

**OCCASIONAL DISCUSSION PAPER:
NEW LEGISLATION RELATING TO TRAVELLERS
IN THE REPUBLIC OF IRELAND by Niall Crowley¹**

DoE Traveller Accommodation Unit

Following the *Report of the Task Force on the Travelling Community* in 1995, the Government decided to set up a Traveller Accommodation Unit and to adopt strategies for the provision of Traveller accommodation. The Traveller Accommodation Unit (Housing Division) was established in 1995 within the Department of the Environment. This Unit prepared the background for the drafting of legislation which resulted in the Traveller Accommodation Act coming into force on 13th July 1998.

Housing (Traveller Accommodation) Act 1998

The Act has 2 main provisions:

1. Development of five-year accommodation programmes.
2. Establishment of Local Traveller Accommodation Consultative Committees.

Under this new law all county councils and some city councils are required to establish such Committees in order to consult with Travellers on the provision of Traveller Accommodation in their area. The Act also gives councils clear responsibility for assessing accommodation need, drawing up a five-year programme for Travellers in their area, and implementing that programme.

Local Traveller Accommodation Consultative Committees

The Act sets out the terms of reference and the composition of the Committees. The council in each area has to set up the Committee, which will advise the Council on the matter. The size of the Committee is not prescribed, and it may depend on the size of the local population, but there are certain rules in relation to the setting up of Committees:

- Elected members cannot exceed ½ of the total members
- Traveller representation has to be at least ¼ of total members
- There must be a minimum of 2 Travellers on the Committee
- The Chairperson of the Committee will be decided upon by the Council itself

The Role of the Committee

The Committee's role is to advise the local authority concerned on the accommodation needs of Travellers and how those needs are best met. While it is council officials who will have responsibility for drawing up the five-year Accommodation Programme, the Committee has a role in informing this. This would mean undertaking surveys and perhaps working out a number of options, including the need to ensure that those Travellers who will reside on or in a particular scheme i.e. halting site, have an input into its design.

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The job of the Committee is to find consensus between different groups. It will also have to look at estate management, identifying different ways to improve management of Traveller accommodation and of ensuring Traveller participation in this. Traveller representatives will have to express the needs of Travellers in the area and ensure that the accommodation proposed meets and is most suited to those needs. It is therefore vital that Traveller representatives represent the views of all Travellers in the area, and are aware of local authority policies around funding, planning and so on.

Five-year Accommodation Programmes

The programmes will be drawn up by council officials and will probably take about a year to complete. The officials will have to look at current accommodation needs and the expected needs for the future. The programme will include:

1. Assessment of accommodation needs (number of families, kind and location of accommodation needed, etc)
2. What are the policies determining accommodation? (i.e. what services will be provided to Travellers in that area, of what will voluntary group involvement consist?)
3. Who will implement it? (i.e. what are the responsibilities of different councils operating in the same area?)
4. How will implementation be monitored? (for example, County Council Annual Report will have report on Committees)
5. When will it be implemented? (the time-frame has to be determined for at least years in advance)
6. It must contain provision for the full range of Traveller accommodation, that is, halting sites, group housing, transient sites etc.

Every third year an assessment of accommodation needs of all people, including Travellers, is carried out; the next assessment being in March 1999. Information from this assessment should be used in developing the five-year Accommodation Programme for Travellers. It is important that the Programme is related to the overall assessment of housing need, that is, in terms of the housing list. It is also important that recommendations from the 1995 Task Force Report and non-Traveller specific housing policy development are applied to Traveller accommodation.

Local authorities will have to consult with neighbouring authorities in drawing up their Programme. They will also have to inform and invite submissions from other 'interested' groups like Health Boards, Community Groups, Residence Associations etc. When the draft Programme is drawn up the council will have to advertise it and give two months for groups and individuals to make submissions on it. Proposals for Traveller accommodation will now be subjected to the planning process. Therefore, objections to the proposed accommodation will have to be valid planning objections. At the end of the two months the County or City Manager has to submit the draft to elected members along with submissions received, and to explain how any relevant submissions have been incorporated into the Programme.

Elected members (Councillors) then have a period of three months to adopt the programme and suggest necessary changes. If this is not done within three months, the County Manager is given one month to do so; if still not done the council could

be penalised. The final date for all draft Accommodation Programmes to be published is 31st March 1999. The 1998 Act requires that the Programmes must be reviewed every three years. All authorities must prepare their Programmes at the same time; and local authority annual reports must provide a statement on the implementation of the Programmes.

National Traveller Accommodation Consultative Committee

The National Committee was set up in December 1996. It consists of Traveller group representatives, the DoE, and the City and County Managers Association. The Committee has amongst other items produced guidelines on the design of halting sites and the provision of emergency facilities. The DoE has a role to ensure that standards are maintained and to oversee the development of local Programmes.