



**Submission to the Development of the Traveller Accommodation Programme  
2009 – 2013**

**September 2008**



## **Background**

The Irish Traveller Movement (ITM) welcomes the opportunity to input in to the third round of the Traveller Accommodation Programmes (TAPs). Based on the learning and experience of the previous programmes the ITM have identified a number of key issues and recommendations, which we hope will guide you in the preparation and implementation of your Traveller Accommodation Programme as laid down within the Housing (Traveller Accommodation) Act 1998.

At a national level the National Accommodation Officer – employed by the ITM, with financial support from the Department of Environment Heritage and Local Government (DOEHLG) provides a significant resource to TAPs as referred to in the Traveller Accommodation Unit (TAU) Guidelines.

At a local level Traveller organisations also make arrangements to support and resource Traveller participation in the drawing up and implementing of the TAPs. Both the DOEHLG and the National Traveller Accommodation Consultative Committee (NTACC) recognise that local organisations are a crucial resource in the preparation and implementation of the TAPs.

## **Consultation at a Local Level**

The NTACC has just completed guidelines on consultation mechanisms at a local level. The ITM strongly recommend that these guidelines are followed in regard to the preparation and implementation of TAPs.

## **Operation and membership of Local Traveller Accommodation Consultative Committee's (LTACCs)**

The following recommendations are based on the NTACCs' Guidelines published in 2004 following a review of the operation of the LTACC's.

Nomination procedures need to be inclusive and transparent, it is important that Traveller representatives are in a position to represent the overall Traveller population in each area. In areas where local Traveller accommodation organisations exist, these groups

should nominate their own representatives, where local groups do not exist the national Traveller organisations should be of assistance to local authorities.

LTACCs are to advise the appointing authority in relation to:

The provision and management of accommodation for Travellers

The preparation and implementation of any accommodation programme for the functional area of the appointing local authority, and

The management of accommodation for Travellers

LTACCs should not be used as a forum to discuss individual cases.

LTACCs should meet a minimum of 4 times a year, as laid out in the Housing Traveller Accommodation Act 1998.

As stated by the NTACC, the appropriate Director of Services should report in person to every meeting of the LTACC.

The overall objective of the LTACCs is to ensure that the Traveller Accommodation Programmes are implemented in full in order for this to happen the LTACCs should measure progress annually based on the TAP annual targets and its own work plan.

Process as well as delivery should be monitored by the LTACC.

The LTACC should produce an Annual Report giving a summary of activities for the period in question, Copies of this Report should be given to the appointing authority as well as a copy sent to the National Traveller Accommodation Consultative Committee.

The LTACC should formally report to the appointing authority Manager & Director of Services twice a year. The Manager and Director of Services should formally be asked to meet with the LTACC once a year, on completion of the LTACCs Annual Report.

As was recently highlighted by all key stakeholders at the recent

National Seminars organised by the NTACC, the successful operation of LTACCs is crucial to the success of TAPs. In cases where authorities are having difficulties in regard to the establishment or functioning of an LTACC, the national accommodation officers of the ITM are available to assist.

ITM also recommends the following:

The position of Chairperson should be reviewed at the end of the second year of appointment; this position should be rotated around the various representatives.

In accordance with best practice work ethics the position of Chair and Vice Chair should not be held by people in the same category of representative roles i.e.: two officials, elected reps or Traveller reps.

## **Policy Statement**

The ITM recommends that the statement of policy should be devised by the LTACC. The statement should set out equality commitments to Travellers. This would ensure that the TAP was clearly based on respect for Traveller culture and a commitment to provide accommodation to Travellers based on their specific needs. The statement could read as follows;

*'The Government Task Force on the Travelling community (1995) recognised that Travellers are a distinct group with their own customs, traditions and culture. The Task Force recommends that in the delivery of services the distinct culture and identity of the Traveller Community should be recognised and taken into account. **Your [insert local authority name]** also recognises Travellers' identity as a distinct group, with a system of distinct customs and traditions which includes a nomadic way of life. It is the policy of the Council to have meaningful consultation based on DOEHLG guidelines with Travellers about their accommodation needs and to provide, as required, subject to the provisions of the (Housing Traveller Accommodation)*

*Act, Traveller- specific accommodation including the provision of accommodation which meets the nomadic tradition of Travellers .’*

### **Statement of Strategy**

The third TAP should be bound by **SMART** principles, **S**pecific, **M**easurable, **A**chievable, **R**elevant and **T**ime bound. This should be stated within the strategy statement and be reflected within the TAP. This can be achieved through setting targets and timeframes for both the delivery of accommodation and for Traveller accommodation service improvements.

It has been the experience of the ITM based on the previous two TAPs that a number of issues are emerging, such as land stock, land acquisition, CPOs and transfers and maintenance of property and land between urban and rural functional areas.

If land acquisition is a barrier to the provision of Traveller specific accommodation in your area, this should be explicitly stated in the Strategy Statement along with proposals to address land shortage issues. For example, proposals or intentions for CPO’s and transfers between adjoining urban and rural authorities.

Where possible, locations should be named so that the TAP is capable of being implemented. It should also be noted that Local Development Plans should outline the objectives of TAPs as stated in Section 26 & 27 of the Housing (Traveller Accommodation) Act 1998.

For your TAP to be realistic and achievable it is important to get the programme right from the start by addressing any issues or obstacles that may be present.

### **Assessment of Needs**

The ITM recommend that local Traveller organisations should be involved in carryout the assessment of need. In the case where local Traveller organisations have developed their own assessments, the local authority should take these in to consideration when compiling figures. The assessment of needs must include an assessment of the need for:

- Halting sites

Accommodation for Nomadic families- The assessment of the need for transient halting sites is relevant to the “annual patterns of movement of Travellers”, so it must take account of nomadic families.

The assessment must take account of present and future needs during the lifetime of the programme. Based on the experience of the last two TAPs the assessment should also take in to account the increase of population relating to economic and social factors as well as natural family increases. The ‘All – Ireland Traveller Health Study’ will make a valuable contribution to the local Traveller profile. This report will be of use to all statutory bodies however, there is an onus on local authorities to assess need and prepare an accommodation programme, and to do so adequately all Travellers need to be included in the assessment. When data is made available following the survey it should be incorporated into the TAP.

### **Allocation of Accommodation**

A fair and transparent allocation of accommodation is a key feature of the Traveller Accommodation Programmes. The ITM recommend that all local authorities adopt and implement a scheme of letting priorities based on a points system for allocating accommodation to applicants on waiting lists. A points system will bring openness and transparency to the allocation process. Housing authorities must not operate separate waiting lists for Traveller applicants to standard housing. The use of dual lists gives rise to concerns of quota systems and ignores the real need that exists for many Traveller families.

The ITM question the legality of quota clauses in Traveller Accommodation Programmes and recommend that such clauses are not included in TAPs or form any part of Traveller accommodation policy. The ITM are of the view that such clauses are discriminatory against Travellers, as they impose an added requirement on Travellers when seeking accommodation which would not be placed on a member of the settled community. This is contrary to the Equal Status Act 2000.

As part of a scheme of letting priorities to Traveller specific accommodation including Groups Housing and Halting Sites, compatibility with existing tenants of such accommodation should be considered as

one of the criteria of the scheme

Furthermore the ITM recommends that management issues with existing Traveller specific accommodation should not be a reason to delay or postpone the development of new accommodation. ITM is of the view that this would also be contrary to Equal Status legislation.

### **Provision of accommodation for Nomadic Families**

Transient halting sites, as defined in the Housing (Traveller Accommodation) Act 1998 refers to sites for Travellers with limited facilities for use other than their normal place of residence.

The 1998 Act places a specific obligation on Local Authorities to provide for the annual patterns of movement of families. This not only requires Local Authorities to refrain from taking measures that would inhibit Nomadism but also places a positive obligation on the Local Authority to provide services to facilitate Nomadism.

The ITM submits that the local authority has a statutory to address the provision of transient sites is within TAPs.

The Irish Traveller Movement submits that transient site provision is an integral part of a local authority's accommodation plan; that its location and services should be negotiated with potential users and local Travellers and Traveller organisations. Transient provision must not be used as a 'temporary' accommodation option for families normally resident in the local authority area and whom are awaiting permanent accommodation.

The use of a transient site should incur a flat fee per caravan. It is proposed that the level of charge should reflect the quality of facilities present.

It is proposed that the occupancy, by licence of any provision should include rules and/or a contract governing the period of occupancy.

There should be an 8-week maximum duration of stay. Whatever time is decided in any particular case should be adhered too by both the Travellers and Local Authority.

Evidence from research carried out by the ITM had a very clear preference for transient site provision to be kept small and services basic. Basic facilities include hard surface, water, toilets and electricity supply.

It is noted that the United Nations report on Ireland's reporting on the International Covenant on Civil and Political Rights recommends, at paragraph 23, that Ireland enacts amending legislation which would meet the specific accom-

specific accommodation requirements of Travellers. A positive step towards responding to this recommendation is by putting in place transient type sites which will promote the Nomadic way of life.

The ITM are aware that the provision of accommodation for nomadic families is not as straight forward to deliver as permanent accommodation options, however just because of this, it should not be ignored as an accommodation option. Nomadism is an historical tradition and part of Traveller culture, it is part of who and what Travellers are. Research commissioned by the Irish Traveller Movement and Traveller Movement Northern Ireland addressed the question of what Irish Traveller nomadism means in the 21<sup>st</sup> century. The research dispels the notion that nomadism will 'die out'.

The ITM would be very interested in working with local authorities in conjunction with the **Traveller Accommodation Unit (TAU)** and NTACC in regard to progressing local accommodations options for nomadic families if such assistance is required.

### **Identification of spaces for emergency use**

Issues have arisen for Travellers and local authorities across the country when Travellers are forced to leave accommodation unexpectedly due to violence, or intimidation by others. This puts enormous strain on families and on service providers. Sometimes these families come from outside the authority's jurisdiction and are in need of respite. They are families that require particular supports in the short term. These families may not require long term accommodation in the local authority's area and ITM recommends that the Local authorities view their needs from a humanitarian perspective.

ITM recommends that the TAP should contain a policy statement in respect of how the local authority will address this type of situation.

The ITM submits that the local authority would have a policy of toleration towards encampments that have resulted because of intimidation of those families either in the local authority's functional area or the functional area of another local authority.

ITM submits that local authorities should work with the relevant actors including the families and Traveller support groups while a strategy can be developed to cater for families long term needs. Transient accommodation, if available may be suitable but other spaces could be identified.

### **Tenant Participation**

The degree to which Travellers are involved in the development of accommo-

dation options and supported to play a full and meaningful role in the management of such, is central to building and sustaining a successful Traveller Accommodation Strategy. Benefits of tenant participation include the generation of greater ownership within communities, resulting in tenants becoming more involved in the sustainability of their overall living environment; encourages dialogue between the housing authority officials and residents; moves the operational context from complaints to a plan of action based on need and develops an understanding of Traveller issues and builds new relationships between all involved.

### **Section 24 of the Housing (Miscellaneous Provisions) Act 2001**

It is the view of the DOEHLG and NTACC that local authorities should not direct the Gardai to use this legislation as far as is practicable. The ITM concur with this view as well as others presented by the DOEHLG, these include that if the legislation is used it should not be a ground for and should not result in a family losing its position on a housing list or being removed from it.

Any form of legislation to move families on should only be used in absolute exceptional circumstances, in such a case it should not be the Public Order legislation that is used but other powers available to the authority under the Housing Acts.

Absence from a functional area due to the use of the legislation should not effect that family's position on the list, unless they are accommodated by another authority.

Local Authorities should ensure, as far as practicable, that it does not lose communication with a family on its list who have had to move out of the functional area due to being moved under the legislation.

The law sends a message to Travellers that nomadism is not supported by the state and in practice it has meant that Travellers are no longer able to pursue nomadism for fear of imprisonment, and confiscation of their family home. This legislation has seriously undermined Travellers rights to be nomadic as it has become virtually impossible for Travellers to travel and move freely within the state due to the lack of availability of legal parking place.

Misli, Crush, Misli (Mc Veigh et al)

Review of the Operation of the Housing (Traveller Accommodation) Act 1998, National Traveller Accommodation Consultative Committee, June 2004.



For more information, please contact the Irish Traveller Movement on  
01-6796577 or see our website [www.itmtrav.ie](http://www.itmtrav.ie)