

Equality Impact Assessment
'Fenny Lock' Review December 2011
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This is an assessment of the Fenny Lock Project Review. It is made to inform and support the decision of cabinet as they consider the options contained in the review. It is for Members of Council to have due regard to the equality matters that are discussed in this assessment, although at the end of each section a recommendation is made.

The public sector Equality Duty, at section 149 of the Equality Act¹, requires the council to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires the council to have due regard to the need to:

- eliminate discrimination,
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This assessment is in three parts; it will consider each part of the public sector Equality Duty in order.

Gypsies and Travellers: A definition

In legal terms, defining Gypsies and Travellers as a group is difficult. The courts have established that Gypsies and Irish Travellers are ethnic groups for the purposes of the Equality Act², also that a person's occupation of their caravan is part of their ethnic identity³.

The Department for Communities and Local Government (DCLG), recognised the difficulties around the concept of 'settled' Travellers; and it included the concept in Circular 1/2006. In 2006, Statutory Instrument No.3190 (2006) was implemented, in order to resolve the definition of Gypsies and Travellers in relation to the duties under the Housing Act 2004. This said: For the purposes of section 225 of the Housing Act 2004, "gypsies and travellers" means: (a) persons with a cultural tradition of nomadism or of living in a caravan; and (b) all other persons of a nomadic habit of life, whatever their race or origin, including –

- (i) such persons who, on grounds only of their own or their family's or dependent's educational or health needs or old age, have ceased to travel temporarily or permanently; and
- (ii) members of an organised group of Travelling Showpeople or circus people (whether or not travelling together as such).

This definition is inclusive and supports the council taking seriously the cultural background of a number of groups of people who live in Milton Keynes: be they Roma, "Irish Traveller" or "New Traveller".

¹ Section 149 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

² Commission for Racial Equality v Dutton, 1989 and O'Leary and others v Punch Retail, 2000

³ Chapman v United Kingdom (2001)

Background

An Equalities Impact Assessment was published in November 2010⁴ to accompany the cabinet (21 December 2010) decision to provide site facilities at Fenny Lock. Key points to note were as follows:

- Consultation with Milton Keynes Gypsy & Traveller community showed that they do not thrive in conventional housing and long to live in pitches in communal accommodation;
- If development does not proceed Gypsy & Travellers will remain a disadvantaged group;
- The development of the site would result in improved outcomes for members of the Gypsy & Travelling community particularly in terms of health and education;
- Options assessments were completed for 20 households interested in this proposed new site. As some of these households are large they may need more than one pitch, so it is possible at this stage that Fenny Lock would not accommodate all live demand
- If the decision was agreed, there would be some potential for adverse impact in terms of good community relations
- If the decision was not agreed the impact would be critical for the equality of protected groups, and the chance to build good community relations and combat discrimination would be missed.

This impact assessment and its recommendations, whilst they were prepared for a particular decision, continue to reflect many of the issues under consideration.

Introductory Note

Having observed much of the debate in the last year on this matter, there are three practices I would encourage readers to adopt as they have regard to these matters.

- (i) Having a positive attitude to difference: sometimes peoples' characteristics or opinions can connect us with negative emotions. Having a positive attitude to difference can help us overcome negative responses. In Milton Keynes we all seek to be positive about each other and value the differences we have.
- (ii) Being aware of stereotypes: we must be aware that stereotypes about another person rarely gives us real information about who they are and what they need – this is why the council rightly emphasises engagement
- (iii) Understanding local voices: in a diverse community communication is often very fragile, listening to individual voices as well as the majority can be hard. This assessment seeks to base the discussion on local facts and the issues that arose.

Finally some of the most important aspects of equality are moral and political, and depend on the consideration of elected members in making decisions.

⁴ The Equalities Impact Assessment can be viewed at:

<http://www.mkiobservatory.org.uk/document.aspx?id=9544&siteID=1026>

Note that the front page is dated November 2011 in error – page 2 displays the correct date of 11th November 2010.

1. Eliminating discrimination

Discrimination means treating a person (or group of people) less favourably than another person (or group of people), because they (or someone associated with them) possesses a particular characteristic. The following characteristics are the protected characteristics we have a duty to consider in this part of the Act— age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. To these the council adds the characteristic of social deprivation and disadvantage as part of its policy. Discrimination isn't always unlawful, however the council has a duty to work to eliminate conduct that is prohibited by the Equality Act. More detailed definitions from the Equality Act can be found at: <http://bit.ly/MKC-EqAct-guide1>.

The major questions that the council will need to consider in this section are:

1. Is the review of the Fenny Lock Project itself discriminatory or restricted in its scope?
2. Would the use of the fund, other than for the Fenny Lock project, be an unfair removal of an expected service?
3. Would the use of the fund to meet the “priority needs” of another group be a proportionate means of achieving a legitimate aim?
4. Does the local evidence for discrimination follow the national trend?

1.1 Is the review of the Fenny Lock Project itself discriminatory?

The Fenny Lock Project Review:

- is one of several “Value for Money” reviews created by the council, and follows a similar methodology in reviewing projects and services;
- has been conducted by someone with housing policy expertise;
- has benefited from several members sessions, stakeholder and engagement groups, and direct participation;
- has been open to input in an open consultation process.

1.1.1 The Decision

On 26 July 2011, Milton Keynes Council's Cabinet agreed the following: That works to further the development of Fenny Lock Gypsy and Traveller Site be suspended, pending the outcome of:

- (a) a full review to consider whether the project still offers best value as a means of meeting established and evidenced housing need, and whether a broader range of housing needs could be addressed through alternative capital initiatives to give greater value for money; and
- (b) consultation with interested parties and stakeholders to inform the review and the subsequent Cabinet meeting on receipt of the review's outcome.”⁵

The best value consideration within the report considers a cost benefit analysis of the different options. As part of the benefits the addressing of

⁵ Decision Sheet - Minute C41 see:

<http://cmis.milton-keynes.gov.uk/CmisWebPublic/Binary.ashx?Document=33168>

housing inequality has been given a weighted consideration. It considers the advancement of equality offered by different options, including the needs of Gypsy and Travellers.

1.1.2 The View of the Gypsy and Travellers Forum

The Gypsy and Travellers Forum, which exists to support the Gypsy Traveller Community in Milton Keynes, stated that: “the consultation document as circulated did not convey a full and accurate representation of the true options”⁶. Wendy Lehman, chair of GTAF further stated: “this review undermines years of due process properly followed, in which GTAF and its members engaged in good faith” and that “the decision to re-evaluate whether this money should be invested in the Traveller Site has distorted a moral argument to pursue a political outcome”.

1.1.3 The Wider Housing Context

In 2010 in preparation for a new housing strategy an Equality Impact Assessment was completed, along with a general housing consultation. It looked at the housing needs in the Housing Needs Study 2006 and the Strategic Housing Market Assessment (2008 and 2009 Draft Update). This outlined the outstanding housing challenges for Milton Keynes Council.

“The evidence so far is that it is the lack of suitable accommodation (in terms of affordability and condition) that creates problems. This is not just for specific groups - it affects all sections of the community. However, it is acknowledged that the lack of suitable accommodation can and does impacts on some groups more than others (for example, people with disabilities can find it particularly hard to access suitable accessible housing)”⁷

The Fenny Lock Project Review considers housing inequality in its wider context; it follows from the recommendation of an independent committee, has considered the needs of individuals from the Gypsy and Traveller Community and is not uniquely the only value for money review in the council.

1.1.4 The Review Scope

Officers received a wide scope for the “Fenny Lock Review”. Officers also received criticism for the number and nature of options on the consultation paper. Officer’s aim throughout was to facilitate a wide discussion of the options that would represent value for money comparisons. This produced a focused review. However other options have been considered, and regard to possible different ways to meet the needs of the Gypsy and Traveller community discussed with stakeholders and at the Travellers Forum. In these discussions agreement was reached that stressed the importance of meeting needs whilst being mindful of reasonable solutions.

⁶ Letter 04.11.2011 from Wendy Lehmann Chair, GTAF to members of the Fenny Lock Review - Stakeholder Group Meeting 10th November

⁷ EqIA Housing strategy 19.02.2011

This assessment concludes - that conduct a review is unlikely to be discriminatory. However, the needs of the Gypsy and Traveller community will need to continue to be considered in this wider context of housing and planning strategies.

1.2 Would the use of the fund, other than for the Fenny Lock project, be an unfair removal of an expected service?

Members of the Gypsy and Traveller Community have a legitimate expectation that this project will proceed to a conclusion because:

- Government funding was applied for and received on the basis that the funds would be used for the scheme
- The Council debated the proposal at length and decisions were made in Cabinet and Council, which members of the community may consider to be a promise of a service
- The land has been purchased and contracts let
- Members of the community have been approached and have been interviewed in the expectation they might become, or will be considered to become, tenants at the site.

1.2.1 The Strategic Development

The Council commissioned an Accommodation Needs Assessment for Gypsies and Travellers, as part of its wider housing needs study in 2006 for the 2006-10 "The Black & Minority Ethnic (BME) Housing and Social Care Strategy". The Strategy produced the following Strategic Aim:

"The Council will develop at least one of the new sites that are already in the Local Plan (at Fenny Lock, Bottle Dump & Newton Leys) as permanent sites for Gypsies & Travellers"⁸.

Planning permission was granted on the 19th August 2004 for the development known as Newton Leys, for a mixed use development comprising up to 1650 dwellings, employment areas, shops, schools, community facilities, parks, playing fields, hotel or leisure facility and associated infrastructure. As part of the development a legal agreement (s106) was signed, requiring amongst other things, the provision of a site for Travellers. The s106 agreement requires the provision of:

A site capable of providing 8 traveller pitches including

- Mains supply water, electricity and sewerage
- Hard-standing
- Palisade perimeter fencing
- Appropriate interior street lighting

Therefore the developer is obliged to provide a serviced site but there will be no amenity blocks provided by the developer, these would need to be

⁸ Officer Response To The Deputation Regarding Proposed Development Of The Gypsy And Traveller Site At Fenny Lock –
<http://cmis.milton-keynes.gov.uk/CmisWebPublic/Binary.ashx?Document=31121>

developed once the serviced site has been transferred to Milton Keynes Council.

There is no trigger point in the s106 either linked to a specific date or number of completed dwellings. Therefore, unless an agreement can be reached with the developer, a site would not be provided until the very end of the development. The current estimated end date of the site is 2021. This date is dependent on an improvement in the housing market and is considered to be the earliest at which the development would be complete. On this basis, it is unlikely that the traveller's site would be delivered to the council within the next ten years.

The possible outcomes can be summarised as:

- The Council and developer reach an agreement on the location of the site and agree a suitable trigger point to bring forward the delivery; or
- The Council and developer reach an agreement on the location of the site and the developer provides the site at the end of the wider development (likely to be a minimum of 10 years); or
- The Council negotiates a financial contribution for provision of site elsewhere in borough.

The Council has also considered using its existing sites at Calverton, which has been refurbished using a DCLG grant and Willen, which remains unimproved, to provide higher capacity to meet need

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1.2.2 The Funding

The total funding available for the site was the £1.8 million. The monies provided for site development are not ring fenced by central government. The national Gypsy and Traveller Sites Grant, launched in 2008, had £97m available to "reduce the number of unauthorised sites" and "reduce the need for costly enforcement action". But only £16.9m has been spent on Gypsy and Traveller Sites. A lack of ring-fencing has meant millions being channelled into other schemes. The Homes and Communities Agency told the Guardian newspaper that £15m from the grant was allotted to "unfunded commitments in other programmes" within the National Affordable Homes Programme⁹.

Councillor Isobel McCall compared the possible decision to remove the funding from its purpose, with funding for people with a disability, saying that the council would not think to remove a grant in this situation when people with a disability were involved¹⁰. However the removal of ring fencing is a particularly new activity. The Government's policy is that the removal of ring-fencing from local government grants gives councils freedom over the money they receive and provides significant financial autonomy. This allows local

⁹ <http://www.guardian.co.uk/uk/2011/sep/28/dale-farm-funding-traveller-sites>

¹⁰ Safer and Stronger Select Committee, Milton Keynes Council, 6 Dec 2011

authorities to work with local people to decide how best to make their spending decisions to meet local needs rather than by Central Government prescription.

1.3 Would the use of fund to meet the “priority needs” of another group be a proportionate means of achieving a legitimate aim?

The equality aims of the Council are set out in the Equality Scheme. This document contains:

- An objective of reducing the number of households in temporary accommodation, in 2010-2011 the target was 70 and the actual was 149,
- Adds a consideration of social deprivation and disadvantage to the protected characteristics for which the council has due regard,

1.4 Does the local evidence for discrimination follow the national trend?

Discrimination and poor social outcomes among traveller communities exist in the UK

- Gypsies and Travellers are 12 per cent more likely to have a long-term illness compared to comparable members of the settled community¹¹;
- Gypsy and Traveller mothers are 20 times more likely to experience the death of a child than the rest of the population; and school attendance and educational attainment of Gypsy and Traveller pupils has been considerably lower than their peers at every key stage¹².

1.4.1 Is there national policy to address discrimination?

The Secretary of State for Communities and Local Government has outlined the following as requiring action¹³:

- poor health outcomes
- poor performance at school
- high unemployment and lack of engagement with employment support provided by the Department for Work and Pensions
- unmet accommodation needs (with insufficient appropriate authorised public site provision and difficulties settling into bricks and mortar accommodation)
- lack of access to financial products and services (such as insurance, loans and bank accounts)
- hate crime and discrimination (with negative media portrayal of Gypsies and Travellers potentially leading to higher incidence of discrimination and hate crime).

¹¹ G Parry, P Van Cleemput, J Peters, J Moore, S Walters, K Thomas, C Cooper, *The Health Status of Gypsies and Travellers in England* (2004) (University of Sheffield)

¹² G Parry, P Van Cleemput, J Peters, J Moore, S Walters, K Thomas, C Cooper, *The Health Status of Gypsies and Travellers in England* (2004) (University of Sheffield); S Cemlyn, M Greenfields, S Burnett, Z Matthews, C Whitwell, *Inequalities experienced by Gypsy and Traveller communities ; a review* (2009) (Equality and Human Rights Commission)

¹³ DCLG *Planning for traveller sites* 2011 p13

1.4.2 Local Accommodation Options

The Fenny Lock Project Review looks at the local unmet accommodation needs. The Council has identified twenty households that have expressed a wish for pitch accommodation. These households have been given “Options Interviews” and are considered eligible for a pitch.

“Of these twenty households, 8 are resident in Milton Keynes currently (of which in turn 3 households are in social rented housing). In terms of housing need, 3 of the 20 households are in Band 1 (the highest level of need) and 4 households fall into Band 2. The decision to put the Fenny Lock project on hold was discussed with most of these households in the summer (2011) and from the feedback received there was a lot of concern and disappointment.”

1.4.3 Denial of Identity

To understand this disappointment in its proper context the council needs to understand the association between desire for pitches and its association with people’s identity. A recent report co-authored by David Martin Smith from Buckinghamshire New University stated,

“Many housed Gypsy and Travellers experience the denial of ethnic identity acutely. Several expressed a concern that “the worst thing is when you move into the house they count you as settled you’re part of the population, you’re not a Gypsy anymore because they put you into a house and were concerned that their identity is not always recognised as “authentic by others, both Gypsies and Travellers and by the wider society.”¹⁴

However following the seminal work on social networks by American sociologist Mark Granovetter¹⁵, the argument is made that while frequent social interaction and the maintenance of a distinct cultural identity provides a crucial source of support, there is also a danger that social relations become restricted to close ‘bonding’ networks thus intensifying the social isolation of Gypsy/Traveller communities, fragmenting neighbourhoods along ethnic lines and negating policy interventions to build integrated and cohesive communities.

1.4.4 Accommodation Needs in the Future

Under the proposed Government policy, local planning authorities will continue to assess the accommodation needs of travellers (as required by the Housing Act 2004) and in accordance with the definition of travellers for this purpose. However, unlike the current circulars, the proposed policy does not specifically refer to the guidance that sets out how needs should be assessed for the purposes of the Housing Act (the *Gypsy and Traveller Accommodation Needs Assessment* guidance).

¹⁴ Greenfields, M, & David M. Smith, (2010) “Housed Gypsy Travellers, Social Segregation and the Reconstruction of Communities, *Housing Studies*, **25**: 3, p405.

¹⁵ Granovetter, M. (1983). "The Strength of Weak Ties: A Network Theory Revisited". *Sociological Theory* **1**: 201–233.

The proposed policy states that local planning authorities set their own evidence-based targets for the provision of pitches/plots. The policy does not dictate what targets local planning authorities should adopt. This is a matter for local planning authorities to decide themselves depending on the circumstances in their particular area. The evidence from housing options is that this figure is likely to be smaller than the existing 27, if based solely on local need.

1.5 Assessment

This assessment recommends that –

- the conducting of a review is unlikely to have been discriminatory.
- if the project does not go ahead with the expected service it is likely to be considered unfair by some stakeholders,

and may be discriminatory unless

- the funds were used to meet a “priority need”, such as reducing the number of households in temporary accommodation – which is a council equality objective, and
- the needs of gypsy and travellers in “Band 1” were met in another way

Members are recommended to have due regard to the issue of “denial of identity” and to consider whether there is a case for positive action.

There is little evidence locally that discrimination follows national trends, but further research is needed. There is a clear need to understand the local population their needs and outcomes. While the census may reveal some of this picture - a holistic needs appraisal may be able to help target support.

Furthermore, the needs of the Gypsy and Traveller community will need to continue to be considered in this wider context of housing and planning strategies.

2. Advancing Equality of Opportunity

Advancing Equality of Opportunity refers to the positive activities the council completes that deliver opportunities and benefits to its residents.

2.1 Continuing with Fenny Lock Travellers site project

Planning for Gypsies and Travellers special accommodation needs will provide the following opportunities.

2.1.1 The link nationally between the quality of housing to social outcomes

In 2006 the Government published Circular 01/2006¹⁶. The Circular noted that

“A new Circular is necessary because evidence shows that the advice set out in Circular 1/94 has failed to deliver adequate sites for gypsies and travellers in many areas of England over the last 10 years. Since the issue of Circular 1/94, and the repeal of local authorities’ duty to provide gypsy and traveller sites there have been more applications for private gypsy and traveller sites, but this has not resulted in the necessary increase in provision”.

It also noted that:

“Gypsies and Travellers are believed to experience the worst health and education status of any disadvantaged group in England. Research has consistently confirmed the link between the lack of good quality sites for gypsies and travellers and poor health and education. This circular should enhance the health and education outcomes of gypsies and travellers”.¹⁷

There is a question locally whether these links are present in the same way they are nationally.

2.1.2 The quality of sites

A further report issued by the Equalities and Human Rights Commission in 2010¹⁸ showed that Gypsies and Travellers continue to experience a wide range of inequalities. It revealed that for Gypsies and Travellers who do not wish to reside in ‘bricks and mortar’ housing, there are limited sites of good quality. The location of sites can be poor (for instance, under motorways or next to sewage works), and present health hazards (such as contamination by vermin or decayed sewage) or poor services (a lack of water fittings, poor-

¹⁶ ‘Circular 01/06 – Planning For Gypsy and Traveller Caravan Sites’, Office of the Deputy Prime Minister 2006, paragraph 3, page 4.

¹⁷ Ibid, paragraphs 4 & 5, page 4.

¹⁸ ‘How Fair Is Britain? Equality, Human Rights and Good Relations in 2010, The First Triennial Review’, Equality and Human Rights Commission 2010. The full report and the executive summary can be viewed on the Equality and Human Rights web site or by clicking on the link below:

http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/full-report-and-evidence-downloads/#How_fair_is_Britain_Executive_Summary

quality utility rooms or lack of fire safety). Locally sites are not as poor, as they are may be nationally, after the renovation of the Calverton site.

2.1.3 Equality of Opportunities

Section 175 (2) (b) of the Housing Act 1996 states that a person is homeless if their accommodation:

“.....consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.”

Following from this, if a gypsy or traveller household is in “priority need” and if they are homeless within the definition of Section 175 (2) (b) then the local authority will have a duty to ensure that accommodation is made available.¹⁹ This does not mean that pitches have to be offered, however if pitches are not offered a opportunity to engage in positive activities for these households will be lost.

The other side to this solution is the provision of a place where, in the words of the Housing Act 1996, “he (or she) is entitled or permitted both to place it and to reside in it”. This requires the Core Strategy to consider the needs of Gypsy and Travellers on the same basis as those from other communities. This will require a new local assessment of needs as proposed by DCLG in new guidance soon to be published.

2.2 New Build Homes (or purchase of existing homes) for homeless families

Homeless families often have a protected characteristic as defined under the Equality Act 2010, however the council has added social economic disadvantage to its considerations and temporary accommodation is a priority of the council’s Equality Scheme²⁰. Planning for their special accommodation needs will provide more equality of opportunity for them to have their own home.

2.3.1 The link nationally between the quality of housing and social outcomes

The Marmot Review 2010²¹ into health inequalities in England noted that:

¹⁹ The case law surrounding this issue appears to indicate that that, whilst local authorities must clearly use their best endeavours to try and obtain a pitch for a homeless Gypsy or Traveller with a cultural aversion to conventional housing, if they cannot succeed in that process then conventional housing may have to be offered in discharge of the local authority’s duty to accommodate. See for example *‘The Rat Infested Barn - Gypsies, Travellers and Aversion to Conventional Housing’*, by Chris Johnson, Community Law Partnership <http://www.lgtu.org.uk/Gypsies,%20Travellers%20aversion%20to%20conventional%20housing%20Johnson%20-%20LGTF.pdf>

²⁰ <http://www.milton-keynes.gov.uk/equalities/displayarticle.asp?ID=21859>

²¹ “Fair Society, Healthy Lives – The Marmot Review, Strategic Review of Health Inequalities in England post 2010” – see <http://www.google.co.uk/search?hl=en&source=hp&q=marmot+review&aq=1&aqi=g10&aql=&og=Marmot>

“Bad housing conditions – including homelessness, temporary accommodation, overcrowding, insecurity, and housing in poor physical condition – constitute a risk to health. A study carried out by Shelter in 2006 suggested that children in bad housing conditions are more likely to have mental health problems, such as anxiety and depression, to contract meningitis, have respiratory problems, experience long-term ill health and disability, experience slow physical growth and have delayed cognitive development. These adverse outcomes reflect both the direct impact of the housing and the associated material deprivation”.²²

2.2.2 The Effect on Children and Families

Shelter’s research has found that temporary accommodation for homeless households has a devastating impact on children’s health and education. Two thirds of respondents to a study carried out in 2004 said their children had problems at school, and nearly half described their children as ‘often unhappy or depressed’. Over half the families surveyed said their health or their family’s had suffered due to living in temporary accommodation. Another Shelter research report showed that more than 60 per cent of respondents with depression said that living in temporary accommodation had worsened it.²³ In its view reducing the number of households in temporary accommodation will play a key role in eradicating child poverty.

The Marmot Review also noted that

“.....many population groups have additional health needs, such as the elderly, people living with disability or mental illness, ethnic minority groups, the homeless, refugees and asylum seekers, Gypsies and Travellers. Population-wide and individual interventions need to be adapted to meet needs within a universal framework.”²⁴

2.2.3 Equality of Opportunity

The report “*How Fair is Britain?*” referred to earlier also received evidence specifically about inequalities faced by the homeless from the University of York²⁵. This evidence showed that the following characteristics are associated with a disproportionate risk of homelessness, with evidence to indicate that these inequalities are persistent and, in some cases, growing:

²² Ibid, pages 79-80

²³ Summarised in Shelters response to the Child Poverty Unit’s Consultation on ending child poverty in 2009 - page 10. See the link below for more details.

http://england.shelter.org.uk/_data/assets/pdf_file/0003/178806/03-09_Ending_child_poverty.pdf

²⁴ Ibid, page 141

²⁵ Fitzpatrick, S., Pleace, N., and Wallace, A., 2010. Evidence Analysis for Equality and Human Rights Commission: Homelessness. York: York University 2010 – see link below for more details

<http://www.york.ac.uk/inst/chp/publications/PDF/EHRCHomelessnessTriennialReview.pdf>

- Age - young people face a much higher risk of being accepted as statutorily homeless by British local authorities than do older people, with those in the middle age ranges most at risk of rough sleeping;
- Gender and household type – women, especially female lone parents, are over-represented amongst statutorily homeless households, but single men are heavily over-represented amongst rough sleepers and other non-statutory homeless groups. Homeless women tend to be younger than homeless men;
- Ethnicity – BME communities are strongly over-represented across most forms of homelessness in England, especially in London;
- Nationality and immigration status - the most notable (and growing) concern is rough sleeping amongst A10 migrants who lack recourse to public funds. There is also some evidence that former asylum seekers are a substantial subgroup of statutorily homeless families in England, especially in London;
- Disability – mental ill-health is the most important type of disability associated with homelessness;
- Socio-economic status – there are high levels of worklessness amongst all homeless groups

2.3 New Build homes (or purchase of existing homes) for people with disabilities

People with disabilities and older people have a protected characteristic.

2.3.1 The link nationally between the quality of housing and social outcomes

A report for the Joseph Rowntree Foundation has noted that nationally:

“Although age alone does not determine whether or not people have high support needs, it is a good guide and it is likely that over the next twenty years the numbers requiring such support will rise considerably... Over the coming decades, the older population will also become more diverse with people from black and minority ethnic backgrounds comprising an increasing share of the population. Changes in both social norms and the legal context mean that it is likely that in future there will be more older people living in civil partnerships and openly gay relationships.. There is clear evidence that the prevalence of disability, however it is measured, rises with age – with the increase being most pronounced at ages after 74. For example, the prevalence of severe disability as measured by the ability to perform various activities of daily living is less than 5% amongst those aged under 55 compared with around 40% amongst those aged 85 and over.”²⁶

²⁶ ‘Demographic issues, projections and trends: Older people with high support needs in the UK’, Jane Falkingham, Maria Evandrou, Teresa McGowan, David Bell and Alison Bowes, ESRC Centre for Population Change, October 2010 - pages 5-6

<http://www.jrf.org.uk/sites/files/jrf/high-support-needs-demographic-issues.pdf>

In 2008 the Government published *'Lifetime Homes Lifetime Neighbourhoods - A National Strategy for Housing in an Ageing Society'*. Key findings of the report were as follows:

“30 per cent of all households are already headed by someone over retirement age. Older people will make up 48 per cent of the increase in new households by 2026, with this figure reaching as high as 90 per cent in some areas. Older people are key to the housing market and may become even more dominant in a less buoyant market. Because the housing market is dynamic, housing decisions that older people make – whether to move, stay put, make improvements or adaptations – will impact across the entire market.”²⁷

The report also noted particular pressures around the lack of wheelchair housing:

“Projected numbers of people needing wheelchair accessible housing are due to rise considerably, reflecting projected increases in numbers of people with disabilities and mobility impairments. Whereas Lifetime Homes are designed to adapt to changing needs overtime and do include features helpful to wheelchair users, fully wheelchair accessible homes are purpose built to suit the needs of wheelchair users. These are designed with the necessary circulation space and level access to provide full wheelchair access to all parts of the home. They are also equipped with adjustable fixtures and fittings to enable occupants to live more independently and enjoy a better quality of life.”²⁸

The HAPPI report referred to earlier notes that

“The number of over-60s is projected to increase by 7 million over the next 25 years - Office for National Statistics, 2009”.....Older people spend 70- 90% of their time in their homes, much more than any other age group”.²⁹

In addition, the HAPPI report notes that:

“.....old age often still means isolation, especially when a spouse dies or children move away. Inadequate housing exacerbates health problems and creates others; poor insulation and time spent indoors can lead to difficulties in meeting the cost of winter heating. As things are, without better housing in the community to which we belong, the choice often lies between 'getting by' in unsuitable accommodation or up-rooting to some form of institutional home, often removed from familiar surroundings. Such moves are usually triggered by crisis rather than planned ahead, adding to the stress of the experience.”³⁰

In terms of the housing, the report recommends that

²⁷ *'Lifetime Homes Lifetime Neighbourhoods - A National Strategy for Housing in an Ageing Society'*, page 24

²⁸ Ibid, pages 91-92

²⁹ HAPPI report, page 10

³⁰ Ibid, page 11

“while we believe strongly in greater accessibility – using Lifetime Homes standards (even with modifications) for all new homes – solutions to our housing needs will very often be found in purpose-built new homes that are specially designed and planned with older people in mind.”³¹

The Equalities and Human Rights Commission has noted that there are also links between disability, employment and pay:

“Evidence shows that some disabled employees experience a significant pay gap when compared to non disabled employees. In addition, disabled women suffer from a gender pay gap, and earn less than disabled men. Estimates of the disabled hourly pay gap vary from six to 26 per cent (this variation is due to the use of different data sources and definitions of disability). Recent research has found that when compared to non disabled men, disabled men have a pay gap of 11% and disabled women of 22%”.

A report by the Demos in 2006 looked in detail at the barriers faced by people with disabilities, particularly in the areas of transport, education, employment, status, leisure and housing. It was found that:

- More than 40% of disabled people in England and Wales experienced difficulty with travel.
- While almost two-thirds of households that include a disabled person do not have access to a private car, only 27% of non-disabled households don't have a car. But the general trend in public transport shows an improvement, though in the words of the authors, "massive barriers remain".
- The lack of accessible housing in the UK was described as "chronic". While it estimated that nearly 1.5m people require adapted accommodation, almost a quarter of them don't have it.
- The report highlights a lack of reliable information about the availability of accessible housing as contributing to the problem.

2.3.2 The local situation

A report by Habinteg Housing Association and London South Bank University in 2010³² sets out a methodology for calculating the unmet housing need of wheelchair user households at a local authority level. The methodology involves the following approach:

- A. Taking the regional figure for the percentage of all households that are wheelchair user households (for the South East region this was 2%);
- B. Multiply this by the number of households in the local authority (as at 1st April 2011 this was 101,100);

³¹ Ibid, page 31

³² “*Mind the Step: An estimation of housing need amongst wheelchair users in England*”, Habinteg Housing Association and London South Bank University (supported by the Homes and Communities Agency)

C. Multiply this by the regional figure for the percentage of wheelchair user households with unmet housing need (5%).

So for Milton Keynes the figure would be 101 wheelchair user households with unmet housing need.

The Milton Keynes Strategic Housing Market Assessment (SHMA) Update 2009 provided a profile of households with supported housing and health needs. The profile found that there were 2,500 households who:

- Had at least one member of their household with a health problem, and
- That their health problems affected their housing requirements; and
- Their homes were not currently adequately adjusted to meet their health problems.

This equated to 2.7% of households in Milton Keynes. The problems that these households identified were with bathing and showering, climbing stairs and general mobility. All of these were considered to be natural consequences of the health problems being linked to mobility and old age.³³

From the 2,500 households, the majority (71%) felt that their current home could be adapted to meet their needs and that the majority of these households required bathroom adaptations, stair lifts and handrails to be fitted. 390 households (17.4%) felt that their current home was unsuitable for adaptation. However when asked whether they wanted to move, 250 households wanted to move. Arguably this could indicate the level of need for housing specially designed to meet the health needs of the borough. Of the households who contained at least one member of the household with a health problem, who felt that their current home was not adequately adjusted to meet their health problem and who felt that they needed and wanted to move to another home which was more suitable for their needs, 213 households wanted to move to a Council or Housing Association property. It should be emphasised that the results are based on a sample survey and that for many problems there is a very small number of cases in the dataset.

The profile also showed that there were approximately 14,000 properties in Milton Keynes that already have adaptations fitted, however around 5,343 of these properties were occupied by households who did not have a member of the household with health problems. Broadly speaking therefore the biggest demand for specialist housing appears to be for older people and those with mobility problems.

2.4 Improving Council Housing

This option does not have a direct link to individuals with protected characteristics, however the Hills Report notes: "Tenants have high rates of disability, are more likely than others to be lone parents or single people, and to be aged over 60"³⁴.

³³ Pages 116-119 – available on the Council's web site at the following address:
http://www.miltonkeynes.gov.uk/housing-strategy/documents/Draft_MK_SHMA_Update_2009_report_09.10.09.pdf

³⁴ *Ends and means: the future roles of social housing in England*: John Hills, ESRC Research Centre for Analysis of Social Exclusion, 2007, pp 2-3.

2.4.1 The link nationally between the quality of housing and social outcomes

The Hills Report³⁵ notes the following with regards to people living in social housing:

“Over the last quarter century the role of social housing has changed. The sector has become much smaller as a proportion of the total, although nearly 4 million households still live within it. While post-War provision was aimed at households on a range of incomes, since the 1980s provision has become more tightly constrained and new lettings focussed on those in greatest need. As a result, the composition of tenants has changed, with tenants much more likely to have low incomes and not to be in employment than in the past or than those in the other tenures. Seventy per cent of social tenants have incomes within the poorest two-fifths of the overall income distribution, and the proportion of social tenant householders in paid employment fell from 47 to 32 per cent between 1981 and 2006. Tenants have high rates of disability, are more likely than others to be lone parents or single people, and to be aged over 60. More than a quarter (27 per cent) of all black or minority ethnic householders are social tenants (including around half of Bangladeshi and 43 per cent of black Caribbean and black African householders), compared to 17 per cent of white householders”.

2.4.2 The local situation

The SHMA also showed that across the different tenures in Milton Keynes, 59.7% of Council tenants and 53.1% of housing association tenants are in receipt of housing benefit. This implies that over half of social tenants in Milton Keynes receive housing benefit and indicates that the majority of households in social housing in Milton Keynes are not able to afford to live in any other tenure. By comparison, only 22.4% of households in the private rented sector received housing benefit.

The Hills Report also looked at the housing conditions of people living in social housing and it noted the following:

“.....there has been substantial improvements over time in the number of dwellings failing to meet successively higher standards since 1971. Between 1971 and 1986, the proportion failing to meet the “old” standard of fitness fell from 7 per cent to 5 per cent. Against a higher standard, the proportion of the stock failing the “new” fitness standard fell from 9 per cent to 5 per cent by 2004. The current standard – with an explicit government target to meet it within social housing by 2010 – is that of “decent homes”, covering not just the basic

³⁵ *Ends and means: the future roles of social housing in England*: John Hills, ESRC Research Centre for Analysis of Social Exclusion, 2007, pp 2-3.

physical standards of “unfitness”, but also the state of repair, the presence of modern facilities and services and thermal efficiency (see Box 4.1). Rapid progress has been made against this standard since 1996, although 29 per cent of homes were still below it in 2004. As Figure 4.6 shows, the highest rates of failure to meet the standard are in the private rented sector, but also with above average failure rates in local authority housing, whereas housing association property is as likely to meet the standard as owner-occupation. There are marked differences between the most and least deprived areas. Households with disadvantages are also somewhat more likely than others to live in housing that does not meet the standard.”

In Milton Keynes, whilst the Decent Homes standard has been met with its own stock, the Background section to this option showed that considerable sums of money are still needed to meet current and future housing need to contribute to wider growth, regeneration, carbon reduction, and health objectives.

2.5 Assessment

This assessment recommends that there are adequate reasons for considering all the above solutions however it should be noted that:

- The link between poor social outcomes and housing inequality is strong across all options.
- The local situation is not always the same as the national picture
- An adequate solution to the provision of future needs of gypsies and travellers, beyond those in “priority need”, should be considered in the Core Strategy.
- Gypsy and Traveller preference is to live in sites and not in houses: this is more than a housing preference but a consideration that forms part of what we consider when considering their homelessness status

It is likely that which ever option is not pursued an opportunity to advance equality of opportunity would be missed, however it is clear that the:

- advancement of opportunity amongst gypsy and travellers has often lagged behind that of other groups nationally, and
- council has previously prioritised the needs of those in temporary accommodation in its Equality Scheme.

3. Fostering Good Community Relations

There are various aspects to good community relations, the most important being: combating prejudice, ensuring communities are not segregated and encouraging greater awareness and understanding.

In 2009 the Equality and Human Rights Commission published a report that examined the inequalities faced by Gypsy and Traveller Communities³⁶. The report evaluated and discussed the available evidence on a wide range of subjects such as accessing healthcare, social care, education and other public services; racism and discrimination; the situation of Gypsies and Travellers in housing³⁷. In particular, the report noted that:

“One core theme which arises across all topics is the pervasive and corrosive impact of experiencing racism and discrimination throughout an entire lifespan and in employment, social and public context..... The lack of suitable, secure accommodation underpins many of the inequalities that Gypsy and Traveller communities experience.”³⁸

It further reported that when families accept the alternative of local authority housing, they are often housed on the most deprived estates, sharing the wider environmental disadvantages of their neighbours and being exposed to more immediate hostility towards their ethnicity. Local authority housing may also involve dislocation from their families, communities, culture and support systems, leading to further cycles of disadvantage.

A report by the Gypsy and Traveller Unit in London referred to the experience of being subject to racism/racial abuse, prejudice, discrimination or being victimised or bullied while living in houses:

“They called us terrible things...”, “We didn’t realise the world that we were going into. I have put up with terrible racism in the houses like being attacked, abuse outside my door, being called names such as 'pikeys' and 'gypos'. The area that I moved to was very racist. They don't accept our culture because they don't understand it.”, “...I had to go and live in flats on estates. I want to tell you how awful it was. I was the only Gypsy and we were very victimised and bullied.”, “I am afraid to leave my children outside as they are treated badly by the settled people.”³⁹.

³⁶ *'Inequalities experienced by gypsy and traveller communities: a review'*, Sarah Cemlyn, Margaret Greenfields, Sally Burnett, Zoe Matthews and Chris Whitwell - University of Bristol, Buckinghamshire New University, Friends, Families and Travellers.

³⁷ The topics that the report considered were wide ranging and included economic inclusion and access to employment; relationships with and experiences of accessing healthcare, social care, education and other public services; experiences of the legal and criminal justice systems; racism and discrimination; the situation of Gypsies and Travellers in housing; political participation; religious organisations' work with members of the communities; and experiences across the life course, including those of young people and older people.

³⁸ *'Inequalities experienced by gypsy and traveller communities: a review'*, page iv

³⁹ Letters from Gypsies and Travellers: An Analysis of written responses to the draft London Plan: November 2011

As discussed before, the issue of segregation is at the heart of this issue. The strategy under review seeks to sustain a cultural identity in housing and the presence of kin and other Gypsy and Travellers will help to mitigate some of the difficulties experienced by local residents. However there must be a question how this strategy intensifies the social isolation of Gypsy/Traveller communities. Certainly there must be a question as to whether the Fenny Lock Project would lead to more intense social isolation of this small and vulnerable community.

The debate for the last year has unfortunately focussed on the objections of some local community members. Certainly plans to “fence in” the community would have led to greater tensions and misunderstanding. The community relations concerns of these community members have had little foundation. Indeed against some of the accusations that have been targeted at local Gypsy and Travellers it would be easy for members to conclude that the best way would be to secure for the Gypsy and Travellers a separate provision. However long-term strategies of segregating communities would work against community integration and leads to further prejudice and lack of understanding.

3.1 Assessment

This assessment recommends:

That in looking at the options due regard is given to the prejudice and segregation experienced by gypsy and travellers. The Fenny Lock option may not be the best solution to this as there must be serious questions whether this will sustain and intensify prejudice and segregation. The long term solution will be to sustain integration between communities.

4. Summary

This assessment has looked in detail at the equality issues presented by the Fenny Lock Review. It recommends, that the cabinet in considering all options and the recommendations of the review have due regard to the following:

Elimination of Discrimination

1. The conducting of the review is unlikely to have been discriminatory.
2. If the project does not go ahead with the expected service it is likely to be considered unfair by some stakeholders, and may be discriminatory unless
 - the funds were used to meet a “priority need”, such as reducing the number of households in temporary accommodation – which is an council equality objective, and
 - the needs of gypsy and travellers in “Band 1” were met in another way
3. Members are recommended to have due regard to the issue of “denial of identity” and to consider whether there is a case for positive action.
4. There is little evidence locally that discrimination follows national trends, but further research is need. There is a clear need to understand the local population their needs and outcomes. While the census may reveal some of this picture - a holistic needs appraisal may be able to help target support.
5. The needs of the Gypsy and Traveller community will need to continue to be considered in this wider context of housing and planning strategies.

Advancing Equality of Opportunity

6. There are adequate equality reasons for considering all the options in the review however it should be noted that:
 - The link between poor social outcomes and housing inequality is strong across all options.
 - The local situation is not always the same as the national picture
 - An adequate solution to the provision of future needs of gypsies and travellers, beyond those in “priority need”, should be considered.
 - Gypsy and Traveller preference is to live in sites and not in houses: this is more than a housing preference but a consideration that forms part of what we consider when considering their homelessness status
7. It is likely that which ever option is not pursued an opportunity to advance equality of opportunity would be missed, however it is clear that the:
 - advancement of opportunity amongst gypsy and travellers has often lagged behind that of other groups nationally, and
 - council has previously prioritised the needs of those in temporary accommodation in its Equality Scheme

Fostering Good Community Relations

8. That in looking at the options due regard is given to the prejudice and segregation experienced by gypsy and travellers. The Fenny Lock option may not be the best solution to this as there must be serious questions whether this will sustain and intensify prejudice and segregation. The long term solution will be to sustain integration between communities.