service Managers and Chief Officers. It sets out those risks that Officers believe should be considered when investing the Council's money in property / infrastructure assets rather than it remaining in financial investments.

The Risk Register has been expanded to demonstrate the risks of investing the Council's funds in Property Assets.

The Investment Strategy Risk Register sets out 11 risks that Officers consider to have the potential to influence the achievement of the aim to increase revenue income and therefore financial self sufficiency as stated within the Corporate Plan. For each risk Officers set out those factors that could cause the risk to occur and the potential effect that these events could have.

16 July 2015 Cabinet agreed additional funding for investment. The Treasury Management Strategy would be amended to allow a further £10 million to be invested in 2015/16. The Chairman added that he considered financial self-sufficiency was essential.

Agenda Item 4b

On **23 April 2015 the Portfolio Holder** agreed to the purchase of **73 – 75 High Street Swanley** as a retail Co-op store and Texaco petrol station for £2.45mil demonstrating an initial yield of 6.03% rising to 6.75%

The Portfolio Holder agreed on **9 December 2015** to purchase **Suffolk House Sevenoaks** for £4million demonstrating an initial yield of 6.95%

The Portfolio Holder on 16 January 2015 agreed the purchase of the **Working Men's Club and Former Bank Swanley** which with our car park (already owned by us) for £1.25mil allows the comprehensive redevelopment of the site demonstrating a potential yield of 20.55%

1. In terms of **internal processes** Savills have recently won the tender to provide advice on acquisitions and disposals:
2. When a proposition is presented it is discussed with the Chief Executive (CEO), Chief Finance Officer (CFO) and leading members.
3. A concept paper is produced and the paper presented to the Corporate Board (or by email if time dictates).
4. Agreement is gained from the relevant Portfolio Holder so that when due diligence is complete we are still in time to exchange contracts.
5. The CFO confirms the funding route and that funding is in place.
6. If the bid is accepted officers ensure the CEO, CFO and Leading Members are informed and the relevant Portfolio Holder asked to sign the decision to proceed. The decision notice is also signed by the CFO.
7. Full Council approved that a further £10m could be spent on the Investment Strategy but all acquisitions must be supported by a thorough business case and approved by the **Policy and Performance Portfolio Holder** in consultation with the **Finance Portfolio Holder** and agreed by the **CFO**.
8. If appropriate a press statement is prepared and an email sent to members to inform them of the purchase.

The Acquisition Process of Suffolk House- Case Study

The Criteria for the Property Investment Strategy;

- Lot size £1m-£5m
- Income yield of 6%+
- Individual properties or portfolios
- Single or multi-tenanted
- Asset Categories; Industrial, office, retail, trade counter, private residential
- Initially located within the District
- Potential to increase rental income through pro-active asset management.

Suffolk House fulfilled all these criteria;

- Lot size -£4M
- Income yield of 6.95%
- Individual Property
- Multi- tenanted
- Office block
- Located within Sevenoaks Town Centre
- The estimated rental value (ERV) at the time of acquisition was approx. 15% above the passing rent offering an opportunity to increase income at either review or letting.

The acquisition process;

Extensive due diligence was carried out prior to the acquisition being completed including;

- A RICS Red Book valuation by Savills confirming that the Market Value of the building at £4M equating to an initial yield of 6.95%.
- An investment level structural survey of the building with an inspection & assessment of the Mechanical & Electrical equipment and the lift.
- Report on title by the Legal Department
- Report on the lease drafting by the Property Department to confirm in an institutionally acceptable form
- Asbestos report, Contaminated Land report, Fire Emergency plan, fire risk assessment report
- Financial credit checks on each tenant

Agenda Item 4b

As a result, the following strengths and weaknesses were identified;

Strengths;

- Town Centre location
- Asset management opportunities
- Popular office location in affluent market town with excellent communications to central London
- Good rental growth prospects
- Diminishing levels of office stock in the area
- Popular size of accommodation within a detached building
- Potential of lease re-gears i.e restructuring of the lease terms to add value
- Some good covenants
- Building in good condition for its age with no signs of serious structural defects

Weaknesses

- Break clauses that bring uncertainty
- Potential for void periods
- Works to windows, minor roof repairs, render & brickwork repairs, replacement of gas fired boilers, Central heating circulating pumps,- the majority of which are recoverable through the service charge.
- Toilets in need of upgrade
- Two of the tenants had poorer financial rating than the others- but the landlord holds rent deposits in respect of each of these giving greater comfort and the risk was considered acceptable.

In Summary, Suffolk House met the criteria identified by the Property Investment Strategy, and so the acquisition was recommended by the Chief Finance Officer and the Head of Economic Development & Property to the both the Portfolio Holders for Policy & Performance and Finance & Resources.

Subsequently, Heads of Terms were agreed for the acquisition in mid February 2015, and the acquisition completed at the end of April.

Item 5 - Primary Authority - Support for Local Businesses - Environmental health partnership

The attached report was considered by the Direct & Trading Advisory Committee on 14 March 2017. The relevant Minute extract is below.

Direct & Trading Advisory Committee (14 March 2017, Minute 34)

The Environmental Health Manager presented a report which informed Members of the proposal to create Primary Authority Partnerships with businesses, initially in Kent, but potentially UK wide and recover operating costs for the partnership work. The Environmental Health partnership had been asked to partner with Kent County Council Trading Standards on their existing and future Primary Authority Partnerships, where Environmental Health would be subcontracted to provide assured advice on Environmental Health legislation compliance as requested.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the report be noted and recommended to Cabinet.

PRIMARY AUTHORITY - SUPPORT FOR LOCAL BUSINESSES - ENVIRONMENTAL HEALTH PARTNERSHIP

Cabinet - 20 April 2017

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Also considered by: Direct & Trading Advisory Committee - 14 March 2017

Key Decision: Yes

This report supports the Key Aim of: A dynamic and sustainable economy

Portfolio Holder Cllr. Matthew Dickens

Contact Officer Annie Sargent, Ext.3085

Recommendation to Direct and Trading Advisory Committee:

To consider and note the recommendation to Cabinet.

Recommendation to Cabinet: That

- (a) Cabinet note the current situation regarding the operation of the national Primary Authority Scheme.
 - (b) Cabinet agree that the Environmental Health Partnership take on Primary Authority partnerships with businesses and recover operating costs for that partnership work.
 - (c) Cabinet agree that the Environmental Health Partnership work with Kent County Council Trading Standards in their operation of the Primary Authority scheme, as their preferred sub contracted EH advisors.
-

Reason for recommendation: To update Members on the current operation of the Department for Business, Energy & Industrial Strategy - Regulatory Delivery's national Primary Authority Scheme. (Previously known as the Local Better Regulation Delivery Office).

The Environmental Health Partnership would like to create Primary Authority Partnerships with businesses, initially in Kent, but potentially UK wide. The businesses are required to fund the service provided by the Primary Authority Partner, and so an income is generated.

The EH partnership has been asked to partner with Kent Trading Standards on their existing Primary Authority Partnerships. Approval by Members is required before arrangements are formalised.

Introduction and Background

- 1 This report considers an opportunity to support local businesses using the “Primary Authority” (PA) scheme by means of a partnership approach involving the Environmental Health Partnership and Kent Trading Standards.

The Primary Authority Scheme

- 2 In October 2008 the Government set up the Local Better Regulation Office (LBRO). The role of the LBRO was to improve the local authority regulation of environmental health, trading standards, fire safety and licensing in line with the statutory principles of good regulation. These principles are that regulation should be transparent, accountable, proportionate, consistent, and targeted.
- 3 LBRO was also tasked with operating the PA scheme which was established by the Regulatory Enforcement and Sanctions Act 2008 (the Act) to allow businesses to form a partnership with a statutory basis with a single local authority.

Benefits of the PA Scheme for Businesses

- 4 The scheme addresses the fact that businesses that trade across council boundaries can be subject to differing requirements from the many different local authorities that may regulate them. This undermines consistency and increases unnecessary burdens for business.
- 5 PA represents an important support service to locally based business and the local economy both for existing businesses, new starters or those considering locating in the area. Since 1st April 2012, when LBRO ceased to exist, responsibility for the scheme now rests with the Secretary of State for Business, Energy and Industrial Strategy. Regulatory Delivery (RD) operates the scheme on behalf of the Secretary of State.

How the PA Scheme Operates

- 6 When a council becomes a primary authority for a specific business under this scheme it can:
 - Give advice and guidance to the business for which it is PA in relation to the functions covered by their partnership; and
 - Give advice and guidance to other local authorities as to how they should exercise the functions covered by the partnership in relation to the business; and

- Enable the PA to develop an inspection plan which recommends to other local authorities in the UK, how they should exercise inspections in relation to the business.
- 7 PA allows a business to form a partnership with a single local authority or group of local authorities and this partnership has a statutory basis.
 - 8 At the time of reporting, nationally there are 15756 businesses in 17024 Partnerships with 181 different local authorities. There are 7 PA partnerships in place in Kent, 6 with Trading Standards and one with Kent and Medway Fire and Rescue.

What this means for Sevenoaks

- 9 The Council has an obligation under the Regulators Compliance Code to provide businesses with advice and guidance about their legal obligations in respect of environmental health and licensing legislation.
- 10 Where businesses ask for bespoke advice and support services, they may wish to enter into formal Primary Authority Partnership with the Council. The Regulatory Enforcement and Sanctions Act enables the Council to recover the costs associated in providing these services from the business.
- 11 In offering the Primary Authority option to businesses locally, Sevenoaks is demonstrating its willingness to work constructively with a business to improve its compliance, and is taking on responsibility for leading and shaping the regulation of that business across its operations across the UK. The Council effectively represent the business nationally on matters of compliance.
- 12 The EH Partnership can provide tailored, assured regulatory advice to the business and can guide the way that other local authorities regulate the business.

Working in Partnership with Kent Trading Standards

- 13 Local authorities have been slow to take up this scheme and offer their services as they have concerns about the resource required.
- 14 Kent Trading Standards have approached the EH Partnership and asked if we would be interested in a Primary Authority Partnership. Kent Trading Standards would administer the Primary Authority, and EH would be subcontracted to provide assured advice on EH legislation compliance as requested.
- 15 A Service Level Agreement is now being drawn up by Kent Trading Standards for the EH Partnership. If Member's are supportive, this will be actioned.
- 16 Initially, the joint PA partnership would concentrate on Food Hygiene partnerships aimed at small to medium businesses with a significant presence in the Kent. However we are also able to offer a partnership to any

Agenda Item 5

business irrespective of whether we are the enforcing authority. Trade associations can also be included.

- 17 Kent Trading Standards would be the Lead authority and EH would act as Food safety advisors. EH would invoice Trading Standards Business Engagement Team for time and resource used to advise a business under a Primary Authority Scheme.

Summary

- 18 The Primary Authority scheme was introduced by Government as a proactive method of regulators working with businesses to minimise regulatory burdens for both.
- 19 A formal agreement is set up between the local authorities and the business. The local authority becomes the Primary Authority.
- 20 This scheme is usually taken up by larger businesses that supply, produce or have retail outlets in more than one authority.
- 21 The Primary Authority acts as compliance advisor to the business and also acts as a central point of contact for regulators dealing with that business anywhere across the UK.
- 22 The EH Partnership would like to offer the opportunity to our local food production businesses to form Primary Authority partnerships.
- 23 The EP Partnership would also like the opportunity to work with Kent Trading Standards as advisors in Primary Authority partnerships that they are in the process of creating.

Key Implications

Financial

Adopting this policy will allow for income generation, as the cost of providing business advice will be recovered on a cost recovery basis.

Legal Implications and Risk Assessment Statement

Section 1 of the Localism Act 2011 gives local authorities the power to charge for a service which is not a statutory function.

LBRO was also tasked with operating the PA scheme which was established by the Regulatory Enforcement and Sanctions Act 2008 (the Act) to allow businesses to form a partnership with a statutory basis with a single local authority.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to

the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

This report provides Members with an overview of the Primary Authority Scheme and how the Environmental Health team are partnering with Kent Trading Standards in order to implement the scheme.

Background Papers: Regulatory Delivery: Primary Authority and Growth

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432793/pa-overview.pdf

Richard Wilson
Chief Officer Environmental and Operational Services

This page is intentionally left blank

Item 6 - Civil Penalties for Council Tax, Housing Benefit and Council Tax Reduction, and Sanctions & Prosecution Policy for Council Tax and Council Tax Reduction

The attached report was considered by the Finance Advisory Committee on 28 March 2017. The relevant Minute extract is below.

Finance Advisory Committee (28 March 2017, Minute 53)

The Fraud Manager presented the report which requested approval of the introduction of civil penalties and proposed a revised Sanctions & Prosecutions Policy. The primary intention of the proposal was for penalties to be used as a deterrent measure creating a culture of reporting changes, not a regular source of income. No budget had been set for this change.

In response to questions he advised that discretion would be used so as not to debt pile, and changes to the living wage etc. would form part of the review strategy. If a Council Tax penalty was issued it would be put on the Council Tax bill and go through the same recovery as any Council Tax debt.

It was noted that the new website had launched that day, and it was the intention that paper forms would be replaced by online ones in due course.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet to approve the introduction of civil penalties and the associated guidelines at Appendix A of the report, and the proposed revised Sanctions & Prosecutions Policy detailed at Appendix B of the report.

CIVIL PENALTIES FOR COUNCIL TAX, HOUSING BENEFIT AND COUNCIL TAX REDUCTION, AND SANCTIONS & PROSECUTION POLICY FOR COUNCIL TAX AND COUNCIL TAX REDUCTION

Cabinet - 20 April 2017

Report of Chief Finance Officer

Status: For Decision

Also considered by: Finance Advisory Committee - 28 March 2017

Key Decision: Yes

Portfolio Holder Cllr. John Scholey

Contact Officer Glen Moore Ext. 7471

Recommendation to Finance Advisory Committee:

That the Committee advise Cabinet to approve the introduction of civil penalties and the associated guidelines at Appendix A and approve the proposed revised Sanctions & Prosecutions Policy detailed at Appendix B.

Recommendation to Cabinet:

That Cabinet consider and approve the introduction of civil penalties and the associated guidelines at Appendix A and approve the proposed revised Sanctions & Prosecutions Policy detailed at Appendix B.

Introduction and Background

- 1 The Revenues and Benefits Service is committed to a proactive approach in preventing and reducing the risks associated to fraud, error and other irregularities in the administration of Council Tax, Housing Benefit and Council Tax Reduction.
- 2 In law, statutory powers already exist which allows the Council to impose civil penalties in a number of circumstances but, at present, these powers are not used. The powers are:
 - i) The Welfare Reform Act 2012 introduced a number of measures to help tackle fraud and error in the benefit and tax credit systems. Under these new measures, councils can now impose a civil penalty of £50 in those cases where a claimant fails, without reasonable excuse, to supply information (or

Agenda Item 6

negligently supplies incorrect information) which results in a housing benefit overpayment of more than £65.

- ii) The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013, allows councils to impose a civil penalty of £70 in those cases where a claimant fails, without reasonable excuse, to supply information (or negligently supplies incorrect information) which results in a council tax reduction overpayment.
- iii) Schedule 3 of the Local Government Finance Act 1992 allows Councils to impose a civil penalty of £70 in cases where a resident fails, without a reasonable excuse, to supply information (or negligently supplies incorrect information) which affects their liability or entitlement to a council tax discount or exemption.

Where a £70 penalty has been imposed and a further request to supply information is made, additional penalties of £280 may be imposed for each subsequent failure to provide the requested information.

- iv) Section 11 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement)(England) Regulations 2013 allows Councils, in cases of proven fraud, to issue a financial sanction as an alternative to prosecution. The penalty amounts to 50% of the gross overpayment (with a minimum of £100, up to a maximum of £1000).
- v) Councils can prosecute Council Tax and Council Tax Reduction fraud. Fraud is where a person, dishonestly, or not, whilst applying for or in receipt of a Council Tax discount, exemption or reduction makes a false statement; produces a false document and/or fails to notify of a relevant change in circumstances which the person knows will affect the discount, exemption or reduction they are entitled to, or are in receipt of. Most local taxation fraud offences can be prosecuted under the Fraud Act 2006. Council Tax Reduction offences can also be prosecuted under section 14B of the Local Government Finance Act 1992.

Financial Impact on Council Tax income caused by fraud

- 3 In February 2016 responsibility for the investigation of welfare benefits moved to the Department for Work & Pensions and following a review of the Council's anti-fraud service, a new Fraud & Compliance Team was created within the Revenues and Benefits service. With the support of the Council Tax major preceptors the latest credit reference technology has been purchased and has recently been introduced into the day-to-day working procedures to help protect the public pursue and police the award of discounts, exemptions and reliefs in order to increase the tax base.

- 4 Work conducted so far in 2016/17 by the Fraud & Compliance Team in respect of Council Tax accounts in the Sevenoaks area has successfully adjusted 178 incorrect Single Person Discounts and 5 exemptions. The table below shows the actual loss to the public pursue as well as an indication of the projected losses going forward if the award was not corrected for a relevant time period:

	Actual Loss	Projected Additional Loss					
		1 Month	2 months	3 months	6 months	12 months	24 months
Council Tax Single Person Discounts	£76,416	£6,035	£12,070	£18,105	£36,210	£72,420	£144,840
Council Tax Exemptions	£11,838	£542	£1,084	£1,626	£3,252	£6,504	£13,008

As the table demonstrates substantial levels of public money are being lost to fraud within tax collection systems and if it were not for the anti-fraud measures being applied the losses would continue to grow.

It is hoped that as the credit reference data match work becomes fully established and initiatives such as the Kent Fraud Hub start to yield higher levels of referrals that more and more incorrect awards can be adjusted and more public money saved.

- 5 Sevenoaks District Council has a zero tolerance of all forms of fraud & corruption. The imposition of civil penalties and the adoption of the revised Sanctions and Prosecution Policy will hopefully give the Revenues & Benefits Service the necessary tools to enable appropriate action to be taken against those persons who purposely abuse the discounts and reliefs systems available.

Benefits of the Policies

The perceived benefits of the introduction of a civil penalty scheme/sanction & prosecution policy are as follows:

- i) The regular promotion of the existence of a penalty scheme will encourage all tax payers and benefit claimants to report relevant changes in their circumstances when they are in receipt of appropriate discounts, exemptions, reliefs etc.
- ii) The regular reporting of changes in respect of Council Tax discounts and exemptions will mean that the local authority will be able to set the true

Agenda Item 6

Council Tax income base and this will result in fairer Council Tax bills for all residents.

- iii) The regular reporting of changes in respect of Housing Benefit claims, will not only have a beneficial effect on the accuracy of Housing Benefit claims administered by the authority, but also have a corresponding beneficial effect on the accuracy of linked Council Tax Reduction claims.
- iv) The existence of a sanction/prosecution policy will re-inforce the message that the authority will take positive action against abuses of these public schemes and this may result in a criminal conviction.
- v) These policies underlines the authority's zero tolerance to all forms of fraud and corruption within public finances.

Key Implications

Financial

- 6 Civil penalties will generate an additional General Fund income but the primary intention of this proposal is for penalties to be used as a deterrent measure, not a regular source of income.

Legal Implications and Risk Assessment Statement.

- 7 Under section 151 of the Local Government Act 1972, the Section 151 officer has a statutory duty to implement appropriate measures to prevent and detect fraud and corruption.

The risks associated to the introduction of civil penalties are perceived to be:

- i) Increase in customer complaints

Experience of authorities in Kent and Essex who have already adopted these powers indicate that very few complaints are received from customers who have a penalty levied against them. This is primarily because the decision to impose a penalty is supported and justified by conclusive evidence that the customer is rarely able to dispute and disagree with.

For information, authorities in Kent who currently adopt the civil penalty regime are Gravesham, Tonbridge & Malling and Shepway.

It should also be noted that whilst we do not currently impose penalties, customers are already advised of the potential to receive a penalty in certain circumstances through a variety of literature including council tax bills, housing benefit letters and the Council's website. However, if the

recommendation is approved we will undertake further publicity to raise awareness of the new practice and, at the same time, encourage benefit claimants and council tax payers to be fully aware of their responsibilities.

ii) Increase in appeals to the Valuation Tribunal

Again, based on the experience of penalty levying authorities this is considered to be little or no risk. However, in addition to the appeals procedure detailed in part 4 of the guidelines, penalties can be withdrawn at the discretion of the decision makers detailed in part 6.

iii) Impact on current resources

The cost of administering and collecting penalties would be minor and therefore there would be no impact on existing budgets.

Equality Assessment

- 8 Part 5 of the draft guidelines detail exceptions to the penalty regime based on a customer's vulnerability. As stated, it is not a definitive list and each case will be considered on its own individual merits.

Conclusions

- 9 This report requests that Cabinet consider and approve the introduction of civil penalties and the associated guidelines at Appendix A and approve the proposed revised Sanctions & Prosecutions Policy detailed at Appendix B.

Appendices

Appendix A - Council Tax, Council Tax Reduction and Housing Benefit (Council Tax Benefit) Civil Penalties Guidelines.

Appendix B - Sevenoaks District Council Local Taxation/Council Tax Reduction Sanction & Prosecution Policy 2016-2017

Background Papers

None.

Adrian Rowbotham
Chief Finance Officer

This page is intentionally left blank

**Council Tax, Council
Tax Reduction and
Housing Benefit
(Council Tax Benefit)
Civil Penalties
Guidelines
(Failure to Notify or
Supply Information)**

CONTENTS

Part 1

Introduction

Part 2

Council Tax penalties and Council Tax Reduction penalties

Part 3

Appeals for Council Tax penalties and Council Tax Reduction penalties

Part 4

Housing Benefit (Council Tax Benefit) penalties

Part 5

Appeals for Housing Benefit (Council Tax Benefit) penalties

Part 6

Exceptions

Part 7

Decision making

Part 1

Introduction

- 1.1 The Council, in carrying out its statutory functions, undertakes the administration of Council Tax, Council Tax Reduction and Housing Benefit.
- 1.2 The Council has a duty to protect the public purse and is therefore committed to a proactive approach in preventing and reducing the risks associated with fraud, error and other irregularities in these areas of administration.
- 1.3 In conjunction with this commitment, these guidelines outline when and how civil penalties will be levied against a customer in appropriate circumstances.
- 1.4 These penalties do not apply to case of proven fraud, which will be dealt with separately under the Local Taxation/Council Tax Support Sanction & Prosecution Policy.

Part 2

Council Tax penalties

2.1 The law allows the Council to impose a £70 penalty on a customer who, without reasonable excuse, fails to:

- a) notify the Council that an exemption on a dwelling should have ended
- b) notify the Council that a discount (including single person discounts and Local Council Tax Support discounts) should have ended
- c) notify the Council of a change of address or fails to notify the council of a change in the liable party
- d) provide information requested to identify liability

(‘reasonable excuse’ constitutes a ‘credible reason or justification’ and might include being in a situation of significant stress or suffering ill health; Ignorance of the Law is not a reasonable excuse for not complying with claim responsibilities. Therefore, simply saying ‘I didn’t know’ will not be considered as a reasonable excuse.)

2.2 The offence is committed if a customer fails to notify the Revenues and Benefits Service of a change affecting their Council Tax liability within 21 days of the change occurring.

2.3 Where a £70 penalty has been imposed and a further request to supply the same information is made, additional penalties of £280 may be imposed for each subsequent failure to provide the requested information, as long as

- the information is in their possession;
- the authority requests them to supply it in writing;
- it falls within a prescribed description of information.

Agenda Item 6

2.4 Information can be requested from anyone who appears to be:

- a resident;
- an owner; or
- a managing agent

Council Tax Reduction penalties

2.5 The law allows the Council to impose a £70 penalty on a claimant who, without reasonable excuse;

a) negligently makes an incorrect statement or representation, or negligently gives incorrect information or evidence. In this situation, a penalty will only be applied if a claimant has failed to take reasonable steps to correct the error.

b) fails to promptly notify a relevant change in circumstances

(‘negligently’ constitutes ‘acting carelessly, not paying sufficient attention to the task in hand, or disregarding the importance of what is required to be done in relation to the claim or an award)

(‘reasonable excuse’ constitutes a ‘credible reason or justification’ and might include being in a situation of significant stress or suffering ill health; Ignorance of the Law is not a reasonable excuse for not complying with claim responsibilities. Therefore, simply saying ‘I didn’t know’ will not be considered as a reasonable excuse.)

2.6 The offence is committed if a customer fails to notify the Revenues and Benefits Service of a change affecting their Council Tax liability within 21 days of the change occurring

2.7 The penalties will be added to the Council Tax account and collected using standard procedures.

2.8 Where a penalty is applied, the claimant has a right of appeal against the decision (see Part 4).

Schedule 3 of the Local Government Finance Act 1992

Regulations 12 and 13 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013

The Council Tax (Administration and Enforcement) Regulations 1992 (as amended)

Part 3

Appeals for Council Tax Penalties and Council Tax Reduction Penalties

3.1 If a customer is unhappy with the Council’s decision to impose a penalty they can appeal direct to the independent Valuation Tribunal at:

Valuation Tribunal Office London
2nd Floor

120 Leman Street
London
E1 8EU

Telephone: 0300 123 2035
Facsimile: 020 7481 4891
Email: vtwhitechapel@vts.gsi.gov.uk

3.2 Any appeal must be made to the Valuation Tribunal within 28 days of the date of the Penalty Notice.

3.3 If a customer lodges an appeal, recovery of the penalty will be suspended until the appeal has been decided.

Part 4

Housing Benefit (Council Tax Benefit) penalties

4.1 The law allows the Council to add a £50 penalty to the amount of a recoverable overpayment of benefit of more than £65 to a claimant who, without reasonable excuse,

a) negligently makes an incorrect statement or representation, or negligently gives incorrect information or evidence. In this situation, a penalty will only be applied if a claimant has failed to take reasonable steps to correct the error.

b) fails to provide information or evidence required in connection with a claim for or award of benefit

c) fails to promptly notify a relevant change in circumstances

(‘negligently’ constitutes ‘acting carelessly, not paying sufficient attention to the task in hand, or disregarding the importance of what is required to be done in relation to the claim or an award’)

(‘reasonable excuse’ constitutes a ‘credible reason or justification’ and might include being in a situation of significant stress or suffering ill health; Ignorance of the Law is not a reasonable excuse for not complying with claim responsibilities. Therefore, simply saying ‘I didn’t know’ will not be considered as a reasonable excuse.)

4.2 The offence is committed if a customer fails to notify the Revenues and Benefits Service of a change affecting their entitlement within one calendar month of the change occurring

4.3 The penalty will be added to the related overpayment of benefit and, where an entitlement still exists, it will be recovered through deductions from ongoing benefit entitlement. If there is no entitlement to benefit it will be recovered using standard procedures.

Agenda Item 6

4.4 Where a penalty is applied, the claimant has a right of appeal against the decision (see Part 4). This is in addition to the right of appeal against the decision that any overpayment is recoverable.

4.5 A penalty will not be applied where the claimant has, in respect of the overpayment, been charged with an offence, been cautioned or been subject to an administrative penalty as an alternative to prosecution under section 115A of the Social Security Administration Act 1992.

4.6 A penalty will only apply to overpayments wholly arising on or after 1 October 2012 and where underlying entitlement has been considered.

The Social Security (Civil Penalties) Regulations 2012



Part 5

Appeals for Housing Benefit (Council Tax Benefit) Penalties

5.4 If a customer is unhappy with the Council's decision to impose a penalty, they must contact the Revenues and Benefits service within one month of the date of the Penalty Notice to request that the decision be reconsidered.

5.5 If the penalty is upheld and the customer remains dissatisfied, they can ask the Revenues & Benefits service to refer the matter directly to the independent Tribunals Service.

5.6 Any request to refer the matter to the Tribunals Service must be made within one month of the reconsideration decision notice.

5.7 If a customer lodges an appeal, recovery of the penalty will be suspended until the appeal has been decided.

Part 6

Exceptions on a case by case basis

6.1 Allowance may be given in those cases where an individual's circumstances (such as health, age, etc.) have clearly affected their ability to provide accurate information.

6.2 Consideration will also be given to cases where the customer has obvious difficulty in understanding, speaking or reading English.

Part 7

Decision making

7.1 The authority to make decisions on the imposition of Council Tax penalties is delegated to:

- The Head of Revenues and Benefits;
- The Revenues Manager; and
- The Billing & Collection Manager

7.2 The authority to make decisions on the imposition of Council Tax Reduction penalties and Housing Benefit (Council Tax Benefit) penalties is delegated to:

- The Head of Revenues and Benefits; and
- The Benefits Manager

7.3 The authority to review decisions on the imposition of a penalty on the basis of a person's vulnerability, or before the matter proceeds to the Valuation Tribunal or the Tribunal Service, is delegated to the Strategic Director (Internal Services) (Dartford) and the Chief Finance Officer (Sevenoaks).

This page is intentionally left blank

Appendix B

**SEVENOAKS DISTRICT COUNCIL
LOCAL TAXATION/COUNCIL TAX REDUCTION
SANCTION & PROSECUTION POLICY
2016 - 2017**

DRAFT

CONTENTS

Section		Page
Local Taxation & Council Tax Reduction Sanction & Prosecution Policy		
1	Local Taxation & Council Tax Reduction	3
2	Definition of fraud	3
3	Culture	4
4	The Counter Fraud & Compliance Team	4
5	Prevention, Detection and Investigation	5
6	Evidential Test	5
7	Public Interest Test	6
8	Alternatives to prosecution (Council Tax Reduction only)	7
9	Publicity	8

Local Taxation & Council Tax Reduction Sanction & Prosecution Policy

1.0 Local Taxation and Council Tax Reduction

1.1 Council Tax is a tax on the occupation of a domestic property. It is a system of local taxation used to part fund the services provided by local government. The primary legislation for Council Tax is the Local Government Finance Act 1992. Operationally, the governing regulations are the Council Tax (Administration and Enforcement) Regulations 1992.

1.2 Tax payers can apply for various exemptions, discounts and reductions (some are dependent upon the circumstances of the tax payer/the people living in the household and some are dependent upon the property) which local authorities need to police to ensure that they are only awarded under circumstances which they are eligible to be received.

1.3 Business Rates are a tax on the occupation of non-domestic property. It is a system of local taxation used to part fund the services provided by local government. The primary legislation for Business Rates is the Local Government Finance Act 1988. Operationally, the governing regulations are the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989.

1.4 Tax payers can apply for various exemptions and reliefs, local authorities need to robustly address the growing issue of Business Rates avoidance and evasion.

1.5 Council Tax Reduction (CTR) is a means tested Council Tax discount. It is intended to help people on low incomes meet their Council Tax costs. The primary legislation for Council Tax Reduction Schemes is the Local Government Finance Act 2012. Operationally the governing regulations are:

- For those who have reached the qualifying age for Pension Credit it is the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.
- For working age claimants, local authorities have been given the power to design their own schemes and accompanying rules.

1.6 Local authorities need to guard against fraudulent applications for CTR to ensure that only tax payers eligible to receive support with their Council Tax liability actually receive assistance.

2.0 Definition of fraud

2.1 Fraud is where a person, dishonestly, or not, whilst applying for or in receipt of discount, exemption, relief or support:

- makes a false statement,
- produces a false document and/or

Agenda Item 6

- fails to promptly notify of a relevant change in circumstances which the person knows will affect the discount/exemption/relief/support they are entitled to/or are in receipt of.

2.2 Most local taxation fraud offences are prosecuted under the Fraud Act 2006:

- Section 2 - fraud by false representation
- Section 3 - fraud by failing to disclose information.

2.3 CTR fraud offences can also be prosecuted under section 14B of the Local Government Finance Act 1992.

3.0 Culture

3.1 The Council has a zero-tolerance to all forms of fraud & corruption. This message is keenly promoted through the issuing of a trio of joint working policies - Anti-Fraud & Corruption Strategy, Whistleblowing Policy and this policy, the Local Taxation/Council Tax Reduction Sanction & Prosecution Policy.

3.2 This Local Taxation/Council Tax Reduction Sanction & Prosecution Policy re-enforces the Council's commitment to:

- Preventing fraud and error entering its Local Tax/CTR caseloads by having robust internal systems and checking procedures in place.
- Detecting incorrect and fraudulent claims for all discounts, exemptions, reliefs and allowances by running pro-active drives as well as fully participating in all the government led anti-fraud data-match initiatives.
- Correcting incorrect claims quickly and getting back what the Council is owed.
- Issuing sanctions for cases deemed not serious enough for prosecution, but evidence shows that the offender has clearly cheated the system.
- Where appropriate, deter future fraudulent claims by publicising the work of the department and the punishments handed out by courts in prosecution cases.

4.0 The Counter Fraud & Compliance Team

4.1 The Council has established a shared service Counter Fraud & Compliance Team, based in the shared service Revenues & Benefits Department at Argyle Road in Sevenoaks.

4.2 The teams' main role is to work closely with colleagues from Revenues and Benefits to police exemptions, discounts, reductions and reliefs given to tax payers with a view to maintaining/increasing the Tax base. Where called upon, the team will conduct specific enquiries relating to Housing Tenancy fraud and all other external fraud related matters as directed under Section 151 of the Local Government Act 1972. All internal fraud matters will be referred to the shared service Internal Audit Department.

4.3 The Counter Fraud & Compliance Team consists of one line manager and three investigation officers (1 full-time, 2 part-time).

4.4 Cases of suspected Council Tax fraud can be referred to the Counter Fraud & Compliance Team by e-mail (investigations@sevenoaks.gov.uk). There is a dedicated fraud hotline (01732 227299) which can be used by either staff members or the general public. Outside office hours there is an answerphone service attached to this number.

4.5 Cases of suspected benefit fraud are now investigated by the Department for Work & Pensions. Local authorities no longer have any powers to either investigate allegations of benefit fraud or to prosecute instances of proven benefit fraud. Benefit fraud allegations can be reported on the DWP National Benefit Fraud Hotline (0800 854 440) or via www.gov.uk/report-benefit-fraud.

5.0 Prevention, detection and investigation

5.1 This Local Taxation/Council Tax Reduction Fraud & Compliance Strategy 2016-2017 outlines the Council's underlying principles in respect of policing the Tax base, including the imposition of penalties and the prosecution of tax payers found to have fraudulently obtained discounts, exemptions etc.

5.2 Where deemed necessary the Counter Fraud & Compliance Team will investigate cases to a criminal standard, i.e. evidence is collated and alleged offenders formally interviewed in accordance to the Police & Criminal Evidence Act 1984/the Criminal Procedure and Investigations Act 1996.

5.3 When an investigation is finalised the case will be thoroughly reviewed by the Counter Fraud Manager to decide whether further sanction action is appropriate (prosecution or administrative penalty (CTR only)). If further action is deemed necessary the Counter Fraud Manager will refer the case to the appropriate departmental manager - Billing & Collection Team Manager, Revenues Manager or the Benefits Manager for ratification of the decision. All decisions taken to prosecute will be further ratified by the Head of Revenues & Benefits.

5.4 A case will only be deemed suitable for prosecution after it has been thoroughly reviewed and confirmed that it meets the requirements of the Code for Crown Prosecutors. There are 2 main requirements - The Evidential Test and The Public Interest Test.

6.0 Evidential Test

6.1 The prosecuting authority must be satisfied that there is sufficient evidence to provide a 'realistic prospect of conviction' on each charge. Consideration should be given to what the defendant's defence may be and how it is likely to affect the prospects of conviction.

6.2 A realistic prospect of conviction is an objective test based solely upon the prosecuting authority's assessment of the evidence and any information that the authority has about the defence that the suspect may put forward. The authority

Agenda Item 6

must then decide whether, if properly directed in accordance with law, a jury (or magistrate) is more likely to convict than acquit a defendant of the charge(s) against them.

6.3 When deciding if there is sufficient evidence to prosecute the authority will consider:

- Can the evidence be used in court?
- Is it likely that the evidence will be excluded by the court? (For example, is it likely it may be excluded due to the way that it was obtained?)
- Is the evidence hearsay? If so, is the court likely to allow it to be represented under any of the exceptions which permit such evidence to be given in court?
- Does the evidence relate to the bad character of the suspect? If so, is the court likely to allow it to be presented?
- Is the evidence reliable?
- Does the suspect have a creditable explanation for their actions?
- Is there evidence which might support or detract from the reliability of a confession? Is its reliability affected by factors such as the suspect's level of understanding?
- Is the identification of the suspect likely to be questioned?
- Are there concerns over the accuracy, reliability or credibility of any of the evidence of any witness?
- Do any of the witnesses have previous convictions or out-of-court disposals which may affect their credibility?

7.0 Public Interest Test

7.1 When the prosecuting authority has deemed that the case has sufficient evidence to provide a realistic prospect of conviction it must then consider if it is in the 'public interest' for the legal action to progress. Every case is different and many will have mitigating aspects which will influence the authority's decision to either take legal action or refrain from instigating legal proceedings.

7.2 The public interest test requires prosecutors to consider wider factors tending for or against prosecution, for example the relative seriousness of the offence. Some common public interest factors tending *against* prosecution may be:

- The offence committed can be proven to be the result of a genuine mistake or misunderstanding on the customer's part.
- The customer's age would deter the authority from taking further action.
- The customer's mental or physical health would deter the authority from taking further action.
- The customer has repaid the discount/exemption in its entirety (balanced with the seriousness of the offence)

- It can be established that part or all of the original discount/exemption was awarded in error.
- The investigation process contains unexplained long delays.
- The consequences of the claimant receiving a criminal record may far outweigh the benefits of the authority taking the action.
- The customer's family circumstances or adverse recent events may deter the authority from taking the person to court.

8.0 Alternatives to prosecution (Council Tax Reduction only)

8.1 CTR came into existence on 1st April 2013 and replaced Council Tax Benefit (CTB). CTB was a fully subsidised scheme administered by local authorities on behalf of the Department for Work & Pensions. CTR is a discount awarded against the annual Council Tax liability, by local authorities, created by the Local Government Finance Act 2012.

8.2 Under amendments to Local Government legislation there is sometimes an option to consider financial/administrative penalties as an alternative to prosecution.

8.3 Section 11 of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement)(England) Regulations 2013, introduced financial/administrative penalties as alternatives to prosecution in CTR cases. The penalty amounts to 50% of the gross overpayment (with a minimum of £100, up to a maximum of £1000) and can be offered if the following conditions are met:

- There is a recoverable overpayment or excess award of CTR as defined by the relevant legislation
- The cause of the overpayment is attributed to an act or omission on the part of the defendant
- There are grounds for instituting criminal proceedings for an offence relating to the overpayment upon which the penalty is based
- The person offered such a penalty has the ability to repay it within a reasonable timeframe and the imposition of such a penalty will not overburden them if they have existing priority debts

8.4 Financial/Administrative penalties should not be confused with civil penalties which can be imposed in addition to any administrative penalty or legal action.

9.0 Publicity

9.1 The Council intends to positively promote this policy as well as the outcome of any prosecutions, which will deter others from fraudulent activity.

DRAFT

Item 7 - Carry Forward Requests 2016/17

The attached report was considered by the Finance Advisory Committee on 28 March 2017. The relevant Minute extract is below.

Finance Advisory Committee (28 March 2017, Minute 57)

The Head of Finance presented the report which advised of revenue carry forward requests . The Chairman advised that in preparation for a shorter final accounts process the requests for specific unspent budgets to be placed in an earmarked reserve for spending in a subsequent year (the 'carry forward' reserve) had been brought to this meeting rather than waiting until the final outturn results were available.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) the Revenue 'carry forward' requests totalling up to £108,800 as set out in paragraph 5 of the report be approved;
- b) any variance arising from the 2016/17 budget is transferred to/from the Budget Stabilisation Reserve;
- c) the Capital carry forward request totalling £3,715 as set out in paragraph 6 of the report be approved; and
- d) a new Reserve, the Community Housing Reserve, be established to hold money received under the Community Housing Programme.

CARRY FORWARD REQUESTS 2016/17

Cabinet - 20 April 2017

Report of: Chief Finance Officer

Status: For recommendation to Cabinet

Also considered by: Finance Advisory Committee - 28 March 2017

Key Decision: No

This report supports the Key Aim of Effective Management of Council Resources

Portfolio Holder Cllr. John Scholey

Contact Officer Head of Finance - Helen Martin ext 7483

Recommendation to Finance Advisory Committee that the recommendations below to Cabinet, be endorsed

Recommendation to Cabinet: It be resolved that

- (a) the Revenue 'carry forward' requests totalling up to £108,800 as set out in paragraph 5 of the report be approved, subject to any amendments suggested by the Finance Advisory Committee;
 - (b) any variance arising from the 2016/17 budget is transferred to/from the Budget Stabilisation Reserve;
 - (c) the Capital carry forward request totalling £3,715 as set out in paragraph 6 of the report be approved, subject to any amendments suggested by the Finance Advisory Committee;
 - (d) A new Reserve, the Community Housing Reserve, be established to hold money received under the Community Housing Programme.
-

Introduction

- 1 The latest forecast outturn based on the January position is provided as an Appendix to Item 8. The latest forecast outturn is an unfavourable variance of £37,000 but that figure is still subject to change.
- 2 In preparation for a shorter final accounts process these requests for specific unspent budgets to be placed in an earmarked reserve for spending in a subsequent year (the 'carry forward' reserve) have been brought to this meeting rather than waiting until the final outturn results are available.

Agenda Item 7

- 3 In previous years it has been agreed that any variances at year end are transferred to the Budget Stabilisation Reserve and it is recommended that any variance in the 2016/17 budget is put into or absorbed by this Reserve.
- 4 There are two requests totalling up to £108,800 to transfer unspent revenue budgets to earmarked reserves.

Revenue Carry Forward Items

- 5 There are two specific Revenue carry forward requests. Further details including the implications of not carrying forward these budgets are set out in the Appendix at the end of this report.

No.	ITEM	CHIEF OFFICER	AMOUNT £
A1	Kent Resource Partnership Communications Fund Grant	Environmental & Operations	£11,800
A2	Revenues and Benefits	Finance	Up to £97,000
	SUB TOTAL		£108,800

Capital Programme

- 6 The following capital scheme was underspent at the year end and the unspent budget is recommended for carry forward.

No.	SCHEME	CHIEF OFFICER	AMOUNT
C1	Dunbrik Depot Vehicle Workshop	Environment & Operations	£3,715
	Total		£3,715

Other Transfers to Reserves - Community Housing Fund

- 7 We have received an advance from DCLG under the Community Housing Programme. This programme is intended to support local authorities in building capacity within local groups to offer advice, business planning and providing staff to review local housing needs. Funding in the following years must be used to deliver housing on the ground for local people.

- 8 This is a five year programme and we are working on a bid with Tonbridge and Malling and Tunbridge Wells councils.
- 9 We are seeking clarification on the conditions of this grant. Depending on the conditions we may need to transfer this money to an earmarked reserve so that it can be spend on the specified purpose later in the five year programme.
- 10 It is recommended that a new earmarked reserve be established to hold any unspent money so that it can be spent on the specified purpose in later years.

Key Implications

Financial

There are no financial implications arising from this report

Legal Implications and Risk Assessment Statement.

Under section 151 of the Local Government Act 1972, the section 151 officer has statutory duties in relation to the financial administration and stewardship of the authority.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusion

- 11 The 2017/18 budget includes savings totalling £0.334m. Achieving this continuing level of savings whilst managing the financial risks will require continued close and proactive financial management during 2017/18.

Risk Assessment Statement

- 12 The approval of these carry forward requests should reduce the risk of the Council exceeding its planned expenditure in 2017/18.

Appendices	Appendix - Budget Carry Forward Requests (Appendices A1, A2 & C1)
------------	--

Background Papers:	See appendices
--------------------	----------------

Adrian Rowbotham
Chief Finance Officer

Budget Carry Forward Request 2016/17

Appendix A1

Chief Officer: Adrian Rowbotham

Budget description: Revenues and Benefits

Type of expenditure: Revenue

Cost Centre code: FSLTHSB, XBAF

Budget forecast to be unspent at 31/3/17: £97,000 (up to)

Amount requested for carry forward: £97,000 (up to)

Reason for request, including the benefits of this expenditure, why the budget was not spent in 2016/17 and timescales for expenditure in 2017/18:

The following grants were received in 2016/17:

- KCC - Counter Fraud work to Council Tax £46,490
- DWP - Benefits Cap £19,781
- DWP New Burdens - Welfare Reform £14,365
- DWP New Burdens - Single Fraud Investigation Service £1,694
- DWP - Fraud & Error Reduction Incentive Scheme (FERIS) £7,891
- DWP - others £6,863

With welfare reform changes continuing to occur following the Local Council Tax Support Scheme replacing Council Tax Benefit from 2013/14, several grants have been received.

The largest item above is from Kent County Council for fraud work. As the largest recipient of Council Tax, it is in their best interests for as much Council Tax to be collected as possible and therefore they have provided funding for the Counter Fraud Team to help achieve this. Sevenoaks and Dartford (as a shared service) were the first council's in Kent to get this agreement in place and to start to receive this extra funding.

A service review of Revenues and Benefits has taken place to see how improvements and efficiencies can be made. This will result in one off items of expenditure that will help to facilitate these changes and the grants received could be used to fund these items.

The costs of Revenues and Benefits are shared with Dartford BC. When the partnership accounts for the year are confirmed between the two partners, it is expected that most of the above funding will not have been used in the year.

It is requested that any unspent grant funding is carried forward to 2017/18. Once the improvements from the service review are in place, any unused funding will be reviewed to see if it is required for Revenues and Benefits. Any changes will be included in the Review of Reserves that is completed as part of the annual budget setting process.

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc):

It will reduce the funding available to deliver the improvements and efficiencies recommended by the service review.

Budget Carry Forward Request 2016/17

Appendix A2

Chief Officer: Richard Wilson

Budget description: Balance of Kent Resource Partnership Communications Fund Grant

Type of expenditure: Revenue

Cost Centre code: DSREFRE

Budget forecast to be unspent at 31/3/17: £11,800

Amount requested for carry forward: £12,250 or lesser unspent balance remaining

Reason for request, including the benefits of this expenditure, why the budget was not spent in 2016/17 and timescales for expenditure in 2017/18:

It was agreed to carry over remaining KRP grant funds from 2015/16 (£20,620.90) into 2016/17, due to delays in 2015/16 related to the Waste Regulations for England and Wales Necessity and TEEP tests and the subsequent March 2016 waste and recycling audit conducted by the KRP.

A portion of those funds (approx. £10,000) was intended for the provision of a District recycling application (App) for smartphones and tablets. The App, due originally in year two of the KRP grant, was rolled over into 2016/17 so that it could be linked to the Council's new website, which has capabilities required by an App then due to be launched sometime in 2016/17.

But with the new Council website launch held back until late March 2017, the App portion of the KRP funds has not yet been spent. Our intention is to secure the App very soon after the SDC website is fully up and running and with the advanced features that the App requires. Although the cost of the App was originally quote to be circa £10,000, due to delay we have allowed for a 10% cost increase, hence the budget forecast to be unspent at 31/3/17 above of circa £11,800.

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc.):

The impact of not carrying this remaining budget forward will be the inability to launch the recycling App, and failure to meet a commitment to the KRP to do so. The intention of the App is to aid the Council towards an overall increase in the capture and quality of household recycling resulting to improve our recycling rate and meet KRP targets.

Budget Carry Forward Request 2016/17

Appendix C1

Chief Officer: Richard Wilson

Budget description: Building works - Dunbrik Depot Vehicle Workshop

Type of expenditure: Capital

Cost Centre code: YLLQ

Budget forecast to be unspent at 31/3/17: £3,715

Amount requested for carry forward: £3,715 or lesser unspent balance remaining

Reason for request, including the benefits of this expenditure, why the budget was not spent in 2016/17 and timescales for expenditure in 2017/18:

Council agreed a capital budget of £234,000 to undertake MOT test centre improvement works and building alterations during 2015/16. The MOT improvements and required upgrade of the workshop electrical installation were completed but unfortunately the tender opportunity to undertake roof height alterations and other minor building works, advertised at the end of 2015, did not attract any tender returns.

A carry forward of the remaining capital budget together with an additional £20,000 capital budget was agreed for 2016/17. The tender for the roof height alterations was re-advertised and a contractor appointed but delays in starting meant contract works were not substantially completed until February 2017. The contract has provision for the retention of 2.5% of the certified contract payments upon substantial completion for the duration of the six month maintenance period. Payment of this retention sum amounting to £3,215.52 will become due upon expiry of the maintenance period in August 2017.

The JCT form of contract for the roof alterations was administered on the Council's behalf by experienced consultancy firm Pierce Hill Project Services (PHPS). A final payment to PHPS for contract administrative services, expected to be in the sum of £500, will also become due in August 2017.

Approval is sought to carry forward remaining unspent capital budget into the 2017/18 financial year to cover or substantially cover payment of the contract payment retention and final contract administrative services fee.

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc):

The impact of not carrying this remaining budget forward will be a reduction in the 2017/18 asset maintenance budget required for essential depot maintenance works such as fixed wiring installation test compliance measures.

Item 8 - Financial Results 2016/17 - to the end of January 2017

The attached report was considered by the Finance Advisory Committee on 28 March 2017. The relevant Minute extract is below.

Finance Advisory Committee (28 March 2017, Minute 59)

The Head of Finance presented a report on the Council's financial results 2016/17 to the end of January 2017. Since publication of the agenda papers which had stated the year-end position as an unfavourable variance of £37,000, she could now report that as at end of February 2017 this had dropped to £30,000.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that the report be noted.

FINANCIAL RESULTS 2016/17 - TO THE END OF JANUARY 2017

Cabinet - 20 April 2017

Report of Chief Finance Officer

Status: For consideration

Also considered by: Finance Advisory Committee - 28 March 2017

Key Decision: No

This report supports the Key Aim of Effective Management of Council Resources

Portfolio Holder Cllr. John Scholey

Contact Officer Helen Martin Ext. 7483

Recommendation to Finance Advisory Committee: That the report be noted, and any comments forwarded to Cabinet.

Recommendation to Cabinet: Cabinet considers any comments from Finance Advisory Committee and notes the report

Reason for recommendation: Sound financial governance of the Council.

Overall Financial Position

- 1 The year-end position is currently forecast to be an unfavourable variance of £37,000 which is just under 0.3% of our net service expenditure. Officers are examining income and expenditure and are optimistic that the final outturn can be a more favourable position.

Key Issues for the year to date regarding Property Investment Strategy

- 2 Property Investment Strategy Income - this represents income derived from the acquisitions of commercial property in Sevenoaks and Swanley. The net income from acquisitions to date will be £110,000 less than originally budgeted for 2016/17 due to refurbishment works and a rent free period awarded at the start of a new ten year lease at Suffolk House. This will result in additional income over the 10-year budget period.
- 3 Car Park income is currently below budget and forecast to be £66,000 worse than budget for 2016/17. Bradbourne Car Park closed in August and this has resulted in loss of income; however on street parking has delivered increased income.

Agenda Item 8

- 4 Business Rates have been paid for two properties in Swanley that we are holding for future development and this has given rise to an unfavourable variance of £47,000.
- 5 Council, on 22nd February, agreed a supplementary estimate of £210,000 to cover these short term revenue consequences arising from the Property Investment Strategy noting that additional income over the 10 year budget period would more than compensate for these additional costs.

Other issues for year to date

- 6 Pay costs - the actual expenditure to date on staff costs, (including agency cover and costs of advertising for professional posts, but excluding those who are externally funded) is £28,000 less than budget. There are variances in individual areas and the larger variances are explained in the Chief Officer commentaries.
- 7 Income - Land Charges income is £62,000 worse than the challenging income budget, but this is offset by some salary savings. Development Management income is currently £53,000 better than budget reflecting a small number of high fee applications.

Year End Forecast

- 8 The year end forecast is an unfavourable variance of £37,000.
- 9 Corporate salaries will exceed original budget following the appointment of additional IT development staff, but these costs will be met from the Corporate Projects Reserve.
- 10 Building Control income is currently below profile and employee and agency costs will exceed budget.
- 11 Car Parks - Year end forecast is £120,000 unfavourable. Income is below budget due to closure of Bradbourne and some additional maintenance work is being undertaken. Parks Rural - costs are likely to exceed budget this year by £60,000 because of the costs of coppicing work at Farningham Woods. These costs will be offset by additional income that will be received in 2017/18.
- 12 Refuse Collection - Income from sale of recyclate, particularly glass, is expected to be £30,000 worse than budget.
- 13 The budgeted surplus for the Direct Services Trading account is forecast to be £111,000 better than budget. The budgeted surplus has increased from £82,000 to £92,000 as part of budget adjustments for the Management Review (SCIA 20). Expenditure for the year is forecast to exceed budget by £64,000, however income is forecast to be £175,000 better than original budget.

- 14 Planning salaries are forecast to be £77,000 under budget following multiple changes in post, some of which remain unfilled.

Future Issues and Risk areas

- 15 Chief Officers have considered the future issues and risk areas for their services and the impacts these may have on the Council's finances as follows:
- Some property projects will incur revenue expenditure in advance before any expenditure is incurred;
 - Additional developers have been employed within IT to achieve key projects; they will be funded from the Corporate Projects Reserve;
 - Fluctuations in the price of diesel;
 - Universal Credit started in the district in October 2015 but has had minimal impact to date;
 - Planning fee income remains uncertain and is being closely monitored;
 - There remains the risk that planning decisions will be challenged, either at appeal or through the Courts; the Council has received an indication of significant appeal costs for cases in Swanley and Edenbridge.
 - Staff turnover is currently high in Planning and recruiting to vacant posts is difficult.
- 16 This Council is entitled to retain 50% of extra income arising from increases in the business rate tax base, however this figure is subject to great volatility as it is affected by the results of outstanding appeals and this area will be closely monitored. An initial forecast of £23,000 additional income has been included at this stage.
- 17 Planned savings for 2017/18 total £344,000, including savings from partnership working, and from additional income generation, and these will be risk areas for the current and for future years.
- 18 The impact on financial markets and externally funded projects following the results of the Referendum in June 2016 is being monitored and addressed as part of the Council's risk management process.

Key Implications

Financial

The financial implications are set out elsewhere in this report.

Legal Implications and Risk Assessment Statement.

Under section 151 of the Local Government Act 1972, the Section 151 officer has statutory duties in relation to the financial administration and stewardship of the authority.

Detailed budget monitoring is completed on a monthly basis where all variances are explained. Future risk items are also identified.

Agenda Item 8

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Appendix - January Budget Monitoring

Background Papers

None

Adrian Rowbotham
Chief Finance Officer

2. Overall Summary

January 2017 FINAL

2015/16 Actual as Cabinet May '16 £'000
1,556
2,555
4,089
5,057
1,207
14,464
(233)
(63)
(222)
97
14,043
(3,341)
(2,084)
(9,298)
0
(680)
(422)
(259)
(1,361)
1,331
(30)

Communities & Business	
Corporate Services	
Environmental & Operational Services	
Financial Services	
Planning Services	
14,464	
<u>Adjustments to Reconcile to amount to be met from reserves</u>	
Direct Services Trading Account	
Capital Charges outside the General Fund	
Support Services outside the General Fund	
Redundancy Costs	
NET SERVICE EXPENDITURE	
Revenue Support Grant and New Homes Bonus	
Retained Business Rates	
Council Tax	
Contribution from Collection Fund	
<u>Summary excluding Investment Income</u>	
Investment Property Income	
Interest Receipts	
OVERALL TOTAL	
Planned Appropriation to/(from) Reserves	
Supplementary Estimate Leisure (Approved Council 26/04/2016)	
Supplementary Estimate Christmas Parking (Council 22/11/2016)	
Supplementary Estimate (Approved Council 22/02/2017)	
(Surplus)/Deficit	

Y-T-D Actual £'000	Annual Budget £'000	Annual Forecast (including Accruals) £'000	Annual Variance £'000	Annual Variance %
1,290	1,359	1,389	30	2.2
2,179	2,750	2,722	(28)	(1.0)
3,741	4,271	4,595	323	7.6
3,497	4,296	4,308	12	0.3
1,011	1,394	1,338	(56)	(4.0)
11,717	14,070	14,352	281	2.0
(272)	(92)	(203)	(111)	(121)
(49)	(60)	(60)	0	0
(143)	(165)	(165)	0	0
11	0	0	0	-
11,264	13,753	13,924	170	1.2
0	0	0	0	-
(1,626)	(1,951)	(1,974)	(23)	1.2
(8,060)	(9,672)	(9,672)	0	0.0
(278)	(333)	(333)	0	0.0
1,301	1,797	1,945	147	8.2
(413)	(500)	(408)	92	(18.4)
(207)	(250)	(226)	24	(9.6)
681	1,047	1,311	263	25.1
(819)	(983)	(983)	0	0
0	(64)	(64)	0	-
0	0	(16)	(16)	-
0	0	(210)	(210)	-
(138)	0	37	37	

This page is intentionally left blank

Item 9 - Property Investment Strategy Update

The attached report was considered by the Policy & Performance Advisory Committee on 23 March 2017 and the Finance Advisory Committee on 28 March 2017. The relevant Minute extracts are below.

Policy & Performance Advisory Committee (23 March 2017, Minute 26)

The Chief Officer Communities and Business presented a report which updated Members on the progress of the Property Investment Strategy and looked at its future direction. The report sought updates to the Strategy and a further £25 million to be set aside for future investments.

Initial acquisitions had helped the Council to become financially self-sufficient and it was requested for additional funding to allocated to the property investment strategy to enable the Council to achieve the ambition of 'self-sufficiency plus'. External investment advisors had analysed the current property investment portfolio and provided advice as to the future direction of the strategy. They recognised that good investment purchases had been made and that they were performing well.

Members discussed the report and asked questions. Members were advised that the decrease in the income yield reduction to 5% was due to market value trends and only be applied to new purchases. If money was borrowed from the Public Works Loan Board the yield would be 3% net of borrowing costs. Members were advised that before a property was purchased, the property team looked through all the details first before the Chief Finance Officer and then the relevant Portfolio Holders were consulted. The Council would only move forward with a purchase if its Red Book Valuation was acceptable and at or above the offer price. The Council would not make purchases above the Red Book Valuation.

Some concern was expressed at purchases being made outside the District. Members were informed that this would be at a minimum and where possible be kept within Kent. In response to questions raised about risk, Members were informed that advice had been received that a larger number of investments offered a better spread of risk. Members noted that the report was also being considered by the Finance Advisory Committee on 28 March 2017.

Resolved: That the report be noted with Members' support.

Finance Advisory Committee (28 March 2017, Minute 60)

The Chief Finance Officer presented a report which updated Members on the progress of the Property Investment Strategy to date and looked at the future direction of the strategy.

The Property Investment Strategy was approved by Council on 22 July 2014 to support the aim of the Council becoming more financially self-sufficient

Agenda Item 9

as Government Support continued to reduce. The initial acquisitions had helped the Council achieve the aim and the report provided an update on the acquisitions to date and requested additional funding to enable the Council to achieve 'self-sufficiency +' and therefore provide extra value to residents. Funding previously approved had now nearly all been spent.

External investment advisors had analysed the current property investment portfolio and provided advice as to the future direction of the strategy. The advice had been used to propose changes to the Property Investment Strategy criteria and to support the reasons to set aside further funds.

A Scrutiny Committee Member Working Group had been looking at the Property Investment Strategy and was due to report back to the Scrutiny Committee on 30 March 2017.

The report requested approval for a further £25m to be set aside for the strategy, an amount recommended by Savills to reflect the likely future projects included in the report and to allow additional acquisitions to meet the council's aim of achieving 'self-sufficiency+'. Further acquisitions and developments would help the Council attain the Property Investment Strategy income assumptions in the 10-year budget and also start to deliver 'self-sufficiency+' and enhance the services provided to our customers even further.

The draft minutes of the Policy & Performance Advisory Committee which had met and considered the same report on 23 March 2017, were tabled for information. The Chairman advised that concern had been expressed by that Advisory Committee with regards to investment outside the district, and had suggested a restriction of within Kent. Members discussed this and also had the same concerns. It was felt that investing within the District not only benefitted residents but local knowledge had a large part to play in knowing what to invest in, and that by going out of the district the essence of the strategy would be eroded and there would be more risk involved with investing in 'unknown' locations. It was generally felt that 'south east' was too large but the Committee did not want to exclude Surrey or Sussex.

Some Members were uncomfortable with the sum of £25m requested. There was concern that there was not enough information to understand why the sum was needed.

It was noted that the length of the committee process hindered the ability to act on purchases.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) the updated Property Investment Strategy be agreed subject to limiting the geographical area of outside the district as a 50 mile radius from the Argyle Road Offices; and
- b) a further £25m be set aside for the Property Investment Strategy.

This page is intentionally left blank

PROPERTY INVESTMENT STRATEGY UPDATE

Cabinet - 20 April 2017

Report of Chief Finance Officer

Status: For Decision

Also considered by: Finance Advisory Committee - 28 March 2017

Policy and Performance Advisory Committee - 23 March 2017

Council - 25 April 2017

Key Decision: No

Executive Summary: This report provides an update on the progress of the Property Investment Strategy to date and looks at the future direction of the strategy.

The Property Investment Strategy was approved by Council on 22 July 2014 to support the aim of the council becoming more financially self-sufficient as Government Support continued to reduce.

The initial acquisitions have helped the council achieve this aim and this report provides an update on the acquisitions to date and requests additional funding to enable the council to achieve 'self-sufficiency +' and therefore provide extra value to residents. Funding previously approved has now nearly all been spent.

External investment advisors have analysed the current property investment portfolio and provided advice as to the future direction of the strategy. This advice has been used to propose changes to the Property Investment Strategy criteria and to support the reasons to set aside further funds.

Portfolio Holder Cllr. Fleming, Cllr. Scholey

Contact Officer(s) Adrian Rowbotham Ext. 7153

Recommendation to Policy and Performance Advisory Committee:

- (a) Members recommend the Updated Property Investment Strategy and;
 - (b) Members recommend that a further £25m be set aside for the Property Investment Strategy.
-

Recommendation to Finance Advisory Committee:

- (a) Members recommend the Updated Property Investment Strategy and;
- (b) Members recommend that a further £25m be set aside for the Property Investment Strategy.

Recommendation to Cabinet:

- (a) Members recommend the Updated Property Investment Strategy to Council and;
- (b) Members recommend to Council that a further £25m be set aside for the Property Investment Strategy.

Recommendation to Council:

- (a) Council agrees the Updated Property Investment Strategy and;
- (b) Council agree that a further £25m be set aside for the Property Investment Strategy.

Introduction

- 1 In recent years Sevenoaks District Council has been faced with ongoing reductions in Government Support culminating in it no longer receiving Revenue Support Grant from 2017/18. This has led to a number of decisions that have been taken through the 10-year budget process to try and ensure that the council remains in a financially sustainable position going forwards.
- 2 On 7 November 2013, Cabinet approved the Corporate Plan which set out key focus areas for the organisation including the need to become more financially self-sufficient. The agreed plan articulated an approach of investing in assets that will generate revenue income to allow less reliance on diminishing Government Support. It goes on to state that this could be done either through the review of use of reserves or through borrowing at low interest rates.
- 3 On 22 July 2014, Council agreed the Property Investment Strategy with specific criteria which is shown in Appendix A.

Funding Agreed to Date

- 4 A total of £18m of funding for the Property Investment Strategy has been agreed to date as follows:
 - £5m Council 22 July 2014
 - £3m Council 17 February 2015
 - £10m Council 21 July 2015

Activity to Date

5 A summary of the expenditure to date is included in the following table:

Date	Activity	Total Cost £000	Average Annual Income Yield %
Activities achieving the required return			
Apr 2015	Suffolk House (including refurb.)	4,683	7.7% (7.1% before refurb.)
May 2015	Swanley Petrol Station and Supermarket	2,566	6.1%
Mar 2017	Office building, Sevenoaks	4,673	6.1%
Work in Progress			
Feb 2015	Swanley Working Men's Club (including demolition)	1,437	-
2016/17	Quercus 7 set up costs	10	-
Feb 2017	96 High Street, Sevenoaks	4,501	Initially 2% Basic option 7% Other options 7%+
	Total	17,870	

6 **Swanley Working Men's Club** (February 2015) - The premises were demolished in July 2016. This site will be part of the gateway to Swanley.

7 **Suffolk House, Sevenoaks** (April 2015) - This office building is in a town centre location with diminishing levels of office stock in the area. It consists of a total of 16,699 sq ft of office space over four floors with 84 parking spaces. It is managed by a property management company with costs recoverable under a service charge. Several floors have now been

Agenda Item 9

refurbished to grade A standard office space and the price per square foot is now significantly higher than when the building was purchased.

- 8 **Swanley Petrol Station and Supermarket (May 2015)** - The property comprises a 2,789 sq ft convenience store building with 15 car parking spaces, 8 multi-fuel pump forecourt with jet wash and car wash on a 0.589acre site. The property is let on a lease expiring in August 2030.
- 9 **Quercus 7 set up costs** - a budget of £10,000 was approved by Council on 31 March 2015 to be funded from the Property Investment Strategy Reserve.
- 10 **96 High Street, Sevenoaks (February 2017)** - This premises consists of ground floor retail space, 1st and 2nd floor office space with residential potential and development opportunity to rear. The most basic option of refurbishing the office space and selling the land to the rear will give a 7% annual return. The land at the rear is next to a council car park which in turn is next to the bus station and therefore has the potential to be a catalyst for wider development.
- 11 **Office building, Sevenoaks** (due to complete in March 2017) - This is a modern freehold office investment in Sevenoaks town centre. The 10,499 sq ft building over three floors has 56 car parking spaces is currently fully let on a ten year lease.
- 12 The above activity has used £17.87m of the £18m approved.
- 13 All acquisitions have been supported by a thorough business case and approved by the Policy & Performance Portfolio Holder in consultation with the Finance Portfolio Holder as required by Council.

Property Investment Strategy Income

- 14 The 10-year budget approved by Council on 21 February 2017 included net Property Investment Strategy income of £500,000 in 2017/18 and £735,000 in 2018/19. Income from the properties acquired to date should exceed these budgets and therefore help to deliver 'self-sufficiency+'.

Funding Sources

- 15 The £17.87m spent to date has been funded by (or is expected to be as part of the 2016/17 annual accounts process):
 - Property Reserve and Financial Plan Reserve £4.76m. Funds put aside for the Property Investment Strategy agreed as part of the annual budget setting process.
 - Capital receipts £8.61m. Proceeds from the sale of council assets.
 - Internal borrowing £4.5m. From council balances. No interest is paid but Minimum Revenue Provision (MRP) is charged. MRP is the minimum amount which must be charged to the revenue account each year and

set aside as provision for repaying loans and meeting other credit liabilities. This is a requirement for any form of borrowing so that an amount is set aside to repay the loan.

- External borrowing £nil. This funding method incurs interest and MRP costs each year.

Future Opportunities

- 16 Savills (Investment Advisors) have analysed the Council's current property investments and advise that the council should consider further acquisitions in order to provide a more balanced investment portfolio. They recognise that good investment purchases have been made and are currently performing well and this is set to continue with the creation of new tenancy agreements and potential development opportunities within the current portfolio.
- 17 They also advise that further acquisitions should be targeted towards the industrial sector to reflect not only a more balanced portfolio and dilute any risk that may occur within specific areas of commercial property. They also recognise the preference to balance the portfolio by way of geographical area, investing in other commercial focused areas and residential property. However, opportunistic purchases should not be ignored where value for money and growth can be identified for example further properties in Sevenoaks.
- 18 Savills have confidence that the current property investment strategy is working but is now reaching a point where the following should be considered to update the strategy:
 - Broader geographical area and sector purchases.
 - Yield requirements/target to be a minimum of 5%.
 - Budget £20-25 million.
- 19 The following projects are expected to progress as part of the Property Investment Strategy.
- 20 96 High Street, Sevenoaks - development of the site and potentially also adjacent sites.
- 21 Swanley - a separate report will be presented to Members at an appropriate stage, therefore the funding requested in this report is not required to fund these schemes. The sites are:
 - Bevan Place / 27-37 High Street, Swanley - potential for residential units and business start-up space.
 - White Oak Leisure Centre

Agenda Item 9

- 22 Timberden Farm - The majority of land has been sold. The agricultural buildings have currently been retained with work continuing before deciding how to proceed.
- 23 Small sites development (including Stangrove Estate and Spitals Cross, Edenbridge)
- 24 Croft Road, Westerham - This land has been sold to a developer to build 18 residential units. The council has an option to acquire two houses at a discount (based on external valuation).
- 25 Further individual investments.
- 26 Due to the number of developments planned for the next few years it is recommended that the emphasis for any further acquisitions are for sites where no further work is required rather than those with development potential.
- 27 Proposed changes to the Property Investment Strategy criteria are included in Appendix A.

Further Funding Required

- 28 Further funding will be required to enable the above schemes and further property investments to take place which will help to deliver the aim of 'self-sufficiency+'.
- 29 Funding options will be considered on a case by case basis and may be funded by reserves, capital receipts, internal borrowing or external borrowing. Due to current commitments it is likely that a significant proportion will come from external borrowing (PWLB 30 year annuity loan interest rate at 10/03/17 is 2.56%).
- 30 Each scheme will also be analysed to decide whether it is preferable to proceed as the council or via Quercus 7.

Risks

- 31 The risks of the Property Investment Strategy are included in Appendix B. The risks were previously analysed by the Audit Committee on 9 September 2014.
- 32 The Council's Strategic Risk Register was also agreed by the Audit Committee on 27 September 2016 and the relevant category for the Property Investment Strategy is also included in Appendix B.
- 33 Property Investment is inherently more risky than leaving reserves in the bank but this has been taken to account when approving the Property Investment Strategy and setting the investment criteria.
- 34 The risks of each potential investment are considered by carrying out due diligence to include the following:

- Valuation.
 - Market conditions.
 - Covenant strength of tenants.
 - Terms of leases.
 - Structural surveys.
 - Funding options.
 - Future costs.
- 35 It should be recognised that there is likely to be a time when there are business reasons to dispose of assets currently owned and invest elsewhere instead.
- 36 The Scrutiny Committee set up a Property Investment Strategy Member Working Group at their meeting on 5 July 2016 and are due to report their findings at the Scrutiny Committee on 30 March 2017. Feedback will be provided to Cabinet on 20 April 2017.

Key Implications

Financial

As previously stated in this report, the proposals outlined are suggested in order to contribute to the aim of the council remaining financially self-sufficient and deliver 'self-sufficiency+'.

The Council has agreed to part-fund the Buckhurst 2 Car Park Development by external borrowing and as the council has been debt free for many years, this will be a significant change. It is expected that a significant proportion of Property Investment Strategy funding will also be provided by external borrowing. Each acquisition will be looked at on a case by case basis to ensure that the most appropriate funding method is used.

Legal Implications and Risk Assessment Statement.

Legal resources would be required to undertake legal pre-purchase due diligence for any future acquisitions. This would be undertaken either internally by the Council's Legal Team or externally and a decision would be made on a case by case basis.

A full risk analysis is included at Appendix B to this report.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Agenda Item 9

Value for Money and Asset Maintenance

Value for money derived from available finances when looked at in conjunction with the Treasury Management Strategy has the ability to be increased if the proposals outlined in this report are adopted.

Conclusions

In acknowledgement of the position with Government Support and the continued low returns on investment of reserves, further investment in the Property Investment Strategy will continue to support the alternative approach as indicated by the approved Corporate Plan.

Appendices

Appendix A - Property Investment Strategy

Appendix B - Property Investment Strategy - Risk Analysis

Background Papers

[Report to Council 22 July 2014 - Investment Strategy](#)

[Report to Audit Committee 9 September 2014 - Investment Strategy Risk Register](#)

Report to Council 17 February 2015 - Budget and Council Tax Setting 2015/16

Report to Council - 21 July 2015 - Property Investment Strategy

Adrian Rowbotham
Chief Finance Officer

Lesley Bowles
Chief Officer Communities and Business

Property Investment Strategy

Proposed changes to the original strategy are shown in **bold and underlined**.

1. The strategy will consist of a diversified and balanced portfolio of investment assets with regard to the following considerations.
2. Established property investment practice has evolved based on long standing markets for assets in main stream sectors such as Offices, Retail, Industrial and Residential. Investing in these traditional asset categories in a balanced fashion, allows for a lower risk investment when compared to emerging markets such as Student Accommodation, Nursing Homes and Medical Centres.
3. When considering the tenure of an asset, freehold would be preferable to leasehold. Freehold provides for greater levels of security against a leasehold asset that would effectively decrease in value over time. However assets on long leasehold basis may still be suitable for consideration.
4. Whilst properties let to only one tenant may offer an acceptable level of risk, multi-tenanted properties would be favourable as they offer the opportunity to minimise the impact of any one part of the asset being vacant due to tenant default or lease expiry. If assets are occupied by a single tenant, then detailed financial due diligence would be undertaken to ascertain their financial stability.
5. **~~Given the greater market knowledge of the local area, it is suggested that initial investment opportunities are restricted to those within Sevenoaks District. (It is considered that the initial phase of the Property Investment strategy has now ended so this criteria no longer applies.)~~**
6. Based on the above considerations and taking into account local market conditions, a suggested lot size of between £1m and £5m is recommended. This is to avoid the lower part of the local market where private high net worth individuals would be seeking to invest and also the high end, where Pension Funds and Life Assurance Funds tend to dominate.
7. Given the likely risk profile of an asset meeting the above considerations, it is suggested that an income yield of in excess of **6% 5%* (based on advice from Savills) when not borrowing or 3% net of borrowing costs** is appropriate. Opportunities should be sought that lend themselves to a potential to increase rental income than is currently being realised. **(*The income yield is calculated as an average return over 10 years).**
8. A limited number of opportunities that include the potential for development should also be considered. This approach may have the potential to deliver an additional 20-30% return on investment could be realised.

9. Where sites that are already in the ownership of the Council could be redeveloped in partnership with neighbouring sites, added value can be derived from ‘marriage’ of the sites. Consideration should be given to Joint Venture (JV) projects that maximise value, with priority given to those which would result in the delivery of assets meeting the investment criteria.
10. It is proposed that external specialist property investment advisors be retained on each transaction, advising on suitability having undertaken detailed pre purchase due diligence, including valuation, risk analysis and lease / title reviews.
11. Taking all of the above considerations into account, the following specific criteria are proposed:
 - i. Income Yield of 6%+5%+ when not borrowing or 3% net of borrowing costs, based on an average over 10 years.
(Flexibility may be applied to those opportunities that show an acceptable social return on investment)
 - ii. Individual Properties or Portfolios
 - iii. Lot size of £1m - £5m
 - iv. Freehold / Long Leasehold
 - v. Single or Multi Tenanted
 - vi. Asset categories: Industrial, Office, Retail, Trade Counter and Private Rented Residential
 - vii. ~~Initially, geographically located within the District. (It is considered that the initial phase of the Property Investment strategy has now ended so this criteria should no longer apply.)~~
 - viii. Potential to increase rental income, through pro-active Asset Management
12. It is proposed that initially, the Strategic Asset Management and Operational Property Management of the portfolio be delivered from existing resource within the Council’s Economic Development and Property Team. There will however be times when specialist external advice is needed and this work will be commissioned on an ‘as required’ basis, funded from the income from the assets. This approach is to be reviewed regularly, including ongoing resource requirements, as the portfolio grows.
13. Funding for the acquisition of assets should be reviewed on a case by case basis but could be derived from a number of sources:
 - Receipts from previous property disposals.

- Receipts from proposed land / property disposals in future years.
 - Reallocation of some of the funds currently held in reserves.
 - ~~Borrowing from external lenders – Bank Real Estate Finance, Annuity Funds, Pension Funds.~~
 - Borrowing from the Public Works Loan Board.
 - Borrowing from the Municipal Bonds Agency.
14. Each scheme will also be analysed to decide whether it is preferable to proceed as the council or via Quercus 7.

This page is intentionally left blank

Property Investment Strategy - Risk Analysis

Risk	Risk Areas	Likelihood 1(low)- 5(High)	Impact 1(low)- 5(High)	Total Score	Controls
Downturn in property market	Capital value and income potential reduce for purchased assets	2	3	6	Continued monitoring of markets. Sale of Assets at a benchmarked threshold. Annual Valuation
Upturn in property market	Purchase cost of potential assets increases	4	4	16	Continued monitoring of markets. Adjusting purchase criteria to reflect market movement. Consider sales of assets for capital gain. Annual Valuation
Increase in interest rates (borrowing)	Cost of borrowing increases with detrimental impact on income	4	3	12	Ensure most competitive rate achieved if borrowing, fixed term if possible. Consider increased use of reserves to ensure loan to value ratios are acceptable.
Increase in interest rates (investment)	Lower rate of return when compared to other potential treasury management income	4	1	4	Consider revising income return criteria upwards. Consider disposal of assets for re-investment
Available opportunities	Market opportunities meeting investment criteria not available.	4	4	16	Identify opportunities early and move swiftly to acquire
Changes in Tenant Demand	Certain types of property may become less favourable with tenants.	3	3	9	Construct a varied portfolio by use, i.e. mixture of shops, offices, industrial, residential etc.
Obsolescence of Asset	Physical obsolesce in terms of building fabric	3	4	12	Ensure Full Repairing and Insuring Leases are in place via pre-purchase

	and fit out				due diligence. Have building surveys undertaken to establish condition of building.
Tenant default	Loss of rental income, increased costs incurred	2	4	8	Undertake financial due diligence of tenants pre-purchase, obtain the best possible tenant covenants. Look for guarantors or cash deposits where covenants are considered weak. Consider multi-tenanted properties in order to diversify risk. Ensure robust credit control procedures in place. Monitor tenant company performance.
Void periods	Loss of rental income, holding costs incurred - rates, utilities etc. Costs of re-letting	2	4	8	Monitoring tenancies as described above. Move quickly to appoint letting agents should a void period appear likely. Act expediently in concluding legal process of letting.
Government Legislation - Energy Performance (Minimum Energy Efficiency Standards , MEES)	From 1 st April 2018 it will be illegal for a landlord to grant a new letting of a commercial property that has an EPC of below E.	4	4	16	Undertake appropriate pre purchase due diligence to establish what the EPC rating of a property is and purchase accordingly. Identify if opportunities exist to increase the EPC rating appropriately.
Illiquidity of Property Assets	Asset identified for disposal to raise capital receipt or for reinvestment	2	4	8	Ensure that assets are kept “sale ready” in terms of documentation and information.

Staff Resources	Lack of suitably professionally qualified staff	2	3	6	Ensure that appropriately professionally qualified staff, with experience in Property Investment, are available to act on the Council's behalf.
Residential Properties - generally all of the above plus greater landlord input, more management intensive	Residential Properties generally require a more active landlord involvement, maintaining the structure and services of a property - maintenance costs and management costs are therefore higher.	3	3	9	Ensure that increased holding costs are factored into purchase valuations Appoint external professionals to manage landlord and tenant processes Ensure that tenant deposits are taken

ID	Risk	Risk Factors	Potential Effect	Links to Corporate Plan	Gross Likelihood	Gross Impact	Gross Risk Rating	Internal Controls	Net Likelihood	Net Impact	Net Risk Rating
SR 02	Property Investment Strategy The appetite and ability to invest in appropriate opportunities in accordance with the Council's Property Investment Strategy Lead Officer: Adrian Rowbotham	<ul style="list-style-type: none"> - Ability to seek appropriate investment opportunities - Appetite for risk within investment strategy to enable the Council to generate target returns - Ability to deliver sufficient funds to maximise the opportunities presented through the Property Investment Strategy - Appetite to prudentially borrow over the medium to long term - The cost of interest payments - Lack of capacity or skilled professionals to advise on investment and borrowing strategies - Ineffective governance processes that could result in opportunities being missed or being ineffectively scrutinised 	<ul style="list-style-type: none"> - Lack of diversity in investments - Cost of interest payments - Negative impact on budgets, reserves and the ability to deliver Council projects - Poor financial health - Unable to maintain low increases in council tax levels - Reputational damage - Poor outcome for the Audit of Accounts or Value for Money assessment and potential for increased intervention 	<ul style="list-style-type: none"> - Value for Money - High quality services - Local economy 	4 Likely	4 Serious	16 High	<ul style="list-style-type: none"> - Council approved Property Investment Strategy - Governance arrangements defined with appropriate delegations agreed - Qualified and experienced officers in post - Professional, external advisers engaged to support the development of strategies and fill skills gaps - Effective budget setting and financial monitoring processes embedded - Effective financial governance including reports to FAC, Cabinet, Audit Committee and Scrutiny Committee 	3 Possible	3 Significant	9 Medium

How likely is it to happen?

What would the impact be?

Likelihood x Impact = Risk Rating

Low Risk: Risk rating of 1 to 6**Medium Risk:** Risk rating of 8 to 12**High Risk:** Risk rating of 15 to 25

Likelihood	Very Likely (5)	Low (5)	Medium (10)	High (15)	High (20)	High (25)
	Likely (4)	Low (4)	Medium (8)	Medium (12)	High (16)	High (20)
	Possible (3)	Low (4)	Low (6)	Medium (9)	Medium (12)	High (15)
	Unlikely (2)	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	Very Unlikely (1)	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
		No Impact (1)	Minor (2)	Significant (3)	Serious (4)	Breakdown of Services (5)
		Impact				

This page is intentionally left blank

Item 10 - Sevenoaks Local List

The attached report will be considered by the Planning Advisory Committee on 19 April 2017. The relevant Minute extract was therefore not available prior to the printing of this agenda and will follow when available.

This page is intentionally left blank

SEVENOAKS LOCAL LIST

Cabinet - 20 April 2017

Report of	Chief Planning Officer
Status	For Consideration
Also considered by	Planning Advisory Committee - 19 April 2017
Key Decision	Yes

This report supports the Key Aim of ensuring that Sevenoaks District remains a great place to live, work and visit.

Portfolio Holder	Cllr. Robert Piper
Contact Officers	Antony Lancaster, Ext. 7326 Rebecca Lamb, Ext. 7334

Recommendation to Planning Advisory Committee:

- (a) To support the adoption of the draft SPD (including the first round of locally listed assets proposed)
- (b) To support the second tranche of identified assets going out to public consultation.
- (c) To support the consideration of the focused use of Article 4 Directions to remove limited permitted development rights which would result in planning permission being required for;
 - a. Demolition of Locally Listed Buildings outside a conservation area
 - b. Alteration (including removal) of locally listed boundaries and railings, inside and outside a conservation area.
- (d) To support the communication of the proposed Article 4 Direction if necessary.

Recommendation to Cabinet:

- (a) To adopt the SPD (including the first round of locally listed assets proposed)

consultation.

- (c) To agree to the consideration of the focused use of Article 4 Directions to remove limited permitted development rights which would result in planning permission being required for;
 - a. Demolition of Locally Listed Buildings outside a conservation area
 - b. Alteration (including removal) of locally listed boundaries and railings, inside and outside a conservation area.
- (d) To approve the communication of the proposed Article 4 Direction if necessary.

Reason for recommendation: This report actions policy EN4 of the Allocations and Development Management Plan (ADMP) by creating a Sevenoaks District Local List Supplementary Planning Document (SPD)

This report follows governmental planning policy set out in The National Planning Policy Framework (NPPF) by recommending limited Article 4 Directions for “the wellbeing of the area” (NPPF, para. 200) An Article 4 Direction brings specified works under planning control, thereby supporting para 135 of the NPPF, “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.”

Background

- 1 The Local List is a list of structures and spaces that are valued as being distinctive elements of the local historic environment and are heritage assets. The items on the list have been identified as part of what makes Sevenoaks so special. The List provides clarity on the location of these assets and also describes their significance. This helps to ensure that strategic local planning takes account of the desirability of their conservation and ensures that their significance will be a material consideration when determining planning applications. The information also helps to provide clear and comprehensive information about the historic environment at a local level. It is important to note that the assets on the Local List are already considered heritage assets and therefore do not become a heritage asset through being included on the list.
- 2 Each asset on the list has been researched and assessed against the criteria set out within the SPD. They have been moderated by a panel including a representative from Historic England, Kent County Council’s Heritage Team and SDC’s Conservation Officer to ensure that only the best examples that help to make Sevenoaks so special have been put forward.
- 3 In March 2015 officers reported an update on the progress of the Local List project to the Planning Advisory Committee (formerly the Local Planning and Environment Advisory Committee) This was followed up in a report to PAC and Cabinet in summer 2016 requesting approval on the draft Local List SPD

and authority to go out to public consultation on the first tranche. This report updates on this process, presenting the response to the public consultation and requesting authority to go out to public consultation on the second tranche. The second tranche was surveyed and assessed in the same way as the first tranche and was also subject to moderation by the Selection Panel.

Existing Policy Context

- 4 The National Planning Policy Framework (NPPF) advises local planning authorities to set out ‘a positive strategy for the conservation and enjoyment of the historic environment’ (para 126) Emphasis is also placed on ‘sustaining and enhancing the significance of heritage assets’ and understanding that heritage assets are an ‘irreplaceable resource’ and should be conserved ‘in a manner appropriate to their significance’.
- 5 The definition of ‘heritage assets’ within the NPPF includes local heritage listing.
- 6 In the SDC Core Strategy 2011, para 5.1.2 it states;
“The Council aims to produce a List of Buildings of Local Architectural or Historic Interest [Local List] during the Core Strategy period, to be adopted as a Supplementary Planning Document”
- 7 The SPD would support Policy SP1;
“The District’s heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced”
- 8 Additionally, paragraph 2.24 of the ADMP states;
“The Council aims to produce a List of Buildings of Local Architectural or Historic Interest during the plan period, to be adopted as a Supplementary Planning Document”
- 9 Policy EN4 - Heritage Assets states;
“Proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset. Applications will be assessed with reference to the following:
 - a) the historic and/or architectural significance of the asset;
 - b) the prominence of its location and setting; and
 - c) the historic and/or architectural significance of any elements to be lost or replaced.

Agenda Item 10

Where the application is located within, or would affect an area or suspected area of archaeological importance an archaeological assessment must be provided to ensure that provision is made for the preservation of important archaeological remains/findings. Preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is more appropriate.”

- 10 When the Core Strategy and ADMP are replaced by a new Local Plan (adoption anticipated 2019) the SPD will need to be updated to align with new policy.
- 11 In terms of Article 4 Directions, the NPPF states that,

“The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area” (NPPF, para 200)
- 12 The Article 4 Direction would bring the certain proposals under planning control and thus the application of para 135 of the NPPF;

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”

Public consultation

- 13 There are 333 entries on the local list which equates to 464 individual structures. We had a little over 60 responses, most of which focused on the accuracy of the evaluation and the consequential impact of appearing on the list (i.e. - future restrictions), but some of which were also supportive of the project and its ambitions. Comments pertaining to historical inaccuracies were returned to the Selection Panel for further consideration and assessment.
- 14 See attached schedule of comments and responses in Appendix A.
- 15 As a result of the public consultation three entries have been removed from the proposals because they no longer met the criteria for selection. These were 75 Kippington Road, 81 The Rise and Hollym, Clenches Farm Road.
- 16 The Sevenoaks Conservation Council (SCC) has suggested some small scale changes to the wording of the SPD. Where appropriate some of the proposed amendments have been made, see attached Appendix A for full details. The SCC has also made representations regarding Article 4 Directions which are discussed in the following paragraphs.

Article 4 Directions

- 17 An Article 4 Direction can be used to remove specific permitted development rights. It doesn't conclude that something is unacceptable, but instead simply brings actions under the control of the Local Planning Authority by requiring the submission of a planning application ensuring that the impact of the proposal is fully considered.
- 18 Their use has to be carefully justified, both because they limit rights that would otherwise exist to landowners, and because they can generate additional work for the Council through the need to consider applications, which do not command a fee.
- 19 The Sevenoaks Society has submitted a representation suggesting that Article 4 Directions should be introduced to control demolition of Local Listed buildings outside a conservation area. Buildings within a conservation area (CA) already require planning permission for their demolition. Bringing the demolition of locally listed buildings outside of a CA under planning control allows for the proper consideration of the impact of their loss. In reality, applicants are unlikely to look to demolish a building without plans to replace it and this would require planning permission anyway. The Local List would require that the demolition be explicitly identified in the description of the works and also flag up that the building was a heritage asset and this status be considered accordingly as per the NPPF.
- 20 The Sevenoaks Society has also suggested their use to enable consideration to be given to the alteration or loss of locally listed boundary treatments, for example historic railings and walls both inside and outside a CA. Sevenoaks town is in the enviable position of having retained lots of good quality boundary treatment. Inside a CA planning permission is required to remove boundary treatments over 1m fronting a highway so an Article 4 Direction will treat lower boundaries within a CA in a similar way.
- 21 Both these suggestions give rise to the consideration of the use of Article 4s. Again, in most cases when works are required to the front garden to create a hard standing, for example, a planning application is necessary in most cases already. The Article 4, if considered necessary, would require the explicit description of demolition or alteration to the boundary treatment to be included.
- 22 The Sevenoaks Society has also proposed that the current wording of the SPD is amended to, "make clear that where SDC consider that the exercise of permitted development rights in any particular case or class of cases presents a threat to a locally listed building or buildings that [SDC] will give urgent consideration to issuing such a direction." The Sevenoaks Conservation Council have also suggested amended wording for this paragraph, see Appendix A.
- 23 Currently the only Article 4 directions being proposed are for demolition and boundary treatments. It is considered that a more specific change of wording is necessary to reflect the position of SDC;

Agenda Item 10

“The Council may consider Article 4 directions to remove specific development rights where a sufficiently strong case for such a measure can be clearly demonstrated. Demolition of locally listed buildings outside a conservation area and the removal or alteration of locally listed boundary treatments does not require planning permission and therefore would be specifically considered for Article 4 Directions. Importantly, an Article 4 Direction does not conclude that something is unacceptable but instead simply brings works under the control of the Local Planning Authority by requiring the submission of a planning application. There is no charge for a planning application that results from an Article 4 Direction”

- 24 Article 4 Directions appear on local land charges searches for new owners and we will liaise with our Land Charges colleagues to see if we are able to provide an informative to all potential owners of buildings on our local list when they do a local land charge search.
- 25 The table below shows the number of assets within and outside a conservation area that would be affected by an Article 4 Direction on demolition and for boundary treatments. As some entries on the local list are for more than one asset, the table below shows the number of buildings and the number of entries.

	Conservation Area	Outside a conservation area
No of proposed locally listed buildings	170 (125 entries)	214 (109 entries)
No of proposed locally listed boundary treatments identified in own right	24 (16 entries)	36 (25 entries)
No of proposed locally listed boundary treatments identified as part of another asset	17 (10 entries)	25 (11 entries)
Restriction on demolition	Planning permission is required to demolish a building which is greater	No restriction Unless Class A4 (Drinking establishment) and a community

Restriction on boundary treatments (gate piers, railings, walls and fencing)	Planning permission required to demolish a wall fronting a public highway, waterway or open space greater than 1m in height, or	No restriction

Reviews and Appeals

- 26 Although there is no right of appeal following inclusion on the local list, should a planning application be refused because it cites the impact on non-designated heritage assets there is the right of appeal to the Planning Inspectorate who will make an independent judgement on the impact of the proposed development on the heritage asset.
- 27 To make sure that the bar for inclusion on the list has been set at an appropriate height, we will carefully review all appeal decisions that include non-designated heritage assets so as to provide satisfaction to ourselves and others that the practice has not become unintentionally burdensome. The aim is to drive up standards and there is always the presumption in favour of sustainable development as set out in the NPPF.
- 28 In addition to monitoring the impact of the local list, the number of planning applications that result from an Article 4 Direction will also be monitored as part of the Annual Monitoring Report (AMR)

Other Options Considered and/or Rejected

- 29 The Core Strategy and the ADMP are specific about the document necessary to support policy EN.4 of the ADMP as are para. 5.1.2 of the Core Strategy and 2.24 of the ADMP. Not pursuing the adoption of the SPD and the public consultation of the second tranche of properties would not accord with SDC policy.
- 30 The application for the Article 4 Directions to remove the specific development rights to demolish buildings outside conservation areas and the removal of locally listed boundary treatments will bring these works under planning control. Without the article 4 directions in place to protect the locally listed buildings from potential loss the heritage assets are vulnerable to total loss which would have a harmful impact on the townscape of Sevenoaks.

Key Implications

Financial

Additional planning applications that result directly from the application of the proposed specific Article 4 Directions will be accommodated within the departmental budgets

Compensation is liable to be paid for the removal of permitted development rights through Article 4 Directions. However the availability of compensation is subject to limitations.

Legal Implications and Risk Assessment Statement.

Legal input will be required to consider the use of Article 4s and also in advising of the procedure for making them.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

- 31 The compilation of the proposals to initiate the Sevenoaks District Council's Local List SPD has been a good example of partnership working between the local community and the District Council to action SDC policy. The draft SPD identifies criteria for local listing and the first tranche of buildings, structures and spaces which meet the criteria within the Sevenoaks town area. In supporting the second tranche of assets for public consultation all the wards in Sevenoaks town will have been considered. The Local List will meet SDC ADMP para. 2.24 and the application of the specific Article 4 Directions will have a positive impact on the management of Sevenoaks' heritage assets.

Appendices have been printed separately

Appendix A - Public Consultation responses matrix

Appendix B - Supplementary Planning Document (including first tranche)

Appendix C - Second Tranche of proposed Locally Listed Buildings for public consultation

Background Papers

[National Planning Policy Framework](#)

[Sevenoaks District Council Core Strategy, 2011](#)

[Sevenoaks District Council Allocations and Development Management Plan, 2015](#)

[Historic England Practice Guidance on Local](#)

[Listing \(2012\) SUPERSEDED](#)

[Local Heritage Listing, Historic England Advice
Note 7](#)

Richard Morris

Chief Planning Officer

This page is intentionally left blank

Item 11 - Gypsy and Traveller Accommodation Assessment

The attached report will be considered by the Planning Advisory Committee on 19 April 2017. The relevant Minute extract was therefore not available prior to the printing of this agenda and will follow when available.

This page is intentionally left blank

GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT**Cabinet - 20 April 2017**

Report of	Chief Planning Officer
Status	For Consideration
Also considered by	Planning Advisory Committee - 19 April 2017
Key Decision	Yes

Executive Summary:

The Gypsy and Traveller Accommodation Assessment (GTAA, 2017) has been prepared as part of the evidence base to support the emerging Local Plan.

The GTAA identifies a need for 51 pitches to provide Gypsy and Traveller Accommodation across the District between 2017-2035.

The previous GTAA was undertaken in 2012 and identified a need for 72 additional Gypsy and Traveller pitches from 2012-2026. Since the previous GTAA, central government has made changes to the national 'Planning Policy for Traveller Sites' (PPTS, 2015), which includes changes to the definition of Gypsy and Traveller.

The need for 51 Gypsy and Traveller pitches can be met on existing sites and no new sites will be needed. Table 1 below sets out how these pitches could be accommodated, for example through the conversion of existing temporary permissions to permanent permissions and through small-scale extensions to existing sites.

In addition, the GTAA has not identified any need for Travelling Show People or Transit Camps during the Local Plan period to 2035.

Table 1: Potential Supply of Gypsy and Traveller pitches on existing sites

	No. of pitches
Sites currently/previously with Temporary Planning Permission	22
Additional pitches on existing sites identified in the previous Gypsy and Traveller Plan	36
Unauthorised Sites that have never had planning permission	18
TOTAL POTENTIAL PITCHES	76

This report supports the Key Aim of Protecting the Green Belt

Portfolio Holder Cllr. Robert Piper

Contact Officer Helen French, Ext. 7357

Recommendation to Planning Advisory Committee:

To consider the Gypsy and Traveller Accommodation Assessment (GTAA) attached at Appendix A, and to recommend to Cabinet that the study be endorsed as a robust evidence base from which the Local Plan strategy will be developed.

Recommendation to Cabinet

To endorse the Gypsy and Traveller Accommodation Assessment (GTAA) as a robust evidence base from which the Local Plan strategy will be developed.

Reason for recommendation: In order to plan for the accommodation needs of our Gypsy and Traveller residents and to prepare a Local Plan that is based on sound and robust evidence.

Introduction and Background

- 1 The Gypsy and Traveller Accommodation Assessment (GTAA) is an important aspect of the Local Plan evidence base. The study identifies the current and future needs of the traveller communities within the District.
- 2 The previous GTAA was undertaken in 2012 and identified a need for 72 additional Gypsy and Traveller pitches from 2012-2026.
- 3 The 2012 GTAA cannot be included in the evidence base for the emerging Local Plan as the data is 5 years old, the projections did not extend to the end of the new plan period (2035) and the Government made changes to the national policy Planning policy for Traveller Sites (PPTS) in 2015.
- 4 The new GTAA updates and replaces the previous 2012 GTAA and provides the evidence base to support the consideration of planning applications and the emerging Local Plan.
- 5 The Assessment:
 - updates the baseline data on the number, type and occupancy of plots, taking into account any changes in site capacity, vacancy and turnover of residents;
 - considers the implications of the new definition of Gypsies and Travellers introduced in the 2015 Planning Policy for Travellers Sites (PPTS);
 - presents a clear and robust analysis of current and future accommodation needs;

- provides a clear and robust understanding of the permanent, transit and other accommodation needs of Gypsies and Travellers and Travelling Showpeople;
- provides general guidance on the local housing needs of Gypsies and Travellers and Travelling Showpeople; and
- provides appropriate recommendations on any subsequent site identification and delivery.

6 The main outcomes for the study include:

- The objectively assessed need for Gypsy and Traveller pitches across the District up to 2035
- The need for Traveller Showpeople Accommodation across the District up to 2035
- The need for transit pitches across the District up to 2035

The current Gypsy and Traveller position in Sevenoaks District

- 7 Table 2 sets out the current status of gypsy and traveller accommodation within the District. There are 140 existing pitches over 27 sites including authorised sites, those with temporary planning permission and unauthorised sites.

Table 2: Current Gypsy and Traveller position as at 17/3/2017

	No. of pitches
Authorised Public Sites	59
Authorised Private Sites	41
Sites with Temporary Planning Permission	5
Unauthorised Sites that have previously had temporary planning permission	17
Unauthorised Sites that have never had planning permission	18
Total Existing Pitches	140

- 8 The council have a number of planning applications which are currently pending consideration or subject to appeal. These are detailed in Table 3.

Table 3: Current Planning Applications and Appeals

	No. of pitches	Status
Land at Fountain Farm, Firmingers lane, Well Hill 13/01388	1	Subject to High Court Challenge
Hilltop Farm, Farningham, 14/00681	5	Pending Consideration
Knatts Valley Caravan Park, Knatts Valley, 14/03569	8	Applicant has appealed refusal
Hollywood Gardens, West Kingsdown, 16/01109	3	Pending Consideration
St George's Stables/ Land NE Westwood Farm, Well Hill, 16/02308	1	Pending Consideration

- 9 Since March 2012 (the date of the previous GTAA) 13 pitches have been granted permanent permission and are now authorised. These are detailed in Table 4.

Table 4: Sites which have become authorised since 2012

	No. of pitches	Date permission granted
Bournewood Brickworks, Stones Cross Road, Crockenhill	1	Oct 2012 (appeal)
Holly Mobile Home Park, Hockenden Lane, Swanley	4	July 2015
Land East of Knockholt Station (Station Court), London Road, Halstead	7	Dec 2016 (appeal)
Robertson's Nursery, Crockenhill	1	Jan 2017

Methodology for the new GTAA

- 10 In 2015 the government altered the planning definition of Gypsy and Travellers within the National Planning Policy for Travellers Sites (PPTS) to exclude Gypsy and Travellers who have permanently ceased travelling.
- 11 The council have a responsibility to provide suitable accommodation for **all its residents** and therefore the GTAA takes account of **all Gypsy and Traveller residents** in the District before applying the revised PPTS need. This is referred to as the District's **Cultural Need**.
- 12 To identify the needs of the Gypsy and Traveller community a team of interviewers visited all known Gypsy and Traveller sites within the District. Residents were asked to complete a comprehensive questionnaire to identify their current households and potential future requirements.
- 13 A response rate of approximately 65% was achieved from 87 households. This is considered to be a very good response rate.
- 14 62% of Gypsy and Traveller households within the District meet the PPTS definition. The remaining 38% are culturally Gypsy and Travellers but are not currently travelling. This is often due to health, age or education.
- 15 Data from the questionnaires, alongside information about existing sites both authorised and unauthorised and other culturally significant information, has been used to identify the need for new pitches across the District.

Findings of the GTAA

Gypsy and Traveller Need

- 16 The GTAA identified the need for new Gypsy and Traveller pitches across the District between **2017-2035**. It has identified the "Cultural Need" (i.e. need for all those who are Gypsy and Travellers according to the equalities legislation) and the "PPTS Need" (i.e. the need for Gypsy and Traveller households that are travelling).
- 17 Table 4 sets out the total pitch requirement and the Net Plan Period Need for both the Cultural and PPTS Need.

Table 4: Gypsy and Traveller need in Sevenoaks District up to 2035

	Cultural Need	PPTS Need
Total pitch requirement to 2035	105	65*
5% expected turnover on public sites	54	54
NET PLAN PERIOD NEED	51	11

*62% of the existing Gypsy and Traveller Community meet the PPTS definition.

Agenda Item 11

- 18 Historically, the District has seen a turnover of 5% on the Public sites at Barnfield Park, Polhill and Hever Road. This turnover is expected to continue and is supported by the findings of the questionnaires. Therefore it is expected that approximately 54 pitches will become available within the public sites up to 2035. It is likely that this will go towards meeting a significant portion of the District's need.
- 19 This leaves a **net cultural need of 51 pitches up to 2035** including 11 pitches specifically for gypsy and travellers who are travelling (PPTS Need). **The Council should aim to meet this need in order not to potentially breach equalities legislation. An Equality Assessment is set out below.**

Potential Pitch Supply

- 20 This District has **22 existing pitches** that currently have or previously had temporary planning permission.
- 21 There are an additional **18 existing pitches** which are unauthorised and have never had temporary planning permission.
- 22 The previous Gypsy and Traveller Plan (May and Nov 2014) consultations included a **potential of 36 additional pitches on existing sites** (excluding those sites which have now been granted permanent permission).
- 23 **Therefore it is likely that the Council will be able to meet the District's Gypsy and Traveller need to the end of the Plan Period by focusing on existing sites and provision.**
- 24 A Duty to Co-operate Workshop with adjoining neighbours, Kent County Council and wider Kent authorities was held on 15th March. The purpose of this workshop was to seek agreement on the GTAA methodology and to discuss future provision. The council will continue with its Duty to Co-operate partners to consider Gypsy and Traveller provision across Kent and the wider area.

Provision for Travelling Show People

- 25 The GTAA has not identified any need for Travelling Show People within the District up to 2035.

Transit Provision

- 26 The GTAA has not identified any need for a new Transit Camp within the District up to 2035. It suggests that any future provision could be met through pitches on existing Local Authority (SDC or KCC) sites.

What Happens Next

- 27 The issues and options consultation will include a renewed call for all development sites including provision for Gypsy and Travellers to identify potential development land across the District in addition to sites already submitted. Any potential sites or additional pitches will then be assessed for suitability using the same methodology as for housing land.

- 28 Under the Duty to Co-operate we will work with our neighbouring authorities and the wider Kent authorities to identify potential options.

Other Options Considered and/or Rejected

The Committee could choose not to endorse the GTAA, however this is not recommended. The previous 2012 GTAA is now out of date and there has been a change in National Policy since its completion. An up to date GTAA is needed to support the emerging Local Plan otherwise it would lead to the Local Plan being found unsound at examination. However, the new GTAA has identified a lower pitch requirement for Gypsy and Traveller Accommodation which can be met through efficient use of existing sites.

Key Implications

Financial

The GTAA is funded through the LDF budget.

Legal Implications and Risk Assessment Statement.

Preparation of a Local Plan is a statutory requirement. There are defined legal requirements that must be met in plan making which are considered when the plan is examined by a Government Planning Inspector. Risks associated with Local Plan making are set out in the Local Development Scheme.

Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impacts will be analysed via an Equalities Impact Assessment (EqIA) to be prepared alongside each key stage of plan making.

Conclusions

The Gypsy and Traveller Accommodation Assessment forms part of the evidence base for the emerging Local Plan. The District has a potential supply of 76 pitches on existing sites and the GTAA has identified a need for 51 new pitches to provide suitable accommodation for the Gypsy and Traveller community up to 2035. **Therefore the need for 51 Gypsy and Traveller pitches can be met on existing sites and no new sites will be needed.**

Agenda Item 11

Appendices

Appendix A - Gypsy and Traveller Accommodation
Assessment 2017

Background Papers

None

Richard Morris
Chief Planning Officer

Sevenoaks District

Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2017

Sevenoaks District Council

Final Report
March 2017

Main Contact: Dr Michael Bullock
Email: michael.bullock@arc4.co.uk
Telephone: 0800 612 9133
Website: www.arc4.co.uk



© 2017 arc⁴ Limited (Company No. 06205180)

Table of Contents

1.	Introduction.....	6
	Study components.....	7
	Report structure.....	7
2.	Legislative and Policy Context.....	9
	Legislative background.....	9
	Policy background	9
	Planning policy	10
	Strategic policy	18
	Local policy.....	19
3.	Methodology	20
	Phase 1: Literature/desktop review, steering group discussions and stakeholder survey.....	20
	Phase 2: Interviews with Gypsies and Travellers	21
	Phase 3: Production of report.....	22
	Pitches and households	23
4.	The current picture: Gypsy and Traveller population and pitch/plot provision	25
	2011 Census population estimates.....	25
	Caravan Count information.....	26
	Local information	28
5.	Household survey findings	33
	Population characteristics.....	33
	Accommodation.....	35
	Travelling practices.....	39
	Provision of transit sites.....	42
	Provision of permanent sites	42
	Moving plans	43
6.	Stakeholder consultation	44
	General Support for Gypsies and Travellers	44
	Provision of Accommodation	44
	Planning Policy	47
	Cross-Boundary Issues	50
7.	Gypsy and Traveller pitch requirements	52
	Introduction.....	52
	Pitch requirement model overview.....	52
	Longer-term pitch requirement modelling	56
	Planning Policy for Traveller Site definition	56
	Turnover on sites.....	56
	Overall plan period pitch need.....	57

Travelling Showperson plot requirements	57
Transit site requirements	57
8. Conclusion and strategic response.....	58
Meeting permanent Gypsy and Traveller pitch requirements	58
Meeting permanent Travelling Showperson requirements	58
Meeting transit site/stop over requirements	58
Good practice in planning for Gypsy and Traveller provision	58
Concluding comments	59
Appendix A: Legislative background	60
Overall approach	60
Appendix B: Literature review	63
Introduction.....	63
Appendix C: Fieldwork questionnaire.....	76
Appendix D: Fieldwork household survey responses achieved.....	97
Appendix E: Glossary of terms.....	98

List of Tables

Table 3.1	Responses achieved to the Household Survey 2017 by tenure and type of site.....	22
Table 4.1a	Households identifying as Gypsy Traveller by accommodation type....	25
Table 4.1b	People from households identifying as WGoIT by accommodation type	25
Table 4.1c	People per Household, Calculation by Accommodation Type.....	26
Table 4.2	Bi-annual Traveller caravan count figures July 2014 to July 2016	27
Table 4.3	Annual Travelling Showpeople caravan count figures January 2013 to January 2016.....	27
Table 4.4	Traveller and Travelling Showpeople caravan sites provided by local authorities and registered providers in Sevenoaks, July 2016	28
Table 4.5	List of Gypsy & Traveller pitches on sites (as at March 2017).....	29
Table 5.1	Gender of respondents.....	33
Table 5.2	Age of respondents	33
Table 5.3	Economic activity of respondent.....	34
Table 5.4	Ethnicity of respondents	34
Table 5.5	Household composition	35
Table 5.6	Accommodation type.....	36
Table 5.7	Number of bedspaces	36
Table 5.8	Overcrowding of home	37

Table 5.9	Overcrowding of pitch.....	37
Table 5.10	Duration of residence	37
Table 5.11	Previous address	38
Table 5.12	Reason for moving	38
Table 5.13	Status of current pitch on arrival.....	39
Table 5.14	Travelling behaviour.....	39
Table 5.15	Reason for travelling	40
Table 5.16	Travelling behaviour and PPTS.....	40
Table 5.17	Duration of travel.....	41
Table 5.18	Reasons for not travelling.....	41
Table 5.19	Need for transit sites	42
Table 5.20	Need for new permanent sites	42
Table 5.21	Intention to move in the next five years	43
Table 7.1	Summary of demand and supply factors: Gypsies and Travellers – 2016/17 to 2020/21	55
Table 7.2	Future pitch requirements based on the assumption that 50% of children form households on reaching 18.....	56
Table 7.3	Overall plan period Gypsy and Traveller pitch need.....	57
Table 8.1	Overall plan period Gypsy and Traveller pitch need.....	59

List of Maps

Map 4.1	Location of sites and yards in Sevenoaks District	32
---------	---	----

Please note that in this report some of the tables include rounded figures. This can result in some column or row totals not adding up to 100 or to the anticipated row or column 'total' due to the use of rounded decimal figures. We include this description here as it covers all tables and associated textual commentary included. If tables or figures are to be used in-house then we recommend the addition of a similarly worded statement being included as a note to each table used.

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

arc⁴ Limited accepts no responsibility or liability for, and makes no representation or warranty with respect to, the accuracy or completeness of any third party information (including data) that is contained in this document.

1. Introduction

1.1 In December 2016, arc⁴ were commissioned by Sevenoaks District Council to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) to identify the housing needs of Gypsies and Travellers and Travelling Showpeople from across Sevenoaks. The overall objective of the Gypsy and Traveller Accommodation Assessment is to form a clear evidence basis to inform the development of planning policies relating to Gypsy, Travellers and Travelling Showpeople.

1.2 The study adopts the definition of ‘Gypsies and Travellers’ set out within National Planning Practice Guidance (NPPG), *Planning policy for traveller sites* (PPTS) (first published in March 2012 and updated in August 2015), within which the following definition of ‘Gypsies and Travellers’ is adopted:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.’¹

1.3 In addition, updated PPTS (August 2015) adds the following ‘clarification’ for determining whether someone is a Gypsy or Traveller:

‘In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.’²*

1.4 The following definition of ‘Travelling Showpeople’ is used, also taken from the planning policy document:

‘Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.’³

1.5 In addition:

‘For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use pitches for “travelling showpeople”, which

¹ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 1

² DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

³ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 3

*may/will need to incorporate space or to be split to allow for the storage of equipment.*⁴

- 1.6 For the purposes of this study, therefore, Gypsies and Travellers live on pitches on sites, whilst Travelling Showpeople live on plots on yards.
- 1.7 The overall purpose of a Gypsy and Traveller Accommodation Assessment (GTAA) is to support the development of clear and reasonable planning policies relating to Gypsies, Travellers and Travelling Showpeople. The study provides an evidence base to assist the Council in determining an appropriate level of pitch provision to be sought through the lifetime of the Local Plan and to identify the accommodation needs of Gypsies and Travellers to meet the Council's obligations under section 8 of the Housing Act 1985 (as amended by section 124 of the Housing and Planning Act 2016).
- 1.8 It is understood that there are no Travelling Showpeople living in Sevenoaks, although there is one Showperson's Yard which is used for storing equipment. It is understood that there are no houseboat dwellers living in Sevenoaks; the study is therefore focused upon the needs of Gypsies and Travellers.

Study components

- 1.9 The study comprised five stages, which are set out below:
 - **Stage 1:** Development of methodology. Collation and review of existing information and literature;
 - **Stage 2:** Stakeholder consultation;
 - **Stage 3:** Survey of Gypsies and Travellers across the study area;
 - **Stage 4:** Data analysis, calculation of needs and report production; and
 - **Stage 5:** Dissemination.

Report structure

- 1.10 The report structure is as follows:
 - **Chapter 1 Introduction:** provides an overview of the study;
 - **Chapter 2 Legislative and policy context:** presents a review of the legislative and policy context;
 - **Chapter 3 Methodology:** provides details of the study's research methodology;
 - **Chapter 4 Review of current Gypsy and Traveller population and provision of pitches/sites:** reviews estimates of the Gypsy and Traveller population across Sevenoaks District and the scale of existing site provision;

⁴ DCLG Planning policy for traveller sites August 2015 Annex 1, para 5

- **Chapter 5 Household survey findings** presents relevant data obtained from the household survey research;
- **Chapter 6 Stakeholder consultation:** summarises views of stakeholders expressed through the online survey;
- **Chapter 7 Pitch requirements:** focuses on current and future pitch requirements. This chapter includes a detailed assessment of drivers of demand, supply and current shortfalls across the study area; and
- **Chapter 8 Conclusion and strategic response:** concludes the report, identifying headline issues, and recommending ways in which these could be addressed.

1.11 The report is supplemented by the following appendices:

- **Appendix A** which provides details of the legislative background underpinning accommodation issues for Gypsies and Travellers;
- **Appendix B** Literature review of policy, guidance, reports and best practice notes;
- **Appendix C** Fieldwork questionnaire;
- **Appendix D** Fieldwork survey responses achieved; and
- **Appendix E** Glossary of terms.

2. Legislative and Policy Context

- 2.1 This research is grounded in an understanding of how the national legislative and policy context has affected Gypsy and Traveller and Travelling Showpeople communities to date.

Legislative background

- 2.2 Since 1960, three Acts of Parliament have had a major impact on Gypsies and Travellers and Travelling Showpeople:
- Caravan Sites and Control of Development Act 1960;
 - Caravan Sites Act 1968 (Part II); and the
 - Criminal Justice and Public Order Act 1994.
- 2.3 The 1994 Criminal Justice and Public Order Act abolished all statutory obligations to provide accommodation, discontinued Government grants for sites and made it a criminal offence to camp on land without the owner's consent.
- 2.4 Since the 1994 Act, the only places where Gypsies and Travellers and Travelling Showpeople can legally park their trailers and vehicles are:
- Council and Registered [Social Housing] Providers' Gypsy caravan sites;
 - Privately owned land with appropriate planning permission; and
 - Land with established rights of use, other caravan sites or mobile home parks by agreement or licence along with land required for seasonal farm workers.
- 2.5 The 1994 Act resulted in increased pressure on available sites. Following further reviews of law and policy, the Housing Act 2004 was passed, which included placing a requirement (section 225) on local authorities to assess Gypsy and Traveller and Travelling Showpeople accommodation needs within their area.
- 2.6 The recent Housing and Planning Act 2016 (section 124) creates a new duty under section 8 of the Housing Act 1985 to consider the needs of people residing in or resorting to a district with respect to sites for caravans and the mooring of houseboats as part of the periodical review of housing needs. It deletes sections 225 and 226 of the Housing Act 2004.
- 2.7 More detail on the legislation affecting Gypsies and Travellers and Travelling Showpeople can be found at Appendix A.

Policy background

- 2.8 A considerable range of policy and guidance documents have been prepared by Central Government to assist local authorities in discharging their strategic housing and planning functions and numerous research and guidance documents have been published by other agencies. This review examines influential policy, guidance and research which relates specifically to Gypsies and Travellers and Travelling Showpeople or makes reference to them; more information is provided within Appendix B.

- 2.9 Some of the key themes to emerge from the review of relevant literature include:
- Recognising the long-standing role Gypsies and Travellers and Travelling Showpeople have played in society and how prejudice, discrimination and legislative change have increasingly marginalised these distinctive ethnic groups;
 - A recognised shortage of provision for Gypsies and Travellers;
 - The importance of understanding Gypsy and Traveller issues in the context of recent housing and planning policy development;
 - Recognition that Gypsies and Travellers are one of the most socially excluded groups in society and are particularly susceptible to a range of inequalities relating to health, education, law enforcement and quality of accommodation; and
 - A need for better communication and improved understanding between, and within, Travelling communities themselves, and between Travelling communities and elected members, service providers and permanently settled communities.

Planning policy

- 2.10 In March 2012 the Government published both the National Planning Policy Framework (NPPF)⁵ and its accompanying National Planning Practice Guidance (NPPG) covering a range of topics, including *Planning policy for traveller sites*⁶ (PPTS 2012). These documents replaced all previous national planning policy in respect of Gypsies and Travellers and Travelling Showpeople.
- 2.11 Previously, local planning authorities had been required to set aside enough land for Gypsy and Traveller sites, with targets set in regional plans. The Coalition Government abolished regional planning under the provisions of the Localism Act 2011 and local authorities no longer have targets set out in regional plans.
- 2.12 PPTS 2012 instead encouraged local planning authorities to form their own evidence base for needs in their area and use this to set their own pitch and plot targets for their Local Plan.
- 2.13 In a written statement to Parliament on 17th January 2014 the Coalition Government stated:
- ‘Ministers are considering the case for further improvements to both planning policy and practice guidance to strengthen Green Belt protection in this regard. We also want to consider the case for changes to the planning definition of ‘travellers’ to reflect whether it should only refer to those who actually travel and have a mobile or transitory lifestyle. We are open to representations on these matters and will be launching a consultation in due course.’⁷*

⁵ DCLG National Planning Policy Framework March 2012

⁶ DCLG *Planning policy for traveller sites* March 2012 (now superseded)

⁷ House of Commons 17 January 2014, c35WS

- 2.14 Between September and November 2014 the Government consulted on proposed changes to PPTS. An updated NPPG document, *Planning policy for traveller sites* (PPTS 2015) was subsequently published in August 2015⁸.
- 2.15 PPTS 2015 sets out that *‘the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community’*⁹
- 2.16 The policy sets out the Government’s aims in respect of traveller sites, namely:
- ‘a. *that local planning authorities should make their own assessment of need for the purposes of planning*
 - b. *to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
 - c. *to encourage local planning authorities to plan for sites over a reasonable timescale*
 - d. *that plan-making and decision-taking should protect Green Belt from inappropriate development*
 - e. *to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
 - f. *that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
 - g. *for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
 - h. *to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
 - i. *to reduce tensions between settled and traveller communities in plan-making and planning decisions*
 - j. *to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
 - k. *for local planning authorities to have due regard to the protection of local amenity and local environment’*¹⁰
- 2.17 It is within this policy context that local planning authorities will have to plan future provision for Gypsies and Travellers and Travelling Showpeople across their respective areas. ‘Policy A’ requires Councils to use evidence to plan positively and manage development. Paragraph 7 of PPTS 2015 states that:
- ‘In assembling the evidence base necessary to support their planning approach, local planning authorities should:*
- a) *pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers’ accommodation needs with travellers themselves, their representative bodies and local support groups)*

⁸ DCLG *Planning policy for traveller sites* August 2015

⁹ DCLG *Planning policy for traveller sites* August 2015, paragraph 3

¹⁰ DCLG *Planning policy for traveller sites* August 2015, paragraph 4

- b) *cooperate with travellers, their representative bodies and local support groups; other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, working collaboratively with neighbouring local planning authorities*
 - c) *use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.'*
- 2.18 'Policy B' of PPTS 2015 relates to plan-making and planning. It sets the context for Local Plan preparation, consistent with policies in the NPPF. Paragraph 9 sets out that local planning authorities should set pitch and plot targets which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities. Specifically, in producing their Local Plan, local planning authorities should:
 - a) *'identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets*
 - b) *identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15*
 - c) *consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)*
 - d) *relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*
 - e) *protect local amenity and environment.'*
- 2.19 PPTS 2015 explains that, to be considered 'deliverable', sites should be:
 - available now,
 - offer a suitable location for development,
 - be achievable with a realistic prospect that development will be delivered on the site within five years.
 - Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.
- 2.20 In order to be considered 'developable', sites should be:
 - in a suitable location for traveller site development and
 - there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

Changes to planning policy

- 2.21 The updated PPTS (2015) has introduced some key changes to policy, including:

Change of the definition of 'traveller'

- 2.22 The definition of Gypsies and Travellers adds the following 'clarification':
- 'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*
- a) whether they previously led a nomadic habit of life*
 - b) the reasons for ceasing their nomadic habit of life*
 - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'*¹¹
- 2.23 This means that for planning-related purposes the definition of Gypsy and Traveller has been changed so that it excludes those who have permanently ceased from travelling.
- 2.24 The Government has also indicated that it will seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents.

Protecting the Green Belt

- 2.25 The updated NPPG document changes the weight that can be given to any absence of a five-year supply of permanent sites when deciding planning applications for temporary sites in land designated as Green Belt, sites protected under the Birds and Habitats Directives, sites designated as Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty or within a National Park or the Broads.
- 2.26 The Government has also changed planning policy so that unmet need and personal circumstances (subject to the best interests of the child) are unlikely to clearly outweigh harm to the Green Belt. This change applies to both the settled and Traveller communities.

Unauthorised occupation

- 2.27 The updated NPPG document makes clear that if a site is intentionally occupied without planning permission this would be a material consideration in any retrospective planning application for that site. Whilst this does not mean that retrospective applications will be automatically refused, it does mean that failure to seek permission in advance of occupation will count against the application.
- 2.28 In addition, the NPPG document makes clear that in exceptional cases where a local authority is burdened by a large-scale unauthorised site that has significantly increased need and their area is subject to strict planning constraints then there is no assumption that the local authority will be required to meet their Gypsy and Traveller site needs in full. This is intended to deter large sites such as Dale Farm, a large unauthorised site in Essex, from being set up.

¹¹ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

Gypsy and Traveller Accommodation Needs Assessments Guidance

- 2.29 In October 2007, the DCLG published *Gypsy and Traveller Accommodation Needs Assessments Guidance*.
- 2.30 This Guidance sets out a detailed framework for designing, planning and carrying out Gypsy and Traveller accommodation needs assessments (GTAA's), including the needs of Showpeople as well as Gypsies and Travellers. It acknowledges that the housing needs of Gypsies and Travellers are likely to differ from those of the settled community, and that they have hitherto been excluded from accommodation needs assessments.
- 2.31 The 2007 Guidance stresses the importance of understanding accommodation needs of the whole Gypsy and Traveller population and emphasises the importance of obtaining robust data. It recognises the difficulty of surveying this population and recommends the use of:
- Qualitative methods such as focus groups and group interviews;
 - Specialist surveys of those living on authorised sites that are willing to respond; and
 - Existing information, including local authority site records and the twice yearly caravan counts.
- 2.32 The Guidance recognises that there are challenges in carrying out these assessments, and accepts that while the approach should be as robust as possible it is very difficult to exactly quantify unmet need.
- 2.33 The approach and methodology set out in the Guidance has formed the framework for this GTAA for Sevenoaks District Council and this has not been changed by the recent changes to planning guidance.

Draft guidance to local housing authorities on the periodical review of housing needs: caravans and houseboats

- 2.34 In March 2016, the DCLG published *Draft guidance on the periodical review of housing needs: Caravans and Houseboats*. The draft guidance relates to Clause 115 of the Housing and Planning Bill, which has become Section 124 of the Housing and Planning Act 2016 (passed in May 2016).
- 2.35 The draft guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.
- 2.36 In the carrying out of accommodation needs assessments, the draft guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.
- 2.37 The draft guidance has been taken into account in the planning, preparation and undertaking of this GTAA for Sevenoaks District.
- 2.38 The publication of finalised guidance is awaited.

Enforcement powers

- 2.39 In March 2015, the Government published *Dealing with illegal and unauthorised encampments: a summary of available powers*, which sets out ‘the robust powers councils, the police and landowners now have to clamp down quickly on illegal and unauthorised encampments’.¹² The powers are reiterated as part of the Government’s commitment to protecting the Green Belt. The summary advises authorities that they ‘*should not gold-plate human rights and equalities legislation*’ and that they have in fact strong powers available to them to deal with unauthorised encampments. When dealing with encampments authorities are advised to consider the following:
- ‘*The harm that such developments can cause to local amenities and the local environment;*
 - *The potential interference with the peaceful enjoyment of neighbouring property;*
 - *The need to maintain public order and safety and protect health;*
 - *Any harm to good community relations; and*
 - *That the State may enforce laws to control the use of an individual’s property where that is in accordance with the general public interest.*’¹³
- 2.40 Despite having a clear leadership role, the summary urges local authorities to work collaboratively with other agencies, such as the Police and/or the Highways Agency to utilise these enforcement powers.
- 2.41 On 31st August 2015, alongside the publication of updated PPTS the DCLG wrote to all local authority Chief Planning Officers in England attaching a planning policy statement on *Green Belt protection and intentional unauthorised development*¹⁴ with immediate effect. The statement sets out changes to make intentional unauthorised development a material consideration in the determination of planning applications, and also to provide stronger protection for the Green Belt. The statement explains that the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt, and additionally the DCLG will consider the recovery of a proportion of relevant appeals for the Secretary of State’s decision ‘*to enable him to illustrate how he would like his policy to apply in practice*’, under the criteria set out in 2008.
- 2.42 In addition, the planning policy statement of 31st August 2015 announced that the Government has cancelled the documents *Guide to the effective use of enforcement powers, Part 1* (2006) and *Part 2* (2007).

¹² CLG Home Office and Ministry of Justice Dealing with illegal and unauthorised encampments a summary of available powers March 2015 introduction

¹³ CLG Home Office and Ministry of Justice Dealing with illegal and unauthorised encampments a summary of available powers March 2015 introduction

¹⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

Caravan Counts

- 2.43 Snapshot counts of the number of Gypsy and Traveller caravans were requested by the Government in 1979, and have since been undertaken bi-annually by local authorities on a voluntary basis every January and July¹⁵. Their accuracy varies between local authorities and according to how information is included in the process. A major criticism is the non-involvement of Gypsies and Travellers themselves in the counts. However, the counts, conducted on a single day twice a year, are the only systematic source of information on the numbers and distribution of Gypsy and Traveller trailers. The counts include caravans (or trailers) on and off authorised sites (i.e. those with planning permission) but do not relate necessarily to the actual number of pitches (i.e. capacity) on sites.
- 2.44 In addition, there is an annual snapshot count of the number of Travelling Showpeople caravans, which is undertaken alongside the January count of Gypsy and Traveller caravans (as above).
- 2.45 A major review¹⁶ of the counting system was undertaken in 2003 by the then Office of the Deputy Prime Minister (ODPM), which made a number of recommendations and improvements to the process.

Progress on tackling inequalities

- 2.46 In April 2012 the Coalition Government published a *Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers*¹⁷, which summarised progress in terms of meeting 'Government commitments to tackle inequalities and promote fairness for Gypsy and Traveller communities'¹⁸. The report covers 28 measures from across Government aimed at tackling inequalities, these cover:
- Improving education outcomes;
 - Improving health outcomes;
 - Providing appropriate accommodation;
 - Tackling hate crime;
 - Improving interaction with the National Offender Management Service;
 - Improving access to employment and financial services; and
 - Improving engagement with service providers.
- 2.47 In respect of provision of appropriate accommodation, the report advises that financial incentives and other support measures have been put in place to help councils and elected members make the case for development of Traveller sites within their areas. Changing perceptions of sites is also identified as a priority, and to this end the Government made the following commitments:

¹⁵ Historically caravan counts have not included Travelling Showpeople. Since 2010 the Government has requested that January counts include Travelling Showpeople, however, the figures relating to Travelling Showpeople are reported separately and not included in the overall count figures.

¹⁶ Counting Gypsies and Travellers: A Review of the Caravan Count System, Pat Niner Feb 2004, ODPM

¹⁷ The study only includes reference to Gypsies and Travellers and not Travelling Showpeople

¹⁸ www.communities.gov.uk/news/corporate/2124322

- *'The Department for Communities and Local Government will help Gypsy and Traveller representative groups showcase small private sites that are well presented and maintained...'*
 - *'Subject to site owners agreeing to have their homes included we will help produce a case study document which local authorities and councillors, potential site residents and the general public could use. It could also be adapted and used in connection with planning applications.'*¹⁹
- 2.48 Also aimed at improving provision of accommodation for Gypsies and Travellers, the Government committed to:
- The provision of support, training and advice for elected member services up to 2015; and
 - The promotion of improved health outcomes for Travellers through the planning system; the report states that *'one of the Government's aims in respect of traveller sites is to enable provision of suitable accommodation, which supports healthy lifestyles, and from which travellers can access education, health, welfare and employment infrastructure.'*²⁰

Previous Design Guidance

- 2.49 PPTS 2015 provides no guidance on design for Gypsy and Traveller sites, concentrating instead on the mechanics of the planning process, from using evidence to plan making and decision taking.
- 2.50 Previous design guidance²¹ was set out in *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008) which suggests that, among other things, there must be an amenity building on each site and that this must include, as a minimum:
- Hot and cold water supply;
 - Electricity supply;
 - A separate toilet;
 - A bath/shower room; and
 - A kitchen and dining area.
- 2.51 A Homes and Communities Agency (HCA) review (January 2012) of Non-Mainstream Housing Design Guidance found that the DCLG Design Guide *'succinctly outlines the physical requirements for site provision for travellers'*. It also identified a number of 'pointers' for future guidance, and these are worth mentioning here:
- The family unit should be considered to be larger and more flexible than that of the settled community due to a communal approach to care for the elderly and for children;

¹⁹ CLG Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers April 2012 commitment 12 page 18

²⁰ CLG Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers April 2012 para 4.13 page 19

²¹ This guidance does not apply to the provision of new yards for Travelling Showpeople. Further information about good practice in the provision of yards can be obtained from the Showmen's Guild of Great Britain.

- A distinct permanent building is required on site to incorporate washing and cooking facilities, and provide a base for visiting health and education workers; and
- Clearer diagrams setting out the parameters for design are called for, both in terms of the scale of the dwelling and the site. Incorporating requirements for maintenance, grazing, spacing, size provision, communal spaces, etc. '*would ensure that a set of best practice principles can be established.*'²²

2.52 The HCA Review suggested the following design considerations:

- Travelling Showpeople should be considered in the development of provision for temporary/transit sites;
- Vehicular access is a requirement and not an option;
- Open space is essential for maintenance of vehicles and grazing of animals;
- Open play space for children needs to be provided;
- A warden's office is required for permanent sites;
- Communal rooms for use of private health/education consultations are required; and
- An ideal ratio of facilities provision (stand pipes, parking area, recreation space) to the number of pitches.

2.53 On 31st August 2015, the DCLG letter to Chief Planning Officers (setting out the planning policy statement on *Green Belt protection and intentional unauthorised development*) set out that the Government thereby cancelled the document *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008).

Strategic policy

2.54 Despite the revocation of regional spatial strategies, the need for strategic planning remains, especially to ensure coherent planning beyond local authority boundaries. To this end the Localism Act 2011 has introduced the Duty to Co-operate which the Planning Advisory Service²³ advises:

- Requires councils and public bodies to engage constructively, actively and on an on-going basis in relation to planning of sustainable development;
- Requires councils to consider whether to enter into agreements on joint approaches or prepare joint Local Plans (if a local planning authority); and
- Applies to planning for strategic matters in relation to the preparation of Local and Marine Plans, and other activities that prepare the way for these activities.

2.55 The Localism Act and the National Planning Policy Framework (NPPF) set out a requirement for local authorities to fulfil the Duty to Co-operate on planning issues, including provision for Gypsies and Travellers and Travelling

²² Non-Mainstream Housing Design Guidance Literature Review, HCA January 2012 page 63

²³ PAS A simple guide to Strategic Planning and the Duty to Cooperate
<http://www.pas.gov.uk/pas/core/page.do?pagelid=2133454>

Showpeople, to ensure that approaches are consistent and address cross border issues with neighbouring authorities. The Duty is intended to act as a driver for change in order to enhance co-operation and partnership working to assist in delivering appropriate provision of future accommodation for Gypsies and Travellers, which can be contentious.

- 2.56 The Inclusion Support Service Kent (ISSK) is part of the School Improvement Service in the County. ISSK incorporates The Virtual School for Gypsy and Traveller community children. The service provides advice and guidance for teaching and support staff to help raise the achievement and inclusion of these children and young people in schools and education settings. They also advise on parental and community engagement.

Local policy

- 2.57 Following on from the *Gypsy, Traveller and Travelling Showpeople Accommodation Assessment: Sevenoaks* (March 2012) by the University of Salford, Sevenoaks District Council consulted upon a Gypsy and Traveller Plan, comprising of a Supplementary Site Options Consultation Document (November 2014). At that time, the Gypsy and Traveller Plan was being prepared as part of the Local Plan for Sevenoaks District. The intention was that the Gypsy and Traveller Plan, once adopted, would allocate sites for the provision of Gypsy and Traveller pitches in the District up to 2026.
- 2.58 However, in the light of changes to national policy under PPTS 2015, the Council's Planning Advisory Committee agreed in October 2015 that the identification of sites for Gypsies and Travellers should be absorbed into the work for the Local Plan rather than having a separate document.
- 2.59 This GTAA report takes into account the national, strategic and local policy context and provides an up-to-date assessment of need in Sevenoaks District.

3. Methodology

- 3.1 In order to deliver the requirements of Government guidance²⁴ the methodology for this study has comprised:
- Desktop analysis of existing documents, including data on pitches/sites, plots/yards and unauthorised encampments;
 - A review of existing provision of sites; and
 - Interviews with Gypsies and Travellers on sites.
- 3.2 The information gathering has been carried out in three phases, as outlined below:
- Phase 1: Literature/desktop review and steering group discussions;
 - Phase 2: Survey of stakeholders, site survey (including census) and interviews with Gypsies and Travellers across the District; and
 - Phase 3: Production of report.

Phase 1: Literature/desktop review, steering group discussions and stakeholder survey

- 3.3 This phase comprised a review of available literature, including legislative background and best practice information; and analysis of available secondary data relating to Gypsies and Travellers.
- 3.4 Relevant regional, sub-regional and local information has been collected, collated and reviewed, including information on:
- The national policy and legislative context;
 - Current policies towards Gypsies and Travellers in the District (drawn from Local Authority policy documents, planning documents, housing strategies and homelessness strategies); and
 - Analysis of existing data sources available from stakeholders²⁵.
- 3.5 This information has helped to shape the development of this report, and in particular the review of the legislative and policy context set out in Chapter 2.
- 3.6 The project steering group was fully consulted regarding the most appropriate methodology for undertaking the assessment work, including site fieldwork, and provided stakeholder contact information for undertaking the stakeholder survey.
- 3.7 The survey of stakeholders was conducted by means of an online questionnaire. Contact information for key stakeholders was provided by the steering group. Stakeholders were contacted and asked to participate in the online

²⁴ CLG Gypsy and Traveller Accommodation Needs Assessments Guidance October 2007 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7838/accommneedsassessments.pdf

²⁵ This includes CLG caravan count data and information on unauthorised encampment data provided by the Council (see chapter 6 for more information on this data)

questionnaire, answering whichever questions they felt were relevant to their knowledge and experience. The questionnaire was made available for three weeks and reminder emails were sent out to encourage as many responses as possible.

- 3.8 A total of 16 responses to the stakeholder survey were obtained and these have been analysed quantitatively and qualitatively, as appropriate to the relevant data. The findings of the survey are set out in Chapter 6 of this report.

Phase 2: Interviews with Gypsies and Travellers

- 3.9 The primary fieldwork for this study comprised survey work with Gypsies and Travellers. The questionnaire (Appendix C) was designed by arc⁴ in consultation with the project steering group and builds upon our standard questionnaire.
- 3.10 The household survey was undertaken by arc⁴. The overarching aim of the fieldwork was to maximise the number of interviews secured from Gypsy and Traveller households living within the District. Consulting with stakeholders ensured that the fieldwork team had a good understanding of the local issues facing Gypsies and Travellers and helped to maximise the community's participation in the study.
- 3.11 The cultural needs of Gypsies and Travellers and Travelling Showpeople differ from those of the rest of the population and consideration of culturally specific requirements such as the need for additional permanent caravan sites and/or transit sites and/or stopping places (or improvements to existing sites) are key to this study. The research has therefore explicitly sought information from Gypsies and Travellers from across the District living in different types of accommodation.
- 3.12 Interviews took place between the 16th December 2016 and 17th March 2017. From a total of 140 pitches across the District, 8 were vacant. It was found that 134 households were living across the 132 occupied pitches, and 87 households responded to the interview questionnaire. This represents a 64.9% response rate across the District. Responses achieved by tenure and type of site is presented in Table 3.1. A detailed breakdown of results on a site-by-site basis is set out in Appendix D.
- 3.13 The previous household survey carried out by Salford University in 2012 included interviews with 23 households living in bricks and mortar accommodation. Of these households, only 1 planned to move onto a pitch. The 2012 study assumed a minimum of 40 households living in bricks and mortar housing. The 2017 update uses information from the previous bricks and mortar interviews in the assessment of future pitch need, but uses a higher base of 80 housed Gypsies and Travellers to establish potential need for pitches from Gypsies and Travellers current living in bricks and mortar accommodation.

Table 3.1 Responses achieved to the Household Survey 2017 by tenure and type of site

Tenure and type of site	Pitch numbers			Household numbers	
	Total pitches	Total vacant	Occupied pitches	Total households	Interviews achieved
Authorised (permanent) private	41	6	35	38	23
Authorised (permanent) Council	59	0	58	59	45
Authorised (temporary)	5	0	5	7	2
Unauthorised (previously Temporary Planning Permission)	17	0	17	17	9
Unauthorised	18	2	17	13	8
Total	140	8	132	134	87

- 3.14 Of the 87 households interviewed who ordinarily live on a pitch, 62.7% meet the new PPTS definition of being a Gypsy/Traveller household.

Phase 3: Production of report

- 3.15 In conjunction with face-to-face interviews with members of the Travelling community, a range of complementary research methods have been used to permit the triangulation of results. These are brought together during the research process and inform the outputs of the work and include:
- Desktop analysis of existing documents and data;
 - Preparing a database of authorised and unauthorised sites; and
 - Conducting a stakeholder survey of professionals who have direct contact with local Gypsy and Traveller communities across the Sevenoaks area.
- 3.16 Good practice guidance and evidence from other studies emphasises that building trust with Travelling communities is a prerequisite of meaningful research. In this case it has been achieved by engaging with Gypsies and Travellers directly, by using local resources and workers to make links, and working with officers who have already established good relationships with local Travelling communities.
- 3.17 We have also used the following sources of information:
- The DCLG caravan counts (up to July 2016); and
 - Local Authority information on existing site provision and unauthorised developments.
- 3.18 The assessment of pitch requirements has been calculated by utilising information on current supply of pitches and the results from the survey. The overall number of pitches has been calculated using Local Authority information, with likely capacity through turnover assessed through the survey. A detailed explanation of the analysis of pitch requirements is contained in Chapter 7 but briefly comprises analysis of the following elements:

- Current pitch provision, households living in bricks and mortar accommodation; households planning to move in the next FIVE years, and emerging households to give total demand for pitches; and
 - Turnover on existing pitches and total supply.
- 3.19 The approach used then reconciles the demand and supply data to identify overall pitch requirements.
- 3.20 To identify any need for transit provision, findings from the household survey have been analysed alongside other contextual information.

Pitches and households

- 3.21 One of the key challenges faced when assessing Gypsy and Traveller pitch requirements is the actual nature of pitches and how this relates to the number of households they can support.
- 3.22 PPTS (August 2015) refers to the need for Local Planning Authorities to '*identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets*' and '*relate the number of pitches/plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*' (PPTS 2015, paragraph 10).
- 3.23 Planning decision notices usually refer the number of pitches on a site or the specifics of what can be on a pitch e.g. statics, tourers; or specific individuals and/or households.
- 3.24 As part of the GTAA, it is essential that the characteristics of sites, the number of pitches and how many households these can support is carefully considered. There are a range of issues which need to be considered when reviewing site and pitch characteristics and their potential implications for future pitch and site requirements which are now summarised.

Site and pitch size

- 3.25 There are no definitive parameters for site or pitch sizes. Previous Design Guidance (DCLG, 2008) states in paragraph 4.4 that '*Gypsy and Traveller sites are designed to provide land per household which is suitable for a mobile home, touring caravan and a utility building, together with space for parking. Sites of various sizes, layouts and pitch numbers operate successfully today and work best when they take into account the size of the site and the needs and demographics of the families resident on them*'.
- 3.26 Paragraph 4.47 states that '*to ensure fire safety it is essential that every trailer, caravan or park home must be not less than 6 metres from any other trailer, caravan or park home that is occupied separately*'.
- 3.27 Paragraph 7.12 states that '*as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.), parking space for two vehicles and a small garden area*'.

- 3.28 Paragraph 4.13 states that *‘smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle’*.

Occupancy

- 3.29 A pitch may accommodate more than one family unit, for instance it could include a family, older children who have formed their own household and other family members. This could lead to potential overcrowding and this is considered as part of the GTAA household survey.
- 3.30 Private sites may restrict occupancy to close family/friends. This limits opportunity for others to move onto the site but this restrictive occupancy may provide for emerging needs.
- 3.31 Quality, size of pitch and proximity of caravans on pitches vary dramatically.

Response

- 3.32 For each site, a pragmatic and reasonable judgement should be made as part of the GTAA regarding the number of pitches or sub-divisions on sites. This may relate to the number of families living on sites, and could include a consideration of the potential intensification of sites (for instance through further sub-division, extension or use of vacant areas within the site). Capacity and layout of sites should be identified through site observation (directly or indirectly through googlemaps or similar), planning history and local knowledge of planning, enforcement and liaison officers.
- 3.33 Pitches can become intensified or sub-divided once planning applications have been approved. These sub-divisions tend to be tolerated by councils. Often pitches become subdivided to provide space for newly-forming households, particularly from family members.

4. The current picture: Gypsy and Traveller population and pitch/plot provision

- 4.1 This chapter looks at the current picture in terms of the current population and demography of Gypsies and Travellers across the study area before going on to explore the extent and nature of provision across the area.

2011 Census population estimates

- 4.2 Whilst it is recognised that some families may not identify themselves as Gypsies or Travellers in research, the 2011 Census²⁶ identifies a total of 126 households in Sevenoaks District as having a 'White: Gypsy or Irish Traveller' (WGoIT) ethnicity (Table 4.1a). Of these, almost two-thirds (63.5%)(80 households) lived in bricks and mortar accommodation (house or bungalow, or flat, maisonette or apartment) and just over a third (36.5%)(46 households) lived in a caravan or other mobile or temporary structure.

Table 4.1a Households identifying as Gypsy Traveller by accommodation type			
Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
126	64	16	46

Source: 2011 Census

- 4.3 The 2011 Census provides further information on actual residents and Table 4.1b provides details of the breakdown of people.

Table 4.1b People from households identifying as WGoIT by accommodation type			
Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
390	218	25	147

2011 Census

- 4.4 Table 4.1c provides an analysis of people and households and shows that the average household size is 3.1 persons for Gypsies and Travellers in Sevenoaks District. This compares with an average household size of 2.3 (down from 2.4 in

²⁶ Tables 5.1a to 5.1e are taken from the Census 2011. Special tables were commissioned by ONS to cover the ethnicity and several data sets were produced and made available on the ONS website on the 21st January 2014. See Tables CT0127 and CT0128. Main article: <http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/what-does-the-2011-census-tell-us-about-the-characteristics-of-gypsy-or-irish-travellers-in-england-and-wales-/index.html>

2001) for the UK as a whole and looking at all households. There is some variation in the average Gypsy and Traveller household size between accommodation types, however, with an average of 3.4 persons per household in houses/bungalows compared with 1.6 persons per household in flats/maisonettes/apartments and 3.2 persons per household in caravans/mobiles.

Table 4.1c People per Household, Calculation by Accommodation Type			
Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
3.1	3.4	1.6	3.2

Source: 2011 Census

Caravan Count information

- 4.5 The Traveller caravan count (previously called the Gypsy and Traveller caravan count) is carried out bi-annually, every January and July.
- 4.6 The latest figures available are from the July 2016 Count of Traveller Caravans (England)²⁷, which nationally found that:
- The total number of traveller caravans in England in July 2016 was 21,419, which was 335 more than in July 2015;
 - 6,292 caravans were on authorised socially rented sites, a decrease of 181 since the July 2015 count;
 - The number of caravans on authorised privately funded sites was 11,646, which was 168 more than in July 2015;
 - The number of caravans on unauthorised developments, on land owned by travellers, was 2,216, which was 284 above the number in July 2015;
 - The number of caravans on unauthorised encampments, on land not owned by travellers, was 1,265. This was 64 caravans more than in July 2015; and
 - Overall, the July 2016 count indicated that 84 per cent of traveller caravans in England were on authorised land and that 16 per cent were on unauthorised land.
- 4.7 The figures for the last five Traveller caravan counts for Sevenoaks are set out in Table 4.2. This shows that an annual average of around 153 caravans have been recorded on authorised sites (with planning permission) during the five-year period. There is an annual average of around 27 caravans on unauthorised sites (without planning permission) during the five-year period.

²⁷ DCLG Count of Traveller Caravans July 2016 England, Housing Statistical Release 16 November 2016

Table 4.2 Bi-annual Traveller caravan count figures July 2014 to July 2016

Sevenoaks Count	Authorised sites with planning permission		Unauthorised sites without planning permission	Total
	Social Rented	Total Private	Total Unauthorised	
Jul 2014	73	70	7	150
Jan 2015	83	71	20	174
Jul 2015	93	68	42	203
Jan 2016	88	64	25	177
Jul 2016	85	69	39	193
Five-Count Average	84.4	68.4	26.6	179.4
Five-Count % Average	47.0%	38.1%	14.8%	100.0%

Source: DCLG Traveller Caravan Count, Live Table 1 (July 2016)

- 4.8 An annual count of Travelling Showpeople caravans is undertaken every January, alongside the Traveller caravan count. The most recent was therefore undertaken in January 2016. Table 4.3 sets out the data from the last four Travelling Showpeople caravan counts, 2013-2016. This shows that no Travelling Showpeople caravans have been recorded in Sevenoaks during the last four counts.

Table 4.3 Annual Travelling Showpeople caravan count figures January 2013 to January 2016

Sevenoaks Count	Authorised sites with planning permission		Unauthorised pitches without planning permission	Total
	Social Rented	Total Private	Total Unauthorised	
Jan 2013	0	0	0	0
Jan 2014	0	0	0	0
Jan 2015	0	0	0	0
Jan 2016	0	0	0	0
Four-Count Average	0	0	0	0
Four-Count % Average	0	0	0	0

Source: DCLG Travelling Showpeople Caravan Count, Live Table 3 (July 2016)

- 4.9 The DCLG Caravan Count data also records Traveller and Travelling Showpeople caravan sites provided by local authorities and private registered providers in England²⁸. The most up-to-date data from July 2016 identifies three sites in Sevenoaks District, as set out in Table 4.4.

²⁸ DCLG Count of Traveller Caravans July 2016 England, Housing Statistical Release 16 November 2016, Live Table 2

Table 4.4 Traveller and Travelling Showpeople caravan sites provided by local authorities and registered providers in Sevenoaks, July 2016

Site and address	Date site opened	Date of last site changes	Total no. of pitches	of which		Caravan capacity
				residential	transit	
Barnfield Park, Ash	1999	1999	35	35	0	54
Hever Road, Hever Road, Edenbridge TN8 5NQ	1960	2012	16	16	0	32
Polhill, Dunton Green	1993	-	7	7	0	14

Source: DCLG Traveller Caravan Count, Live Table 2 (July 2016)

Local information

- 4.10 Data on the provision of sites considers both authorised and unauthorised sites across Sevenoaks District.
- 4.11 Broadly speaking, authorised sites are those with planning permission and can be on either public or privately owned land. Unauthorised sites are made up of either longer term²⁹ unauthorised encampments³⁰, that have been in existence for some considerable time and so can be considered to be indicative of a permanent need for accommodation (in some instances local authorities class these as tolerated sites and do not take enforcement action to remove them); and unauthorised developments, where Travellers are residing upon land that they own and that does not have planning permission (see Appendix E for more detailed definitions).
- 4.12 Table 4.5 sets out information relating to the Gypsy and Traveller sites located within Sevenoaks District, and the locations of these sites are shown on Map 4.1. These sites include three authorised permanent Council sites, which correlates with the information in the DCLG Caravan Count as set out in Table 4.4 (above). In addition, there are 13 authorised permanent private sites, three authorised temporary private sites and a number of unauthorised sites, some of which previously had temporary planning permission.

²⁹ Approximately three months or longer

³⁰ Please note that unauthorised encampments also encompass short-term illegal encampments, which are more indicative of transit need, see para 7.10 for more information on these encampments.

Table 4.5 List of Gypsy & Traveller pitches on sites (as at March 2017)

Site Code	Type of Site/Yard	Ownership	Site Address	Total Pitches	Occupied Pitches	Total Households	Vacant Pitches
LA1	Permanent/Authorised	Council	Romani Way, Hever Road, Edenbridge, TN8 5NQ	17	16	16	0
LA2	Permanent/Authorised	Council	Polhill, Dunton Green, Shoreham, TN14 7BG	7	7	7	0
LA3	Permanent/Authorised	Council	Barnfield Park, Ash Road, Sevenoaks, TN15 7LY	35	35	36	0
Priv1	Permanent/Authorised	Private	Ashley Place, Leydenhatch Lane, Swanley, BR8 7PS	1	1	1	0
Priv2	Permanent/Authorised	Private	Eagles Farm, Crowhurst Lane, West Kingsdown, TN15 6JE	2	2	2	0
Priv3	Permanent/Authorised	Private	Bournewood Brickworks, Stones Cross Road, Crockenhill, BR8 8LT	1	1	1	0
Priv4	Permanent/Authorised	Private	Early Autumn, East Hill, Shoreham, TN15 6YB	2	2	2	0
Priv5	Permanent/Authorised	Private	Valley Park, Lower Road, Hextable, BR8 7RZ	17	16	16	1
Priv6	Permanent/Authorised	Private	Macandy, Romney Street, Shoreham, TN15 6XR	1	1	1	0
Priv7	Permanent/Authorised	Private	The Oaks Farm, Randles Lane, Knockholt, TN14 7NG	1	1	1	0
Priv8	Permanent/Authorised	Private	Greenvale, Knatts Valley, West Kingsdown, TN15 6AE	1	1	1	0
Priv9	Permanent/Authorised	Private	Two Barns, Knatts Lane, West Kingsdown, TN15 6YA	1	1	3	0
Priv10	Permanent/Authorised	Private	Land at Park Lane, Swanley Village, BR8 8DT	2	2	3	0

Table 4.5 List of Gypsy & Traveller pitches on sites (as at March 2017)

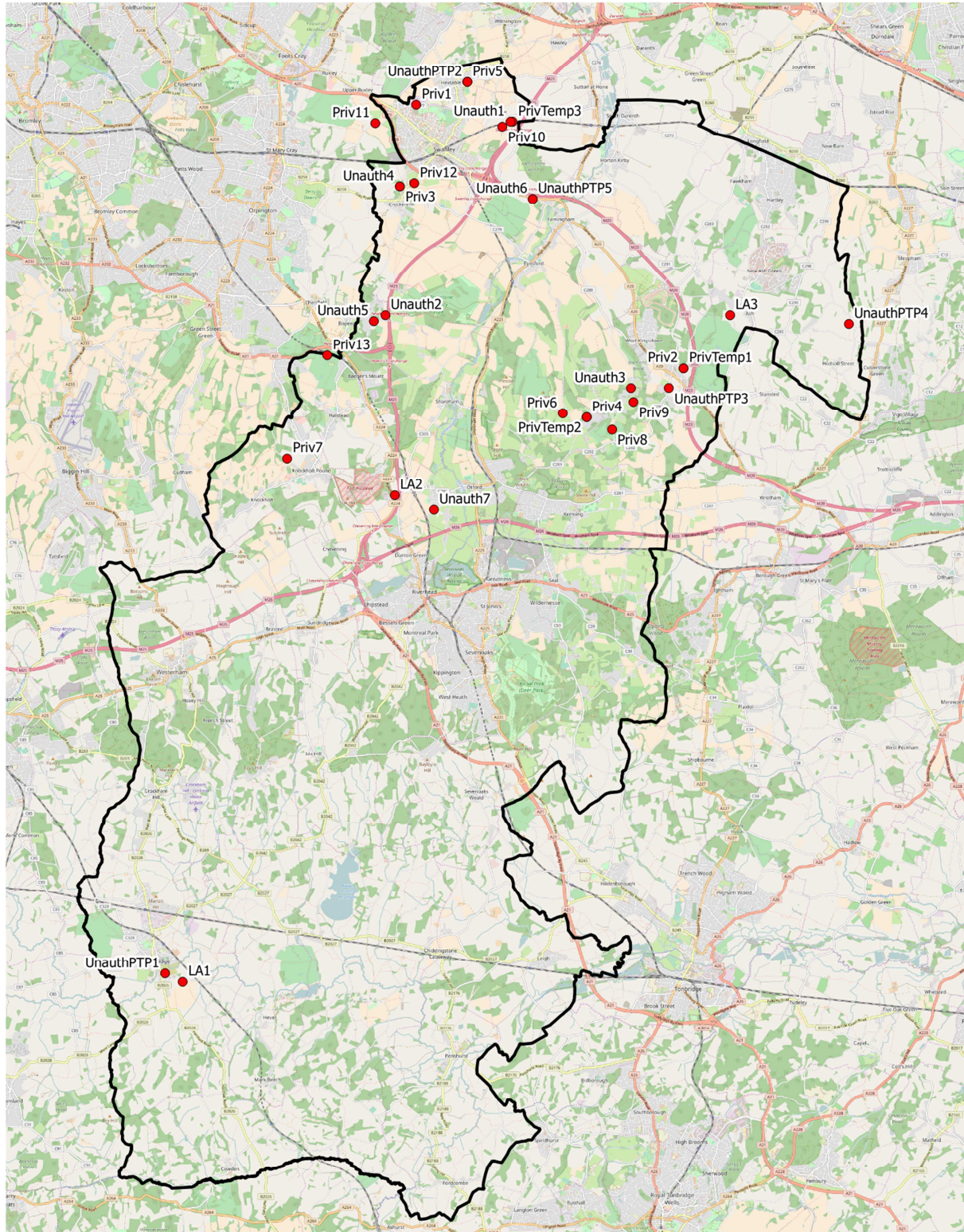
Site Code	Type of Site/Yard	Ownership	Site Address	Total Pitches	Occupied Pitches	Total Households	Vacant Pitches
Priv11	Permanent/Authorised	Private	Holly Mobile Home Park, Hockenden Lane, Swanley, BR8 7QH	4	4	4	0
Priv12	Permanent/Authorised	Private	Robertson's Nursery, Goldsel Road, Crockenhill, BR8 8BF	1	1	1	0
Priv13	Permanent/Authorised	Private	Station Court, London Road, Halstead, TN14 7HR	7	2	2	5
PrivTemp1	2 Temp until 15/2/18	Private	Eagles Farm, Crowhurst Lane, West Kingsdown, TN15 6JE	2	2	4	0
PrivTemp2	1 Temp until 2/9/17	Private	Early Autumn, East Hill, Shoreham, TN15 6YB	1	1	1	0
PrivTemp3	2 Temp until 2/10/17	Private	Land south west Broomhill, Button Street, Farningham, BR8 8DX	2	2	2	0
Unauth1	Unauthorised (new application expected)	Private	Pedham Stables, Button Street, Farningham, BR8 8DX	1	1	1	0
Unauth2	Unauthorised (High Court Challenge SE/14/03212)	Private	Land at Fountain Farm, Firmingers Lane, Well Hill, Shoreham, BR6 7QH	1	1	1	0
Unauth3	Unauthorised (appeal)	Private	Knatts Valley Caravan Park, Knatts Valley Road, West Kingsdown, TN15 6XY	8	7	7	1
Unauth4	Unauthorised	Private	Bournewood Brickworks, Stones Cross Road, Crockenhill, BR8 8LT	1	1	1	0
Unauth5	Unauthorised (Current application SE/16/02308)	Private	St George's Stables, Well Hill, Shoreham, BR6 7PP	1	1	1	0
Unauth6	Unauthorised	Private	Hill Top Farm, Farningham, DA4 0JN	5	5	1	1
Unauth7	Unauthorised (Prosecution to be	Private	Hopgarden Farm, Telston Lane, Otford, TN14 5JZ	1	1	1	0

Table 4.5 List of Gypsy & Traveller pitches on sites (as at March 2017)

Site Code	Type of Site/Yard	Ownership	Site Address	Total Pitches	Occupied Pitches	Total Households	Vacant Pitches
	commenced)						
UnauthPTP1	Unauthorised (7 were Temp until 26/2/17)	Private	Seven Acres Farm, Hever Road, Edenbridge, TN8 5DJ	7	7	7	0
UnauthPTP2	Unauthorised (1 was Temp until 7/1/17)	Private	Malt House Farm, Lower Road, Hextable, BR8 7RZ	1	1	1	0
UnauthPTP3	Unauthorised (Current application SE/16/01109)	Private	Hollywood Gardens, School Lane, West Kingsdown, TN15 6JN	3	3	3	0
UnauthPTP4	Unauthorised (New application to be submitted)	Private	Fordwood Farm, New Street Road, Ash, TN15 7JY	1	1	1	0
UnauthPTP5	Unauthorised (SE/14/00681 submitted)	Private	Hill Top Farm, Farningham, DA4 0JN	5	5	5	0
			Total	140	132	134	8

Source: Sevenoaks District Council data 2017, site survey fieldwork 2017

Map 4.1 Location of sites and yards in Sevenoaks District



5. Household survey findings

- 5.1 This chapter presents the findings of the household survey, which was carried out to provide primary data to inform this GTAA. The survey aimed to reach as many Gypsy, Traveller and Travelling Showpeople households living within the District as possible. It was conducted using the questionnaire which is set out in Appendix C, via both face-to-face and telephone interviews. The methodology is set out in Chapter 3.
- 5.2 There were a total of 87 responses to the household survey, which represents a response rate of 65%. Of these, all were from households living on pitches.
- 5.3 In order to maintain confidentiality, data has been presented for all households responding to the survey.

Population characteristics

- 5.4 As shown in Table 5.1, the household survey included a relatively even mix of female (62%) and male (38%) respondents.

Table 5.1 Gender of respondents		
Gender	All households	
	Count	Percentage
Female	53	62%
Male	33	38%
Valid Responses	86	100%
Missing	1	
Total	87	

Source: 2017 Household Survey

- 5.5 Almost half (46%) of all of the respondents are aged 19-39 years; a further 38% are aged 40-64 years. 12 respondents (14%) are aged 65 years or over.

Table 5.2 Age of respondents		
Age Group	All households	
	Count	Percentage
Under 19	2	2%
19-39	40	46%
40-64	33	38%
65+	12	14%
Valid Responses / Total	87	100%

Source: 2017 Household Survey

- 5.6 In terms of the economic activity of respondents, around one-third (32%) are in employment and another third (32%) are looking after the home and family. Almost one-quarter (23%) are wholly retired from work.

Table 5.3 Economic activity of respondent		
Economic activity	All households	
	Count	Percentage
Working full-time (30 hrs or more each week)	17	22%
Working part-time (under 16 hrs each week)	7	9%
Self-employed (full or part time)	1	1%
Looking after the home and family	25	32%
Wholly retired from work	18	23%
Permanently sick/disabled	6	8%
Unemployed and available for work	5	6%
Valid Responses	79	100%
Missing	8	
Total	87	

Source: 2017 Household Survey

- 5.7 As shown in Table 5.4, almost half (44%) of respondents are English Gypsies and one-quarter (25%) are English Travellers. 14% of respondents identified as Romany Gypsies, 8% as Irish Travellers, 1% as Showman and 7% as other ethnicity.

Table 5.4 Ethnicity of respondents		
Gender	All households	
	Count	Percentage
English Gypsy	37	44%
English Traveller	21	25%
Romany Gypsy	12	14%
Irish Traveller	7	8%
Showman	1	1%
Other	6	7%
Valid Responses	84	100%
Missing	3	
Total	87	

Source: 2017 Household Survey

- 5.8 Table 5.5 shows the composition of households who responded to the 2017 Household Survey. This reveals that almost half of households included children, being either a couple with children (29%) or a lone parent (17%). In addition, some of those who identified as 'other' household types included children; one of these households specified that their household comprised of a couple with daughter and grandchildren and another specified that they were a large extended family. 14% of respondents identified themselves as being an older household (single or couple aged 65 years or over).

Table 5.5 Household composition		
Household type	All households	
	Count	Percentage
Single person under 65	9	10%
Single person 65 and over	5	6%
Couple no children	18	21%
Older couple (one or both 65 and over)	7	8%
Couple with children	25	29%
Lone parent	15	17%
Other	7	8%
Valid Responses	86	100%
Missing	1	
Total	87	

Source: 2017 Household Survey

Accommodation

- 5.9 Of the 87 responses, 85 (98%) of the households stated that the pitch where they were interviewed was their main home base. Two households stated that it was not their main home base; of these, one said that they travel all of the time and stay for short times in place; the other said that they travel around with no set place.
- 5.10 Table 5.6 sets out the type of accommodation lived in by respondents. Over three-quarters (78%) live in a static caravan, a mobile home or chalet, with almost one-fifth (18%) living in a trailer or wagon.

Table 5.6 Accommodation type

Accommodation Type	All households	
	Count	Percentage
Static/mobile home/chalet	68	78%
Trailer/wagon	16	18%
House	1	1%
Bungalow	1	1%
Log cabin	1	1%
Valid Responses / Total	87	100%

Source: 2017 Household Survey

- 5.11 Information provided by respondents on the number of bedspaces available in their accommodation is set out in Table 5.7. At 63%, the majority of households have two or three bedspaces available. A further 30% have four or more bedspaces available.

Table 5.7 Number of bedspaces

Bedspaces	All households	
	Count	Percentage
One	6	7%
Two	29	33%
Three	26	30%
Four	17	20%
Five	5	6%
Six	2	2%
Seven	2	2%
Valid Response / Total	87	100%

Source: 2017 Household Survey

- 5.12 Table 5.8 sets out respondents' views on whether or not their home (their trailer, wagon, caravan etc) is overcrowded. Of 87 responses, two (2%) stated that their home is overcrowded. A further question asked whether they consider their pitch (rather than their home/trailer/caravan) to be overcrowded. As set out in Table 5.9, of the 80 responses to this question, eight (10%) said yes, their pitch is overcrowded.

Table 5.8 Overcrowding of home

Do you think your home is overcrowded?	All households	
	Count	Percentage
Yes	2	2%
No	85	98%
Valid Responses / Total	87	100%

Source: 2017 Household Survey

Table 5.9 Overcrowding of pitch

Do you think your pitch is overcrowded?	All households	
	Count	Percentage
Yes	8	10%
No	72	90%
Valid Responses	80	100%
Missing	7	
Total	87	

Source: 2017 Household Survey

- 5.13 The survey asked respondents how long they have lived at their current location (Table 5.10). Almost three-quarters of households have lived at their current address for five years or more. 10% have lived at their current address for less than two years and 16% have lived there for between two and five years.

Table 5.10 Duration of residence

How long have you lived here?	All households	
	Count	Percentage
Up to 1 year	6	7%
Over 1 and up to 2 years	3	3%
2 years and up to 3 years	10	11%
3 years and up to 4 years	2	2%
4 years and up to 5 years	3	3%
5 years or more	63	72%
Valid Responses / Total	87	100%

Source: 2017 Household Survey

- 5.14 In terms of the location of previous residence, 12% had moved from the same site, 45% from elsewhere within Sevenoaks District and 43% had moved to their current location from outside of the District area.

Table 5.11 Previous address

Where did you move from?	All households	
	Count	Percentage
The same site	10	12%
The same district	39	45%
From outside the district	37	43%
Valid Responses	86	100%
Missing	1	
Total	87	

Source: 2017 Household Survey

- 5.15 Respondents were asked why they moved onto their current pitch (Table 5.12). The most frequently-mentioned reasons were to be close to family/friends (38%), 'other' (33%), pitch was provided by family/friends (15%) and simply chose this place/no particular reason (14%). Of those who stated 'other' there were a number of reasons specified, but a significant number referred to the Compulsory Purchase of their previous site, with some respondents identifying Swan Farm.

Table 5.12 Reason for moving

Why did you move onto this pitch?	All households	
	Count	Percentage of respondents
Close to family/friends	33	38%
Pitch provided by family/friends	13	15%
Simply chose this place/no particular reason	12	14%
Nowhere else that is suitable	6	7%
Always lived here	2	2%
Other	28	33%
Valid Responses	86	100%
Missing	1	
Total	87	

Source: 2017 Household Survey

Note: people could pick more than one option so percentages can add to more than 100%

- 5.16 As set out in Table 5.13, almost half (45%) of respondents moved onto their pitch when it was brand new and had not previously been occupied. A further 39% moved onto their pitch when it was empty having previously been occupied. 16% moved onto part of an existing pitch which became available through sub-division.

Table 5.13 Status of current pitch on arrival

When you moved onto this pitch was it...?	All households	
	Count	Percentage
A brand new pitch which had not been occupied	39	45%
An empty pitch which had previously been occupied	34	39%
Part of an existing pitch which became available to you (sub-division)	14	16%
Valid Responses / Total	87	100%

Source: 2017 Household Survey

Travelling practices

- 5.17 The household survey asked respondents whether or not they have travelled in the last year, previous to the last year and also whether they intend to travel in the next year and beyond (Table 5.14).

Table 5.14 Travelling behaviour

	Have you travelled in the last year?		Previous to the last year have you travelled?		Do you plan to travel in the next year?		Do you think you will travel each year for the next five years and/or beyond?	
	No.	%	No.	%	No.	%	No.	%
Yes	38	44%	38	44%	40	47%	43	52%
No	49	56%	49	56%	46	53%	40	48%
Valid Response	87	100%	87	100%	86	100%	83	100%
Missing cases					1		4	
Total	87		87		87		87	

Source: 2017 Household Survey

- 5.18 The main reasons for travel (Table 5.15) are cultural reasons (67%), to visit family/friends/family events (29%) and work-related (20%).

Table 5.15 Reason for travelling

	All households	
	Count	Percentage
Cultural reasons	34	67%
Visit family/ friends or family events	15	29%
Work related	10	20%
To attend religious meetings/ conventions	5	10%
To attend fairs	10	20%
Personal preference	2	4%
Valid Responses	51	
Missing	36	
Total	87	

Source: 2017 Household Survey

Note: people could pick more than one option so percentages can add to more than 100%

5.19 The analysis of travelling behaviour is used to establish the extent to which households meet the new PPTS definition of Gypsy and Traveller household for planning policy purposes. Table 5.16 identified that overall 62.1% of households living on pitches meet the new PPTS definition.

Table 5.16 Travelling behaviour and PPTS

Household meets PPTS definition for Gypsy and Traveller	All households	
	Count	Percentage
Yes	54	62.1%
No	33	37.9%
Valid Responses	87	100%
Missing	0	
Total	87	

5.20 Table 5.17 sets out information provided by respondents relating to the typical duration of their travels for those who intend to travel in the next year. Overall, the typical duration of travel was either 5-8 weeks (29%), 13-26 weeks (24%) or 9-12 weeks (20%).

Table 5.17 Duration of travel

How long do you travel for each year?	All households	
	Count	Percentage
No more than 13 days	4	9%
2 to 4 weeks (or one month)	7	16%
5 to 8 weeks (or 2 months)	13	29%
9 to 12 weeks (or 3 months)	9	20%
13 to 26 weeks (or 6 months)	11	24%
Over 6 months but less than 10 months	1	2%
Valid Responses	45	100%
Missing	42	
Total	87	

Source: 2017 Household Survey

- 5.21 Locations of travel given by respondents included all over the Country/all over/nowhere particular, Wales, Stow, Appleby, Cambridge and the North. In terms of time of travel; the summer months, 'summertime' and 'school holidays' were mentioned most often.
- 5.22 For households no longer travelling, reasons for not travelling included; too many problems relating to travelling (36.4%), long-term health reasons (33.3%) and short-term health reasons (18.2%).

Table 5.18 Reasons for not travelling

Why do you not travel anymore?	All households	
	Count	Percentage
Too many problems relating to travelling	12	36.4%
Long term health reasons	11	33.3%
Short term health reasons	6	18.2%
Prefer not to travel	5	15.2%
Family commitments	6	18.2%
Education of children	3	9.1%
Work/ job commitments	3	9.1%
Do not need to travel	12	36.4%
Other members of my household travel	7	21.2%
Valid Responses (households not travelling)	33	

Source: 2017 Household Survey

Note: people could pick more than one option so percentages can add to more than 100%

Provision of transit sites

- 5.23 The household survey asked respondents for their views on the need for sites in the District.
- 5.24 Of those who responded to the question (82 households), almost one-half (48%) felt that there was a need for transit sites in Sevenoaks District (Table 5.19).

Table 5.19 Need for transit sites		
Is there a need for transit sites in Sevenoaks?	All households	
	Count	Percentage
Yes	39	48%
No	43	52%
Valid Responses	82	100%
Missing	5	
Total	87	

Source: 2017 Household Survey

- 5.25 There were no specific locations suggested for transit provision, and in terms of managing transit provision, all respondents (100%) mentioned Councils and 54% mentioned private Gypsy/Traveller management.

Provision of permanent sites

- 5.26 Of the 81 respondents who answered the question, 64% felt that there was a need for new permanent sites in Sevenoaks (Table 5.20). Specific locations were not generally mentioned.

Table 5.20 Need for new permanent sites		
Is there a need for new permanent sites in Sevenoaks?	All households	
	Count	Percentage
Yes	52	64%
No	29	36%
Valid Responses	81	100%
Missing	6	
Total	87	

Source: 2017 Household Survey

- 5.27 Respondents were asked who should manage new permanent sites: 88.5% of respondents stated Council and 55.8% stated private Gypsy/Traveller (55.8%), recognising that respondents could pick more than one option.

Moving plans

- 5.28 The household survey asked about future plans. Asked if they were planning to move in the next five years, 13 of the 87 respondents (15%) said they are planning to move elsewhere (Table 5.21). 11 respondents provided information on where they were planning to move to; of these seven stated bricks and mortar, two stated another pitch on the current site, one stated 'another site' and one stated 'other'. In terms of the type of accommodation these households plan to move to; four stated flat, two house, two trailer/wagon, two chalet/mobile home and one a bungalow (from the base of 11 responses).

Table 5.21 Intention to move in the next five years

Are you planning to move in the next five years?	Total households	
	Count	Percentage
No – planning to stay where based now	74	85%
Yes – planning to move elsewhere	13	15%
Valid Responses / Total	87	100%

Source: 2017 Household Survey

6. Stakeholder consultation

- 6.1 Stakeholders were invited to participate in a survey aimed at identifying a range of information, including establishing the key perceived issues facing Gypsies, Travellers and Travelling Showpeople within Sevenoaks District, and ways in which these need to be addressed. Stakeholders were asked to respond to any of the questions within the survey. A total of 16 separate responses to the stakeholder consultation were obtained.
- 6.2 Respondents were asked to answer only the questions that they felt were relevant to their knowledge and experience. This is a qualitative summary of the views expressed by stakeholders responding to the online survey.

General Support for Gypsies and Travellers

- 6.3 None of the respondents felt that there was sufficient understanding and monitoring of the education, employment, health, accommodation and support needs of Gypsies, Travellers and Travelling Showpeople within the study area. A number of respondents felt that there had been no improvement in terms of provision for Travellers within the area, and a further respondent identified that *‘if there was [a better understanding] there would be better provision for Gypsies and Travellers by now. ... suitable accommodation is key to so many other issues.’*
- 6.4 Only one respondent felt that there was adequate awareness of the cultural, support and accommodation needs of Gypsies, Travellers and Travelling Showpeople in the study area; closer liaison with community groups was suggested as a way of helping to address this situation.
- 6.5 Three respondents said that their organisation had undertaken action to raise awareness of the cultural, support and accommodation requirements of Gypsies, Travellers and Travelling Showpeople, this includes planning appeals, needs assessments and joint working groups.
- 6.6 Other comments made by respondents were:
- That the Council knows that there is a problem but is not willing to address the situation;
 - That there is a general lack of understanding of and commitment to addressing the problems facing Gypsies, Travellers and Travelling Showpeople across authorities locally; and
 - That planning for the needs of Travelling Showpeople is under-represented; their needs are often overlooked despite their *‘more nomadic’* lifestyles.

Provision of Accommodation

- 6.7 Stakeholders were asked to respond to a series of questions relating to the need for new pitch provision (both permanent and transit), existing pitch provision, households living in bricks and mortar accommodation, and unauthorised encampment activity. Their responses are summarised below.

New permanent provision

- 6.8 Of those responding, 20% felt that there is insufficient provision of permanent sites or pitches in Sevenoaks District, whilst no respondents felt that there was sufficient provision. There was also a lack of awareness as to current levels of provision amongst respondents. One respondent identified that the lack of provision locally has led to Travellers moving into adjacent local authority areas.
- 6.9 One respondent identified that new provision should ideally be spread across the District, and that there should be a good choice in terms of size, type and tenure of new pitches. Existing small sites were identified as working well by one respondent who also felt that Council sites could be expanded to help accommodate more households, especially on the site at Ash. Another respondent felt that new sites should be sustainable and located in the open countryside away from settlements, so that they do not dominate local settled communities. Negative attitudes to any new provision were highlighted as an issue by one respondent who felt that, because of such attitudes, there was little point in discussing possible locations for new sites.
- 6.10 Conversely another stakeholder stated that new sites should be located close to existing settlements to ensure their sustainability. Whilst another pointed out the need for new provision to be accessible to services such as health, education and play facilities: *'In general terms, sites should be incorporated into existing communities where possible, although not of a scale that is disproportionate to the size of the existing community and infrastructure. They should not be in locations that would otherwise be considered unacceptable for residential development, for example they should be in sustainable locations and have satisfactory access to local services and transport infrastructure. Green Belt locations would not be in accordance with national planning policy unless very special circumstances apply. There should be a range of public and private sites. This is a difficult question to answer because it also relies on the individual circumstances of the household in question, for example if the household has a business or horse a standard pitch on a public site might not always be suitable'.*
- 6.11 The following barriers to the provision of new permanent pitches were identified by stakeholders:
- Lack of political will;
 - The cost of land;
 - Resistance from settled communities;
 - NIMBYism;
 - Negative publicity;
 - Negative perceptions; and
 - Perceived antisocial behaviour.

Transit

- 6.12 Half of those responding felt that there is a need for transit provision in the District; no respondents felt that there was no need for such provision. A number

of stakeholders felt that transit provision could be provided on small private sites in the District, with one pointing out that, as a result of the Planning Policy for Traveller Sites, the demand for transit provision is likely to increase.

6.13 Stakeholders felt that there were a number of barriers to the provision of transit sites locally, these include:

- No-one wanting to provide or run transit sites;
- Viability;
- Public opinion;
- Difficulties in site management, especially linked to the use of sites by different travelling communities; and
- Competition from other site uses in the most appropriate locations, i.e. those close to transport links where there is competition from warehousing and distribution and employment use.

6.14 Other points made by stakeholders include that:

- The provision of transit sites could also serve as overnight parking for HGVs; and
- With the help of authorities, communities can invest in themselves and develop an achievable solution in terms of better accommodation, education, training, employment and health care. This needs the cooperation of authorities at a local and national level.

Existing sites

6.15 In terms of existing provision within the District, there was a limited level of awareness of standards on sites. Two stakeholders felt that standards were adequate, with one identifying that most are small private sites, which, along with the Council site at Ash, make up a significant amount of the existing provision. The site at Ash was felt to be *'pretty good with large plots'*. Two respondents did not have any knowledge about standards on existing sites.

6.16 With the exception of one stakeholder who felt that the District's existing small sites were well managed, stakeholders had no knowledge about the standard of site management locally.

6.17 In terms of tensions existing between either Travellers on sites, or Travellers and the settled community, there was very little awareness. One stakeholder identified tensions around planning applications and appeals, whilst another felt that there is not enough emphasis placed on integration between Travellers and settled communities.

6.18 Other comments made by stakeholder include the need for a review of partnership working locally.

Bricks and mortar

6.19 Two stakeholders were aware of Travellers living in bricks and mortar accommodation in the District. Opinion was divided as to whether additional

provision (pitches on sites) should be made to accommodate the needs of Travellers living in bricks and mortar accommodation, with one stakeholder saying yes and another no. Other views expressed include that:

- An allowance for this need be made in future forecasting of need; and
 - Other councils identify housing need from Travellers by looking at those Travellers on their housing waiting lists who are identified as being in need.
- 6.20 Two stakeholders felt that there is insufficient support available to Gypsies, Travellers and Travelling Showpeople living in settled accommodation to help them manage their housing effectively, with one stating that support has reduced in recent years and another identifying literacy as the *'biggest problem'*.
- 6.21 One stakeholder said that Travellers do not feel safe when living in bricks and mortar accommodation; no-one identified Travellers as feeling safe when living in bricks and mortar accommodation.
- 6.22 Other comments made by stakeholders about Travellers living in bricks and mortar accommodation include the following:
- *'Swale has a large proportion of its Gypsy and Traveller community residing in bricks and mortar accommodation. Both via the Swale GTAA and anecdotally it is known that many of the next generation have not expressed a desire for site based accommodation. There needs to be a balance when estimating need arising from those in bricks and mortar accommodation - it is not always accurate that everyone has a need for site-based accommodation but this [needs to] be balanced against making sure provision is made for those in the next generation being able to facilitate their nomadic lifestyle;'* and
 - A working group is needed to look at these issues.

Unauthorised encampments

- 6.23 Unauthorised encampments were identified as being problematic by two stakeholders. The main issues linked to unauthorised encampments were said to be dumping and uncontrolled burning of rubbish. Unauthorised encampments were seen as having a negative effect on local perceptions of Travellers, particularly if an encampment has taken place in a public park. Another respondent felt that unauthorised encampments have a detrimental impact *'both in respect of physical impacts such as litter and damage, but also in terms of perceived impacts, for example, 'fairness' in so far as the settled community sometimes feels that the Traveller community can enter and occupy land illegally and trespass without any visible penalties or adherence to planning laws.'*

Planning Policy

- 6.24 There were a range of responses from stakeholders in respect of whether areas of planning policy had restricted the provision of new pitches and plots in Sevenoaks District, these included:
- Failure to prepare a site allocation policy and address known need;

- Planning Policy for Traveller sites was felt to have made providing new pitches more difficult by making the planning process more complex and increasing tensions between Travelling and settled communities;
 - Change needs to happen at ground-level, there needs to be political will to make things happen;
 - Green Belt land restricts the delivery of new supply and increases competition for existing sites, which makes it difficult for Travelling communities to meet their own needs through site acquisition. Possible solutions put forward by national policy are amending the Green Belt boundary in exceptional circumstances or meeting needs across a wider area;
 - Paragraph 16 of the Planning Policy for Traveller Sites tightens the very special circumstances for planning applications, noting that subject to the best interests of the child, personal circumstances and unmet need are now unlikely to clearly outweigh harm to the Green Belt and any other harm (so as to establish very special circumstances); and
 - *‘The fact that most of the District is designated Green Belt, where the provision of new sites are considered to be inappropriate, has been a constraint, requiring the Local Planning Authority to de-designate some areas if they were minded to allocate these as future sites. This can only be addressed at the time the Local Planning Authority prepares its Local Plan. The proposals relating to national Green Belt policy in the recently published Housing White Paper have not made this task any easier.’*
- 6.25 In terms of doing more to identify and bring forward sites, stakeholders felt that more could be done, including:
- Adopting a proactive approach to the consideration of sites through the Council’s Strategic Housing Land Availability Assessment;
 - Carrying out a targeted call for sites;
 - Undertake an assessment of sites already in the planning process (i.e. refusals, enforcement cases, those applying for permission);
 - Involvement of all parties to deliver solutions; and
 - *‘The Government guidance on periodic reviews of housing need for caravans and houseboats would be very useful, particularly in the absence of any references to this in the Housing White Paper or the Neighbourhood Planning Bill. Clarification of the definition of Traveller in the amended Planning Policy for Traveller Sites would also be welcome. Currently Local Planning Authorities have to interpret this individually, which lacks consistency of approach. Allocating sites in Local Plans can be problematic, particularly when trying to identify and meet needs for private sites’.*
- 6.26 There was little consensus about the impact of PPTS 2015 in Sevenoaks District; one stakeholder felt that the impact of the changes is unclear, whilst another stated that it has resulted in greater numbers of Gypsies and Travellers travelling to demonstrate that they move for economic reasons. A further stakeholder stated that there is now a displaced need from those who no longer meet the definition.

- 6.27 One stakeholder made the point that the issue is how identified need is addressed, and whether sufficient evidence can be obtained to determine which Travellers meet the definition.
- 6.28 Other points made by stakeholders include:
- *‘The impact so far appears to have been a reduction in the identified need for provision... although in many cases this has yet to be tested through case law. In other examples, there is a lack of progress elsewhere while Local Planning Authorities await further guidance. This uncertainty is not conducive with the Government’s primary aim to speed up Local Plan delivery;’*
 - *‘The strengthening of the protection afforded to the Green Belt will undoubtedly affect where new sites could be allocated. This will cause problems as the Green Belt has cheaper land values and is normally the only area affordable to some Gypsies and Travellers. Needs assessments tend to have difficulty establishing the affordability dimension into both need and then how this affects where sites can realistically be provided. Furthermore, some sites will already be within the Green Belt and expanding these may be a good option to provide for household growth but the stronger protection in the Planning Policy for Traveller Sites will make this difficult. The change in definition will result in a different level of need than that established in the previous GTAA as the emphasis on travelling will be key to this assessment. Swale has a very settled Gypsy and Traveller community as shown by the almost static number of caravans present on sites throughout the year and with the majority of the population in bricks and mortar accommodation, this appears to be the case in many Kent authorities and is possibly the same for Sevenoaks;’ and*
 - *‘No difference as Sevenoaks already accepts sites will be in the Green Belt as so little of the District is free from designations. In the absence of Government guidance on the new definition no one seems to know what it is supposed to mean. It is for local planning authorities to address in policy and decide if they want to have sites for travelling Gypsies and Travellers and sites for non-travelling Gypsies and Travellers, and no doubt sites for those who are undecided. I just hope this uncertainty is not used to justify yet more delays to site provision.’*
- 6.29 Stakeholders were asked if they had any other thoughts on these issues, points made include:
- There appears to be a policy void at the national level that needs to be addressed as soon as possible; and
 - If the Council does not want unauthorised encampments then it needs to make some provision for Travellers. There needs to be some clear guidance from the Council about where Traveller sites can be located so that Travellers know here it is acceptable to locate new sites, without guidance or site allocations Travellers can only ‘guess’.

Cross-Boundary Issues

- 6.30 There was little awareness amongst stakeholders about the movement of Travellers from neighbouring areas; one respondent was aware of a household moving from Sevenoaks to Bromley.
- 6.31 Stakeholders were unaware of problematic sites on local authority boundaries; although one respondent was aware of problems arising on sites in Areas of Outstanding Natural Beauty and within Greater London authorities.
- 6.32 Stakeholders identified the following cross boundary issues to be considered as part of the study:
- *‘The potential inability to meet needs across authorities. Which should be addressed through the Duty to Cooperate but which does little to benefit to the assessment of needs in the first place;’*
 - *‘Salford University prepared GTAA’s for Sevenoaks and Tonbridge and Malling Borough Council in 2011 and 2012 respectively. On the whole they found the Traveller communities quite static, although this may have changed in the light of the amendments to the Planning Policy for Traveller Sites. As noted previously, I believe a regional or sub-regional approach to addressing the needs of Travelling Showpeople and possibly transit camps is the only realistic solution;’*
 - There is a knock-on effect on neighbouring areas as a result of the delay in Sevenoaks bringing forward sites to meet identified need; and
 - Historic unmet need from within Sevenoaks should not be ignored, especially in cases where households may have temporarily relocated elsewhere into neighbouring boroughs.
- 6.33 The key outcomes of the study in respect of cross-boundary issues that stakeholders want to see are:
- To address the longstanding need for more sites in Sevenoaks and make permanent the many sites with temporary consent;
 - To provide additional pitches on Council sites;
 - To identify current and future need for Traveller provision in the area;
 - To develop new provision;
 - To bring forward new sites as soon as possible; and
 - *‘To agree a reasonable and defensible interpretation of the elements of national planning policy for addressing the needs of Travellers for inclusion in Local Plans.’*
- 6.34 Other comments made by respondents in respect of the study include:
- *‘Gypsy and Traveller patterns of migration in and out of an area tend to be different from mainstream housing market areas, possibly because it is not so constrained by house prices and does tend to follow more historical patterns of moving (e.g. Maidstone movements to Swale);’*
 - *‘Potential difficulties in engaging with the Traveller communities leading to unknowns and questions over the robustness of the study;’*

- *'All of the Kent Districts have worked and continue to work closely together on these issue;'* and
- Without the political will to create a better understanding and to deliver, no progress will be made.

Neighbouring Authorities

- 6.35 Three stakeholders agreed that the stakeholder questionnaire contributed to the Council's requirement under the Duty to Cooperate with neighbouring authorities. However, the survey is only the start of the process and the Council needs to continue to work with neighbouring authorities to consider the impact of cross-boundary migration, identify need, and plan for new provision.
- 6.36 Comments made by stakeholders indicated the need for future partnership working to address the issues arising in respect of meeting the needs of Travellers. Neighbouring authorities want to be kept informed of progress with the study and its outcomes.
- 6.37 Stakeholders also made the following points:
- *'Kent authorities need to work together on this issue and with London authorities. When the South East regional plan work was done by Kent County Council it coordinated the approach but I am not aware of any joint working now between authorities. I fear much need has been shunted east to Swale, Maidstone, Ashford and now Dover due to difficulties finding land closer to London due to Green Belt/Area of Outstanding Natural Beauty [issues]. ORS keep reporting that London authorities will meet need; I do not share their optimism. I think Kent authorities are having to deal with need arising from the Greater London area and will continue to do so. There are many families in Sevenoaks whom I have assisted who have moved out from London (Greenwich, Southwark, Bromley etc.) due to a lack of sites there;'*
 - *'As stated previously the pattern of buying or exchanging sites does not tend to reflect mainstream housing market areas so it may involve different neighbouring authorities;'*
 - *'Further cooperation with neighbouring authorities would be required throughout the process;'* and
 - *'It should be noted that the Housing White Paper proposes a new Statement of Common Ground between neighbouring authorities, which may require formalising this further.'*
- 6.38 There is a willingness from neighbouring authorities to work together to address the needs of Gypsies, Travellers and Travelling Showpeople, however, there is concern that *'so little has been done for so long [in Sevenoaks]'* and there is a desire to see that this situation is addressed as a priority.

7. Gypsy and Traveller pitch requirements

Introduction

- 7.1 This section reviews the overall pitch requirements of Gypsies and Travellers across Sevenoaks District. It takes into account current supply and need, as well as future need, based on modelling of data, as advocated by the DCLG. This chapter also presents planning policy recommendations.
- 7.2 The calculation of pitch requirements is based on DCLG modelling as advocated in *Gypsy and Traveller Accommodation Assessment Guidance* (DCLG, 2007). The DCLG Guidance requires an assessment of the current needs of Gypsies and Travellers and a projection of future needs. The Guidance advocates the use of a survey to supplement secondary source information and derive key supply and demand information.
- 7.3 The GTAA has modelled current and future demand and current and future supply. The following analysis focuses on Gypsies and Travellers specifically as there are no Travelling Showpeople resident in Sevenoaks District. For this study, the model has assumed a cultural definition of Gypsies and Travellers but also takes account of the new planning definition as an element of modelling output.

Pitch requirement model overview

- 7.4 Pitch requirements are assessed over an initial five year period (2017/18 to 2021/22) (the 5-year model) and then longer-term need is based on the expected number of households likely to form over the remainder of the plan period (2022/23 to 2033/34) based on the age profile of children under 13 living in Gypsy and Traveller households on pitches. The modelling is based on the cultural need for pitches but the impact of the PPTS definition on need is also considered.
- 7.5 In terms of **cultural need**, the 5-year model considers:
- The baseline number of households on all types of site (authorised, unauthorised and temporary authorised sites) as at March 2017;
 - Existing households planning to move in the next five years (currently on sites and also from bricks and mortar) and where they are planning to move to; and
 - Emerging households currently on sites and planning to emerge in the next five years and stay within the study area on a pitch; to derive a figure for
 - Total pitch need.
- 7.6 In terms of **supply**, the model considers:
- Total supply of current pitches on authorised sites;
 - Vacant pitches on authorised sites
- 7.7 The model then reconciles total need and existing authorised supply over the next 5 years by summarising:

- Total need for pitches; and
 - Total supply of authorised pitches.
- 7.8 The model then considers the cultural need over the remainder of the plan period (to 2033/34).
- 7.9 Finally, the model considers potential pitch supply through the turnover of pitches on local authority sites. It is appropriate to factor in an element of turnover and using site records, the likely number of pitches available for occupancy over the plan period can be assessed.

Description of factors in the 5-year need model

- 7.10 Table 7.1 provides a summary of the 5-year pitch need calculation. Each component in the model is now discussed to ensure that the process is transparent and any assumptions clearly stated.

Need

7.11 **Current households living on pitches (1a to 1d)**

These figures are derived from local authority data, site observation and household survey information. Note that no household stated they were doubled up or included concealed households. Three respondents commented that family sometimes use their pitch occasionally.

7.12 **Current households in bricks and mortar accommodation (2)**

The 2011 Census suggested there were 80 households living in bricks and mortar accommodation. As part of the previous Sevenoaks GTAA, 23 households living in bricks and mortar accommodation were interviewed but only one was intending on moving to a pitch, equivalent to around 5% of households interviewed. Applying this to the estimate of households from the 2011 Census would result in a need from 4 households. This is included in modelling but the Council is not aware of any Gypsies and Travellers living in brick and mortar accommodation who have applied for planning permission for a pitch nor have put themselves on the waiting list for a pitch.

7.13 **Existing Households planning to move in the next five years (3)**

This was derived from information from the household survey for respondents currently on authorised pitches. To account for non-response, the data in the model has been weighted by a factor of 1.54³¹

Overall, there is a need from 8 households planning to move to another pitch, 11 from a pitch to bricks and mortar, 2 plan to move outside the District and it is assumed that 4 plan to move from bricks and mortar accommodation to a pitch. This results in an overall net requirement of -1 pitches from existing households planning to move in the next 5 years.

³¹ 87 responses from 134 households on pitches results in a weighting factor of $134/87 = 1.54$

7.14 Emerging households (4)

This is the number of households expected to emerge in the next 5 years based on household survey information. The total number is 34 which is weighted³² to take account of non-response households.

7.15 Total need for pitches (5)

This is a total of current households on authorised pitches, households on pitches planning to move in the next five years and demand from emerging households currently living on pitches. This indicates a total need for 167 pitches.

Supply

7.16 Current supply of pitches (6)

This is a summary of the total number of authorised pitches and the number of vacant authorised pitches. This shows a total supply of 100 pitches plus 6 vacant pitches.

Reconciling supply and demand

- 7.17 There is a total need over the next five years (2017/18 to 2021/22) for 167 pitches in Sevenoaks (Table 7.1) compared with a supply of 106 authorised pitches (including vacant pitches). The result is an overall shortfall (excluding turnover) of 61 pitches.

³² The weighting applied to newly-forming households is 1.48. This weighting takes into account households who are known from local knowledge of Council officers not to contain children. So the weighting is 129/87 as there are 5 non-response households where no children are present

Table 7.1 Summary of demand and supply factors: Gypsies and Travellers – 2016/17 to 2020/21

NEED			Sevenoaks
1	Total households living on pitches	1a. On LA Site	59
		1b. On Private Site – Authorised	38
		1c. On Private Site – Temporary Authorised	7
		1d. Unauthorised	30
		1e. TOTAL (1a to 1d)	134
2	Estimate of households in bricks and mortar accommodation	2a. TOTAL (2011 Census)	80
		Weighting applied to stages 3 and 4 = 1.54 to account for household non-response	
3	Existing households planning to move in next 5 years	Currently on sites	
		3a. To another pitch/same site	3
		3b. To another site in District	5
		3c. From site to Bricks and Mortar	11
		3d. To a site/bricks and mortar outside District	2
		Currently in Bricks and Mortar	
		3e. Planning to move to a site in LA	4
		3f. Planning to move to another B&M property	0
		3g. TOTAL Net impact (3a+3b-3c-3d+3e)	-1
4	Emerging households (5 years)	4a. Currently on site and planning to live on current site	34
		4b. Currently on sites and planning to live on another site in LA	0
		4c. Currently on site and planning to live on site outside the study area	0
		4d. Currently in B&M planning to move to a site in LA	0
		4e. Currently in B&M and moving to B&M (no net impact)	0
		4f. Currently on Site and moving to B&M (no net impact)	0
		4g. TOTAL Net impact (4a+4b+4d)	34
		5	Total Need
SUPPLY			
6	Current supply of authorised pitches	6a. Current occupied authorised pitches	100
		6b. Current vacancies on authorised pitches	6
		6c. TOTAL current authorised supply (6a+6b)	106
RECONCILING NEED AND SUPPLY			
7	Total need for pitches	5 years (from 5)	167
8	Total supply of authorised pitches (excluding turnover)	5 years (from 9a)	106
5 YEAR AUTHORISED PITCH SHORTFALL 2016/17 TO 2020/21 (excluding turnover)			61

Longer-term pitch requirement modelling

- 7.18 Longer-term pitch need modelling has been carried out using known household structure information from the household survey of households living on pitches. On the basis of the age of children in households, it is possible to determine the extent of 'likely emergence', which assumes that a child is likely to form a new household at the age of 18³³.
- 7.19 The year when a child reaches 18 has been calculated and it is possible to assess how many newly forming households may emerge over the period 2022/3-2034/35, with the assumption that they remain in Sevenoaks and that 50% of children will form households when they reach 18. Analysis would suggest a total requirement for 44 additional pitches over the period 2022/23-2034/35 (Table 7.2).

Table 7.2 Future pitch requirements based on the assumption that 50% of children form households on reaching 18

Time period	No. children*	Expected household formation
2022/23 – 2026/27	37	19
2027/28 – 2031/32	42	21
2032/33 – 2034/35	9	4
Total (2022/23 to 2034/35)	87	44

*Data are based on survey responses and weighted up by 1.48 to reflect total households where children are likely to be present

Planning Policy for Traveller Site definition

- 7.20 Analysis of household survey data establishes that 62.1% of Gypsies and Travellers living on pitches across Sevenoaks satisfy the PPTS definition of Gypsies and Travellers. This proportion is applied to the cultural need evidenced in the 5-year and longer-term modelling of pitch requirements to establish a PPTS need for pitches.

Turnover on sites

- 7.21 In establishing a final need for pitches over the plan period, turnover on sites is also considered. The model includes expected turnover on public sites only. Although there is likely to be turnover on private sites, the ability of households to move onto private sites may be more restrictive (for instance the site may be restricted to a particular family).

³³ Travellers are more likely to establish their own household at a relatively early age; it is not uncommon for a Traveller to be living in their own household by the age of 18.

- 7.22 Site management data from local authority sites identifies annual turnover of one pitch each year across the two Kent County Council Sites at Polhill and Barnfield over the past 3 years; and 16 pitches over 10 years on the Sevenoaks District Council site at Edenbridge (1.6 each year). This results in an annual turnover of around 3 pitches (rounded) or 54 over the plan period across local authority sites.

Overall plan period pitch need

- 7.23 Table 7.3 summarises the overall need for pitches across Sevenoaks District over the plan period to 2035 and presents the cultural need and PPTS need for pitches. This final analysis also factors in expected turnover of pitches on local authority sites.

Table 7.3 Overall plan period Gypsy and Traveller pitch need		
	Cultural need	PPTS need
5yr Authorised Pitch Shortfall (2017/18 to 2021/22)	61	38
Longer-term need to 20345	44	27
TOTAL NET SHORTFALL to 2035 (Plan Period)	105	65
Expected turnover on LA sites over the Plan Period	54	54
FINAL NET SHORTFALL PLAN PERIOD	51	11

- 7.24 It is recommended that the Local Plan recognises there is a cultural need for 51 pitches over the plan period and a PPTS need of 11 pitches over the plan period.

Travelling Showperson plot requirements

- 7.25 There are currently no Travelling Showpeople living in Sevenoaks and on this basis there is no need for Travelling Showperson plots.

Transit site requirements

- 7.26 The household survey found that around 45.6% feel that transit provision should be made in the District and the majority (73.6%) felt this should be managed by the Council. A transit pitch normally has a hard standing, electric hook up and amenity shed. A good indicator of transit need is unauthorised encampment activity.
- 7.27 According to the Council, unauthorised encampment activity is generally limited in Sevenoaks District. There is some activity which usually involves a small number of caravans for up to 2 days. It is recommended that the Council consider the use of existing local authority sites to provide a small number of pitches suitable for transit use but that no new site is currently required.

8. Conclusion and strategic response

- 8.1 This concluding chapter provides a brief summary of key issues emerging from the research; advice on the strategic responses available, including examples of good practice; and recommendations and next steps.

Meeting permanent Gypsy and Traveller pitch requirements

- 8.2 There are currently 134 Gypsy and Traveller households living on pitches across Sevenoaks District.
- 8.3 The 2017 GTAA has evidenced a need for pitches within Sevenoaks District over the Plan Period to 2035. This has been based on interviews with households living on pitches on a range of sites across the District.
- 8.4 The GTAA has identified a needs range of at least 11 pitches (based on the PPTS definition of need) to 51 (based on a cultural definition of need) over the Plan Period.
- 8.5 Overall, it is recommended that the Local Plan acknowledges this range of need.
- 8.6 It is also recommended that the Council also considers future applications for small sites to meet the needs of families who may emerge over the Plan Period.

Meeting permanent Travelling Showperson requirements

- 8.7 There are currently no Travelling Showperson yards in Sevenoaks District. The 2017 GTAA has not found any evidence of a need for plots to be provided during the five-year period 2017/18 to 2021/22 or the Plan Period up to 2035.

Meeting transit site/stop over requirements

- 8.8 It is considered that some transit provision may be required within Sevenoaks District which would provide pitches for the majority of unauthorised encampments taking place within the District which tend to be small numbers of caravans over short periods of time. It is recommended that up to 2 transit pitches are developed on existing local authority sites. It is also recommended that unauthorised encampment activity is monitored regularly.

Good practice in planning for Gypsy and Traveller provision

- 8.9 There are a number of resources available to local planning authorities to assist them in planning for Gypsy and Traveller provision, including resources from the Planning Advisory Service (PAS) and the Royal Town Planning Institute (RTPI), which are presented in Appendix B. In addition, the Local Government Agency and Local Government Association have resources available for local authorities

working with Traveller communities to identify sites for new provision, these include dedicated learning aids for elected members³⁴.

- 8.10 Work undertaken by PAS³⁵ identified ways in which the planning process can increase the supply of authorised Gypsy and Traveller pitches. The RTPi has developed a series of Good Practice Notes for local planning authorities. Both are summarised at Appendix B.

Concluding comments

- 8.11 The overarching purpose of this study has been to identify the accommodation requirements of Gypsies, Travellers and Travelling Showpeople across Sevenoaks District.
- 8.12 As set out in Table 8.1, it is recommended that the Local Plan recognises a cultural need for 51 pitches over the Plan Period and a PPTS need of 11 pitches over the Plan Period (to 2035).
- 8.13 There are currently no Travelling Showperson's yards in Sevenoaks and it is considered that there is no need for Travelling Showpeople plots within the District.
- 8.14 The study suggests the development of up to two transit pitches on existing local authority sites.
- 8.15 It is recommended that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and pitch provision remains appropriate for the Gypsy, Traveller and Travelling Showpeople population across Sevenoaks.

Table 8.1 Overall plan period Gypsy and Traveller pitch need

	Cultural need	PPTS need
5yr Authorised Pitch Shortfall (2017/18 to 2021/22)	61	38
Longer-term need to 2035	44	27
TOTAL NET SHORTFALL to 2035 (Plan Period)	105	65
Expected turnover on LA sites over the Plan Period	54	54
FINAL NET SHORTFALL PLAN PERIOD	51	11

³⁴ I&DeA (now Local Government Agency) local leadership academy providing Gypsy and Traveller sites

³⁵ PAS spaces and places for gypsies and travellers how planning can help

Appendix A: Legislative background

Overall approach

- A.1 Between 1960 and 2003, three Acts of Parliament had a major impact upon the lives of Gypsies and Travellers. The main elements of these are summarised below.
- A.2 The **1960 Caravan Sites and Control of Development Act** enabled councils to ban the siting of caravans for human occupation on common land, and led to the closure of many sites.
- A.3 The **Caravan Sites Act 1968 (Part II)** required local authorities '*so far as may be necessary to provide adequate accommodation for Gypsies residing in or resorting to their area*'. It empowered the Secretary of State to make designation orders for areas where he was satisfied that there was adequate accommodation, or on grounds of expediency. Following the recommendations of the Cripps Commission in 1980, provision began to grow rapidly only after the allocation of 100% grants from central government. By 1994 a third of local authorities had achieved designation, which meant that they were not required to make further provision and were given additional powers to act against unauthorised encampments. The repeal of most of the Caravan Sites Act under the Criminal Justice and Public Order Act in 1994 led to a reduction in provision, with some sites being closed over a period in which the Gypsy and Traveller population was increasing.
- A.4 The **1994 Criminal Justice and Public Order Act (CJ&POA)**:
- Repealed most of the 1968 Caravan Sites Act;
 - Abolished all statutory obligation to provide accommodation;
 - Discontinued government grants for sites; and
 - Under Section 61 made it a criminal offence to camp on land without the owner's consent.

Since the CJ&POA the only places where Gypsies and Travellers can legally park their trailers and vehicles are:

- Council Gypsy caravan sites; by 2000 nearly half of Gypsy caravans were accommodated on council sites, despite the fact that new council site provision stopped following the end of the statutory duty;
- Privately owned land with appropriate planning permission; usually owned by Gypsies or Travellers. Such provision now accommodates approximately a third of Gypsy caravans in England; and
- Land with established rights of use, other caravan sites or mobile home parks by agreement or licence, and land required for seasonal farm workers (under site licensing exemptions).

By the late 1990s the impact of the 1994 Act was generating pressure for change on both local and national government. There was a major review of law and policy, which included:

- A Parliamentary Committee report (House of Commons 2004).
- The replacement of Circular 1/94 by Circular 1/2006 (which has since been cancelled and replaced by the *Planning policy for traveller sites* 2012 and updated in 2015).
- Guidance on accommodation assessments (ODPM 2006).
- The Housing Act 2004 which placed a requirement (s.225) on local authorities to assess Gypsy and Traveller accommodation needs.

A.5 **Section 225: Housing Act 2004** imposed duties on local authorities in relation to the accommodation needs of Gypsies and Travellers:

- Every local housing authority was required as part of the general review of housing needs in their areas under section 8 of the Housing Act 1985 assess the accommodation needs of Gypsies and Travellers residing in or resorting to their district;
- Where a local housing authority was required under section 87 of the Local Government Act 2003 to prepare a strategy to meet such accommodation needs, they had to take the strategy into account in exercising their functions;
- A local housing authority was required to have regard to section 226 ('Guidance in relation to section 225') in:
 - carrying out such an assessment, and
 - preparing any strategy that they are required to prepare.
- Section 124 of the Housing and Planning Act 2016 deletes sections 225 and 226 of the Housing Act 2004 (see below). Additional requirements have been inserted into Section 8 of the Housing Act 1985 to include an assessment of the need for sites for caravans and moorings for houseboats within the periodical review of housing needs.

A.6 The **Planning and Compulsory Purchase Act 2004** set out to introduce a simpler and more flexible planning system at regional and local levels. It also introduced new provisions which change the duration of planning permissions and consents, and allow local planning authorities to introduce local permitted development rights using 'local development orders'. It made the compulsory purchase regime simpler, fairer and quicker, to support major infrastructure and regeneration initiatives.

The Act introduced major changes to the way in which the planning system operates. Local planning authorities are required to prepare a Local Development Framework; however, the term Local Plan was reintroduced following the National Planning Policy Framework in March 2012.

Part 8 of the Act contains a series of measures to reform the compulsory purchase regime and make it easier for local planning authorities to make a case for compulsory purchase orders where it will be of economic, social or environmental benefit to the area. This Act was subsequently amended to a Local Plan document with the introduction of the NPPF in March 2012. This section also brings in amended procedures for carrying out compulsory purchase orders, including a widening of the category of person with an interest in the land who can object, and deals with ownership issues and compensation.

- A.7 **The Localism Act 2011** introduced a number of reforms, including changes to planning enforcement rules, which strengthen the power of local planning authorities to tackle abuses of the planning system. The changes give local planning authorities the ability to take actions against people who deliberately conceal unauthorised development, and tackle abuses of retrospective planning applications. The Act also introduced the Duty to Co-operate (see Section 3) on all local planning authorities planning sustainable development. The Duty requires *‘neighbouring local authorities, or groups of authorities, to work together on planning issues in the interests of all their local residents. ... the Government thinks that local authorities and other public bodies should work together on planning issues in ways that reflect genuine shared interests and opportunities to make common cause. The duty requires local authorities and other public bodies to work together on planning issues.’*³⁶ The provision of Gypsy and Traveller sites falls within the Duty to Co-operate; which aims to ensure that neighbouring authorities work together to address issues such as provision of sites for Gypsies and Travellers in a planned and strategic way.
- A.8 **Statutory Instrument 2013 No 830 Town and Country planning Act, England (Temporary Stop Notice) (England) (Revocation) Regulations 2013** came into force on 4th May 2013. This Instrument revoked the regulations governing Temporary Stop Notices, which were in place to mitigate against the disproportionate impact of Temporary Stop Notices on Gypsies and Travellers in areas where there was a lack of sufficient pitches to meet the needs of the Travelling community.
- A.9 **Section 124: Housing and Planning Act 2016** has two parts:
- 124(1) amends section 8 of the Housing Act 1985, inserting an additional reference to include a duty to consider the needs of people residing in or resorting to local authority districts with respect to the provision of sites for caravans and moorings for houseboats when undertaking housing needs assessments.
 - 124(2) deletes sections 225 and 226 of the Housing Act 2004 (as set out above).

³⁶ DCLG A plain English guide to the Localism Act Nov 2011

Appendix B: Literature review

Introduction

B.1 As part of this research, we have carried out a review of literature, which is presented in this Appendix. A considerable range of guidance documents has been prepared by Central Government to assist local authorities discharge their strategic housing and planning functions. In addition, there is considerable independent and academic research and guidance on these issues; some of the key documents are summarised here. The documents are reviewed in order of publication date.

B.2 **A Decent Home: Definition and Guidance for Implementation Update, DCLG, June 2006**

Although not primarily about the provision of caravan sites, facilities or pitches, the June 2006 updated DCLG guidance for social landlords provides a standard for such provision. The guidance is set out under a number of key headings:

- Community-based and tenant-led ownership and management;
- Delivering Decent Homes Beyond 2010;
- Delivering mixed communities;
- Procurement value for money; and
- Housing Health and Safety.

The guidance defines four criteria against which to measure the standard of a home:

- It meets the current statutory minimum standard for housing;
- It is in a reasonable state of repair;
- It has reasonably modern facilities and services; and
- It provides a reasonable degree of thermal comfort.

B.3 **Guide to Effective Use of Enforcement Powers - Parts 1 (Unauthorised Encampments, ODPM, 2006) and 2 (Unauthorised Development of Caravan Sites, DCLG, 2007)**

The Guide (now cancelled) was the Government's response to unauthorised encampments which cause local disruption and conflict. Strong powers are available to the police, local authorities and other landowners to deal with unauthorised encampments. It provided detailed step-by-step practical guidance to the use of these powers, and sets out advice on:

- Choosing the most appropriate power;
- Speeding up the process;
- Keeping costs down;
- The eviction process; and
- Preventing further unauthorised camping.

B.4 **Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Commission for Racial Equality, May 2006**

This report was written four years after the introduction of the statutory duty on public authorities under the Race Relations (Amendment) Act to promote equality of opportunity and good race relations and to eliminate unlawful racial discrimination. The CRE expressed concerns about relations between Gypsies and Irish Travellers and other members of the public, with widespread public hostility and, in many places, Gypsies and Irish Travellers leading separate, parallel lives. A dual concern about race relations and inequality led the Commission in October 2004 to launch the inquiry on which this report was based.

The Report's recommendations include measures relating to Central Government, local authorities, police forces and the voluntary sector. Among those relating to Central Government are:

- developing a realistic but ambitious timetable to identify land for sites, where necessary establishing them, and making sure it is met;
- developing key performance indicators for public sites which set standards for quality and management that are comparable to those for conventional accommodation;
- requiring local authorities to monitor and provide data on planning applications, outcomes and enforcement, and on housing and homelessness by racial group, using two separate categories for Gypsies and Irish Travellers; and
- requiring police forces to collect information on Gypsies and Irish Travellers as two separate ethnic categories.

Strategic recommendations affecting local authorities include:

- developing a holistic corporate vision for all work on Gypsies and Irish Travellers,
- reviewing all policies on accommodation for Gypsies and Irish Travellers,
- designating a councillor at cabinet (or equivalent) level, and an officer at no less than assistant director level, to coordinate the authority's work on all sites;
- emphasising that the code of conduct for councillors applies to their work in relation to all racial groups, including Gypsies and Irish Travellers;
- giving specific advice to Gypsies and Irish Travellers on the most suitable land for residential use, how to prepare applications, and help them to find the information they need to support their application;
- identifying and reporting on actions by local groups or individuals in response to plans for Gypsy sites that may constitute unlawful pressure on the authority to discriminate against Gypsies and Irish Travellers; and
- monitoring all planning applications and instances of enforcement action at every stage, by type and racial group, including Gypsies and Irish Travellers, in order to assess the effects of policies and practices on different racial groups.

Among other recommendations, the Report states that police forces should:

- include Gypsies and Irish Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations;
- target individual Gypsies and Irish Travellers suspected of anti-social behaviour and crime on public, private and unauthorised sites, and not whole communities;
- treat Gypsies and Irish Travellers as members of the local community, and in ways that strengthen their trust and confidence in the police;
- provide training for all relevant officers on Gypsies' and Irish Travellers' service needs, so that officers are able to do their jobs more effectively;
- review formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices, and ensure that the procedures promote race equality and good race relations; and
- review the way policy is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised, and training needs are identified.

Other recommendations relate to Parish and Community councils the Local Government Association, the Association of Chief Police Officers and the voluntary sector.

B.5 **Planning Advisory Service (PAS) *Spaces and places for Gypsies and Travellers: how planning can help* (2006)**

PAS list the following as key to successful delivery of new provision:

- **Involve Gypsy and Traveller communities:** this needs to happen at an early stage, innovative methods of consultation need to be adopted due to low levels of literacy and high levels of social exclusion within Gypsy and Traveller communities and members of the Gypsy and Traveller community should be trained as interviewers on Accommodation Assessments (Cambridgeshire, Surrey, Dorset and Leicestershire). Other good practice examples include distribution of material via CD, so that information can be 'listened to' as opposed to read. The development of a dedicated Gypsy and Traveller Strategy is also seen to be good practice, helping agencies develop a co-ordinated approach and so prioritise the issue. The report also recommends the use of existing Gypsy and Traveller resources such as the planning guide published in Traveller's Times, which aims to explain the planning process in an accessible way to members of the Gypsy and Traveller community. As well as consulting early, PAS also flags the need to consult often with communities;
- **Work collaboratively** with neighbouring authorities to address the issues and avoid just 'moving it on' to a neighbouring local authority area. With the new Duty to Co-operate established within the NPPF, working collaboratively with neighbouring local authorities has never been more important. Adopting a collaborative approach recognises that local authorities cannot work in isolation to tackle this issue;

- **Be transparent:** trust is highly valued within Gypsy and Traveller communities, and can take a long time to develop. The planning system needs to be transparent, so that members of the Gypsy and Traveller community can understand the decisions that have been taken and the reasoning behind them. PAS states that *‘ideally council work in this area should be led by an officer who is respected both within the Council and also within Gypsy and Traveller communities: trust is vital and can be broken easily.’*³⁷ Local planning authorities also need to revisit their approach to development management criteria for applications for Gypsy and Traveller sites *‘to ensure that criteria make it clear what applications are likely to be accepted by the council. Authorities need to ensure that these are reasonable and realistic. Transparent and criteria-based policies help everyone to understand what decisions have been made and why.’*³⁸ Kent and Hertsmere councils are listed as examples of good practice in this regard.
- **Integration:** accommodation needs assessments need to be integrated into the Local Plan evidence base, with site locations and requirements set out within specific Development Plan Documents (DPDs); dedicated Gypsy and Traveller DPDs are advocated as a means of ensuring that the accommodation needs of Gypsies and Travellers are fully considered and addressed within the local planning process; and
- **Educate and work with councillors:** members need to be aware of their responsibilities in terms of equality and diversity and *‘understand that there must be sound planning reasons for rejecting applications for Gypsy and Traveller sites’*³⁹. It is helpful for members to understand the wider benefits of providing suitable accommodation to meet the requirements of the Gypsy and Traveller community, such as:
 - An increase in site provision;
 - Reduced costs of enforcement; and
 - Greater community engagement and understanding of community need.

B.6 RTPI Good Practice Note 4, *Planning for Gypsies and Travellers (2007)*

The RTPI has developed a series of Good Practice notes for local planning authorities ‘Planning for Gypsies and Travellers’; the notes cover four key areas:

- Communication, consultation and participation;
- Needs assessment;
- Accommodation and site delivery; and
- Enforcement.

Whilst the notes were developed prior to the NPPF and the introduction of PPTS 2012 and 2015, some of the key principles remain relevant. and it is worth considering some of the papers’ key recommendations.

³⁷ PAS Spaces and places for gypsies and travellers how planning can help, page 8

³⁸ PAS spaces and places for gypsies and travellers how planning can help page 8 & 14

³⁹ PAS spaces and places for gypsies and travellers how planning can help page 10

In terms of **communication, consultation and participation** the RTPI highlight the following good practice:

- **Define potentially confusing terminology** used by professionals working in the area;
- **Use appropriate methods of consultation:** oral exchanges and face-to-face dealings are essential to effectively engage with Gypsy and Traveller communities, whilst service providers tend to use written exchanges;
- **Consultees and participants need to be involved in the entire plan making process;** this includes in-house participants, external organisations, Gypsy and Traveller communities, and settled communities. The RTPI concludes that:
 - *‘Local authorities should encourage Gypsy and Traveller communities to engage with the planning system at an early stage. However, they may request other agencies that have well-established relationships with members of Gypsy and Traveller communities to undertake this role.’* and
 - *‘In the past, settled communities have often only become aware of the intention to develop Gypsy and Traveller accommodation when the local authority issues a notice or consultation.... cultivating the support of the settled community for the development of sites should start as soon as possible. ... There is a sound case for front-loading and sharing information with small groups in the [settled] community, rather than trying to manage large public gatherings at the start of the process. Again, it may be beneficial for the local authority to work in partnership with organisations with established links in the community. The settled community is not a homogeneous whole. There will be separate groups with different perceptions and concerns, which the local authority must take account of.’⁴⁰*
- **Dialogue methods:** the RTPI correctly identify that the experience of many Gypsies and Travellers of liaising with both public sector agencies and the settled community is both frightening and negative. As a result *‘there should be no expectation that Gypsies and Travellers will participate in open meetings. Stakeholders should investigate suitable methods of bringing together individuals from the respective communities in an environment that will facilitate a constructive exchange of information and smooth the process of breaking down animosity and hostility.’⁴¹* The use of public meetings is discouraged, and the use of organisations with experience of working within both Gypsy and Traveller, and settled communities encouraged – advice and support groups, assisted by the latter, holding regular local meetings can be an effective means of engaging constructively with both communities. Representatives from these groups can also be included on appropriate forums and advisory groups. The location and timing of meetings needs to be carefully considered to maximise participation, with a neutral venue being preferable.

⁴⁰ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 8

⁴¹ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 13

- **The media** has an important role to play in facilitating the delivery of sites locally, with past reporting being extremely damaging. Positive media liaison is important and requires:
 - A single point of contact with the local authority;
 - A liaison officer responsible for compilation and release of briefings, and for building positive relationships with editors, journalists, radio and television presenters;
 - All stakeholders to provide accurate and timely briefings for the liaison officer;
 - Provision of media briefings on future activities;
 - Officers to anticipate when and where the most sensitive and contentious issues will arise and use of a risk assessment to mitigate any negative impact;
 - Use of the media to facilitate engagement with both settled and Gypsy and Traveller communities; and
 - Stakeholders to provide politicians with clear, accurate and comprehensive briefings.
- **On-going communication, participation and consultation** are important. The continued use of the most effective methods of engagement once an initiative is completed ensures the maximum use of resources:
 - *'The delivery of some services, such as the identification of sites in development plan documents, is the end of one process and the start of another. The various committees and advisory groups established to participate in the process of site identification and the accommodation needs assessment will have considerable background information and expertise embedded in their membership. This will prove useful in the management and monitoring of subsequent work. ... Whilst on-going engagement with all service users is important, it is especially important with regard to Gypsies and Travellers, given their long history of marginalisation.'*⁴²

Whilst the RTPI's Good Practice Note Planning for Gypsies and Travellers predates the NPPF, the principles that it establishes at Part C remain largely relevant in terms of the role of local plan making. The Note advises that whilst the use of the site specific DPDs to identify sites for Gypsy and Traveller accommodation may seem less divisive, subsequent to identification of sufficient sites to meet identified need, local planning authorities should seek to integrate provision for Gypsies and Travellers within their general housing strategies and policies. Early involvement of stakeholders, the community and special interest groups will help achieve a consensus.

However, the RTPI point out that, due to the contentious nature of Gypsy and Traveller provision, the use of a criteria based approach to the selection of development sites is unlikely to be *successful 'in instances where considerable*

⁴² RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 18

public opposition to the development might be anticipated.’ The paper concludes that it is not appropriate to rely solely on criteria as an alternative to site allocations where there is an identified need for the development.⁴³

The RTPI advocate adopting a pragmatic approach, whereby local planning authorities work with the Gypsy and Traveller communities within their areas to identify a range of potentially suitable sites:

‘The local authority and Gypsy and Traveller communities are both able to bring forward their suggested sites during this process, and the distribution and location of transit as well as permanent sites can be covered. The practicable options would then go forward for discussion with the local community, interest groups, and other stakeholders before the selection of preferred sites is finalised. The advantages of this approach are its transparency and the certainty it provides both for Gypsies and Travellers and for settled communities.’⁴⁴

The RTPI also advocates the use of supplementary planning guidance to provide additional detail on policies contained within a Local Plan; in terms of Gypsies and Travellers this could include:

- Needs assessment evidence base;
- Design principles; and
- A design brief for the layout of sites.

B.7 Guidance on Gypsy and Traveller Accommodation Needs Assessments, DCLG, October 2007

This Guidance sets out a detailed framework for designing, planning and carrying out Gypsy and Traveller accommodation needs assessments. It includes the needs of Showpeople. It acknowledges that the housing needs of Gypsies and Travellers are likely to differ from those of the settled community, and that they have hitherto been excluded from accommodation needs assessments.

The guidance stresses the importance of understanding accommodation needs of the whole Gypsy and Traveller population; and that studies obtain robust data. It recognises the difficulty of surveying this population and recommends the use of:

- Qualitative methods such as focus groups and group interviews;
- Specialist surveys of those living on authorised sites that are willing to respond; and
- Existing information, including local authority site records and the twice yearly caravan counts.

The guidance recognises that there are challenges in carrying out these assessments, and accepts that while the approach should be as robust as possible it is very difficult to exactly quantify unmet need.

⁴³ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

⁴⁴ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

B.8 Designing Gypsy and Traveller Sites Good Practice Guide, DCLG, May 2008

The Guide (now cancelled) attempted to establish and summarise the key elements needed to design a successful site. In particular, the guidance intended to assist:

- Local authorities or Registered Providers looking to develop new sites or refurbish existing sites;
- Architects or developers looking to develop sites or refurbish existing sites; and
- Site residents looking to participate in the design/refurbishment process.

B.9 The National Planning Policy Framework, March 2012

The National Planning Policy Framework (NPPF) came into effect in March 2012 and sets out the Government's planning policies for England. It condenses previous guidance and places a strong emphasis on 'sustainable development'. It provides more focussed guidance on plan-making and refers to 'Local Plans' rather than Local Development Frameworks or Development Plan Documents. Despite the difference in terminology it does not affect the provisions of the 2004 Act which remains the legal basis for plan-making.

B.10 DCLG Planning policy for traveller sites, March 2012 (subsequently updated August 2015)

In March 2012 the Government also published *Planning policy for traveller sites*, which together with the NPPF replaced all previous planning policy guidance in respect of Gypsies and Travellers. The policy approach encouraged provision of sites for Gypsies and Travellers where there is an identified need, to help maintain an appropriate level of supply. The policy also encouraged the use of plan making and decision taking to reduce unauthorised developments and encampments. This site has now been updated (see below).

B.11 Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, April 2012

In April 2012 the Government published a Progress Report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, which summarised progress in terms of meeting 'Government commitments to tackle inequalities and promote fairness for Gypsy and Traveller communities.'⁴⁵

The report covers 28 measures from across Government aimed at tackling inequalities, these cover:

- Improving education outcomes;
- Improving health outcomes;
- Providing appropriate accommodation;
- Tackling hate crime;
- Improving interaction with the National Offender Management Service;
- Improving access to employment and financial services; and

⁴⁵ www.communities.gov.uk/news/corporate/2124322

- Improving engagement with service providers.

B.12 Dealing with illegal and unauthorised encampments: a summary of available powers, DCLG August 2012

This guidance note (now superseded, March 2015) summarised the powers available to local authorities and landowners to remove encampments from both public and private land. Powers available to local authorities being:

- Injunctions to protect land from unauthorised encampments;
- Licensing of caravan sites;
- Tent site licences;
- Possession orders;
- Interim possession orders;
- Local byelaws;
- Power of local authorities to direct unauthorised campers to leave land;
- Addressing obstructions to the public highway;
- Planning contravention notice;
- Temporary stop notice;
- Enforcement notice and retrospective planning;
- Stop notice;
- Breach of condition notice; and
- Powers of entry onto land.

B.13 Statutory Instrument 2013 No.830 Town and Country Planning (Temporary Stop Notice) (England) (Revocation) Regulations 2013: Made on 11th April 2013 and laid before Parliament on 12th April 2013 this Instrument revoking the regulations applying to Temporary Stop Notices (TSNs) in England came into force on 4th May 2013. The regulations were originally introduced to mitigate against the likely disproportionate impact of TSNs on Gypsies and Travellers in areas where there is a lack of sites to meet the needs of the Travelling community. Under the regulations, TSNs were prohibited where a caravan was a person's main residence, unless there was a risk of harm to a serious public interest significant enough to outweigh any benefit to the occupier of the caravan. Under the new arrangements local planning authorities are to determine whether the use of a TSN is a proportionate and necessary response.

B.14 Ministerial Statement 1st July 2013 by Brandon Lewis⁴⁶ highlighted the issue of inappropriate development in the Green Belt and revised the appeals recovery criteria issued on 30th June 2008 to enable an initial six-month period of scrutiny of Traveller site appeals in the Green Belt. This was so that the Secretary of State could assess the extent to which the national policy, *Planning policy for traveller sites*, was meeting the Government's stated policy intentions. A number of appeals have subsequently been recovered. The Statement also revoked the

⁴⁶ <https://www.gov.uk/government/speeches/planning-and-travellers>

practice guidance on 'Diversity and equality in planning'⁴⁷, deeming it to be outdated; the Government does not intend to replace this guidance.

B.15 Dealing with illegal and unauthorised encampments: a summary of available powers 9th August 2013. This guidance (now superseded, March 2015) replaced that published in August 2012, and updated it in respect of changes to Temporary Stop Notices. The Guidance listed powers available to local authorities, including:

- More powerful temporary stop notices to stop and remove unauthorised caravans;
- Pre-emptive injunctions that protect vulnerable land in advance from unauthorised encampments;
- Possession orders to remove trespassers from land;
- Police powers to order unauthorised campers to leave land;
- Powers of entry onto land so authorised officers can obtain information for enforcement purposes;
- Demand further information on planning works to determine whether any breach of the rules has taken place;
- Enforcement notices to remedy any planning breaches; and
- Ensuring sites have valid caravan or tent site licences.

It sets out that councils should work closely with the police and other agencies to stop camps being set up when council offices are closed.

B.16 DCLG Consultation: Planning and Travellers, September 2014. This consultation document sought to:

- Amend the Planning policy for Traveller sites' definition of Travellers and Travelling Showpeople to exclude those who have ceased to travel permanently;
- Amend secondary legislation to bring the definition of Gypsies and Travellers, set out in the Housing (Assessment of Accommodation Needs)(Meaning of Gypsies and Travellers)(England) Regulations 2006 in line with the proposed changed definition set out above for the Planning policy for Traveller sites;
- Make the intentional unauthorised occupation of land be regarded by decision takers as a material consideration that weighs against the granting of planning permission. In other words, failure to seek permission in advance of occupation of land would count against the grant of planning permission;
- Protect 'sensitive areas' including the Green Belt;
- Update guidance on how local authorities should assess future Traveller accommodation requirements, including sources of information that authorities should use. In terms of future needs assessments the consultation suggests that authorities should look at:

⁴⁷ ODPM Diversity and Equality in Planning: A good practice guide 2005

- The change in the number of Traveller households that have or are likely to have accommodation needs to be addressed over the Plan period;
 - Broad locations where there is a demand for additional pitches;
 - The level, quality and types of accommodation and facilities needed (e.g. sites and housing);
 - The demographic profile of the Traveller community obtained from working directly with them;
 - Caravan count data at a local level; and
 - Whether there are needs at different times of the year.
- The consultation closed on 23rd November 2014.

B.17 Dealing with illegal and unauthorised encampments: a summary of available powers, March 2015. This Guidance sets out the robust powers councils, the police and landowners have to deal quickly with illegal and unauthorised encampments. The Guidance lists a series of questions that local authorities will want to consider including:

- Is the land particularly vulnerable to unlawful occupation/trespass?
- What is the status of that land? Who is the landowner?
- Do any special rules apply to that land (e.g. byelaws, statutory schemes of management, etc.) and, if so, are any of those rules relevant to the occupation/trespass activity?
- Has a process been established for the local authority to be notified about any unauthorised encampments?
- If the police are notified of unauthorised encampments on local authority land, do they know who in the local authority should be notified?
- If the power of persuasion by local authority officers (wardens/park officers/enforcement officers) does not result in people leaving the land/taking down tents, is there a clear decision making process, including liaison between councils and local police forces, on how to approach unauthorised encampments? At what level of the organisation will that decision be made? How will that decision-maker be notified?

The Guidance also states that to plan and respond effectively local agencies should work together to consider:

- Identifying vulnerable sites;
- Working with landowners to physically secure vulnerable sites where possible;
- Preparing any necessary paperwork, such as applications for possession orders or injunctions, in advance;
- Working with private landowners to inform them of their powers in relation to unauthorised encampments, including advance preparation of any necessary paperwork;
- Developing a clear notification and decision-making process to respond to instances of unauthorised encampments;

- The prudence of applying for injunctions where intelligence suggests there may be a planned encampment and the site of the encampment might cause disruption to others;
- Working to ensure that local wardens, park officers or enforcement officers are aware of who they should notify in the event of unauthorised encampments;
- Working to ensure that local wardens or park officers are aware of the locations of authorised campsites or other alternatives; and
- Identifying sites where protests could be directed / permitted.

B.18 **DCLG Planning policy for traveller sites, August 2015**

To be read alongside the NPPF (March 2012), this national planning policy document replaces the original document of the same name (published in March 2012). *Planning policy for traveller sites* sets out that, “the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”⁴⁸

The document sets out a series of nine policies (Policy A to Policy I), which address different issues associated with traveller sites:

- Policy A: Using evidence to plan positively and manage development,
- Policy B: Planning for traveller sites,
- Policy C: Sites in rural areas and the countryside,
- Policy D: Rural exception sites,
- Policy E: Travellers sites in Green Belt,
- Policy F: Mixed planning use traveller sites,
- Policy G: Major development projects,
- Policy H: Determining planning applications for traveller sites, and
- Policy I: Implementation.

B.19 **DCLG Planning policy statement on Green Belt protection and intentional unauthorised development (31st August 2015)**

Issued as a letter to all Chief Planning Officers in England, this planning policy statement sets out changes to make intentional unauthorised development a material consideration in the determination of planning applications, and also to provide stronger protection for the Green Belt. The statement explains that the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt, and additionally the DCLG will consider the recovery of a proportion of relevant appeals for the Secretary of State’s decision “to enable him to illustrate how he would like his policy to apply in practice”, under the criteria set out in 2008.

⁴⁸ DCLG *Planning policy for traveller sites*, August 2015, paragraph 3

In addition, the planning policy statement of 31st August 2015 announced that the Government has cancelled the documents *Guide to the effective use of enforcement powers, Part 1* (2006) and *Part 2* (2007) and *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008).

B.20 DCLG Draft guidance to local housing authorities on the periodical review of housing needs: Caravans and Houseboats, March 2016

This draft guidance was published to explain how the Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats. It makes reference to Clause 115 of the Housing and Planning Bill, which has subsequently received royal assent and became legislation on 12 May 2016. The relevant clause has become Section 124 of the Housing and Planning Act 2016.

The draft guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.

In the carrying out of accommodation needs assessments, the draft guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.

Appendix C: Fieldwork questionnaire

Sevenoaks District Council Gypsy and Traveller Accommodation Assessment 2017

Agenda Item 11

QUESTIONNAIRE

[November] 2017

Page 204

Main Contact: Dr Michael Bullock
Email: michael.bullock@arc4.co.uk
Telephone: 0800 612 9133
Website: www.arc4.co.uk

© 2017 arc⁴ Limited (Company No. 06205180)



Sevenoaks District Gypsy, Traveller and Travelling Showpeople Survey

Introduction

I am an independent researcher doing a study on the accommodation needs of Gypsies, Travellers and Travelling Showpeople. This work is being conducted on behalf of Sevenoaks District Council.

We want to find out:

- What sort of homes – sites, yards and houses – Gypsies, Travellers and Travelling Showpeople need.
- What you think of existing sites, yards and homes
- Whether you think new permanent and temporary sites and yards are needed
- Whether you think easier access to bricks and mortar accommodation is needed
- Whether you travel and if so whether you've had problems while travelling
- What you think about the costs of your homes – houses, yards and sites
- What other services you feel you need to support you

Interviewed before?

Have you been interviewed for this survey before?

- **If 'Yes' and in same location as previous interview, politely decline interview and find new respondent.**
- **If 'Yes' on roadside and in different location from previous interview carry on with introduction**
- **If 'No' carry on with introduction**

Do you have time to talk with me about these things – it will take about 30 to 40 minutes?

Your answers are completely confidential – I won't use your name in any report that I write and no one will be able to trace any answer back to you. You don't have to answer everything - if you don't want to answer any particular questions, just tell me to skip them.

FOR MOST ANSWERS, CHECK THE BOXES MOST APPLICABLE OR FILL IN THE BLANKS

Interview details

Date and time _____

Location (site name and address) _____

Agenda Item 11

Page 206

Each/property type (circle most appropriate)

- 1.Council
- 2.HA
- 3.Private_Authorised
- 4.Private_TempAuthorised
- 5.Private_Unauthorised
- 6.Private_Unauthorised Tolerated
- 7.Bricks and Mortar

Background data

Pitch address and/or number [use any evidence of numbers or attribute them]	
Number static caravans/mobile homes on pitch	
Number tourers on pitch	
Number bricks and mortar on pitch	
Brief description of pitch occupancy [eg. the pitch contained 3 households - the principal household and then a cousin of the respondent and his family; and a son of the respondent and his family]	
Number of households as stated by respondent [from this determine how many questionnaires to complete on the pitch]	
Number of concealed households [Judgement required]	
Number of doubled up households [Judgement required]	
Does anyone else use this pitch as their home [Brief description]	

Household Characteristics

Q1 Who lives in your household?

	Gender	Age	Relationship to respondent	Economic activity	Ethnicity
Respondent					
Person 2					
Person 3					
Person 4					
Person 5					
Person 6					
Person 7					
Person 8					

Notes for interview coding:]

	Relationship	Economic activity	Ethnicity
1	Spouse/partner	Working full-time (30 or more hrs each week)	Romany Gypsy
2	Son/stepson	Working part-time 16 and up to 30 hrs each week)	English Gypsy
3	Daughter/stepdaughter	Working part-time under 16 hrs each week)	English Traveller
4	Grandson/daughter	Self-employed (full or part time)	Irish Traveller
5	Parent	On Government training programme	Welsh Gypsy
6	Grandparent	In full-time education (inc. nursery)	Welsh Traveller
7	Brother/sister	Unemployed and available for work	Scottish Gypsy
8	Nephew/niece	Permanently sick/disabled	Scottish Traveller
9	Other relation	Wholly retired from work	New Traveller
10	Friend	Looking after the home and family	Showman
11	Lodger/boarder	Full-time carer or volunteer	Circus Traveller
12			Other

Q2 How would you best describe your household?

1	2	3	4	5	6	7
Single person under 65	Single person 65 and over	Lone parent	Couple no children	Couple with children	Older couple (one or both 65 and over)	Other

Home base**Q3** Is this your main home base?

1	2
Yes	No

If 'no' go to Q4; if 'yes' go to Q5]

Q4 Where is your other home base?

[State settlement/district]

Current accommodation**Q5** What type of accommodation do you live in?

1	2	3	4	5	6
Trailer/wagon	Static/mobile home/chalet	House	Bungalow	Flat	Other (specify)

Q6 How many bedspaces are there?

1	2	3	4	5	6	7	8

Q7 Do you think your home (trailer/B&M) is overcrowded?

1	2
Yes	No

Q8 Do you think your pitch is overcrowded?

1	2
Yes	No

Q9 How long have you lived here (at the location of the interview)?

1	2	3	4	5	6
Up to 1 year	Over 1 and up to 2 years	2 years and up to 3 years	3 years and up to 4 years	4 years and up to 5 years	5 years or more

Q10 Where did you move from?

1	2	3	4
The same pitch	The same site	The same district	From outside the district

Q11 Why did you move onto this pitch?

1	2	3	4	5	6	7	8	9	10
Close to family/friends	Near to place of work	Near to school/nursery	Close to hospital/doctors	Close to church	No-where else that is suitable	Simply chose this place / no particular reason	Pitch provided by family/ friends	Always lived here	Other [Please Specify below]

Other: _____

Q12 When you moved onto this pitch, was it?

1	2	3
A brand new pitch which had not been occupied	An empty pitch which had previously been occupied	Part of an existing pitch which became available to you (sub-division)

Travelling questions**Q13** In the last year have or someone in your household you travelled?

1	2
Yes	No

Q14 Previous to the last year, did you or someone in your household travel?

1	2
Yes	No

Q15 *Why do you travel?*

1	2	3	4	5	6	7	8
Cultural reasons	Personal preference	Work related	Visit family/ friends or family events	To attend fairs	To attend religious meetings/ conventions	Only way of life I know	Limited opportunity to settle down/ no pitch on which to live/ lack of site provision

Q16 *Do you or a member of your household plan to travel next year?*

1	2
Yes	No

Q17 *Do you think you or a member of your household will travel each year for the next five years and/or beyond?*

1	2
Yes	No

Q18 How many days or weeks do you normally travel each year?

1	2	3	4	5	6	7	8
No more than 13 days	2 to 4 weeks (or one month)	5 to 8 weeks (or 2 months)	9 to 12 weeks (or 3 months)	13 to 26 weeks (or 6 months)	Over 6 months but less than 10 months	Over 10 months but less than 12 months	All year

Q19 How many days or weeks do you plan to travel in any given year in the future?

1	2	3	4	5	6	7	8
No more than 13 days	2 to 4 weeks (or one month)	5 to 8 weeks (or 2 months)	9 to 12 weeks (or 3 months)	13 to 26 weeks (or 6 months)	Over 6 months but less than 10 months	Over 10 months but less than 12 months	All year

Q20 Where would you normally go when you are travelling; where and when?

	Location	Month	Reason	Route
A.				
B.				
C.				
D.				

Agenda Item 11

Q21 What reasons do you have for not travelling now or in the future?

1	2	3	4	5	6	7	8	9	10
Too many problems relating to travelling	Long term health reasons	Short term health reasons	Prefer not to travel	Family commitments	Education of children	Work/ job commitments	Do not need to travel	Other members of my household travel	Other (please state)

Agenda Item 11

Other: _____

Page 214

Transit site questions

Q22 Transit sites are intended for short-term use while in transit. Sites are usually permitted and authorised but there is a limit on the length of time residents can stay. Is there a need for transit sites in Sevenoaks?

1	2
Yes	No

Q23 If yes, where?

Q24 Please state how many pitches and when is the site needed?

How many pitches? _____

When is the site needed (all the time or only at certain times of year)? _____

Q25 Who should manage transit sites?

1	2	3	4	5
Councils	Registered social landlords/ Housing Associations	Private (Gypsy/ Traveller)	Private (Non Gypsy/ Traveller)	Other (please state)

Other: _____

Permanent site questions

Q26 Is there a need for new permanent site(s) in Sevenoaks?

1	2
Yes	No

Q27 If yes, where?

Q28 Please state how many pitches? _____

Q29 Who should manage permanent sites?

1	2	3	4	5
Councils	Registered social landlords/ Housing Associations	Private (Gypsy/ Traveller)	Private (Non Gypsy/ Traveller)	Other (please state)

Other: _____

The future

Q30 Are you planning to move in the next 5 years?

1	2
No - planning to stay where you are based now [go to 0]	Yes - planning to move elsewhere

Q31 *Where are you planning to move to?*

1	2	3	4	5
Another pitch on the current site/ yard	Another site/ yard (if so, where)	Bricks and mortar (if so, where)	From bricks and mortar to a site/ yard (if so, where)	Other (please state)
	State settlement/district	State settlement/district	State settlement/district	State settlement/district

Q32 *What type of accommodation are you planning to move to?*

1	2	3	4	5	6
Trailer/wagon	Chalet/mobile home	House	Bungalow	Flat	Older persons' housing (eg sheltered/extra care)

Q33 *Which of the following would you consider?*

1	2	3	4	5	6	7	8	9
	For pitches				For houses			
Rent a pitch on a private site	Own a pitch on a private site	Rent a pitch on a Council/ Housing Association site	Buy some land and create a new pitch	Rent from the Council	Rent from a Housing Association	Rent privately	Buy a property	Other (please state)

Other: _____

Q34 If you are considering moving to bricks and mortar accommodation, what are your reasons?

Q35 If you are considering moving to bricks and mortar accommodation would you use (or have you used) the Sevenoaks Housing Needs Register?

1	2
Yes	No

Emerging households

Q36 Are there any people in your household who want to move to their own caravan/pitch/house in the next 5 years?

State how many	
----------------	--

If none go to Q41

Q37 If yes, where would they like to move to?

	HH1	HH2	HH3	HH4
Pitch on current site	1	1	1	1
Move to another site (if so, where)	2	2	2	2
Move to bricks and mortar (if so, where)	3	3	3	3

Q38 *If yes, what sort of accommodation would they require?*

	HH1	HH2	HH3	HH4
Trailer/wagon	1	1	1	1
Chalet/mobile home	2	2	2	2
House	3	3	3	3
Bungalow	4	4	4	4
Flat	5	5	5	5
Sheltered/extra care housing	6	6	6	6
No permanent base required	7	7	7	7
Other (please specify)	8	8	8	8

Other: _____

Q39 *If yes, which of the following options would they consider?*

	HH1	HH2	HH3	HH4
Rent pitch from Council	1	1	1	1
Rent pitch from Registered Provider/Housing Association	2	2	2	2
Rent pitch privately	3	3	3	3
Own land where trailer/wagon is normally located	4	4	4	4
To travel/ use multiple/ various sites	5	5	5	5

Q40 *Do you think they will want to travel for some of the year?*

	HH1	HH2	HH3	HH4
Yes 1	1	1	1	1
No 2	2	2	2	2

Current site

Q41 Thinking of where you live, is there potential for further expansion?

1	2
Yes	No

If so, for how many pitches? _____

Q42 Is there potential to sub-divide existing pitches?

1	2
Yes	No

If so, for how many pitches? _____

Q43 How many vacant pitches are there? _____

Q44 How many are available to be occupied by a household? _____

Q45 Do you know of any households etc to be interviewed? **[please include details]**

Q46 Is there anything else you would like to tell us?

Q47 What do you think of the site you live on?

Page 223

	1	2	3
	Happy	Okay	Not happy
Site management			
Size of pitch			
Access to site			
Quality of sheds			
Location			
Cost of electricity			
Cost of gas			
Cost of water			
Cost of rent			

Agenda Item 11

[THEN REPEAT QUESTIONS FOR SECOND HOUSEHOLD, THIRD HOUSEHOLD ETC ON PITCH MAKING SURE THEY ARE REFERENCED CORRECTLY. THE PRINCIPAL HOUSEHOLD SHEET SHOULD HAVE INFORMATION WHICH LINKS TOGETHER ALL QUESTIONNAIRES (eg the site contained 3 households – the principal household and then a cousin of the respondent and his family and a son of the respondent and his family)]

Appendix D: Fieldwork household survey responses achieved

Site Code	Description	Ownership	Site Address and Postcode	Total Pitches	Total occupied pitches	Total households	Total Vacant	TOTAL Interviews Achieved	Non-Response	Non-response: refused	Non-responses: no reply after 3 times	Non-response: travelling
LA1	Permanent/Authorised	Council	Romani Way, Hever Road, Edenbridge, TN8 5NQ	17	16	16	0	11	5	0	5	0
LA2	Permanent/Authorised	Council	Polhill, Dunton Green, Shoreham, TN14 7BG	7	7	7	0	4	3	1	2	0
LA3	Permanent/Authorised	Council	Barnfield Park, Ash Road, Sevenoaks, TN15 7LY	35	35	36	0	30	6	1	5	0
Priv1	Permanent/Authorised	Private	Ashley Place, Leydenhatch Lane, Swanley, BR8 7PS	1	1	1	0	0	1	0	0	1
Priv2	Permanent/Authorised	Private	Eagles Farm, Crowhurst Lane, West Kingsdown, TN15 6JE	2	2	2	0	1	1	0	1	0
Priv3	Permanent/Authorised	Private	Bournewood Brickworks, Stones Cross Road, Crockenhill, BR8 8LT	1	1	1	0	1	0	0	0	0
Priv4	Permanent/Authorised	Private	Early Autumn, East Hill, Shoreham, TN15 6YB	2	2	2	0	1	1	0	1	0
Priv5	Permanent/Authorised	Private	Valley Park, Lower Road, Hextable, BR8 7RZ	17	16	16	1	12	4	0	3	1
Priv6	Permanent/Authorised	Private	Macandy, Romney Street, Shoreham, TN15 6XR	1	1	1	0	0	1	0	1	0
Priv7	Permanent/Authorised	Private	The Oaks Farm, Randles Lane, Knockholt, TN14 7NG	1	1	1	0	0	1	0	1	0
Priv8	Permanent/Authorised	Private	Greenvale, Knatts Valley, West Kingsdown, TN15 6AE	1	1	1	0	0	1	0	1	0
Priv9	Permanent/Authorised	Private	Two Barns, Knatts Lane, West Kingsdown, TN15 6YA	1	1	3	0	3	0	0	0	0
Priv10	Permanent/Authorised	Private	Land at Park Lane, Swanley Village, BR8 8DT	2	2	3	0	0	3	3	0	0
Priv11	Permanent/Authorised	Private	Holly Mobile Home Park, Hockenden Lane, Swanley, BR8 7QH	4	4	4	0	3	1	0	1	0
Priv12	Permanent/Authorised	Private	Robertson's Nursery, Goldsel Road, Crockenhill, BR8 8BF	1	1	1	0	0	1	0	1	0
Priv13	Permanent/Authorised	Private	Station Court, London Road, Halstead, TN14 7HR	7	2	2	5	2	0	0	0	0
PrivTemp1	2 Temp until 15/2/18	Private	Eagles Farm, Crowhurst Lane, West Kingsdown, TN15 6JE	2	2	4	0	2	2	2	0	0
PrivTemp2	1 Temp until 2/9/17	Private	Early Autumn, East Hill, Shoreham, TN15 6YB	1	1	1	0	0	1	1	0	0
PrivTemp3	2 Temp until 2/10/17	Private	Land south west Broomhill, Button Street, Farningham, BR8 8DX	2	2	2	0	0	2	0	2	0
Unauth1	Unauthorised (new application expected)	Private	Pedham Stables, Button Street, Farningham, BR8 8DX	1	1	1	0	0	1	0	0	1
Unauth2	Unauthorised (High Court Challenge SE/14/03212)	Private	Land at Fountain Farm, Firmingers Lane, Well Hill, Shoreham, BR6 7QH	1	1	1	0	1	0	0	0	0
Unauth3	Unauthorised (appeal)	Private	Knatts Valley Caravan Park, Knatts Valley Road, West Kingsdown, TN15 6XY	8	7	7	1	4	3	0	3	0
Unauth4	Unauthorised	Private	Bournewood Brickworks, Stones Cross Road, Crockenhill, BR8 8LT	1	1	1	0	1	0	0	0	0
Unauth5	Unauthorised (Current application SE/16/02308)	Private	St George's Stables, Well Hill, Shoreham, BR6 7PP	1	1	1	0	0	1	0	1	0
Unauth6	Unauthorised	Private	Hill Top Farm, Farningham, DA4 0JN	5	5	1	1	1	3	2	1	0
Unauth7	Unauthorised (Prosecution to be commenced)	Private	Hopgarden Farm, Telston Lane, Otford, TN14 5JZ	1	1	1	0	1	0	0	0	0
UnauthPTP1	Unauthorised (7 were Temp until 26/2/17)	Private	Seven Acres Farm, Hever Road, Edenbridge, TN8 5DJ	7	7	7	0	4	3	0	3	0
UnauthPTP2	Unauthorised (1 was Temp until 7/1/17)	Private	Malt House Farm, Lower Road, Hextable, BR8 7RZ	1	1	1	0	0	1	0	1	0
UnauthPTP3	Unauthorised (Current application SE/16/01109)	Private	Hollywood Gardens, School Lane, West Kingsdown, TN15 6JN	3	3	3	0	1	2	0	2	0
UnauthPTP4	Unauthorised (New application to be submitted)	Private	Fordwood Farm, New Street Road, Ash, TN15 7JY	1	1	1	0	1	0	0	0	0
UnauthPTP5	Unauthorised (SE/14/00681 submitted)	Private	Hill Top Farm, Farningham, DA4 0JN	5	5	5	0	3	2	0	2	0
TOTAL				140	132	134	8	87	50	10	37	3

Appendix E: Glossary of terms

Caravans: Mobile living vehicles used by Gypsies and Travellers; also referred to as trailers.

CJ&POA: Criminal Justice and Public Order Act 1994; includes powers for local authorities and police to act against unauthorised encampments.

CRE: Commission for Racial Equality.

DCLG: Department for Communities and Local Government; created in May 2006. Responsible for the remit on Gypsies and Travellers, which was previously held by the Office of the Deputy Prime Minister (O.D.P.M.).

Gypsies and Travellers: Defined by DCLG *Planning policy for traveller sites* (August 2015) as “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”. The planning policy goes on to state that, “In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances”.

Irish Traveller: Member of one of the main groups of Gypsies and Travellers in England. Irish Travellers have a distinct indigenous origin in Ireland and have been in England since the mid nineteenth century. They have been recognised as an ethnic group since August 2000 in England and Wales (O’Leary v Allied Domecq).

Mobile home: Legally a ‘caravan’ but not usually capable of being moved by towing.

Pitch: Area of land on a Gypsy/Traveller site occupied by one resident family; sometimes referred to as a plot, especially when referring to Travelling Showpeople. DCLG *Planning policy for traveller sites* (August 2015) states that “For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment”.

Plot: see pitch

PPTS: Planning Policy for Traveller Sites (DCLG, 2012 and 2015 editions)

Roadside: Term used here to indicate families on unauthorised encampments, whether literally on the roadside or on other locations such as fields, car parks or other open spaces.

Romany: Member of one of the main groups of Gypsies and Travellers in England. Romany Gypsies trace their ethnic origin back to migrations, probably from India, taking place at intervals since before 1500. Gypsies have been a recognised ethnic group for the purposes of British race relations legislation since 1988 (CRE V Dutton).

Sheds: On most residential Gypsy/Traveller sites 'shed' refers to a small basic building with plumbing amenities (bath/shower, WC, sink), which are provided at the rate of one per pitch/pitch. Some contain a cooker and basic kitchen facilities.

Showpeople: Defined by DCLG *Planning policy for traveller sites* (August 2015) as “Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above”.

Site: An area of land laid out and used for Gypsy/Traveller caravans; often though not always comprising slabs and amenity blocks or ‘sheds’. An authorised site will have planning permission. An unauthorised development lacks planning permission.

Slab: An area of concrete or tarmac on sites allocated to a household for the parking of trailers (caravans)

Stopping places: A term used to denote an unauthorised temporary camping area tolerated by local authorities, used by Gypsies and Travellers for short-term encampments, and sometimes with the provision of temporary toilet facilities, water supplies and refuse collection services.

Tolerated site: An unauthorised encampment/site where a local authority has decided not to take enforcement action to seek its removal.

Trailers: Term used for mobile living vehicles used by Gypsies and Travellers; also referred to as caravans.

Transit site: A site intended for short-term use while in transit. The site is usually permanent and authorised, but there is a limit on the length of time residents can stay.

Unauthorised development: Establishment of Gypsy and Traveller sites without planning permission, usually on land owned by those establishing the site. Unauthorised development may involve ground works for roadways and hard standings. People parking caravans on their own land without planning permission are not Unauthorised Encampments in that they cannot trespass on their own land – they are therefore Unauthorised Developments and enforcement is always dealt with by Local Planning Authorities enforcing planning legislation.

Unauthorised encampment: Land where Gypsies or Travellers reside in vehicles or tents without permission. Unauthorised encampments can occur in a variety of locations (roadside, car parks, parks, fields, etc.) and constitute trespass. The 1994 Criminal Justice and Public Order Act made it a criminal offence to camp on land without the owner’s consent. Unauthorised encampments fall into two main categories: those on land owned by local authorities and those on privately owned land. It is up to the land owner to take enforcement action in conjunction with the Police.

Wagons: This is the preferred term for the vehicles used for accommodation by Showpeople.

Yards: Showpeople travel in connection with their work and therefore live, almost universally, in wagons. During the winter months these are parked up in what was traditionally known as ‘winter quarters’. These ‘yards’ are now often occupied all year around by some family members.

This page is intentionally left blank