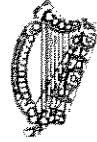


**Appendix 1: Circular Letter 26/2013 and
Memorandum on the Preparation,
Adoption and Implementation of Local
Authority Traveller Accommodation
Programmes 2014 – 2018**



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



2nd August, 2013

Circular Housing 26/2013

Traveller Accommodation Programmes 2014-2018

Dear Director,

I am directed by Ms. Jan O'Sullivan, T.D., Minister for Housing and Planning, to refer to the Housing (Traveller Accommodation) Act, 1998 requiring relevant housing authorities to prepare and adopt 5-year Traveller accommodation programmes.

The existing programmes will expire on 31st December, 2013. The attached copy of "Memorandum on the Preparation Adoption and Implementation of Local Authority Traveller Accommodation Programmes 2014 – 2018" is intended to provide housing authorities with advice and guidance on the preparation, adoption and implementation of their next Traveller Accommodation Programmes.

Duration of new accommodation programme

Under section 10 of the 1998 Act, housing authorities are required to prepare an accommodation programme for a 5-year period beginning on a date specified by the Minister and thereafter in respect of each succeeding 5 years or each such shorter period as the Minister may direct. Accordingly, the Minister has directed that the next accommodation programme should be for a period of 5 years. Each relevant housing authority is therefore required to prepare a new 5-year programme for the period 1st January, 2014 to 31st December, 2018. As you are aware the Local Government Bill 2013 provides for the replacement of borough and town councils by municipal districts. Please give due consideration to these developments and their implications in the preparation of the new Traveller Accommodation Programme.

Date for adoption of new programme

The Minister has specified 30th April, 2014, as the latest date by which accommodation programmes must be adopted. Housing authorities are requested to now commence arrangements for the preparation of the new programmes. A schedule, incorporating indicative timescales for the various stages of the preparation and adoption process, is attached to the Memorandum.

Assessment of need

Relevant housing authorities should commence the process of identifying the accommodation needs of Traveller families to be met under the new programmes. This must relate to the existing accommodation needs and need that will arise during the period of the programmes across a range of accommodation options including standard and group housing, permanent residential sites for caravans and transient sites provided directly by the housing authority or by approved housing bodies or individuals, with or without the assistance of the housing authority.

The Minister has given a direction under section 6(5) of the 1998 Act, specifying that relevant housing authorities shall make an estimate of the projected accommodation needs of Traveller families arising over the five-year period of the programme.

The Minister has, under section 6(1) of the 1998 Act, directed that relevant housing authorities make an assessment of the accommodation needs of Travellers who are assessed under section 20 of the Housing (Miscellaneous Provisions) Act, 2009 as being qualified for social housing support, including the need for sites. In making such an assessment, housing authorities are required to have regard to the following:

- the estimate of the number of Travellers families for whom accommodation will be required during the duration of the programme
- any summary of social housing assessments prepared under section 21(c) of the Housing (Miscellaneous Provisions) Act, 2009.
- the need for transient sites
- the views of the Local Traveller Accommodation Consultative Committee

Pursuant to Section 21 of the 2009 Act, housing authorities were requested to prepare a summary of the social housing assessments carried out in their administrative areas as at 7th May, 2013 including an assessment of need for permanent residential caravan parks for Travellers and the likely increase in the need for accommodation arising from growth in the numbers of Traveller families. Housing authorities should have regard to the information on the need for housing accommodation contained in this data, in addition to any other supplementary information on the accommodation needs available to the housing authority.

Housing authorities should also undertake such additional inquiries as may be necessary, including consultation with Traveller families and any relevant Traveller support groups within their functional area, to ascertain a comprehensive picture of the existing and projected need for housing accommodation for Traveller families over the period of the new programmes.

Preparation of new programme and targets

The form and content of the Traveller Accommodation Programmes is set out under Section 10 of the 1998 Act. Guidelines on the policy and strategy

statements are referred to in the attached memorandum. In addition, the Minister has directed that the information in relation to the needs to be met by the programmes shall be in summary form but in sufficient detail to show the needs for all categories of Traveller accommodation and the general area in which the accommodation is required.

Implementation targets must be realistic and achievable. To facilitate monitoring of progress on the implementation of the programmes, the Minister has also directed that annual implementation targets be included in the programmes. The targets should include details of the numbers of units of accommodation proposed to be delivered for each of the five years of the programme for Traveller specific accommodation (group housing, bays on halting sites, including transient sites) both new and refurbished and for standard housing.

Transient Sites

The 1998 Act respects the culture of nomadism and puts in place an integrated approach to Traveller accommodation issues. The Act specifies that in addition to the need for permanent accommodation, local authorities must also assess the need for transient facilities.

Progress on the development of transient sites has been limited and housing authorities are requested to make every effort to consider the provision, where appropriate, of such sites in the preparation of their programmes. It is recommended that authorities refer to the Guidelines on Transient sites issued in 2000 which recommended a number of options in this regard.

Review

The Minister has directed that a review of the next accommodation programme should be carried out not later than 31st December, 2016. Any amendment to the proposed accommodation programme following any such review must be made within seven months and is subject to the same procedures and requirements, including public consultation. More frequent reviews should be carried out, if required.

Funding

Since the adoption of the previous Traveller accommodation programmes in 2009, the funding available for the housing capital programme has declined significantly. This has had substantial implications for the Traveller-specific budget and also the general social housing budget, under which accommodation for Travellers is also provided. As you are aware, these developments have led to the introduction of new means of delivering social housing support, including RAS and leasing.

It is likely that the funding situation for both general social housing and Traveller-specific accommodation will remain challenging, at least in the short term and this position should be reflected in the programmes. However, it is also important to recognise that these are five-year programmes which require a medium term approach to the assessment of need and how this

need is to be met. The programmes should also be prepared with these considerations in mind.

Enquiries

Any enquiries in relation to this circular may be addressed to Ms Catherine Marsh (01-888 2216) or Ms Dorothy Kellegher (01-888 2830).

Yours sincerely,



Jim Garley
Principal Officer
Social Housing Investment Programme Operational
Ph: 096 24418 Fax: 096 24221
E-mail: jim.ganley@environ.ie
Lo-call: 1890 20-20-21

To: Director of Services, Housing

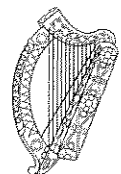
cc. County and City Managers.



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government

**MEMORANDUM ON THE
PREPARATION ADOPTION AND IMPLEMENTATION
OF
LOCAL AUTHORITY TRAVELLER ACCOMMODATION PROGRAMMES
2014 – 2018**

AUGUST 2013



LOCAL AUTHORITY TRAVELLER ACCOMMODATION PROGRAMMES 2014-2018

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**SCHEDULE - TIME-TABLE FOR THE ADOPTION OF TRAVELLER
ACCOMMODATION PROGRAMME 2014-2018.**

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PREPARATION, ADOPTION AND IMPLEMENTATION OF PROGRAMMES UNDER THE HOUSING (TRAVELLER ACCOMMODATION) ACT, 1998

Introduction

This memorandum provides housing authorities with advice and guidelines on the preparation, adoption and implementation of their fourth Traveller accommodation programmes 2014-2018 under the Housing (Traveller Accommodation) Act, 1998. The memorandum incorporates specific directions issued by the Minister under the Act, which apply to the accommodation programmes.

The Memorandum covers the various provisions of the 1998 Act which govern the housing authorities duties in relation to preparation, adoption and implementation of accommodation programmes and related matters. These provisions: -

- require relevant housing authorities, in consultation with Travellers, to prepare and adopt by a date to be specified, accommodation programmes to meet the existing and projected accommodation needs of Travellers in their areas;
- allow for public input to the preparation and amendment of such programmes;
- oblige relevant housing authorities to take appropriate steps to secure implementation of programmes; and
- require planning authorities to include objectives concerning Traveller accommodation in their county/city development plans.

Part I of the memorandum deals with the provisions of the Act relating to the requirements on relevant housing authorities to consult other public bodies, Travellers and the general public with regard to the preparation, review or amendment of local Traveller accommodation programmes.

Part II of the memorandum deals with the preparation, content, adoption, implementation and review of local Traveller accommodation programmes.

Part III deals with the provisions of section 10(2)(i) of the Planning and Development Act, 2000 concerning the mandatory inclusion of appropriate objectives in county and city development plans to facilitate the provision of Traveller accommodation.

Part IV of the memorandum concerns the powers of housing authorities to provide, improve, manage and control a range of sites for caravans.

Attached to this memorandum is a Schedule setting out the main steps leading up to the adoption of accommodation programmes. It incorporates an indicative timescale in respect of the preparation and adoption of the new programme based on the latest date for adoption of the programmes which has been specified by the Minister i.e. 30 April, 2014. Relevant housing authorities are reminded that the adoption of a programme is a reserved function.

However, where members fail to adopt the programme by 30 April, 2014, or by a date not later than 21 days after that date as may be decided under section 13 of the 1998 Act, there is a requirement on the Manager to take the necessary measures to adopt a programme within a further period of one month. The adoption of accommodation programmes by all relevant housing authorities by the specified date is a critical feature of the Act in the interests of ensuring a comprehensive and integrated response to the identified needs.

Housing authorities are requested to adhere to the suggested timetable to ensure that they are in a position to comply with the statutory deadlines.

PART I - CONSULTATION

1. Statutory Requirements

The Act places a strong emphasis on consultation with all interests concerned. Accommodation programmes are required to be prepared in consultation with other local public authorities, community and other bodies, Travellers, via the local consultative committee, and the public in general. The purpose of these consultation provisions is to ensure that the interests of all concerned with or affected by proposals for Traveller accommodation are considered and to facilitate a planned and comprehensive response by housing authorities to the accommodation needs of Travellers.

2. Local Consultative Committees

Sections 21 and 22 of the Act provide that local Traveller accommodation consultative committees must be in place to facilitate consultation between housing authorities and Travellers and to advise on any aspect of accommodation for Travellers. County and City councils are required to appoint such committees for the purposes set out in subsections (1) to (4) of section 21 of the Act.

Where there are other relevant housing authorities i.e. borough councils and the town councils of Bray and Dundalk in an administrative county, the county council concerned is required to appoint a member from each such authority to the committee. The number of members of the appointing authority and of any other relevant housing authority appointed to a local consultative committee must not exceed one half of the membership. County councils should consider what further arrangements are necessary to facilitate an input from other housing authorities in the administrative county (i.e. town councils). As you are aware the Local Government Bill 2013 provides for the replacement of borough and town councils by municipal districts. Please give due consideration to these developments and their implications in the preparation of the new Traveller Accommodation Programme.

3. Role of Local Consultative Committees in preparation of programmes

Apart from the role assigned to the local consultative committee under sections 21 and 22 of the Act, other provisions of the Act involve the committee -

- subsections (3), (4), and (7) of section 6 in relation to the assessment of needs;

- section 8(d) in relation to giving of notice on the preparation of draft programmes;
- section 9(2)(a) in relation to sending a copy of the public notice and of the draft accommodation programme to the local consultative committee;
- section 12 in relation to furnishing to the committee a copy of the draft programme submitted to the members of the authority; and
- section 15(c) in relation to furnishing a copy of the adopted programme to the committee.

4. Accommodation Officer of ITM

The Department provides financial support towards the employment by the Irish Traveller Movement of Accommodation Officers to support participation by Travellers and Traveller organisations on local Traveller accommodation consultative committees and in management and maintenance arrangements for Traveller accommodation, to develop a Traveller perspective on the provision of transient sites, and to foster a greater understanding among Travellers of the range of means by which their accommodation needs may be met. Where local Traveller support groups do not operate within a local authority's functional area, the authority may wish to consult an Accommodation Officer in relation to Traveller representation on their local consultative committees. (Irish Traveller Movement, 4-5 Eustace Street, Dublin 2, Phone (01) 679 6577 or E-mail itmaccommodation@gmail.com)

5. Public Consultation

The formal procedures to provide for consultation with the public before an accommodation programme or an amendment to or a replacement of a programme is adopted are in addition to consultation procedures under planning legislation, including consultation on development plans and any variations which may be required arising from section 10(2) of the Planning and Development Act, 2000, consultation on local authority developments including sites for caravans under Part 8 of the Planning and Development Regulations, 2001 and statutory consultation arising from Environmental Impact Assessments.

The methods of consultation outlined above are minimum requirements only. Where some housing authorities have broad based liaison or consultative committees on which community and other local groups are represented, the requirements of the Housing (Traveller Accommodation) Act, 1998, in relation to public consultation do not preclude these arrangements.

The Traveller Interagency Groups (TIG's) which were established under the County Development Boards and support interagency co-operation in the delivery of services and supports to the Traveller community should be included in the consultation process.

It will be a matter for individual local authorities to pursue other supplementary information and public awareness exercises, as they consider appropriate, bearing in mind local circumstances. For example, local authority officials may attend or arrange public meetings on Traveller issues and arrange broadly based ad-hoc area committees to address problems arising. Local information campaigns could be organised involving the local media in the area with a view to fostering greater understanding between Travellers and the public.

6. General

Sections 5 to 18 of the Act provide for the detailed procedures leading to the adoption and implementation of Traveller accommodation programmes. Where a housing authority is in the process of implementing its existing accommodation programme and has not completed, or is not likely to complete, the implementation of its programme before its expiry, the outstanding elements of the programme may form part of the new programme to be prepared and adopted in accordance with sections 5 to 18 of the Act.

Section 5 is the interpretation section for Part II of the Act. It defines “relevant housing authorities” i.e. those housing authorities that are required under the Act to prepare and adopt local Traveller accommodation programmes. The relevant housing authorities are the 29 county councils, 5 city councils, 5 borough councils and Bray and Dundalk Town Councils. As you are aware the Local Government Bill 2013 provides for the replacement of borough and town councils by municipal districts. Please give due consideration to these developments and their implications in the preparation of the new Traveller Accommodation Programme.

7. Assessment of needs

Section 6 requires each relevant housing authority, for the purposes of preparing a programme, in respect of their functional area, to make an assessment of the accommodation needs of Travellers who are assessed under Section 20 of the Housing (Miscellaneous Provisions) Act 2009 as being qualified for social housing support, including the need for sites. In making an assessment, a Housing Authority is required to have regard to:

- An estimate of the number of Travellers for whom accommodation will be required during the course of the programme.

- Any summary of social housing assessments prepared under section 21 (c) of the Housing (Miscellaneous Provisions) Act 2009

- The need for transient sites

Directions by the Minister

The Minister has, under section 6(1) of the 1998 Act, directed that relevant housing authorities for the purposes of preparing a Traveller Accommodation Programme in the functional area concerned, make an assessment of the accommodation needs of Travellers who are assessed under S.20 of the Housing (Miscellaneous Provisions) Act 2009 as being qualified for social housing support, including the need for sites.

The Minister has given a direction under section 6(5) of the 1998 Act, specifying that relevant housing authorities shall make an estimate of the projected accommodation needs of Traveller families arising during the duration of the programme (1st January, 2014 to 31st December, 2018).

Relevant housing authorities are required to identify the accommodation needs of Traveller families to be met under the new programmes. This must relate to the existing accommodation needs and the projected need that will arise during the period of the programmes across a range of accommodation options including standard and group housing, permanent residential sites for caravans and transient sites provided directly by the housing authority or by approved housing bodies or individuals, with or without the assistance of the housing authority. The assessment of need for sites must include an assessment of the need for transient sites.

Pursuant to Section 21 of the 2009 Act, housing authorities were requested to prepare a summary of the social housing assessments carried out in their administrative areas as at 7th May, 2013. In conjunction with this process, each housing authority was requested to make an assessment of need for permanent residential caravan parks for Travellers, in addition to the likely increase in the need for accommodation arising from growth in the numbers of Traveller families. Housing Authorities should have regard to the information and the need for housing accommodation contained in the data, in addition to any other supplementary information on the accommodation needs available to the housing authority.

A housing authority should also undertake such additional inquiries as may be necessary, including consultation with Traveller families and any relevant Traveller support groups within the functional area of the authority, to ascertain a comprehensive picture of the existing and projected need for housing accommodation of Traveller families within their area for the period 2014 to 2018 to update their assessment of needs of Traveller families within their area.

8. Date for adoption of accommodation programmes

Section 7 requires each relevant housing authority to adopt an accommodation programme by resolution of the members by a date to be specified by the Minister.

Date Specified by the Minister

Under section 7(4) of the Act the Minister has specified 30 April, 2014, as the date by which accommodation programmes must be adopted.

9. Notice of Preparation of Accommodation Programme

Section 8 of the Act requires authorities, before preparing a draft of an accommodation programme, to give notice in writing of their intention to do so to –

- (a) any relevant housing authority where the functional area of such relevant housing authority adjoins the functional area of the relevant housing authority preparing, amending or replacing the accommodation programme,
- (b) a town council which is not a relevant housing authority where the functional area of that town council is within or adjoins the functional area of the relevant housing authority preparing, amending or replacing the accommodation programme,
- (c) a HSE region where the functional area of that HSE region includes or adjoins the functional area of the relevant housing authority preparing, amending or replacing a programme,
- (d) the local consultative committee concerned,
- (e) such local community bodies as the relevant housing authority consider appropriate, and
- (f) such other body as the relevant housing authority concerned consider appropriate having regard to all the circumstances, including voluntary or non-profit making bodies that are engaged in the provision of accommodation, shelter and welfare or any of them in the functional area concerned. This category should also include any relevant local Traveller support groups in the functional area of the authority.

The authorities listed at paras (a) to (c) are those which are most likely to be affected by or have an interest in an accommodation programme. Included are those smaller town councils which adjoin or are within the functional area of the relevant housing authority preparing the programme. This provision in relation to prior notification of the authorities specified is an important mechanism for facilitating co-ordination between adjoining programmes (see also para. 25). It is envisaged that the normal channels for communication will be availed of to convey any concerns or other views of the authorities or bodies consulted. The section also gives a flexibility to relevant housing authorities to notify other bodies as the authority consider appropriate.

Traveller support groups operating within the functional area of the authority or the functional area of another authority within or adjoining the functional area of the relevant housing authority should be given notice under section 8.

a) **10. Date for issue of notice under section 8**

Section 8 does not provide for any specific date by which notice should be given of the preparation process. This notice should issue at as early a date as practicable. The important consideration is that sufficient time is given for groups to prepare a submission or to have an input to the process from an early stage.

11. Other Consultative/Notification Procedures

Notification of a body or an authority at this stage of the process is significant as other consultative/notification procedures automatically follow, i.e. –

- under section 9(2), a copy of the notice published in a newspaper and the draft of the accommodation programme being made available for public inspection must be sent to the notified bodies;
- under section 12, a copy of the draft accommodation programme which has been submitted to the members of the authority for adoption must be sent to the notified bodies; and
- under section 15, a copy of the adopted accommodation programme must be sent to the notified bodies.

12. NOTICE OF DRAFT ACCOMMODATION PROGRAMME AVAILABLE FOR PUBLIC INSPECTION

Under section 9, the draft accommodation programme must be made available for public inspection and such availability must be advertised in local newspapers. There are also other requirements in relation to the giving of notice under section 9, i.e. -

- (a) to send a copy of the notice and the draft accommodation programme to any authority, body or the local consultative committee notified under the requirements of section 8, and
- (b) to make arrangements for a copy of the notice to be displayed at other appropriate offices of the relevant housing authority.

Public libraries should be considered for the purpose of meeting the requirements at (b).

Interested individuals or groups have 2 months to submit in writing their views and comments on the draft. The timeframe as suggested in the attached Schedule allows the Manager of the relevant

housing authority a further period of over 5 weeks to draw up a report for the members. (See also para. 21).

13. DURATION OF PROGRAMMES -

Section 10 provides for the duration, form and content of accommodation programmes.

Direction of the Minister

The Minister has, under section 10(1) of the 1998 Act, directed that the next accommodation programme should be for a period of 5 years and that the programme shall begin on the 1st January 2014.

The power of housing authorities to develop and bring current proposals to construction between the expiry of the current programme and the adoption of the new programmes is assured by the provisions of section 23 of the 1998 Act.

14. Content of Programmes

Section 10(2) of the Act requires that accommodation programmes contain at least the matters specified in that section in the interests of ensuring a high standard of quality and consistency of programmes.

Direction of the Minister

Under section 10(2)(b) of the Act the Minister has directed that the information in relation to the needs to be met by the programmes shall be in summary form but in sufficient detail to show the needs for all categories of Traveller accommodation and the general area in which the accommodation is required.

15. Policy Statement

Section 10(2)(c) requires that a statement of policy in relation to meeting accommodation needs be included in the programme. This statement of policy should address general issues such as consultation with the interests concerned and specify goals and the timeframe within which needs are to be met. The policy statement should set out the authority's policy in relation to:

- the provision of permanent, emergency, temporary or transient accommodation
- including traditional halting sites and visitor facilities at permanent accommodation,

- the provision of back up, training and support for those waiting for accommodation and those provided with the accommodation of their choice;
- the position in relating to meeting the distinct needs and family circumstances of Travellers
- unauthorised encampments.

16. Strategy Statement

Section 10(2)(d) requires that an accommodation programme should specify a strategy for securing the implementation of the programme. The strategy of the relevant housing authority should:

- identify the implementing authorities and other bodies and the resources required;
- describe how co-operation/co-ordination between implementing authorities will be secured;
- indicate the means of providing accommodation, distinguishing between direct provision by authorities concerned, and the assistance from those authorities to approved voluntary bodies or to private individuals;
- allow for information/awareness and consultative exercises directed at Travellers and the general public;
- detail the structures for the development of accommodation proposals;
- set out arrangements for management and maintenance of the accommodation;
- give details of procedures for dealing with problems arising; and
- specify the mechanisms for monitoring progress in implementing the programme.

17. Measures for Implementation

Subsection 10(2)(e) requires that the programme must also include specific measures or proposals for each implementing authority or other party concerned. It is considered that such measures should cover:

- the provision of the range of accommodation required,
- assistance to Travellers to provide accommodation for their own use,
- assistance to approved voluntary bodies in respect of the provision or management of accommodation for Travellers, and
- arrangements for the proper management, including assistance towards the management, of the above accommodation.

Direction of the Minister

*The Minister has directed under section 10(2) of the 1998 Act that annual targets be included in the programmes in respect of the implementation of the programmes. The targets should include details of the numbers of units of accommodation proposed to be delivered for **each** of the five years of the programme for Traveller specific accommodation (group housing, bays on halting sites, including transient sites) both new and refurbished and for standard housing.*

These targets will be used to assess local authorities' progress annually under the service indicators initiative.

18. Voluntary Housing, Rental Accommodation Scheme and other accommodation

The programme should also take account of the possibility that some Traveller families, by the nature of their economic activity, are in a position to provide their own accommodation with or without the assistance of the local authority. A wide range of accommodation options is available to complement local authority provided accommodation for Travellers. These options are set out in the booklet "Accommodation options for Travellers" which issued to local authorities in 2000. Subsequent to that, the Rental Accommodation Scheme (RAS) was introduced for people in receipt of rent supplement allowances. RAS provides local authorities with an additional option for those with long-term housing needs. New leasing arrangements have also been introduced. Local authorities are requested to inform Travellers, support groups and other voluntary organisations concerned with the accommodation needs of Travellers, of the options available and to encourage and facilitate Travellers and Traveller organisations to avail of these options. Travellers and/or organisations wishing to provide sites or accommodation on their behalf should be advised to consult the planning authority before land is purchased or application for planning permission is made.

19. Need to have regard to Travellers' Distinct Needs

Section 10(3) specifies matters to which regard must be had when preparing programmes. The purpose of the subsection is to ensure that the measures for the provision of accommodation to be included in the programme under section 10(2) will meet the identified needs for accommodation for Travellers, including, where appropriate, Traveller specific accommodation identified by the relevant housing authority. Regard must also be had to the need for transient sites i.e. for stays of short duration as distinct from sites or parks for caravans for use as a permanent home. Programmes should elaborate on this item in some detail including the results of this aspect of the assessment of needs for sites which the Minister has directed should be made in connection with the preparation of the new programme (see para. 7 above). Sites traditionally used at certain times of the year; sites for

transient families, and facilities for regular visitors to residents of permanent accommodation at particular times of the year should be covered here.

20. Amendment of Draft Programme Following Public Consultation

Section 10(4) makes it clear that a relevant housing authority has the power to amend the draft of an accommodation programme following completion of the public notice procedures under section 9 of the Act e.g. to take account of submissions made. It should be noted that, in availing of this discretion, relevant housing authorities would have to ensure that the draft programme complied with the requirements of the Act in relation to the preparation and contents of programmes.

21. ADOPTION OF PROGRAMME

Section 11 requires the Manager of a relevant housing authority to submit a report to the members as soon as may be after the date by which submissions under the public consultation process referred to in section 9(1)(c) are to be received (see para. 12). The report must:

- (a) summarise the matters contained in such submissions,
- (b) specify the names of the persons who made such submissions,
- (c) specify the response of the relevant housing authority concerned to such submissions, and
- (d) indicate whether it is proposed to proceed with the draft of the accommodation programme or of the amendment to or the replacement of it, or to proceed with the draft as varied or modified in a manner indicated in the report, or not to proceed with such draft accommodation programme (see also para. 25 in relation to co-ordination of programmes).

Section 12 requires the manager to submit the report prepared under section 11 together with the draft accommodation programme to the members of the authority not later than 3 months before the date specified for adoption by the Minister so as to allow sufficient time for debate. The latest date for this is **30 January 2014** (see attached Schedule), which gives the minimum period of 3 months to the members to consider the report and programme.

Under section 13, the members are allowed up to a further three weeks to adjourn meetings at which the motion for adoption of a programme is being discussed. Section 13 is intended to cater for a situation where meetings may have to be adjourned for unexpected events or special occasions, holidays or other situations where meetings have to be adjourned from time to time.

Where a programme is not adopted within this period, then under section 14 the Manager is required to do so by order within one month. Section 14 is a mechanism to ensure that all relevant housing authorities adopt programmes and that they do so in the same period. The Manager may

make any modifications he/she considers appropriate before adopting the programme, subject, of course, to the other overriding statutory requirements in relation to the preparation and contents of programmes.

22. PUBLICATION AND DISTRIBUTION

Section 15 requires publication in at least one local newspaper of a notice that the accommodation programme has been adopted and indicating where, and the times at which, it may be inspected. A copy of the programme must be furnished to the members, the Minister, any town council whose functional area is situated within the functional area of the adopting authority, the local HSE region, the local Traveller consultative committee, and any other body previously notified of its preparation under section 8 of the Act, including local Traveller groups.

23. IMPLEMENTATION

Section 16 requires the relevant housing authority to take any reasonable steps as are necessary for securing the implementation of the programme. Overall responsibility for securing the implementation of the programme rests with the relevant housing authority. It would be expected that the arrangements for compliance with this requirement would be set out in that section of the programme which outlines the strategy for implementation (see para. 16). Other housing authorities whose functional areas have been included in the accommodation programmes must also have regard to the provisions of the programmes when performing any functions in relation to Traveller accommodation (for example in allocating standard local authority housing to Travellers). Housing authorities will be aware of, and will have been involved in, the preparation of any proposals or measures directly affecting them as a result of the requirements in relation to the giving of notice under section 8. Arrangements should be put in place to monitor progress in implementation, including involvement of the local consultative committee (see also provisions under section 31 of the Act in relation to reporting of progress made in implementing programmes).

24. REVIEW OF PROGRAMMES

Section 17 (1) (a) of the Housing (Traveller Accommodation) Act, 1998, provides that a relevant housing authority shall review its accommodation programme at least once in each three-year period, or at such time as directed by the Minister. Any amendment to the accommodation programme proposed following any such review must be made within seven months and is subject to the same procedures and requirements, including public consultation.

Direction of the Minister

The Minister has, under section 17(1) of the 1998 Act, directed that a review of the next accommodation programme should be carried out no later than 31st December, 2016.

This provision also allows for more frequent reviews to be carried out, if required.

25. JOINT OR CO-ORDINATED PROGRAMMES

Under section 7(2) of the Act programmes may be adopted jointly by two or more local authorities and, under section 18, authorities must do so if required by the Minister after consultation with the authorities concerned. Relevant housing authorities and, in particular, borough councils and the town councils of Bray and Dundalk, may wish to give favourable consideration to the preparation of joint programmes with adjoining authorities or, in the case of the town councils referred to, the councils of the administrative county in which they are situate. Co-ordination of programmes is, of course, facilitated by the prior notice requirements of section 8 in relation to adjoining authorities.

26. EMERGENCY SITUATIONS

Section 24 allows a Manager of a local authority to carry out works necessary for the provision of a reasonable standard of accommodation in an emergency situation using powers under section 138(4) and (5) of the Local Government Act, 2001.

27. COUNTY AND CITY DEVELOPMENT PLAN

Section 10(2)(i) of the Planning and Development Act 2000 requires that county and city development plans must include objectives for the provision of accommodation for Travellers and the use of particular areas for that purpose. This requirement stems from a number of court judgements which pointed to the need to ensure that county and city development plans contain suitable provisions to facilitate the provision of Traveller accommodation and that any existing provisions do not unnecessarily constrain proposals for Traveller accommodation.

28. Local authorities should re-examine, in consultation with their planning staff and with legal advisers if considered necessary, the adequacy of existing provisions in development plans or proposals for variations, particularly in the light of proposals for Traveller specific accommodation in their draft programmes. The purpose of the review is to ensure that any existing or new proposals for the provision of accommodation for Travellers are not in contravention of the development plan and the provisions of the plan will enable the implementation of the new accommodation programme, when adopted. It is a matter for the planning authority as to how objectives are to be worded, having regard to local circumstances.

It is essential that there is sufficient land with the objective for the provision of accommodation for Travellers and the use of sufficient areas for that purpose having regard to the contents of the accommodation programme. In particular, it is essential that such zoning objectives be provided in respect of areas in which it is indicated by the programmes that such accommodation will be provided.

Local authorities should consider bringing forward any proposals for variations to their development plans arising from proposals for Traveller specific accommodation in their draft accommodation programmes for consideration by the elected members at the same time as the submission of the draft accommodation programmes to the members for adoption. This will facilitate the simultaneous approval of both sets of proposals, thereby avoiding any gap between approval of the programme and of the variation of the development plan.

PART IV - SITES FOR CARAVANS

29. Powers to provide sites for caravans

Section 29 of the 1998 Act amended section 13 of the Housing Act, 1988, by the substitution of a revised section. This clarified the powers of housing authorities to provide, improve, manage and control a range of sites for caravans, including sites with limited facilities, (i.e. transient sites or temporary sites pending the provision of permanent accommodation) and to enable the Minister to issue guidelines for the various site types. The definition of “sites with limited facilities” sets out the minimum requirements for services/facilities at such sites.

30. Guidelines issued by the Minister

The Minister has issued the following Guidelines under section 13(6) of the Housing Act, 1988, as amended by the 1998 Act.

- Permanent Residential Parks for Caravans,
- Basic Services and Facilities for Caravans Pending the Provision of Permanent Accommodation,
- Guidelines for Accommodating Transient Traveller Families,
- Guidelines for Group Housing for Travellers, and
- Guidelines on Consultation Mechanisms concerning Traveller specific accommodation projects.

These Guidelines were prepared in consultation with interests concerned, including representatives of local authorities and Travellers under the auspices of the National Traveller Accommodation Consultative Committee.

Housing authorities must have regard to the Guidelines in developing their proposals for the provision of accommodation and in the preparation, adoption and implementation of accommodation programmes

31. Basic Services and Facilities for Caravans

Pending the provision of suitable permanent accommodation, local authorities should review the position of Travellers on the roadside or other unauthorised sites in their functional area in the light of the Guidelines on Basic Services and Facilities for Caravans and seek to improve the position of these families by considering making available such services, including water, toilets and waste removal if there are no significant legal, planning, environmental, social, technical or other restraints in so doing. The question of further closures of traditional or unofficial halting sites should also be reviewed pending the provision of adequate accommodation.

SCHEDULE

TIME-SCALE FOR ADOPTION OF THE NEW TRAVELLER ACCOMMODATION PROGRAMME UNDER 1998 ACT

TIMESCALE/ DATES FOR NEW PROGRAMME	<u>PROCEDURES</u>
	<u>PREPARATION OF PROGRAMME - section 8</u> The date for notice of preparation of programmes should allow adequate time for public and community bodies to prepare their inputs to the drafting process.
August/September 2013	<u>ASSESSMENT OF NEEDS FOR SITES</u> - section 6(1) of the 1998 Act. 1 months notice of intention to make the Assessment.
September, 2013	Making of Assessment.
Sept/October 2013	Results of Assessments available.
October, 2013	Completion of draft programme
22 October 2013	Newspaper notice of draft programme available for inspection - section 9
22 December, 2013	Latest date for receipt of written submissions on draft programme - section 9(1)(c) - two month period is required for making of submissions
30 January, 2014	Latest date for submission of draft to members for adoption - section 12 (one month)
30 April, 2014	<u>ADOPTION OF PROGRAMME.</u> Specified date for adoption - section 7 - at least 3 months required between submission of draft programme to members and adoption of programme
20 May, 2014	Adjournment of council meetings - section 13 (21 days)
21 June, 2014	<u>FAILURE TO ADOPT</u> If failure to adopt, further 1 month allowed before the programme, as may be modified, is adopted by manager's order - section 14
as soon as may be (say one week)	Publication and submission to the Minister - section 15

