



**GUIDELINES FOR THE  
PREPARATION ADOPTION AND IMPLEMENTATION  
OF  
LOCAL AUTHORITY TRAVELLER ACCOMMODATION PROGRAMMES  
2019 – 2024**

**JULY 2018**

## **LOCAL AUTHORITY TRAVELLER ACCOMMODATION PROGRAMMES 2019 - 2024**

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## **Part 1 – Introduction and Summary Timeline**

These guidelines have been prepared to assist housing authorities in the preparation, adoption and implementation of their fifth Traveller accommodation programmes 2019 - 2024 under the Housing (Traveller Accommodation) Act, 1998, hereafter referred to as the 1998 Act. The guidelines incorporate specific directions issued by the Minister under the Act, which apply to the accommodation programmes.

The guide covers the various provisions of the 1998 act including:

- the need for housing authorities prepare and adopt accommodation programmes to meet the existing and projected accommodation needs of Travellers in their areas;
- the need for broad public consultation in the preparation and amendment of accommodation programmes;
- the obligations on housing authorities to take appropriate steps to secure implementation of programmes; and
- the requirement of local authorities to include objectives concerning Traveller accommodation in County and City Development Plans and Local Area Plans

The following table sets out the key dates and 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 as 30 September, 2019. Housing authorities are reminded that the adoption of a programme is a reserved function.

Where members fail to adopt the programme by 30 September, 2019, 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 Chief Executive to take the necessary measures to adopt a programme within a further period of one month. The adoption of accommodation programmes by all 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.

## Key dates and Summary of Implementation of Traveller Accommodation Programme

Date	Summary of Action in Implementation of Traveller Accommodation Programme
Aug 18	Give 1 months' notice to stakeholders <b>before</b> making an assessment of need. <ul style="list-style-type: none"> <li>• Adjoining housing authorities</li> <li>• HSE</li> <li>• Approved bodies engaged in provision of accommodation</li> <li>• Local Traveller Consultative Committee (LTACC)</li> <li>• Such other community bodies as the housing authority considers appropriate</li> </ul>
Sept/Oct 18	Conduct assessment of need. The assessment of need in summary will include assessment of <ul style="list-style-type: none"> <li>• An estimate of existing and projected accommodation needs during the period of the TAP, and</li> <li>• the types of accommodation that are required e.g. group housing, halting sites, transient sites</li> <li>• To ascertain this estimate account should be taken of:               <ul style="list-style-type: none"> <li>- the views of the LTACC</li> <li>- the "Summary of Social Housing Assessment 2018" data gathered as of 11 June 2018</li> <li>- any other information gathered by local authorities through consultation with stakeholders</li> </ul> </li> </ul>
Nov/Dec 18	Analysis of results of assessment of need
Jan/Mar 19	Preparation of draft Traveller Accommodation Programme. The programme should: <ul style="list-style-type: none"> <li>- be in summary form but in sufficient detail to show the needs for all categories of Traveller accommodation and the general area in which it is required</li> <li>- include a policy statement and strategy for securing implementation</li> <li>- include measures for implementing the programme</li> </ul>
01 April 19	Publish notice in newspapers that draft programme is available for inspection & circulate draft programme to all stakeholders
31 May 19	Latest date for receipt of written submissions on draft programme
1 July 19	Submission of draft to Council members for adoption (3 months before date Minister specifies as date for adoption of Programme)
30 Sept 19	Latest date for adoption of Programme
21 Oct 19	Latest date for adjournment of council meetings
21 Nov 19	If there is a failure to adopt by elected members a further 1 month is allowed before the programme, as may be modified, is adopted by managers order
Following adoption	Publication and submission to the Minister of adopted programme

## **Part 2 - Consultation**

### **1. Requirements for Consultation**

The Act places a strong emphasis on consultation with all interested parties. Accommodation programmes are required to be prepared in consultation with other adjoining local authorities, the Health Service Executive, local Traveller organisation and groups, individual Travellers, the Local Traveller Consultative Committee (LTACC), other relevant community groups and the public in general. The purpose of broad 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 Traveller Consultative Committees (LTACCs)**

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

### **3. Role of LTACCs in preparation of programmes**

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

- subsections (3) and (4) of section 6 (as amended by the Housing (Miscellaneous Provisions) Act 2009 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 – Irish Traveller Movement**

The Department provides financial support towards the employment by the Irish Traveller Movement (ITM) of Accommodation Officers to support participation by Travellers and local Traveller groups on LTACCs. ITM accommodation officers can also support Travellers 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 LTACC. (Irish Traveller Movement, 4-5 Eustace Street, Dublin 2, Phone (01) 679 6577 or E-mail [itmaccommodation@gmail.com](mailto:itmaccommodation@gmail.com) )

#### 5. **Development Plans and Local Area Plans**

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 or Local Area Plans and any variations which may be required.

#### 6. **Other Consultation**

The consultation procedures outlined above are minimum requirements only. It is open to housing authorities to use whatever means of consultation they deem appropriate to ensure the interests of all persons concerned are considered. Where some housing authorities have broader based liaison or consultative committees on which community and other local groups are represented it is open to housing authorities to consult with them.

Local authorities may 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.

## **Part 3 – Preparation of Traveller Accommodation Programme**

### **1. General**

Sections 5 to 18 of the Act provide for the detailed procedures leading to the adoption and implementation of Traveller accommodation programmes.

### **2. 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) the Health Service Executive,
- (c) the LTACC concerned,
- (d) such local community bodies as the relevant housing authority consider appropriate, and
- (e) such other body as the relevant housing authority concerned consider appropriate having regard to all the circumstances, including approved housing bodies and voluntary or non-profit making bodies that are engaged in the provision of accommodation, shelter and welfare in the functional area concerned. This category should also include any relevant local Traveller support groups in the functional area of the authority.

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

### 3. 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.

### 4. Assessment of needs

Section 6 (as amended in the Housing (Miscellaneous Provisions) Act 2009) requires housing authorities, 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:

- the estimate of the number of Travellers for whom accommodation will be required during the course of the programme.
- the summary of social housing assessments prepared under section 21 (c) of the Housing (Miscellaneous Provisions) Act 2009 as it relates to Travellers
- The need for transient sites
- Consideration by the housing authority of the views of the LTACC

#### **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 (1 July 2019 to 30 June 2024).*

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.

Under 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 **11 June 2018**. Housing Authorities should have regard to the information and the need for housing accommodation contained in that data, in addition to any other supplementary information on the accommodation needs available to the housing authority.

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 2019 to 2024 to update their assessment of needs of Traveller families within their area.

## **5. Content of Traveller Accommodation 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.*

## **6. 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 support for those waiting for accommodation
- the position in relating to meeting the distinct needs and family circumstances of Travellers
- unauthorised encampments.

## **7. 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:

- indicate the means of providing accommodation e.g. direct provision by authorities concerned, approved housing bodies, private individuals;
- detail information/awareness and consultative exercises between and with 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.

## **8. 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.*

## **9. Voluntary Housing, Private Rented Accommodation (HAP) and other accommodation**

The programme should also take account of Traveller families who wish to provide their own accommodation with or without the assistance of the local authority. Local authorities are requested to inform Travellers, support groups and other voluntary organisations concerned of all the options available including supports available to support tenancies in the private rental sector through the Housing Assistance Payment, local authority housing etc. Travellers and/or organisations wishing to provide sites or accommodation without the assistance of the local authority should be advised to consult the planning authority before land is purchased or application for planning permission is made.

**10. 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.

**11. Notice of draft Traveller Accommodation Programme - 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 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.

Libraries and local authority offices 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 Chief Executive of the housing authority a further period of over 5 weeks to draw up a report for the members.

**12. Amendment of Draft Accommodation 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.

**13. Adoption of Programme**

Section 11 requires the Chief Executive of the 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 Chief Executive 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 September 2019**, which gives the minimum period of 3 months to the members to consider the report and programme.

Under section 12, a copy of the draft accommodation programme which has been submitted to the members of the authority for adoption must also be sent to any authority, body or group under the requirements of section 8.

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 Chief Executive 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 Chief Executive 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.

#### **14. 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 September, 2019**, as the latest date by which accommodation programmes must be adopted.*

#### **15. 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.

#### **16. Duration of the Accommodation Programme**

Section 10 provides for the duration of the accommodation programmes, which the Minister has directed will be for a period of 5 years beginning on the 1<sup>st</sup> July 2019.

##### **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 1<sup>st</sup> July 2019.*

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.

#### **17. 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).

#### **18. Review of Accommodation 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 **31<sup>st</sup> December, 2021**.*

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

#### **19. 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. Co-ordination of programmes is, of course, facilitated by the prior notice requirements of section 8 in relation to adjoining authorities.

#### **20. Emergency situations**

Section 24 allows a Chief Executive 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.

## **Part 4 – Development Plans**

### **21. County and City Development Plan and Local Area Plans**

Under the Planning and Development Acts County and City Development Plans and Local Area Plans must include objectives for the provision of accommodation for Travellers and the use of particular areas for that purpose.

Local authorities should examine, in consultation with their planning staff, the adequacy of existing provisions in development plans and local area 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 or local area plans the provisions of the plan will enable the implementation of the new accommodation programme, when adopted.

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 or local area 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 or local area plan.

## **Part 5 –Guidelines and Sites for Caravans**

### **22. 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 are available on the Department website at [www.housing.gov.ie](http://www.housing.gov.ie) and 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 should have regard to the Guidelines in developing their proposals for the provision of accommodation and in the preparation, adoption and implementation of accommodation programmes

### **23. 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.

#### **24. 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.