

## URGENT BUSINESS

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

14 December 2016

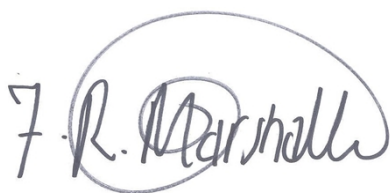
Dear Councillor

### COUNCIL – 15 DECEMBER 2016

Please find enclosed the following urgent reports, brought forward for consideration at the above meeting with the agreement of the Chairman.

15. **Business by reason of special circumstances considered by the Chairman to be urgent.** (Pages 3 - 62)
- 15a Resignation of Director of Planning Services – Consequential Changes to Scheme of Delegation (pages 3 – 4)
  - 15b Election of District Councillor – Political Balance Arrangements and Allocation of Committee Places (pages 5 – 7)
  - 15c Maldon District Gypsy and Traveller Accommodation Assessment 2016 (Pages 9 - 57)
  - 15d Supplementary Estimate – St. Cedds House and Car Park Project (Pages 59 - 62)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, hand-drawn oval.

Chief Executive

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**CIRCULATED PRIOR TO  
THE MEETING**



## **REPORT of CHIEF EXECUTIVE**

**to  
COUNCIL  
15 DECEMBER 2016**

### **URGENT ITEM OF BUSINESS**

#### **RESIGNATION OF DIRECTOR OF PLANNING AND REGULATORY SERVICES - CONSEQUENTIAL CHANGES TO SCHEME OF DELEGATION**

##### **1. PURPOSE OF THE REPORT**

- 1.1 To seek the Council's approval to amend the Scheme of Delegation as a consequence of the recent resignation of the Director of Planning and Regulatory Services to ensure that the Chief Executive is able to exercise the powers delegated to the Director.
- 1.2 This matter is brought forward for urgent consideration with the agreement of the Chairman of the Council on the basis that, if agreed, the Chief Executive will then be able to authorise interim staff to act as necessary.

##### **2. RECOMMENDATION**

That pending subsequent appointment to and the taking up of the post of the Director of Planning and Regulatory Services, at which point this arrangement shall cease, the Council agrees to the Chief Executive assuming the following designations and delegated powers:

- Proper Officer – Section 191, Local Government Act 1972 – Ordnance Survey functions
- Proper Officer – Section 215, Local Government Act 1972 – Registrar of Local Land Charges
- All matters under the Schemes of Delegation of the Finance and Corporate Services, Community Services and Planning and Licensing Committees previously given to Director of Planning and Regulatory Services;
- In all those respects mentioned in the terms of reference of the Area Planning Committees, and also in the approved Pre-Application Discussions and Planning Appeals Protocols.

### 3. SUMMARY OF KEY ISSUES

- 3.1 The Director of Planning and Regulatory Services has resigned and left the Council's employ. Arrangements have been made to engage the services of an experienced Planning Officer at Head of Service level as an interim measure pending the filling of the Director post.
- 3.2 It is proposed that in the interim all matters under the various Committees' remits delegated to the Director are assigned to the Chief Executive, who may then in turn choose to sub-delegate certain functions or authorise others to act in pursuance of those delegated powers. This in no way affects the principle and extent of the current delegation.
- 3.3 This interim arrangement is also necessary to provide clarity in terms of the ability to sign notices and other documents in relation to the Planning function.

### 4. IMPACT ON CORPORATE GOALS

- 4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to high level outcomes associated with the corporate goal of delivering good quality, cost effective and valued services in a transparent way.

### 5. IMPLICATIONS

- (i) **Impact on Customers** – It is right and proper that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager (Tel: 01621 875745).



**REPORT of  
CHIEF EXECUTIVE**

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**to  
COUNCIL  
15 DECEMBER 2016**

**URGENT ITEM OF BUSINESS**

**ELECTION OF DISTRICT COUNCILLOR - POLITICAL BALANCE  
ARRANGEMENTS AND ALLOCATION OF COMMITTEE PLACES**

**1. PURPOSE OF THE REPORT**

- 1.1 To report that Norma Gladys Florence Shaughnessy was elected as the Councillor for Maldon West Ward at the By-Election on 8 December 2016 and has subsequently signed the statutory Declaration of Acceptance of Office.
- 1.2 To review the political balance arrangements of the Council following the recent election of Councillor Mrs Shaughnessy as a Ward Member for Maldon West and to consider and determine any consequential allocation of committee places.
- 1.3 This matter is brought forward for consideration with the agreement of the Chairman to avoid the putting in place of such revised arrangements being delayed to the February meeting of the Council.

**2. RECOMMENDATIONS**

- (i) that the Council varies the arrangements for the allocation of seats on Committees as approved on 12 May 2016 for the remainder of the current municipal year:
  - Planning and Licensing Committee – ten places (eight to Conservative Group, two to Independent Group)
- (ii) that the resulting revised Committee Membership be confirmed for the remainder of the current municipal year:
  - Councillor Mrs N G F Shaughnessy be appointed to the Community Services Committee
  - Councillor M S Heard moves from the Community Services to the Planning and Licensing Committee
  - Councillor Miss M R Lewis reverts to an ex-officio non-voting member of the Planning and Licensing Committee

### **3. SUMMARY OF KEY ISSUES**

#### **3.1 Election of Councillor**

- 3.1.1 Following a By-Election on 8 December 2016 for Maldon West Ward, Mrs Flo Shaughnessy was elected.

#### **3.2 Political Balance**

- 3.2.1 Under Section 15 of the Local Government and Housing Act 1989 the Council is required to determine the allocation of seats on committees to Political Groups reflective of the political make-up of the Council, which is now as follows:

Conservative	26 Members
Conservative (other)	1 Member
Independent	3 Members
UK Independence Party	1 Member

- 3.2.2 The principles of determination are as follows:

- (a) All the seats are not allocated to the same Group;
- (b) The majority of the seats go to the Group which has an overall majority on the Council;
- (c) Subject to the above, the number of seats on the total number of all the ordinary Committees allocated to each Group bears the same proportion to that of the membership of the Council.

- 3.2.3 It should be noted that while the allocation of committee places to Political Groups will have regard to the notifications previously given to the Chief Executive by the respective Group Leaders, a Political Group is defined as being constituted by at least two Members who have advised that they wish to be treated as such. The question therefore arises as to how a single individual Member should be regarded as part of these arrangements.

- 3.2.4 While the duty under Section 15 applies to the allocation of committee places to Political Groups, there were modifications to this duty as a result of Regulations in 1990. The determination under Section 15 will allocate seats to Political Groups in the appropriate proportions, although there will remain seats not allocated at all because the Groups do not make up 100% of the Council membership. It seems clear that the modifications referred to require the seats not allocated as part of the determination under Section 15 to be filled by persons who are not members of any Group.

- 3.2.5 The general position in terms of the number of seats to be filled and the allocation of committees in a way that reflects the political proportionality of the entire Council membership remains unchanged. The Chief Executive has been notified that Councillor Mrs Shaughnessy will be part of the Independent Group and therefore the simplest solution will be for her to assume one of the committee places allocated to that Group.

- 3.2.6 The Leader of the Council has however brokered the following arrangement which enables Councillor Mrs Shaughnessy to take the one place allocated to the Independent group on the Community Services Committee. This is accommodated by Councillor M S Heard moving to the Planning and Licensing Committee to fill a place vacated by Councillor Mrs M R Lewis who will remain as a member of the Planning and Licensing Committee but in an ex-officio non-voting capacity.

#### **4. IMPACT ON CORPORATE GOALS**

- 4.1 Any change in the membership and political make-up of the Council has legal and procedural consequences, and is linked to high level outcomes associated with the corporate goal of delivering good quality, cost effective and valued services in a transparent way.

#### **5. IMPLICATIONS**

- (i) **Impact on Customers** – None identified.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background papers:

Local Government and Housing Act 1989

Local Government (Committees and Political Groups) Regulations 1990.

Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 875711).

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**REPORT of  
CHIEF EXECUTIVE**

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**to  
COUNCIL  
15 DECEMBER 2016**

**URGENT ITEM OF BUSINESS**

**MALDON DISTRICT GYPSY AND TRAVELLER ACCOMMODATION  
ASSESSMENT 2016**

**1. PURPOSE OF THE REPORT**

- 1.1 To present the 2016 Maldon District Gypsy and Traveller Accommodation Assessment (GTAA) and to ask that Council endorses the GTAA as part of the evidence base for the Local Development Plan (LDP).
- 1.2 This matter is brought forward for consideration with the agreement of the Chairman as endorsement of the GTAA as part of the LDP evidence base is required before the submission deadline for the Hearing Statements on 21 December 2016.

**2. RECOMMENDATIONS**

- (i) that the Council endorses the 2016 Maldon District Gypsy and Traveller Accommodation Assessment as part of the Local Development Plan evidence base;
- (ii) that the Chief Executive be authorised, in consultation with the Chairman of the Planning and Licensing Committee and the Leader of the Council, to revise the Local Development Plan (LDP) policy H6 Provision for Travellers and to present it to the Inspector for consideration for inclusion as a modification to the LDP at the Examination in Public.

**3. SUMMARY OF KEY ISSUES**

- 3.1 At the previous Examination Hearing into the LDP, in early 2015, the Inspector found policy H6 'Provision for Travellers' to be unsound, in part because it was based on the 2009 Gypsy and Traveller Accommodation Assessment (GTAA), even though more up to date information was available in the 2014 GTAA. However, at that time, Maldon District Council had reservations about certain elements of the methodology of the 2014 GTAA and had not accepted its conclusions on accommodation need.
- 3.2 In October 2015 following a review of the GTAA, Officers reported to the Planning and Licensing Committee that:

“The Gypsy and Traveller Accommodation Assessment (GTAA) review (July 2015) examined the robustness of the Essex GTAA 2014 in light of the concerns raised by Maldon District Council. The review concluded that whilst the Council’s concerns were valid, on balance, the Essex GTAA 2014 is considered to be sufficiently robust and the Council should make provision for 32 additional Gypsy pitches by 2028. This review, together with the Essex GTAA 2014 will be used to inform future plan-making through the forthcoming Travellers DPD.”<sup>1</sup>

- 3.3 In August 2015 the Government changed the definition of Gypsies and Travellers for planning purposes<sup>2</sup>. This new definition was included in the Planning Policy for Traveller Sites (PPTS)(2015), Now, to meet the new definition households need to be able to demonstrate that they travel for work purposes, and stay away from their usual place of residence when doing so.
- 3.4 In light of this, the Essex Planning Officers Association appointed Opinion Research Services (ORS) to undertake a new Essex GTAA, to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Essex for the period 2016-2033, specifically taking account of the change in the definition.
- 3.5 Although the Essex wide GTAA will not be finalised until 2017, ORS have completed the Maldon District section of the GTAA and have made it available to this Council, ahead of the Examination. This stands alone as the Maldon GTAA and will not be impacted by the completion of the Essex wide GTAA.
- 3.6 The current version of policy H6, as amended by the Main Modifications to the LDP, is based on the 2014 GTAA, which was completed before the change in the definition. In the Examination Matters, Issues and Questions (at q.18) issued in November 2016 the Inspector asks what implications the change in definition has on policy H6 and its soundness.
- 3.7 Due to the change in the Traveller definition in the PPTS, and a change in the way that household growth is calculated, the 2016 GTAA has identified a much lower level of need compared to the 2014 GTAA. The 2016 Maldon District GTAA assesses the accommodation needs for three categories of household:
  - Households who meet the planning definition (‘travelling Travellers’),
  - Households whose status is unknown, but who may meet the definition
  - Households who do not meet the definition (‘non-travelling Travellers’),
- 3.8 Over the 17 year period of the GTAA (2016 - 2033) the following pitch need has been identified:

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<sup>1</sup> 1 October 2015 Planning and Licensing Committee Agenda Item No. 8 – Planning Policy Update

<sup>2</sup> Planning Policy for Traveller Sites (PPTS) August 2015

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457420/Final\\_planning\\_and\\_travellers\\_policy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf)

Household type	Number of pitches
Households who meet the planning definition ('travelling Travellers')	1
Households whose status is unknown, but who may meet the definition	10
Households who do not meet the definition ('non-travelling Travellers')	8

- 3.9 In light of the new 2016 GTAA, the Inspector has requested that the 2016 Maldon District GTAA is presented to Members and endorsed as part of the LDP evidence base by Maldon District Council before the submission deadline for the Hearing Statements on 21 December 2016. This is to ensure that the Council does not find itself in the same position as at the last Examination, where an up to date GTAA was available, but it was not accepted by the Council as part of the LDP evidence base.
- 3.10 In the interests of transparency and fairness, the Inspector wishes other interested parties to have the opportunity to review the 2016 Maldon District GTAA before the deadline for statement submissions.
- 3.11 As a consequence of the accommodation need assessment in the 2016 GTAA, Officers will revise policy H6 and ask the Inspector to consider the revised policy as a modification to the LDP at the Examination. Council is requested to delegate this task to the Chief Executive, in consultation with the Chairman of Planning and Licensing Committee and the Leader of the Council. The Council will request that the revised policy is included by the Inspector as a modification to the LDP at the Examination.
- 3.12 The draft policy will need to:
- establish the number of pitches to meet the identified need for gypsies and traveller households who fall within the PPTS definition – in this instance up to one pitch.
  - the criteria against which the Council will consider applications for new pitches to meet the identified need for households who may meet the PPTS definition – in this instance up to ten pitches. The existing proposed policy includes criteria and will form the basis for the new policy,
  - clarification that for those households who no longer meet the definition in the PPTS will have their accommodation needs met through the Objectively Assessed Need and the Housing Market Assessment.
- 3.13 The Planning Policy for Traveller Sites states that Local Planning Authorities (LPAs) should set pitch targets for Gypsies, Travellers and Travelling Showpeople as defined in the PPTS (para. 9). The local plan should identify a supply of specific deliverable sites to provide five years' worth of sites against the local target, and identify specific sites or broad locations for growth for years 6 - 10 and 11 - 15 where possible (para. 10). Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria based policies should be included to provide a basis for decisions on planning applications that come forward (para. 11). LPAs should plan to meet the needs of those Gypsies and Travellers who no longer travel, but this should be carried out as part of their wider responsibilities to plan to meet

the accommodation (or housing) needs of their settled community, for example through the Strategic Housing Market Assessment.

#### 4. CONCLUSION

- 4.1 To ensure that the latest evidence on the need for Gypsy and Traveller accommodation in Maldon District can be considered at the LDP Examination in Public, the Maldon District GTAA 2016 needs to be endorsed by Maldon District Council as part of the LDP evidence base. As a consequence of the new information in the GTAA 2016 the LDP policy on 'Provision for Travellers' H6 will need to be revised. The Council will request that the revised policy is included by the Inspector as a modification to the LDP at the Examination.

#### 5. IMPACT ON CORPORATE GOALS

- 5.1 Having an up to date evidence base for the LDP has the potential to support the following corporate goal which underpins the Council's vision for the District:

- Protecting and shaping the District.

#### 6. IMPLICATIONS

- (i) **Impact on Customers** – The 2016 Maldon District GTAA provides up to date evidence for customers to consider when preparing planning applications.
- (ii) **Impact on Equalities** – The Government's draft version of the Planning Policy for Traveller Sites had an Equalities Impact Assessment (EqIA) in September 2014. An EqIA will be required for modifications to the plan, including policy H6.

The 2016 Maldon District GTAA specifically assesses the level of accommodation need for Gypsies and Travellers. It identifies the accommodation need for those in the Travelling community who meet the planning definition, as well as those who are ethnically or culturally Gypsies and Travellers, but who do not meet the planning definition. In implementing planning and housing policies the Council will need to have due regard for the Equality Act 2010.

- (iii) **Impact on Risk** – Endorsing the 2016 GTAA as an evidence base document for the LDP may reduce the risk associated with the Examination in Public, by strengthening the LDP evidence base. It may reduce risk in the development management process by providing support for the Council in determining planning applications and defending planning appeals
- (iv) **Impact on Resources (financial)** – Endorsing the 2016 Maldon District GTAA may reduce costs associated with defending planning appeals, depending on how the information contained within the GTAA is applied.

- (v) **Impact on Resources (human)** – Endorsing the 2016 Maldon District GTAA may reduce staff time associated with defending planning appeals
- (vi) **Impact on the Environment** – The endorsement of the 2016 Maldon District GTAA as part of the LDP evidence base will have no impact on the environment.

Background Papers:

2016 Maldon District Gypsy and Traveller Accommodation Assessment;

Department for Communities and Local Government (DCLG), 2015, Planning Policy for Traveller Sites,

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457420/Final\\_planning\\_and\\_travellers\\_policy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf)

DCLG, 2014, Consultation: planning and travellers, Equalities statement,

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/354062/Equalities\\_Statement\\_publication\\_format\\_140905.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354062/Equalities_Statement_publication_format_140905.pdf)

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# **Maldon District Gypsy and Traveller Accommodation Assessment**



**Need Summary Report  
December 2016**



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# 1. Introduction

- 1.1 The primary objective of the Maldon District Gypsy and Traveller Accommodation Assessment update (GTAA) is to provide a robust revised assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation for the period 2016-2033.
- 1.2 The primary reason for completing the update was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes. The key change that was made was the removal of the term *persons...who have ceased to travel permanently*, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA (see Para 1.6 for the full definition).
- 1.3 The study will provide an evidence base to enable the Council to assess and meet the needs of the Travelling Community as well as complying with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, the National Planning Policy Framework (NPPF) 2012, Planning Practice Guidance (PPG) 2014, Planning Policy for Traveller Sites (PPTS) 2015, and the Housing and Planning Act 2016. It also provides the evidence base which can be used to support Local Plan policies.
- 1.4 The baseline date for the study is **September 2016**.
- 1.5 The Maldon District GTAA is part of a wider study that covers the whole of Essex, together with Southend-on-Sea and Thurrock. Due to the complexity of this wider study fieldwork has not been completed in some areas. However the fieldwork has been completed for Maldon District and a final assessment of need has been undertaken. Therefore the purpose of this Need Summary is to provide the Council with a summary of the levels of need for the period 2016-2033, to provide evidence for its Local Development Plan.

## The 'Planning Definition' in PPTS

- 1.6 For the purposes of the planning system, the definition was changed in the revised PPTS. The new definition is set out in Annex 1 and states that:

*For the purposes of this planning policy "gypsies and travellers" means:*

*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.*

*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.*

*For the purposes of this planning policy, “travelling showpeople” means:*

*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.*

(Planning Policy for Traveller Sites, Department for Communities and Local Government (DCLG), August 2015)

- <sup>1.7</sup> The key change that was made to both definitions was the removal of the term *persons...who have ceased to travel permanently*, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA.

## Definition of Travelling

- <sup>1.8</sup> One of the most important questions that GTAAs will need to address in terms of applying the new definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term ‘nomadic’ as well as other travelling characteristics.
- <sup>1.9</sup> **R v South Hams District Council (1994)** – defined Gypsies as “*persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)*” This includes ‘born’ Gypsies and Travellers as well as ‘elective’ Travellers such as New Age Travellers.
- <sup>1.10</sup> In **Maidstone BC v Secretary of State for the Environment and Dunn (2006)**, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.
- <sup>1.11</sup> In **Greenwich LBC v Powell (1989)**, Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.
- <sup>1.12</sup> The definition was widened further by the decision in **R v Shropshire CC ex p Bungay (1990)**. The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family’s recently approved Gypsy site sought judicial review of the local authority’s decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.
- <sup>1.13</sup> That point was revisited in the case of **Hearne v National Assembly for Wales (1999)**, where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.
- <sup>1.14</sup> **Wrexham County Borough Council v National Assembly of Wales and Others (2003)** determined that households and individuals could continue to lead a nomadic way of life with a permanent base from which they set out from and return to.

<sup>1.15</sup> The implication of these rulings in terms of applying the new definition is that it will **only include those who travel (or have ceased to travel temporarily) for work purposes and in doing so stay away from their usual place of residence**. It can include those who have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives. It will **not cover** those who commute to work daily from a permanent place of residence.

<sup>1.16</sup> This approach was endorsed by a Planning Inspector in a recent Decision Notice for an appeal in East Hertfordshire (Appeal Ref: APP/J1915/W/16/3145267). A summary can be seen below.

*Case law, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to ‘purposive activities including work’ also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic purpose... This situation is no different from that of many landlords and property investors or indeed anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work... Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment... I conclude, therefore, that XX does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life.*

<sup>1.17</sup> It will also be the case in our view that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in education, or other dependents with health problems etc. the household unit would be defined as travelling under the new definition.

<sup>1.18</sup> Households will also fall under the new definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family’s or dependants’ educational or health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition households may also have to demonstrate that they plan to travel again in the future.

## 2. Methodology

### Background

- 2.1 Over the past 10 years, ORS has continually refined a methodology for undertaking robust and defensible Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessments. This has been updated in light of the introduction of the PPG in 2014, changes to PPTS in August 2015 and the Housing and Planning Act in 2016, as well as responding to changes set out by Planning Ministers, with particular reference to new household formation rates. This is an evolving methodology that has been adaptive to changes in planning policy as well as the outcomes of Local Plan Examinations and Planning Appeals.
- 2.2 The revised PPTS published in August 2015 contains a number of requirements for local authorities which must be addressed in any methodology. This includes the need to pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves); identification of permanent and transit site accommodation needs separately; working collaboratively with neighbouring local planning authorities; and establishing whether households fall within the new definition for Gypsies, Travellers and Travelling Showpeople.
- 2.3 The approach currently used by ORS was considered in April 2016 by the Planning Inspector for the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy who concluded:
- 'The methodology behind this assessment included undertaking a full demographic study of all occupied pitches, interviewing Gypsy and Traveller households, including those living in bricks and mortar accommodation, and considering the implications of the new Government policy. On the evidence before me, I am satisfied that the assessment has been appropriately carried out, and there is no reason for me to dispute the figures.'*
- 2.4 The stages of the methodology that was used to complete this study are set out below. More information on each stage will be provided in the full report for the Essex Planning Officers Group.

### Desk-Based Review

- 2.5 ORS collated a range of secondary data that was used to support the study. This included:
- |  |  |
|--|--|
| » Census data.                               | » Information on planning applications/appeals.                |
| » Site records.                              | » Existing Needs Assessments and other relevant local studies. |
| » Caravan counts.                            | » Existing national and local policy.                          |
| » Records of unauthorised sites/encampments. |  |

## Survey of Travelling Communities

- <sup>2.6</sup> Through the desk-based research, ORS sought to identify all authorised and unauthorised sites/yards and encampments in the study area and attempted to complete an interview with the residents on all occupied pitches and plots. In order to gather robust information to use to assess households against the new planning definition of a Traveller. Multiple visits were made to households where it was not possible to conduct an interview because they were not in or not available.
- <sup>2.7</sup> Our experience suggests that an attempt to interview households on all pitches is more robust, as opposed to a sample based approach which often leads to an under-estimate of need - an approach which is regularly challenged by the Planning Inspectorate and at planning appeals.
- <sup>2.8</sup> ORS worked closely with the Council to ensure that the interviews collected all the necessary information to support the study. The Site Record Form that was used has been updated to take account of recent changes to PPTS and to collect the information ORS feel is necessary to apply the new household definition. All pitches and plots were visited by members of our dedicated team of experienced interviewers who work solely on our GTAA studies across England and Wales. They conducted semi-structured interviews with residents to determine their current demographic characteristics, their current or future accommodation needs, whether there is any over-crowding or the presence of concealed households and travelling characteristics (to meet the new requirements in PPTS). Interviewers also sought to identify contacts living in bricks and mortar to interview, as well as an overall assessment of each site to determine any opportunities for intensification or expansion to meet future needs.
- <sup>2.9</sup> They also sought information from residents on the type of pitches they may require in the future – for example private or socially rented, together with any features they may wish to be provided on a new pitch or site.
- <sup>2.10</sup> Where it was not possible to undertake an interview, staff sought to capture as much information as possible about each pitch using a Pitch Outcome Form from sources including neighbouring residents and site management (if present).

## Timing of the Fieldwork

- <sup>2.11</sup> ORS are fully aware of the transient nature of many travelling communities and subsequent seasonal variations in site and yard occupancy. As such all of the fieldwork was undertaken during the non-travelling season, and also avoided days of known local or national events. Fieldwork was completed between January and September 2016. Whilst this did cover the summer period, interviews were not completed during July and August.

## Engagement with Bricks and Mortar Households

- <sup>2.12</sup> ORS apply a rigorous approach to making contact with bricks and mortar households as this is a common issue raised at Local Plan examinations and planning appeals. Contacts were sought through a range of sources including the interviews with people on existing sites and yards, intelligence from the Council, information from housing registers and other local knowledge from

stakeholders, and adverts on social media (including the Friends Families and Travellers Facebook group). Through this approach we endeavoured to do everything within our means to give households living in bricks and mortar the opportunity to make their views known to us.

- 2.13 As a rule we do not extrapolate the findings from our fieldwork with bricks and mortar households up to the total estimated bricks and mortar population as a whole as in our experience this leads to a significant over-estimate of the number of households wishing to move to a site or a yard. We work on the assumption that all those wishing to move will make their views known to us based on the wide range of publicity we will put in place. Thus we are seeking to shift the burden of responsibility on to those living in bricks and mortar through demonstrating rigorous efforts to make them aware of the study.

## Calculating Current and Future Need

- 2.14 To identify need, PPTS requires an assessment for current and future pitch requirements, but does not provide a methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population.

## Supply of Pitches

- 2.15 The first stage of the assessment sought to determine the number of occupied, vacant and potentially available supply in the study area:
- » Current vacant pitches.
  - » Pitches currently with planning consent due to be developed within 5 years.
  - » Pitches vacated by people moving to housing.
  - » Pitches vacated by people moving from the study area (out-migration).
- 2.16 It is important when seeking to identify supply from vacant pitches that they are in fact available for general occupation – i.e. on a public or social rented site, or on a private site that is run on a commercial basis with anyone being able to rent a pitch if they are available. Typically vacant pitches on small private family sites are not included as components of available supply, but can be used to meet any current and future need from the family living on the site.

## Current Need

- 2.17 The second stage was to identify components of current need. It is important to address issues of double counting – for example concealed or doubled-up households may also be on the waiting list, as may households in bricks and mortar. Current need is made up of the following:
- » Households on unauthorised developments for which planning permission is not expected.
  - » Households on unauthorised encampments for which planning permission is not expected.



- » Concealed, doubled-up or over-crowded households (including single adults).
- » Households in bricks and mortar wishing to move to sites.
- » Households in need on waiting lists for public sites.

## Future Need

<sup>2.18</sup> The final stage was to identify components of future need. This includes the following four components:

- » Older teenage children in need of a pitch of their own.
- » Households living on sites with temporary planning permissions.
- » New household formation.
- » In-migration.

<sup>2.19</sup> Household formation rates are often the subject of challenge at appeals or examinations. We agree with the position now being taken by DCLG and firmly believe that any household formation rates should use a robust local evidence base where household interviews have been completed, rather than simply relying on precedent.

<sup>2.20</sup> All of these components of supply and need are presented in easy to understand tables which identify the overall net need for current and future accommodation for both Gypsies and Travellers, and for Travelling Showpeople. This has proven to be a robust model for identifying needs. The residential and transit pitch needs for Gypsies and Travellers are identified separately and the needs are identified to 2033.

## Pitch Turnover

<sup>2.21</sup> Some assessments of need make use of pitch turnover as an ongoing component of supply. ORS do not agree with this approach or about making any assumptions about annual turnover rates. This is an approach that usually ends up with a significant under-estimate of need as in the majority of cases vacant pitches on sites are not available to meet any additional need. The use of pitch turnover has been the subject of a number of Inspectors' Decisions, for example APP/J3720/A/13/2208767 found a GTAA to be unsound when using pitch turnover and concluded:

*West Oxfordshire Council relies on a GTAA published in 2013. This identifies an immediate need for 6 additional pitches. However the GTAA methodology treats pitch turnover as a component of supply. This is only the case if there is net outward migration yet no such scenario is apparent in West Oxfordshire. Based on the evidence before me I consider the underlying criticism of the GTAA to be justified and that unmet need is likely to be higher than that in the findings in the GTAA.*

<sup>2.22</sup> In addition a GTAA Best Practice Guide was produced in June 2016 by a number of organisations including Friends, Families and Travellers, the London Gypsy and Traveller Unit, the York Travellers Trust, the Derbyshire Gypsy Liaison Group, Garden Court Chambers and Leeds GATE concluded that:

*Assessments involving any form of pitch turnover in their supply relies upon making assumptions; a practice best avoided. Turnover is naturally very difficult to assess accurately and in practice does not contribute meaningfully to additional supply so should be very carefully assessed in line with local trends. Mainstream housing assessments are not based on the assumption that turnover within the existing stock can provide for general housing needs.*

- <sup>2.23</sup> As such, other than current vacant pitches on sites that are known to be available, pitch turnover has not been considered as a component of supply in this GTAA.

## Transit Provision

- <sup>2.24</sup> PPTS also requires an assessment of the need for any transit sites or stopping places. While the majority of Gypsies and Travellers have permanent bases either on Gypsy and Traveller sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of the year. Due to the mobile nature of the population, a range of sites or management approaches can be developed to accommodate Gypsies and Travellers as they move through different areas.

- » Transit sites
- » Temporary/Emergency stopping places
- » Temporary (seasonal) sites
- » Negotiated Stopping Agreements

- <sup>2.25</sup> In order to investigate the potential need for transit provision when undertaking work to support the study, ORS sought to undertake analysis of any records of unauthorised sites and encampments, as well as information from the CLG Caravan Count. The outcomes of the interviews with Council Officers, Officers from neighbouring local authorities and other stakeholders were also taken into consideration when determining this element of need in the study area.

## 3. New PPTS Definition

- 3.1 The primary change introduced by PPTS (2015) in relation to the assessment of need was the change in the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. Through the site interviews ORS has collected information necessary to assess each household against the new definition. As the new PPTS has only recently been issued only a small number of relevant appeal decisions have been issued by the Planning Inspectorate on how the new definition should be applied – these support the view that households need to be able to demonstrate that they travel for work purposes to meet the new definition, and stay away from their usual place of residence when doing so.

### Applying the New Definition

- 3.2 When the household survey was completed the outcomes from the questions on travelling were used to determine the status of each household against the new definition in PPTS. The same definition issue applies to Travelling Showpeople as to Gypsies and Travellers. Households that need to be considered in the GTAA fall under one of 3 classifications.
- » Households that travel under the new definition.
  - » Households that have ceased to travel under the new definition.
  - » Households where an interview was not possible who may fall under the new definition.
- 3.3 Only those households that meet, or may meet, the new definition will form the components of need to be included in the GTAA. Whilst the needs of those households that do not meet the new definition do not need to be included in the GTAA, they will be assessed to provide the Council with information on components of need identified as part of a SHMA or HEDNA for example.

### Unknown Households

- 3.4 As well as calculating need for households that meet the new 'planning' definition, the needs of the households where an interview was not completed (either due to refusal to be interviewed or households that were not present during the fieldwork period) need to be assessed as part of the GTAA where they are believed to be ethnic Gypsies and Travellers who may meet the new definition. Whilst there is no law or guidance that sets out how the needs of these households should be addressed, an approach has been taken that applies an estimate of potential need from these households. This will be a maximum additional need figure over and above the need identified for households that do meet the new definition.
- 3.5 The estimate seeks to identify potential current and future need from pitches known to be temporary or unauthorised, and through new household formation. For the latter the national rate of 1.50% has been used as the demographics of residents are unknown. This approach is consistent

with the outcomes of a recent Planning Appeal where access to a site was not possible but basic information was known about the number of households residing there. (Planning Inspectorate Ref: APP/Z6950/A/14/2212012).

- 3.6 Should further information be made available to the Council that will allow for the new definition to be applied, the needs of these households could be met within the terms of a criteria-based traveller policy.
- 3.7 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the new definition based on the outcomes of households where an interview was completed. However, data that has been collected from over 1,500 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that overall approximately 10% of households who have been interviewed meet the new definition. This would suggest that it is likely that only a small proportion of the potential need identified from these households will need new Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through the SHMA.
- 3.8 Councils will need to carefully consider how to address the needs associated with 'Unknown' Travellers in Local Plan policies as it is unlikely that all of these will have a need that should be addressed through the provision of Gypsy or Traveller pitches. In terms of Local Plan policies the Councils could consider the use of a specific site allocation/protection/intensification/expansion policy for those households that do meet the new definition, together with a criteria-based policy (as suggested in PPTS) for any unknown households that do provide evidence that they meet the definition.

## Non-Travelling Households

- 3.9 Whilst households who do not travel fall outside the new definition of a Traveller, Romany Gypsies and Irish and Scottish Travellers may be able to demonstrate a right to culturally appropriate accommodation under the Equality Act 2010. In addition provisions set out in the new Housing and Planning Act (2016) now include a duty (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. Draft Guidance<sup>1</sup> related to this section of the Housing and Planning Act has been published setting out how the government would want local housing authorities to undertake this assessment and it is the same as the GTAA assessment process. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the new 'planning' definition of a Traveller will need to be assessed as part of the wider housing needs of the area, for example through the SHMA or HEDNA process, and will form a subset of the wider need arising from households residing in caravans.

<sup>1</sup> "Draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats." (March 2016)

## 4. Survey of Travellers

### Interviews with Gypsies, Travellers and Travelling Showpeople

- 4.1 One of the major components of this study was a detailed survey of the Gypsy, Traveller and Travelling Showpeople population living in Maldon District. Through the desk-based research ORS identified 2 public sites (26 pitches), 14 private sites (33 pitches), and 1 unauthorised site (2 pitches). There is also 1 Travelling Showpeople yard with planning permission for 5 plots – this is still under construction and is unoccupied. There are no transit sites. Interviews were completed between January and September 2016. Up to 3 attempts were made to interview each household where they were not present when interviewers visited. The table below sets out the number of pitches, the number of interviews that were completed, and the reasons why interviews were not completed.

**Figure 1 – Gypsy, Traveller and Travelling Showpeople Sites and Yards Visited in Maldon District**

	Pitches	Interviews	Reasons for not interviewing
<b>Public Sites</b>			
Brickhouse Road, Tolleshunt Major	6	4	1 x refusal, 1 x no contact
Wood Corner, Woodham Walter	20	8	2 x refusals, 10 x no contact
<b>Private Sites</b>			
Eaglefield, Little Totham	1	0	1 x non-Travellers
Homelea, Two Elms and The Loft, Tolleshunt Major	4	1	1 x vacant, 2 x no contact
Junction of Captains Wood Road and Maypole Road	1	0	1 x no contact
Land opposite Heath Farm, Tolleshunt D'Arcy	1	0	1 x no contact
New Redgates, Purleigh	1	1	-
Office Lane, Little Totham	4	2	2 x no contact
Tarry Wood, Little Totham	1	0	1 x no contact
The Birches, Cold Norton	3	1	2 x no contact
The Oaks, Great Braxted	3	0	3 x no contact
The Orchards, Great Braxted	7	1	1 x refusal, 5 x no contact
The Poplars, Cold Norton	4	1	3 x no contact
The Stables, Great Totham	1	0	1 x non-Travellers
Two Acres, Tolleshunt Major	1	1	-
Land at Broomfields Farm, Great Braxted	1	0	1 x no contact
<b>Unauthorised Sites</b>			
Rose Stables, Great Totham	2	0	2 x no contact
<b>Travelling Showpeople</b>			
Restawyle, Tolleshunt Knights	5	0	5 x unimplemented plots
<b>TOTAL</b>	<b>66</b>	<b>20</b>	

## 5. Current and Future Pitch Provision

- <sup>5.1</sup> This section focuses on the additional pitch provision which is needed in Maldon District currently and to 2033. This includes both current unmet need and need which is likely to arise in the future. This time period allows for robust forecasts of the requirements for future provision, based upon the evidence contained within this study and also secondary data sources. Whilst the difficulty in making accurate assessments beyond 5 years has been highlighted in previous studies completed by ORS, the approach taken in this study to estimate new household formation has been accepted by Planning Inspectors as the most appropriate methodology to use.
- <sup>5.2</sup> We would note that this section is based upon a combination of the on-site surveys, planning records and discussions with Officers from the Council. In many cases, the survey data is not used in isolation, but instead is used to validate information from planning records or other sources.
- <sup>5.3</sup> This section includes an assessment of the total additional provision which is required in the area and the need for any transit sites and/or emergency stopping place provision.

### New 'Planning' Definition

- <sup>5.4</sup> As well as assessing housing need, the revised version of PPTS now also requires a GTAA to determine whether households living on sites, yards, encampments and in bricks and mortar fall within the new 'planning' definition of a Gypsy, Traveller or Travelling Showperson. Only households that fall within the new definition, and those who *may* meet the definition (households where an interview was not completed), will have their housing needs assessed separately from the wider population in the GTAA. The new definition excludes those who have ceased to travel permanently.

### New Household Formation Rates

- <sup>5.5</sup> Nationally, a household formation and growth rate of 3.00% net per annum has been commonly assumed and widely used in local Gypsy and Traveller assessments, even though there is no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for additional pitches unrealistically. In this context, ORS has prepared a *Technical Note on Household Formation and Growth Rates (August 2015)*. The main conclusions are set out below and the full document can be found in **Appendix B**.
- <sup>5.6</sup> Those seeking to provide evidence of high annual net household growth rates for Gypsies and Travellers have sometimes sought to rely on increases in the number of caravans, as reflected in caravan counts. However, caravan count data is unreliable and erratic – so the only robust way to project future population and household growth is through demographic analysis.

5.7 The Technical Note concludes that in fact, the growth in the national Gypsy and Traveller population may be as low as 1.25% per annum – much less than the 3.00% per annum often assumed, but still greater than in the settled community. Even using extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2.00% per annum nationally.

5.8 The often assumed 3.00% per annum net household growth rate is unrealistic and would require clear statistical evidence before being used for planning purposes. In practice, the best available evidence supports a national net household growth rate of 1.50% per annum for Gypsies and Travellers. This view has been supported by Planning Inspectors in a number of Decision Notices. The most recent was in relation to an appeal in Doncaster that was issued in November 2016 (Ref: APP/F4410/W/15/3133490) where the agent acting on behalf of the appellant claimed that a rate closer to 3.00% should be used. The Inspector concluded:

*In assessing need account also needs to be taken of likely household growth over the coming years. In determining an annual household growth rate the Council relies on the work of Opinions Research Services (ORS), part of Swansea University. ORS's research considers migration, population profiles, births & fertility rates, death rates, household size data and household dissolution rates to determine average household growth rates for gypsies and travellers. The findings indicate that the average annual growth rate is in the order of 1.5% but that a 2.5% figure could be used if local data suggest a relatively youthful population. As the Council has found a strong correlation between Doncaster's gypsy and traveller population age profile and the national picture, a 1.5% annual household growth rate has been used in its 2016 GTANA. Given the rigour of ORS's research and the Council's application of its findings to the local area I accept that a 1.5% figure is justified in the case of Doncaster.*

5.9 ORS assessments take full account of the net local household growth rate per annum for each local authority, calculated on the basis of demographic evidence from the site surveys. The 'baseline' includes all current authorised households, all households identified as in current need (excluding older teenage children whose needs are assessed separately), as well as households living on tolerated unauthorised pitches or plots who are not included as current need. The assessments of future need also take account of modelling projections based on birth and death rates, and in-/out-migration.

5.10 Overall, the household growth rate used for the assessment of future needs has been informed by local evidence. This demographic evidence has been used to adjust the national growth rate of 1.50% up or down based on the proportion of those aged under 18 in each local authority (by travelling status).

5.11 In certain circumstances where the numbers of households and children are low it may not be appropriate to apply a percentage rate for new household formation. In these cases a judgement will be made on likely new household formation based on the age and gender of the children.

5.12 In Maldon District for Gypsies and Travellers who meet the new definition formation is based on the demographics of the households; for unknown Travellers the national rate of 1.50% has been used;

and for those who do not meet the new definition formation is based on the demographics of the households.

## Breakdown by 5 Year Bands

- 5.13 In addition to tables which set out the overall need for Gypsies, Travellers and Travelling Showpeople, the overall need has also been broken down by 5 year bands as required by PPTS. The way that this is calculated is by including all current need (from unauthorised pitches, pitches with temporary planning permission, concealed and doubled-up households, and net movement from bricks and mortar) in the first 5 years. In addition the total net new household formation is split across the 5 year bands based on the rate of growth that was applied – as opposed to being spread evenly.

## Applying the New Definition

- 5.14 The outcomes from the questions in the household survey on travelling were used to determine the status of each household against the new definition in PPTS. This assessment was based on the verbal responses to the questions given to interviewers as it is understood that oral evidence is capable of being sufficient when determining whether households meet the new definition. Only those households that meet the new definition, in that they stated during the interview that they travel for work purposes, and stay away from their usual place of residence when doing so – or that they have ceased to travel temporarily due to education, ill health or old age, form the components of need that will form the baseline of need in the GTAA. Households where an interview was not completed who **may** meet the new definition have also been included as a potential additional component of need from ‘unknown’ households.

## Travelling Status of Households

- 5.15 Information that was sought from households where an interview was completed allowed each household to be assessed against the new ‘planning’ definition of a Traveller. This included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether they plan to travel again in the future. In addition information from a recent (yet to be determined) planning appeal was used to confirm the travelling status of residents living on one of the sites where interviews were not able to be completed. The table overleaf sets out the travelling status of households in Maldon District.
- 5.16 Figure 2 shows that for Gypsies and Travellers 3 households meet the new definition of a Traveller in that it was able to be determined that they travel for work purposes and stay away from their usual place of residence, or have ceased to travel temporarily. A total of 19 Gypsy and Traveller households did not meet the new definition as they were not able to provide information that they travel away from their usual place of residence for the purpose of work, or that they have ceased to travel temporarily due to children in education, ill health or old age. Some did travel for cultural reasons to visit fairs, relatives or friends, and others had ceased to travel permanently – these households did not meet the new definition.



- 5.17 The Travelling Showpeople yard was still under construction and was unoccupied and the travelling status of the future occupiers could not be determined from either the planning application or planning appeal documentation. However the planning application does state that all of the households require land to store their equipment and this would suggest that they may all meet the planning definition.
- 5.18 The number of households on each site where an interview was not possible are recorded as unknown. The reasons for this included households that refused to be interviewed and households that were not present during the fieldwork period – despite up to 3 visits.

**Figure 2 – Travelling Status of Households in Maldon District**

Site Status	Meets New Definition <sup>2</sup>	Does Not Meet New Definition <sup>2</sup>	Unknown <sup>3</sup>	TOTAL
Public Sites	1	11	14	26
Private Sites	1	7	23	31
Unauthorised Sites	1	1	0	2
Travelling Showpeople <sup>4</sup>	0	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>19</b>	<b>37</b>	<b>59</b>

## Bricks and Mortar Interviews

- 5.19 Despite all the efforts that were made it was not possible to complete any interviews with Gypsy and Traveller household living in bricks and mortar in Maldon District as none were identified through the fieldwork, adverts that were placed, or discussions with Council Officers.

## Pitch Needs – ‘Travelling’ Gypsies and Travellers

- 5.20 The 3 households who meet the planning definition of Travelling were found on 1 public site, 1 private site and 1 unauthorised site. Analysis of the household interviews shows that the household living on the public site are seeking to move to bricks and mortar accommodation. As such their accommodation needs have not been considered in the GTAA and they have not been included in the base for new household formation to inform the need for additional pitches.
- 5.21 Analysis of the household information for the remaining 2 households that meet the planning definition show that 1 pitch is unauthorised and that there is no other current or future need arising from residents on either site. The unauthorised pitch is currently awaiting the outcome of a recent planning appeal. If the appeal is allowed this component of need will be met.
- 5.22 Therefore the overall level of additional need for those households who meet the new definition of a Gypsy or Traveller is for **1 additional pitch** over the GTAA period to 2033.

<sup>2</sup> The travelling status of one household was determined from planning appeal documentation.

<sup>3</sup> Excludes 2 pitches found to be occupied by non-ethnic Gypsies or Travellers

<sup>4</sup> The yard is under construction and unoccupied. The future residents are believed to be living elsewhere in Essex and will be included in the GTAA for the local authority they are currently living in.

Figure 3 – Additional Need for ‘Travelling’ Households in Maldon District 2016-33

Gypsies and Travellers - Meeting New Definition	Pitches
<b>Supply of Pitches</b>	
Additional supply from vacant public and private pitches	0
Additional supply from pitches on new sites	0
Pitches to be vacated by households moving to bricks and mortar	0
Pitches to be vacated by households moving to another area	0
<b>Total Supply</b>	<b>0</b>
<b>Current Need</b>	
Households on unauthorised developments	1
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
<b>Total Current Need</b>	<b>1</b>
<b>Future Need</b>	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No new household formation)</i>	
<b>Total Future Needs</b>	<b>0</b>
<b>Net Pitch Total = (Current and Future Need – Total Supply)</b>	<b>1</b>

Figure 4 – Additional Need for ‘Travelling’ Households in Maldon District by 5 Year Periods

Years	0-5	6-10	11-15	16-17	
	2016-21	2021-26	2026-31	2031-33	Total
	1	0	0	0	1

### Pitch Needs – ‘Unknown’ Gypsies and Travellers

- 5.23 Whilst it was not possible to determine the travelling status of a total of 37 households as they either refused to be interviewed, or were not on site at the time of the fieldwork, the needs of these households still need to be recognised by the GTAA as they are believed to be ethnic Gypsies and Travellers and **may** meet the new definition as defined in PPTS.
- 5.24 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the new definition based on the outcomes of households in that local authority where an interview was completed.
- 5.25 However data that has been collected from over 1,500 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that nationally approximately 10% of households that have been interviewed meet the new definition.

- 5.26 This would suggest that it is likely that only a small proportion of the potential need identified from these households will need new Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through other means.
- 5.27 Should further information be made available to the Council that will allow for the new definition to be applied to the 'unknown' households, the overall level of need could rise by up to 13 pitches from new household formation (this uses a base of the 37 households and a net growth rate of 1.50%<sup>5</sup>). There are also a total of 3 pitches that will become vacant on one of the public sites (2 through households seeking to move to bricks and mortar and 1 household seeking to move to another site). Therefore additional need *could* increase by up to a further 10 pitches, plus any concealed adult households or 5 year need arising from older teenagers living in these households (if all 37 'unknown' pitches are deemed to meet the new definition). However, as an illustration, if the national average of 10% were to be applied this could be as few as 1 additional pitch. Tables setting out the components of need for unknown households can be found in **Appendix A**.

## Waiting Lists

- 5.28 There are 2 public sites in Maldon District. At the time of reporting information was still being processed by Essex County Council regarding the households on the waiting lists for these sites. This will help to identify how many households are currently living on one of the sites; how many are living in bricks and mortar in Maldon District; how many are living on other sites in Maldon District; how many are living on sites outside of Maldon District; and how many are living in bricks and mortar outside of Maldon District.
- 5.29 Should these households wish to be considered for a tenancy on one of the public sites they may have to provide information on their travelling patterns during the site allocation process as and when a pitch becomes available.

## Travelling Showpeople Needs

- 5.30 There was 1 Travelling Showpeople yard identified in Maldon District that is currently under construction and unoccupied. The future residents are understood to be living on a number of yards elsewhere in Essex and Bedford so their current needs will be included in the GTAA for the area where they are currently residing. As far as future need is concerned it has been presumed that in making an application for a new yard, it has been planned to meet the all accommodation requirements of the future occupiers.

## Transit Requirements

- 5.31 When determining the potential need for transit provision the assessment has looked at data from the DCLG Caravan Count, the outcomes of the stakeholder interviews and local records on numbers of unauthorised encampments, and the potential wider issues related to changes made to PPTS in 2015.

<sup>5</sup> The ORS *Technical Note on Population and Household Growth (2015)* has identified a national growth rate of 1.50% for Gypsies and Travellers which has been applied in the absence of further demographic information about these households.

## DCLG Caravan Count

- 5.32 Whilst it is considered to be a comprehensive national dataset on numbers of authorised and unauthorised caravans across England, it is acknowledged that the Caravan Count is a count of caravans and not households or pitches/plots. It also does not record the reasons for unauthorised caravans. This makes it very difficult to interpret in relation to assessing future need because it does not count pitches or resident households. The count is also only a twice yearly (January and July) ‘snapshot in time’ conducted by local authorities on a specific day, and any caravans on unauthorised sites or encampments which occur on other dates are not recorded. Likewise any caravans that are away from sites on the day of the count are not included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the assessment of future transit provision. It does however provide valuable historic and trend data on whether there are instances of unauthorised caravans in local authority areas.
- 5.33 Data from the Caravan Count shows that there have been very low numbers of non-tolerated unauthorised caravans on land not owned by Travellers recorded in Maldon District in recent years.

## Stakeholder Interviews and Local Data

- 5.34 Information from the stakeholder interviews that were completed for the previous GTAA that was published in 2014 also confirmed that there are no or relatively low levels of unauthorised encampments in most of the areas, and that the majority were short-term visiting family or friends, transient and simply passing through, or from a small number of groups moving around an area.

## Potential Implications of PPTS 2015

- 5.35 It has been suggested by a number of organisations and individuals representing the Travelling Community that there will need to be an increase in transit provision across the country as a result of changes to PPTS leading to more households travelling seeking to meet the new definition. This may well be the case but it will take some time for any changes to become apparent. As such the use of historic evidence to make an assessment of future transit need is not recommended at this time. Any recommendation for future transit provision will need to make use of a robust post-PPTS 2015 evidence base and there has not been sufficient time yet for this to be developed.

## Transit Recommendations

- 5.36 It is recommended that the situation relating to levels of unauthorised encampments should be continually monitored whilst any potential changes associated with the new PPTS develop.
- 5.37 A review of the evidence base relating to unauthorised encampments should be undertaken in autumn 2018 once there is a new 3 year evidence base following the changes to PPTS in August 2015 – including if possible an analysis of whether households on encampments meet the new definition. This will establish whether there is a need for investment in more formal transit sites or emergency stopping places. If such a need is identified work will need to be undertaken on an Essex-wide basis to identify suitable locations to meet the provision.

- <sup>5.38</sup> In the short-term the Council should consider the use of short-term toleration or negotiated stopping agreements to deal with any encampments, as opposed to taking forward an infrastructure-based approach. At this point whilst consideration should also be given as to how to deal with households that do and do not meet the new definition, from a practical point of view it is likely that households on all unauthorised encampments will need to be dealt with in the same way.
- <sup>5.39</sup> The term ‘negotiated stopping’ is used to describe agreed short term provision for Gypsy and Traveller caravans. It does not describe permanent ‘built’ transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the authority and the (temporary) residents regarding expectations on both sides.
- <sup>5.40</sup> Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold water supply; portaloos; sewage disposal point and refuse disposal facilities.

## 6. Conclusions

- <sup>6.1</sup> This study provides a robust evidence base to enable the Council to assess and meet the needs of the Travelling Community as well as complying with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, the National Planning Policy Framework (NPPF) 2012, Planning Practice Guidance (PPG) 2014, Planning Policy for Traveller Sites (PPTS) 2015, and the Housing and Planning Act 2016. It also provides the evidence base which can be used to support Local Plan policies.

### Gypsies and Travellers

- <sup>6.2</sup> In summary there is a need for **1 additional pitch** in Maldon District over the GTAA period to 2033 for Gypsy and Traveller households that meet the new definition<sup>6</sup>; a need for up to 10 additional pitches for Gypsy and Traveller households that may meet the new definition – although if the national average of 10% were to be applied this could be as few as 1 additional pitch; and a need for 8 additional pitches for Gypsy and Traveller households who do not meet the new definition – if the potential need from 90% of unknown households is added to this the total need for non-Travelling households could rise to 18 additional pitches.

### Travelling Showpeople

- <sup>6.3</sup> There was 1 Travelling Showpeople yard identified in Maldon District that is currently under construction and unoccupied. The future residents are understood to be living on a number of yards elsewhere in Essex so their current needs will be included in the GTAA for the area where they are currently residing. As far as future need is concerned it has been presumed that in making an application for a new yard, it has been planned to meet the all accommodation requirements of the future tenants.

### Transit Provision

- <sup>6.4</sup> It is recommended that the situation relating to levels of unauthorised encampments should be continually monitored whilst any potential changes associated with the new PPTS develop.
- <sup>6.5</sup> A review of the evidence base relating to unauthorised encampments should be undertaken in autumn 2018 once there is a new 3 year evidence base following the changes to PPTS in August 2015 – including if possible an analysis of whether households on encampments meet the new definition. This will establish whether there is a need for investment in more formal transit sites or emergency stopping places.

<sup>6</sup> This is an unauthorised pitch that is awaiting the outcome of a recent planning appeal.

- <sup>6.6</sup> In the short-term the Council should consider the use of short-term toleration or negotiated stopping agreements to deal with any encampments, as opposed to taking forward an infrastructure-based approach.

# Appendix A – Unknown and Non-Travelling Need

Figure 5 - Additional Need for 'Unknown' Gypsy and Traveller Households in Maldon District 2016-33

Gypsies and Travellers - Unknown	Pitches
<b>Supply of Plots</b>	
Additional supply from vacant public and private pitches	0
Additional supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	2
Pitches vacated by households moving away from the study area	1
<b>Total Supply</b>	<b>3</b>
<b>Current Need</b>	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
<b>Total Current Need</b>	<b>0</b>
<b>Future Need</b>	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	13
<i>(Household base 37 and formation rate of 1.50%)</i>	
<b>Total Future Needs</b>	<b>13</b>
<b>Net Pitch Total = (Current and Future Need – Total Supply)</b>	<b>10</b>

Figure 6 - Additional Need for 'Unknown' Gypsy and Traveller Households in Maldon District by 5 Year Periods

Years	0-5	6-10	11-15	16-17	
	2016-21	2021-26	2026-31	2031-33	Total
	2	3	4	1	10



Figure 7 - Additional Need for 'Non-Travelling' Gypsy and Traveller Households in Maldon District 2016-33

Gypsies and Travellers – Not Meeting New Definition	Pitches
<b>Supply of Pitches</b>	
Additional supply from vacant public and private pitches	0
Additional supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
<b>Total Supply</b>	<b>0</b>
<b>Current Need</b>	
Households on unauthorised developments	1
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	5
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
<b>Total Current Need</b>	<b>6</b>
<b>Future Need</b>	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation (years 6-20)	2
<i>(Formation from household demographics)</i>	
<b>Total Future Needs</b>	<b>8</b>
<b>Net Pitch Total = (Current and Future Need – Total Supply)</b>	<b>8</b>

Figure 8 - Additional Need for 'Non-Travelling' Gypsy and Traveller Households in Maldon District by 5 Year Periods

Years	0-5	6-10	11-15	16-17	
	2016-21	2021-26	2026-31	2031-33	Total
	6	2	0	0	8

# Appendix B – ORS Technical Note on Household Formation and Growth Rates



## **Technical Note**

# **Gypsy and Traveller Household Formation and Growth Rates**

**August 26<sup>th</sup> 2015**

**Opinion Research Services**  
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# Household Growth Rates

## Abstract and conclusions

1. National and local household formation and growth rates are important components of Gypsy and Traveller accommodation assessments, but little detailed work has been done to assess their likely scale. Nonetheless, nationally, a net growth rate of 3% per annum has been commonly assumed and widely used in local assessments – even though there is actually no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for additional pitches unrealistically.
2. Those seeking to provide evidence of high annual net household growth rates for Gypsies and Travellers have sometimes sought to rely on increases in the number of caravans, as reflected in caravan counts. However, caravan count data are unreliable and erratic – so the only proper way to project future population and household growth is through demographic analysis (which, of course, is used to assess housing needs in the settled community).
3. The growth in the Gypsy and Traveller population may be as low as 1.25% per annum – a rate which is much less than the 3% per annum often assumed, but still at least four times greater than in the general population. Even using extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2% per annum nationally.
4. The often assumed 3% per annum net household growth rate is unrealistic and would require clear statistical evidence before being used for planning purposes. In practice, the best available evidence supports a national net household growth rate of 1.5% per annum for Gypsies and Travellers.
5. Some local authorities might perhaps allow for a household growth rate of up to 2.5% per annum, to provide a ‘margin’ if their populations are relatively youthful; but in areas where on-site surveys indicate that there are fewer children in the Gypsy and Traveller communities, the lower estimate of 1.5% per annum should be used for planning purposes.

## Introduction

6. The rate of household growth is a key element in all housing assessments, including Gypsy and Traveller accommodation assessments. Compared with the general population, the relative youthfulness of many Gypsy and Traveller populations means that their birth rates are likely to generate higher-than-average population growth, and proportionately higher *gross* household formation rates. However, while their *gross* rate of household growth might be high, Gypsy and Traveller communities’ future accommodation needs are, in practice, affected by any reduction in the number of households due to dissolution and/or by movements in/out of the area and/or by transfers into other forms of housing. Therefore, the *net* rate of household growth is the *gross* rate of formation *minus* any reductions in households due to such factors. Of course, it is the *net* rate that is important in determining future accommodation needs for Gypsies and Travellers.

7. In this context, it is a matter of concern that many Gypsy and Traveller accommodation needs assessments have not distinguished *gross* and *net* growth rates nor provided evidence for their assumed rates of household increase. These deficiencies are particularly important because when assumed growth rates are unrealistically high, and then compounded over a number of planning years, they can yield exaggerated projections of accommodation needs and misdirect public policy. Nonetheless, assessments and guidance documents have assumed 'standard' *net* growth rates of about 3% without sufficiently recognising either the range of factors impacting on the *gross* household growth rates or the implications of unrealistic assumptions when projected forward on a compound basis year by year.
8. For example, in a study for the Office of the Deputy Prime Minister ('Local Authority Gypsy and Traveller Sites in England', 2003), Pat Niner concluded that *net* growth rates as high as 2%-3% per annum should be assumed. Similarly, the Regional Spatial Strategies (RSS) (which continued to be quoted after their abolition was announced in 2010) used *net* growth rates of 3% per annum without providing any evidence to justify the figure (For example, 'Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England: A Revision to the Regional Spatial Strategy for the East of England July 2009').
9. However, the guidance of the Department of Communities and Local Government ('Gypsy and Traveller Accommodation Needs Assessments: Guidance', 2007) was much clearer in saying that:

*The 3% family formation growth rate is used here as an example only. The appropriate rate for individual assessments will depend on the details identified in the local survey, information from agencies working directly with local Gypsy and Traveller communities, and trends identified from figures previously given for the caravan count. [In footnote 6, page 25]*

10. The guidance emphasises that local information and trends should always be taken into account – because the *gross* rate of household growth is moderated by reductions in households through dissolution and/or by households moving into bricks and mortar housing or moving to other areas. In other words, even if 3% is plausible as a *gross* growth rate, it is subject to moderation through such reductions in households through dissolution or moves. It is the resulting *net* household growth rate that matters for planning purposes in assessing future accommodation needs.
11. The current guidance also recognises that assessments should use local evidence for *net* future household growth rates. A letter from the Minister for Communities and Local Government (Brandon Lewis MP), to Andrew Selous MP (placed in the House of Commons library on March 26th 2014) said:

*I can confirm that the annual growth rate figure of 3% does not represent national planning policy.*

*The previous Administration's guidance for local authorities on carrying out Gypsy and Traveller Accommodation Assessments under the Housing Act 2004 is unhelpful in that it uses an illustrative example of calculating future accommodation need based on the 3% growth rate figure. The guidance notes that the appropriate rate for individual assessments will depend on the details identified in the local authority's own assessment of need. As such the Government is not endorsing or supporting the 3% growth rate figure.'*

12. Therefore, while there are many assessments where a national Gypsy and Traveller household growth rate of 3% per annum has been assumed (on the basis of 'standard' precedent and/or guidance), there is little to justify this position and it conflicts with current planning guidance. In this context, this document seeks to integrate available evidence about *net* household growth rates in order to provide a more robust basis for future assessments.

### Compound growth

13. The assumed rate of household growth is crucially important for Gypsy and Traveller studies because for future planning purposes it is projected over time on a compound basis – so errors are progressively enlarged. For example, if an assumed 3% *net* growth rate is compounded each year then the implication is that the number of households will double in only 23.5 years; whereas if a *net* compound rate of 1.5% is used then the doubling of household numbers would take 46.5 years. The table below shows the impact of a range of compound growth rates.

**Table 1**

**Compound Growth Rates and Time Taken for Number of Households to Double**

Household Growth Rate per Annum	Time Taken for Household to Double
3.00%	23.5 years
2.75%	25.5 years
2.50%	28 years
2.25%	31 years
2.00%	35 years
1.75%	40 years
1.50%	46.5 years

14. The above analysis is vivid enough, but another illustration of how different rates of household growth impact on total numbers over time is shown in the table below – which uses a baseline of 100 households while applying different compound growth rates over time. After 5 years, the difference between a 1.5% growth rate and a 3% growth rate is only 8 households (116 minus 108); but with a 20-year projection the difference is 46 households (181 minus 135).

**Table 2**

**Growth in Households Over time from a Baseline of 100 Households**

Household Growth Rate per Annum	5 years	10 years	15 years	20 years	50 years	100 years
3.00%	116	134	156	181	438	1,922
2.75%	115	131	150	172	388	1,507
2.50%	113	128	145	164	344	1,181
2.25%	112	125	140	156	304	925
2.00%	110	122	135	149	269	724
1.75%	109	119	130	141	238	567
1.50%	108	116	125	135	211	443



15. In summary, the assumed rate of household growth is crucially important because any exaggerations are magnified when the rate is projected over time on a compound basis. As we have shown, when compounded and projected over the years, a 3% annual rate of household growth implies much larger future Gypsy and Traveller accommodation requirements than a 1.5% per annum rate.

### Caravan counts

16. Those seeking to demonstrate national Gypsy and Traveller household growth rates of 3% or more per annum have, in some cases, relied on increases in the number of caravans (as reflected in caravan counts) as their evidence. For example, some planning agents have suggested using 5-year trends in the national caravan count as an indication of the general rate of Gypsy and Traveller household growth. For example, the count from July 2008 to July 2013 shows a growth of 19% in the number of caravans on-site – which is equivalent to an average annual compound growth rate of 3.5%. So, *if plausible*, this approach could justify using a 3% or higher annual household growth rate in projections of future needs.
17. However, caravan count data are unreliable and erratic. For example, the July 2013 caravan count was distorted by the inclusion of 1,000 caravans (5% of the total in England) recorded at a Christian event near Weston-Super-Mare in North Somerset. Not only was this only an estimated number, but there were no checks carried out to establish how many caravans were occupied by Gypsies and Travellers. Therefore, the resulting count overstates the Gypsy and Traveller population and also the rate of household growth.
18. ORS has applied the caravan-counting methodology hypothetically to calculate the implied national household growth rates for Gypsies and Travellers over the last 15 years, and the outcomes are shown in the table below. The January 2013 count suggests an average annual growth rate of 1.6% over five years, while the July 2013 count gives an average 5-year rate of 3.5%; likewise a study benchmarked at January 2004 would yield a growth rate of 1%, while one benchmarked at January 2008 would imply a 5% rate of growth. Clearly any model as erratic as this is not appropriate for future planning.

**Table 3**

**National CLG Caravan Count July 1998 to July 2014 with Growth Rates (Source: CLG)**

Date	Number of caravans	5 year growth in caravans	Percentage growth over 5 years	Annual over last 5 years.
Jan 2015	20,123	1,735	9.54%	1.84%
July 2014	20,035	2,598	14.90%	2.81%
Jan 2014	19,503	1,638	9.17%	1.77%
July 2013	20,911	3,339	19.00%	3.54%
Jan 2013	19,359	1,515	8.49%	1.64%
Jul 2012	19,261	2,112	12.32%	2.35%
Jan 2012	18,746	2,135	12.85%	2.45%
Jul 2011	18,571	2,258	13.84%	2.63%
Jan 2011	18,383	2,637	16.75%	3.15%
Jul 2010	18,134	2,271	14.32%	2.71%
Jan 2010	18,370	3,001	19.53%	3.63%
Jul 2009	17,437	2,318	15.33%	2.89%
Jan 2009	17,865	3,503	24.39%	4.46%
Jul 2008	17,572	2,872	19.54%	3.63%
Jan 2008	17,844	3,895	27.92%	5.05%

<b>Jul 2007</b>	17,149	2,948	20.76%	3.84%
<b>Jan 2007</b>	16,611	2,893	21.09%	3.90%
<b>Jul 2006</b>	16,313	2,511	18.19%	3.40%
<b>Jan 2006</b>	15,746	2,352	17.56%	3.29%
<b>Jul 2005</b>	15,863	2,098	15.24%	2.88%
<b>Jan 2005</b>	15,369	1,970	14.70%	2.78%
<b>Jul 2004</b>	15,119	2,110	16.22%	3.05%
<b>Jan 2004</b>	14,362	817	6.03%	1.18%
<b>Jul 2003</b>	14,700			
<b>Jan 2003</b>	13,949			
<b>Jul 2002</b>	14,201			
<b>Jan 2002</b>	13,718			
<b>Jul 2001</b>	13,802			
<b>Jan 2001</b>	13,394			
<b>Jul 2000</b>	13,765			
<b>Jan 2000</b>	13,399			
<b>Jan 1999</b>	13,009			
<b>Jul 1998</b>	13,545			

19. The annual rate of growth in the number of caravans varies from slightly over 1% to just over 5% per annum. We would note that if longer time periods are used the figures do become more stable. Over the 36 year period 1979 (the start of the caravan counts) to 2015 the compound growth rate in caravan numbers has been 2.5% per annum.
20. However, there is no reason to assume that these widely varying rates correspond with similar rates of increase in the household population. In fact, the highest rates of caravan growth occurred between 2006 and 2009, when the first wave of Gypsy and Traveller accommodation needs assessments were being undertaken – so it seems plausible that the assessments prompted the inclusion of additional sites and caravans (which may have been there, but not counted previously). Counting caravan numbers is very poor proxy for Gypsy and Traveller household growth. Caravans counted are not always occupied by Gypsy and Traveller families and numbers of caravans held by families may increase generally as affluence and economic conditions improve, (but without a growth in households)
21. There is no reason to believe that the varying rates of increase in the number of caravans are matched by similar growth rates in the household population. The caravan count is not an appropriate planning guide and the only proper way to project future population and household growth is through demographic analysis – which should consider both population and household growth rates. This approach is not appropriate to needs studies for the following reasons:

## Modelling population growth

### Introduction

22. The basic equation for calculating the rate of Gypsy and Traveller population growth seems simple: start with the base population and then calculate the average increase/decrease by allowing for births, deaths and in-/out-migration. Nevertheless, deriving satisfactory estimates is difficult because the evidence is often tenuous – so, in this context, ORS has modelled the growth of the national Gypsy and Traveller population based on the most likely birth and death rates, and by using PopGroup (the leading software for

population and household forecasting). To do so, we have supplemented the available national statistical sources with data derived locally (from our own surveys) and in some cases from international research. None of the supplementary data are beyond question, and none will stand alone; but, when taken together they have cumulative force. In any case the approach we adopt is more critically self-aware than simply adopting 'standard' rates on the basis of precedent.

### Migration effects

23. Population growth is affected by national net migration and local migration (as Gypsies and Travellers move from one area to another). In terms of national migration, the population of Gypsies and Travellers is relatively fixed, with little international migration. It is in principle possible for Irish Travellers (based in Ireland) to move to the UK, but there is no evidence of this happening to a significant extent and the vast majority of Irish Travellers were born in the UK or are long-term residents. In relation to local migration effects, Gypsies and Travellers can and do move between local authorities – but in each case the in-migration to one area is matched by an out-migration from another area. Since it is difficult to estimate the net effect of such movements over local plan periods, ORS normally assumes that there will be nil net migration to/from an area. Nonetheless, where it is possible to estimate specific in-/out- migration effects, we take account of them, while distinguishing between migration and household formation effects.

### Population profile

24. The main source for the rate of Gypsy and Traveller population growth is the UK 2011 Census. In some cases the data can be supplemented by ORS's own household survey data which is derived from more than 2,000 face-to-face interviews with Gypsies and Travellers since 2012. The ethnicity question in the 2011 census included for the first time 'Gypsy and Irish Traveller' as a specific category. While non-response bias probably means that the size of the population was underestimated, the age profile the census provides is not necessarily distorted and matches the profile derived from ORS's extensive household surveys.
25. The age profile is important, as the table below (derived from census data) shows. Even assuming zero deaths in the population, achieving an annual population growth of 3% (that is, doubling in size every 23.5 years) would require half of the "year one" population to be aged under 23.5 years. When deaths are accounted for (at a rate of 0.5% per annum), to achieve the same rate of growth, a population of Gypsies and Travellers would need about half its members to be aged under 16 years. In fact, though, the 2011 census shows that the midway age point for the national Gypsy and Traveller population is 26 years – so the population could not possibly double in 23.5 years.

**Table 4**

**Age Profile for the Gypsy and Traveller Community in England (Source: UK Census of Population 2011)**

Age Group	Number of People	Cumulative Percentage
Age 0 to 4	5,725	10.4
Age 5 to 7	3,219	16.3
Age 8 to 9	2,006	19.9
Age 10 to 14	5,431	29.8
Age 15	1,089	31.8
Age 16 to 17	2,145	35.7
Age 18 to 19	1,750	38.9

Age 20 to 24	4,464	47.1
Age 25 to 29	4,189	54.7
Age 30 to 34	3,833	61.7
Age 35 to 39	3,779	68.5
Age 40 to 44	3,828	75.5
Age 45 to 49	3,547	82.0
Age 50 to 54	2,811	87.1
Age 55 to 59	2,074	90.9
Age 60 to 64	1,758	94.1
Age 65 to 69	1,215	96.3
Age 70 to 74	905	97.9
Age 75 to 79	594	99.0
Age 80 to 84	303	99.6
Age 85 and over	230	100.0

### Birth and fertility rates

26. The table above provides a way of understanding the rate of population growth through births. The table shows that surviving children aged 0-4 years comprise 10.4% of the Gypsy and Traveller population – which means that, on average, 2.1% of the total population was born each year (over the last 5 years). The same estimate is confirmed if we consider that those aged 0-14 comprise 29.8% of the Gypsy and Traveller population – which also means that almost exactly 2% of the population was born each year. (Deaths during infancy will have minimal impact within the early age groups, so the data provides the best basis for estimating of the birth rate for the Gypsy and Traveller population.)
27. The total fertility rate (TFR) for the whole UK population is just below 2 – which means that on average each woman can be expected to have just less than two children who reach adulthood. We know of only one estimate of the fertility rates of the UK Gypsy and Traveller community. This is contained in the book, 'Ethnic identity and inequalities in Britain: The dynamics of diversity' by Dr Stephen Jivraj and Professor Ludi Simpson published in May 2015. This draws on the 2011 Census data and provides an estimated total fertility rate of 2.75 for the Gypsy and traveller community
28. ORS's have been able to examine our own survey data to investigate the fertility rate of Gypsy and Traveller women. The ORS data shows that, on average, Gypsy and Traveller women aged 32 years have 2.5 children (but, because the children of mothers above this age point tend to leave home progressively, full TFRs were not completed). On this basis it is reasonable to assume an average of three children per woman during her lifetime which would be consistent with the evidence from the 2011 Census of a figure of around 2.75 children per woman. In any case, the TFR for women aged 24 years is 1.5 children, which is significantly short of the number needed to double the population in 23.5 years – and therefore certainly implies a net growth rate of less than 3% per annum.

### Death rates

29. Although the above data imply an annual growth rate through births of about 2%, the death rate has also to be taken into account – which means that the *net* population growth cannot conceivably achieve 2% per

annum. In England and Wales there are nearly half-a-million deaths each year – about 0.85% of the total population of 56.1 million in 2011. If this death rate is applied to the Gypsy and Traveller community then the resulting projected growth rate is in the region of 1.15%-1.25% per annum.

30. However, the Gypsy and Traveller population is significantly younger than average and may be expected to have a lower percentage death rate overall (even though a smaller than average proportion of the population lives beyond 68 to 70 years). While there can be no certainty, an assumed death rate of around 0.5% to 0.6% per annum would imply a net population growth rate of around 1.5% per annum.
31. Even though the population is younger and has a lower death rate than average, Gypsies and Travellers are less likely than average to live beyond 68 to 70 years. Whereas the average life expectancy across the whole population of the UK is currently just over 80 years, a Sheffield University study found that Gypsy and Traveller life expectancy is about 10-12 years less than average (Parry et al (2004) 'The Health Status of Gypsies and Travellers: Report of Department of Health Inequalities in Health Research Initiative', University of Sheffield). Therefore, in our population growth modelling we have used a conservative estimate of average life expectancy as 72 years – which is entirely consistent with the lower-than-average number of Gypsies and Travellers aged over 70 years in the 2011 census (and also in ORS's own survey data). On the basis of the Sheffield study, we could have supposed a life expectancy of only 68, but we have been cautious in our approach.

### Modelling outputs

32. If we assume a TFR of 3 and an average life expectancy of 72 years for Gypsies and Travellers, then the modelling projects the population to increase by 66% over the next 40 years – implying a population compound growth rate of 1.25% per annum (well below the 3% per annum often assumed). If we assume that Gypsy and Traveller life expectancy increases to 77 years by 2050, then the projected population growth rate rises to nearly 1.5% per annum. To generate an 'upper range' rate of population growth, we have assumed a TFR of 4 and an average life expectancy rising to 77 over the next 40 years – which then yields an 'upper range' growth rate of 1.9% per annum. We should note, though, that national TFR rates of 4 are currently found only in sub-Saharan Africa and Afghanistan, so it is an implausible assumption.
33. There are indications that these modelling outputs are well founded. For example, in the ONS's 2012-based Sub-National Population Projections the projected population growth rate for England to 2037 is 0.6% per annum, of which 60% is due to natural change and 40% due to migration. Therefore, the natural population growth rate for England is almost exactly 0.35% per annum – meaning that our estimate of the Gypsy and Traveller population growth rate is four times greater than that of the general population of England.
34. The ORS Gypsy and Traveller findings are also supported by data for comparable populations around the world. As noted, on the basis of sophisticated analysis, Hungary is planning for its Roma population to grow at around 2.0% per annum, but the underlying demographic growth is typically closer to 1.5% per annum. The World Bank estimates that the populations of Bolivia, Cambodia, Egypt, Malaysia, Pakistan, Paraguay, Philippines and Venezuela (countries with high birth rates and improving life expectancy) all show population growth rates of around 1.7% per annum. Therefore, in the context of national data, ORS's modelling and plausible international comparisons, it is implausible to assume a net 3% annual growth rate for the Gypsy and Traveller population.

## Household growth

35. In addition to population growth influencing the number of households, the size of households also affects the number. Hence, population and household growth rates do not necessarily match directly, mainly due to the current tendency for people to live in smaller (childless or single person) households (including, of course, older people (following divorce or as surviving partners)). Based on such factors, the CLG 2012-based projections convert current population data to a projected household growth rate of 0.85% per annum (compared with a population growth rate of 0.6% per annum).
36. Because the Gypsy and Traveller population is relatively young and has many single parent households, a 1.5% annual population growth could yield higher-than-average household growth rates, particularly if average household sizes fall or if younger-than-average households form. However, while there is evidence that Gypsy and Traveller households already form at an earlier age than in the general population, the scope for a more rapid rate of growth, through even earlier household formation, is limited.
37. Based on the 2011 census, the table below compares the age of household representatives in English households with those in Gypsy and Traveller households – showing that the latter has many more household representatives aged under-25 years. In the general English population 3.6% of household representatives are aged 16-24, compared with 8.7% in the Gypsy and Traveller population. Because the census includes both housed and on-site Gypsies and Travellers without differentiation, it is not possible to know if there are different formation rates on sites and in housing. However, ORS's survey data (for sites in areas such as Central Bedfordshire, Cheshire, Essex, Gloucestershire and a number of authorities in Hertfordshire) shows that about 10% of Gypsy and Traveller households have household representatives aged under-25 years.

**Table 5**

**Age of Head of Household (Source: UK Census of Population 2011)**

Age of household representative	All households in England		Gypsy and Traveller households in England	
	Number of households	Percentage of households	Number of households	Percentage of households
Age 24 and under	790,974	3.6%	1,698	8.7%
Age 25 to 34	3,158,258	14.3%	4,232	21.7%
Age 35 to 49	6,563,651	29.7%	6,899	35.5%
Age 50 to 64	5,828,761	26.4%	4,310	22.2%
Age 65 to 74	2,764,474	12.5%	1,473	7.6%
Age 75 to 84	2,097,807	9.5%	682	3.5%
Age 85 and over	859,443	3.9%	164	0.8%
Total	22,063,368	100%	19,458	100%

38. The following table shows that the proportion of single person Gypsy and Traveller households is not dissimilar to the wider population of England; but there are more lone parents, fewer couples without children, and fewer households with non-dependent children amongst Gypsies and Travellers. This data suggest that Gypsy and Traveller households form at an earlier age than the general population.

**Table 6**  
**Household Type (Source: UK Census of Population 2011)**

Household Type	All households in England		Gypsy and Traveller households in England	
	Number of households	Percentage of households	Number of households	Percentage of households
Single person	6,666,493	30.3%	5,741	29.5%
Couple with no children	5,681,847	25.7%	2345	12.1%
Couple with dependent children	4,266,670	19.3%	3683	18.9%
Couple with non-dependent children	1,342,841	6.1%	822	4.2%
Lone parent: Dependent children	1,573,255	7.1%	3,949	20.3%
Lone parent: All children non-dependent	766,569	3.5%	795	4.1%
Other households	1,765,693	8.0%	2,123	10.9%
Total	22,063,368	100%	19,458	100%

39. ORS's own site survey data is broadly compatible with the data above. We have found that: around 50% of pitches have dependent children compared with 45% in the census; there is a high proportion of lone parents; and about a fifth of Gypsy and Traveller households appear to be single person households. One possible explanation for the census finding a higher proportion of single person households than the ORS surveys is that many older households are living in bricks and mortar housing (perhaps for health-related reasons).
40. ORS's on-site surveys have also found more female than male residents. It is possible that some single person households were men linked to lone parent females and unwilling to take part in the surveys. A further possible factor is that at any time about 10% of the male Gypsy and Traveller population is in prison – an inference drawn from the fact that about 5% of the male prison population identify themselves as Gypsies and Travellers ('People in Prison: Gypsies, Romany and Travellers', Her Majesty's Inspectorate of Prisons, February 2004) – which implies that around 4,000 Gypsies and Travellers are in prison. Given that almost all of the 4,000 people are male and that there are around 200,000 Gypsies and Travellers in total, this equates to about 4% of the total male population, but closer to 10% of the adult male population.
41. The key point, though, is that since 20% of Gypsy and Traveller households are lone parents, and up to 30% are single persons, there is limited potential for further reductions in average household size to increase current household formation rates significantly – and there is no reason to think that earlier household formations or increasing divorce rates will in the medium term affect household formation rates. While there are differences with the general population, a 1.5% per annum Gypsy and Traveller population



growth rate is likely to lead to a household growth rate of 1.5% per annum – more than the 0.85% for the English population as a whole, but much less than the often assumed 3% rate for Gypsies and Travellers.

## Household dissolution rates

42. Finally, consideration of household dissolution rates also suggests that the net household growth rate for Gypsies and Travellers is very unlikely to reach 3% per annum (as often assumed). The table below, derived from ORS's mainstream strategic housing market assessments, shows that generally household dissolution rates are between 1.0% and 1.7% per annum. London is different because people tend to move out upon retirement, rather than remaining in London until death. To adopt a 1.0% dissolution rate as a standard guide nationally would be too low, because it means that average households will live for 70 years after formation. A 1.5% dissolution rate would be a more plausible as a national guide, implying that average households live for 47 years after formation.

**Table 7**  
**Annual Dissolution Rates (Source: SHMAs undertaken by ORS)**

Area	Annual projected household dissolution	Number of households	Percentage
Greater London	25,000	3,266,173	0.77%
Blaenau Gwent	468.2	30,416	1.54%
Bradford	3,355	199,296	1.68%
Ceredigion	348	31,562	1.10%
Exeter, East Devon, Mid Devon, Teignbridge and Torbay	4,318	254,084	1.70%
Neath Port Talbot	1,352	57,609	2.34%
Norwich, South Norfolk and Broadland	1,626	166,464	0.98%
Suffolk Coastal	633	53,558	1.18%
Monmouthshire Newport Torfaen	1,420	137,929	1.03%

43. The 1.5% dissolution rate is important because the death rate is a key factor in moderating the *gross* household growth rate. Significantly, applying a 1.5% dissolution rate to a 3% *gross* household growth formation rate yields a *net* rate of 1.5% per annum – which ORS considers is a realistic figure for the Gypsy and Traveller population and which is in line with other demographic information. After all, based on the dissolution rate, a *net* household formation rate of 3% per annum would require a 4.5% per annum *gross* formation rate (which in turn would require extremely unrealistic assumptions about birth rates).

## Summary conclusions

44. Future Gypsy and Traveller accommodation needs have typically been over-estimated because population and household growth rates have been projected on the basis of assumed 3% per annum net growth rates.
45. Unreliable caravan counts have been used to support the supposed growth rate, but there is no reason to suppose that the rate of increase in caravans corresponds to the annual growth of the Gypsy and Traveller population or households.



46. The growth of the national Gypsy and Traveller population may be as low as 1.25% per annum – which is still four times greater than in the settled community. Even using extreme and unrealistic assumptions, it is hard to find evidence that the net national Gypsy and Traveller population and household growth is above 2% per annum nationally. The often assumed 3% net household growth rate per annum for Gypsies and Travellers is unrealistic.
47. The best available evidence suggests that the net annual Gypsy and Traveller household growth rate is 1.5% per annum. The often assumed 3% per annum net rate is unrealistic. Some local authorities might allow for a household growth rate of up to 2.5% per annum, to provide a 'margin' if their populations are relatively youthful; but in areas where on-site surveys indicate that there are fewer children in the Gypsy and Traveller population, the lower estimate of 1.5% per annum should be used.

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**REPORT of  
INTERIM DIRECTOR OF RESOURCES**

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**to  
COUNCIL  
15 DECEMBER 2016**

**URGENT ITEM OF BUSINESS**

**SUPPLEMENTARY ESTIMATE – ST. CEDDS HOUSE AND CAR PARK PROJECT**

**1. PURPOSE OF THE REPORT**

- 1.1 To bring to Members attention the fact that it has been established there is a shortfall in the budget available for the St. Cedds House and Car Park Project including the works that were required in the Council Offices to relocate the tenants.
- 1.2 To seek approval for a supplementary estimate of £39,000 for the capital project, of which £10,000 relates to the contingency sum allowed for within the contract not all of which may be required. The source of the funding for the contingency sum is explained in paragraphs 3.8 and 4.3 below.
- 1.3 This matter is brought forward for consideration with the agreement of the Chairman as a decision is required prior to the next meeting of the Finance and Corporate Services Committee (F&CS) at the end of January 2017 on account of the imminent completion of the contract and therefore the final account once agreed will require settlement before then.

**2. RECOMMENDATIONS**

- (i) that the Council notes the reasons for the requirement to seek a supplementary estimate for this capital project;
- (ii) that a supplementary estimate for the capital project for the relocation of the tenants from the former St. Cedds House to the Council Offices building, demolition of St. Cedds House and the formation of the car park of £39,000 which includes a contingency sum of £10,000 be approved in order for the Council to meet its contractual obligation. In approving this recommendation the Council will also be approving the use of the Department for Work and Pensions grant monies for meeting the cost of any contingency items;
- (iii) that a report be submitted to the Finance and Corporate Services Committee on 31 January 2017 on the reasons and the analysis leading up to the need to seek this approval.

### 3. SUMMARY OF KEY ISSUES

- 3.1 Members are aware that the Council demolished St. Cedds House and is constructing a car park on the site to increase the capacity of the car parking available for the Council and its tenants from Monday to Friday and for public use on Saturday, Sundays and Bank Holidays.
- 3.2 As part of the overall project, the Council relocated the tenants / occupiers of St. Cedds House into the main Council Offices building for which alterations were carried out to various parts of the building.
- 3.3 This project has been ongoing since 2014 / 15 and is coming to completion this month when the car park will be completed and handed over to the Council.
- 3.4 The funding for the overall project was approved by the Council as follows:

	<b>Amount requested (£)</b>	<b>Amount Approved (£)</b>	<b>Committee</b>
2014 / 15	75,000	75,000	Council
2015 / 16	235,000	220,000	F&CS / Council
<b>Total Budget</b>	<b>310,000</b>	<b>295,000</b>	

- 3.5 A reconciliation asked for by the Interim Director of Resources shows that the following amounts have been spent against the budget on works to the Council Offices to accommodate the relocation of the tenants / occupiers from St. Cedds House.

2014 / 15	£ 34,000
2015 / 16	£161,000
2016 / 17	£ 3,000
<b>Total</b>	<b>£198,000</b> (Less £295,000 budget = £97,000 balance left)

- 3.6 The total tender sum approved for the demolition of St. Cedds House and formation of the car park on the site was £126,000 plus a contingency sum of £10,000. To date £51,000 relating to the demolition has been paid, leaving £81,000 for the formation of the car park to pay.
- 3.7 Therefore, the current position with regards to the contract for the demolition of St. Cedds House and the formation of the car park is as follows

Available budget left		£97,000
Less Demolition Works and site clearance – paid		£51,000
Balance of Budget left		£46,000
Required for formation of car park	£81,000	
Less Liquidated Damages accrued	£6,000	
Net Amount Required for Formation of Car Park		£75,000
<b>Shortfall in Budget Provision</b>		<b>£29,000</b>
<b>Plus Provision for Contingency Sum</b>		<b>£10,000</b>

- 3.8 The provision for the contingency amount will be funded, if needed, either in whole or part from non-ringfenced grant funding available from the Department for Work and Pensions (DWP) for the implementation of the Universal Credit and the use of which includes any physical works to the offices to accommodate staff. The purpose of the grant is to allow authorities to prepare for the introduction of the Universal Credit benefits scheme.
- 3.9 The Interim Director of Resources instigated a review of all expenditure recorded against this project to ascertain that there is no expenditure included that should have been charged elsewhere. This work has been completed and the above amounts reflect the true and correct position.
- 3.10 It is deeply disappointing to have to present this report to the Council; however, the Council is in a contractual arrangement whereby upon completion of the car park the contractor will require payment for part of which there is noT budgetary permission or authority.
- 3.11 Since his arrival on 24 October 2016, the Interim Director of Resources has concentrated his efforts to get the contractor back on site to complete the car park which has already been delayed and for which liquidated damages of £500 per week have been accruing against the contractor which will amount to £6,000 in total at completion of the works. The Interim Director of Resources was informed that adequate budgetary provision was in place for the demolition and formation of the car park.

#### **4. CONCLUSION**

- 4.1 It has been ascertained by the Interim Director of Resources that there is a shortfall in the available budget provision of £29,000 net of liquidated damages of £6,000 based on the accepted contract sum of £125,780.90 plus a contingency sum of £10,000 for the demolition of St. Cedds House and the formation of the car park.
- 4.2 As part of the project the tenants from St. Cedds House were relocated into the Council offices building for which various alteration works in the building had to be undertaken. The total cost of these works was £198,000.
- 4.3 The total cost of the project will be £324,000 plus any agreed calls on the £10,000 contingency sum once the final account for the formation of the car park is received against an approved total budget provision of £295,000. The budget provision for the contingency sum is to be funded from the DWP non-ringfenced grant for the introduction and implementation of the Universal Credit benefits scheme. Some of the works relating to alteration to the Council Offices can be properly charged to the grant and therefore as part of the whole project can be used to fund the contingency items.
- 4.4 The Council is in a contractual obligation to pay the contractors on completion of the car park, notwithstanding the accrual of liquidated damages against the contractor for not completing the works in time.

- 4.5 The Interim Director of Resources has concentrated his efforts to require the contractor to complete the works on the understanding that budget provision was in place.

## 5. IMPACT ON CORPORATE GOALS

- 5.1 Additional funding for this project will mean that capital resources are being used at a faster rate than had been planned for to deliver the corporate goals in the future.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – The Council has been able to provide improved office accommodation to its voluntary sector partner organisation. It has and continues to extend the public and voluntary sector into offer with Moat Housing, One Support and Job Centre Plus all also occupying space in the building.
- (ii) **Impact on Equalities** – None arising directly from this report.
- (iii) **Impact on Risk** – Ownership of St. Cedds House was a liability to the Council in terms of maintenance of an old building which has now been removed saving around £15,000 per annum on an ongoing basis.
- (iv) **Impact on Resources (financial)** – This is covered in the Impact on Corporate Goals. The Interim Director of Resources has instructed Finance Services to undertake an assurance exercise on all projects across the Council to ensure that proper and meaningful budgetary control is exercised by budget managers and supported by Finance staff and to also ensure that financial and contract procedure rules are adhered to without exceptions.

The savings on the maintenance and running cost of St. Cedds House built into the medium term financial plan is around £15,000 per annum. This excludes any car parking income.

It should be noted that improved space utilisation has also opened up options for further income from potential shared accommodation arrangements with other public sector partners. Annual rental income will be received from Essex Police in respect of the Police relocating to the Council Offices.

- (v) **Impact on Resources (human)** – None arising from the final phase of the project.
- (vi) **Impact on the Environment** – St. Cedds House contained asbestos which was removed and disposed of safely in accordance with regulations.

Background Papers: None.

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