



## Report of the Cabinet Members for Environment Services and Housing Energy & Building Services

Council – 14 December 2017

### **Gypsy and Traveller Policy 2017**

<b>Purpose:</b>	To Seek approval for the new Gypsy and Traveller Policy
<b>Policy Framework:</b>	Local Housing Strategy 2015-2020
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) Council approves and publishes the Gypsy and Traveller Policy
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#### **1. Introduction**

- 1.1 In 2009 the Council adopted a Gypsy and Traveller Policy which set out how the Council would ensure that Gypsies and Travellers in Swansea had equal opportunity to access the full range of Council services
- 1.2 Since that time there have been legislative changes which have necessitated a review of the Policy.

#### **2. Policy Revision**

- 2.1 Three significant pieces of legislation have influenced the Policy revision.
- 2.2 The Equality Act 2010 now embraces the Race Relations Act 1976 (as amended by the Race Relations Amendment Act 2000). The Act continues to prohibit any discrimination on the grounds of race alongside other protected characteristics, including age, disability and religion or (non-belief).

- 2.3 The Housing (Wales) Act 2014 places a duty on local authorities to have undertaken a Gypsy and Traveller Needs Assessment by February 2016, which should be updated every five years as a minimum. The Act also places a duty on local authorities to provide a site for Gypsies and Travellers where a need is identified.
- 2.4 Section 108 of the Act provides a new definition of Gypsies and Travellers as being:  
“Persons of a nomadic habit of life, whatever their race or origin, including:  
• Persons who, on grounds only of their own or their family’s or dependent’s educational or health needs or old age, have ceased to travel temporarily or permanently, and  
• Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and  
• All other persons with a cultural tradition of nomadism or of living in a mobile home.”
- 2.5 The Mobile Homes (Wales) Act 2013 provides additional safeguards for those living on and running local authority Gypsy and Traveller sites. Residents on these sites can expect to occupy their pitches so long as they abide by the terms of their pitch agreements.
- 2.6 In addition, the Well-being of Future Generations (Wales) Act 2015 requires public bodies in Wales to consider the long term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems such as poverty, health, inequalities and climate change. The Act focuses on several key areas including gypsies and travellers.

### **3. The Proposed Policy**

- 3.1 The revised Policy is set in the context of other Council policies and schemes relating to equality, diversity and community cohesion. Its purpose is to ensure that the Gypsy and Traveller community in Swansea receives services that meet its needs.
- 3.2 This Policy sets out the range of Council services and external agencies that work together to provide services to Gypsies and Travellers in Swansea.
- 3.3 The Policy also outlines the Council’s role in terms of land use and planning, and how unauthorised encampments and developments will be dealt with. In drafting the Policy reference has been made to Welsh Government guidance.
- 3.4 As explained in 2.1 three new pieces of legislation necessitated a revised Policy. This afforded an opportunity to streamline the existing Policy and make it more succinct; whilst ensuring its intention remained the same in that the needs of the Gypsy and Traveller community are protected.

#### **4. Consultation**

- 4.1 A public consultation exercise was conducted on the draft Policy. An online survey was produced and placed on our website for 4 weeks alongside the draft strategy for people to submit their views. The consultation was publicised through the local media.
- 4.2 No significant issues were identified during the consultation (results attached Appendix B).
- 4.3 Along with this Swansea Bay Regional Equality Council (SBREC), and Travelling Ahead (a Welsh project working with young people and families from Gypsy, Roma and Traveller communities) commented on the draft Policy. Members of the Gypsy and Traveller community were also made aware of the consultation and given the opportunity to comment.

#### **5. Equality and Engagement Implications**

- 5.1 A full Equality Impact Assessment report has been completed regarding the Policy and forms part of the background papers to this report.
- 5.2 The EIA found that the Gypsy and Traveller Policy will impact positively on the protected characteristics identified, as it will ensure that the Gypsy and Traveller community in Swansea receives services that meet its needs. The Policy also recognises the positive role a range of Council services has in relation to the United Nations Convention on the Rights of the Child (UNCRC)

#### **6. Financial Implications**

- 6.1 There are no financial implications directly associated with this report.

#### **7. Legal Implications**

- 7.1 Under the Housing Act 2004 and Circular 30/2007, all local authorities in Wales are required to identify the housing needs of gypsies and travellers in its area and make provision for any needs identified. The Housing (Wales) Act 2014 includes a duty on local authorities to provide sites where a need has been identified.
- 7.2 The legal implications of other relevant legislation is set out in paragraph 2 of the report.

**Background Papers:** Gypsy Traveller Policy 2009.  
Equality Impact Assessment (EIA) Report

**Appendices:** Appendix A – Gypsy and Traveller Policy 2017  
Appendix B - Consultation Responses