

**Presentation to NTACC Cluster Meeting, Cork**  
**13<sup>th</sup> November 2017**  
**By Traveller Sector Reps on Cork LTACC**

**Accommodation Needs & Insufficient Targets**

The Cork City TAP contains no annual targets for the delivery of Traveller accommodation, nor a projected needs assessments for Spring Lane & St. Anthony`s Park, and Travellers in private rented accommodation were removed from the needs assessment This is a legal requirement. These omissions were raised with the NTACC previously when they visited Cork in 2014, and also within the Joe Horan Report to the High Level Traveller Inter-Agency Group on Traveller services in Cork, but these issues remain completely unaddressed since then.

The only target in the TAP are the 16 replacement units in St. Anthony`s Park. While the draft TAP had several targets for people on sites to be accommodated in standard housing but the targets in the draft TAP did not add up. When this was raised by the Traveller groups during the consultation, the targets were removed entirely prior to the adoption of the TAP, instead of being addressed. The 16 units in the new St. Anthony`s Park replaced 12 older units, which were immediately knocked down. While the new St Anthony`s Park is a vastly improved Halting Site/Group Housing Development, it only provided a net of 4 new units. St. Anthony`s Park was a delayed, carry-over from the previous programme, which had identified the need for 6 – 8 new, additional units. The delayed, new development provided a mere 4 units.

Estimates for the population growth in Spring Lane & St Anthony`s Park were provided by the Traveller Organisations, but this was entirely ignored along with the rest of our submissions. The recently published research on the delivery of Traveller Accommodation (commissioned by the Housing Agency, under `Rebuilding Ireland`) also highlights "*Lack of forward planning for family growth.*" across the country, and this is certainly our experience here in Cork. The Cork City TAP excludes a large cohort of Travellers from its needs assessment altogether, Even though the Housing (Traveller Accommodation) Act obliges the Council to undertake a needs assessment of Travellers as a whole, Cork City Council ignored their obligation, with a reference to a triennial assessment of need introduced in 2013.

**New Traveller-specific Accommodation**

Since the start of the Traveller Accommodation Programmes in 1999, there have only been two new sites in Cork – the aforementioned St. Anthony`s Park in Knocknaheeny & Meelagh in Mahon some years ago. Both sites were

replacements of previous older sites, and both were prompted by the needs of commercial interests, rather than Traveller accommodation needs – in the case of St. Anthony’s Park it was the expansion of Apple Computers, in the case of Meelagh it was the Mahon Point Shopping Centre Development.

### **Spring Lane, Ellis Yard & the City Development Plan**

The above point is further emphasised by the lack of any progress on Spring Lane. Spring Lane Halting Site has been identified as one of the worst sites in the country. The 10-bay halting site is home to 33 families, many of whom live in ramshackle bays on the periphery surrounding the existing site. Despite this, there has been little, to no progress, on addressing the accommodation needs in Spring Lane, as it is not currently in the way of commercial interests.

Ellis Yard, adjacent to Spring Lane, has been clearly identified for Traveller Accommodation in the current City Development Plan. It received no objections during the public consultation, nor was the plan opposed by any of the elected members of the City Council (that we are aware of). This cleared the way at a policy level to develop Ellis Yard for additional Traveller accommodation, the way it had faltered in around 2011. However senior City Council officials are now arguing, that the Department would not provide funding for a large Traveller-specific development. Traveller organisations have also been told that Ellis Yard is contaminated and cannot be built on, but a FOI request on this matter confirms that City Council holds no records whatsoever regarding the contamination of Ellis Yard.

Respond did undertake a detailed needs analysis in Spring Lane, and has expressed an interest in providing Traveller-specific group housing to meet some of those needs. There has been no progress on this, but we hope that today’s Cluster Meeting may prove as a catalyst to overcome these difficulties.

### **High Level Traveller Inter-Agency Group (TIG)**

As the LTACC is dysfunctional as a forum for the Traveller Sector to progress Traveller accommodation issues, these issues are inevitably raised at meetings of the TIG. As Spring Lane is one of the key accommodation issues, a lot of time is spent at TIG meetings to discuss Spring Lane Accommodation. A sub-group was established by the TIG chair, former Minister-of-State and ex-TD, Kathleen Lynch over a 18 months ago, but there have been ongoing difficulties with this committee. In contravention of good community development practise & NTACC Guidelines on Consultation with Travellers, Traveller resident reps from Spring Lane have been persistently denied to be represented on the group. There have been no outcomes from this process, other than one family being housed out of Spring Lane – and this arguably happened due to the family’s

efforts and the support of a Traveller advocate outside of the meetings, rather than as a result of the sub-group. There is also a culture of anti-Travellerism present in this committee. One senior official made reference to “*Eliminating the footprint of Travellers*” at one meeting.

### **Fire Safety Concerns & Overcrowding**

The awful tragedy in Carrickmines resulted in a flurry of activity to assess fire safety risks on Traveller accommodation. There have been some improvements since. The Fire Department has worked with Traveller Organisations on training, and smoke detectors have been delivered. However the serious fire risks, associated with caravans & mobiles too close to one another or to buildings pose serious, ongoing fire safety concerns. The lack of delivery in Traveller accommodation, aggravates, rather than alleviates, this problem, with growing families cramming into limited spaces.

### **Homelessness**

Traveller homelessness, and its unique features, have been well documented recently. The ESRI noted last February “*One factor likely to be contributing to this overcrowding is the practice of sharing accommodation or doubling up on halting site bays. This, together with location on unauthorised sites, masks what might otherwise be a homelessness problem in the Traveller community, which is linked to inadequate provision of suitable accommodation.*” This issue is as prevalent in Cork, as it is elsewhere. City Council practices seek to hide the problem. Homeless families parked in the driveway of a relative in a public estate, are being moved with the threat of legal action, and directed to move into a halting site, where the problem of homelessness & overcrowding continues, but is hidden from public view.

Travellers presenting as homeless are almost inevitably told to go to Drinan Street to register as homeless there, but Traveller organisations have been informed, that some who did, as directed following Hurricane Ophelia, were just sent back to the Traveller Accommodation Unit

### **Emergency Mobile Home Replacement & Caravan Loan Scheme**

Hurricane Ophelia hit Cork hard, and destroyed or damaged a considerable number of mobiles and caravans. We acknowledge that assessors were sent to Traveller sites fairly quickly thereafter, and we welcome that 19 emergency mobile replacement homes are to be provided. There are a number of communications difficulties however. People were not informed in advance, when the assessors were calling out, some people were told they were in need of a replacement, but subsequently told, that they would not receive one.

There is a lack of information and clarity as a result. Some families lived in caravans, and have no room for a mobile – will their caravans be replaced? Does it make a difference, if the destroyed or damaged mobile/caravan was provided by Cork City Council, or not, when families are homeless? The Departmental guidelines make no such distinction, but state that it assessment should be based on need, based on damage following an emergency. One family, which was assessed for damages to their mobile, was denied a replacement, based on that they live in Nash`s Boreen, which Cork City Council term an “*unauthorised site*”. The family have nowhere else to live, and Cork City Council has no Traveller accommodation for them. The term “*unauthorised site*” is elastic terminology. The extended family has been living on this, City Council-owned, land for more than ten years, the Council has provided toilets to the family, and has acknowledged its responsibility towards them in the TAP. The Departmental guidelines on Emergency Mobile Replacements (re-circulated after Hurricane Ophelia) make no reference to such a requirement.

The provision of emergency replacements should be processed in a humane, equitable and transparent manner. We are concerned the denial of an emergency replacement may be used as a lever to force the family to leave Nash`s Boreen. We are also aware that another family was withheld an emergency replacement in the past, with the Council trying to force the family to drop a legal action, prior to the provision of a replacement. We consider such practices to be entirely unethical, unprofessional and incompatible with the public duty under human rights obligations. Any such practise should cease forthwith.

The unilateral withdrawal from the Caravan Loans Scheme by Cork City Council in 2013 has exacerbated the accommodation and homelessness crisis in Cork. The review of the CLS scheme should re-institute a similar or better scheme. Discretion on whether to apply the scheme, or not, should be removed from local authorities, as there is a danger the non-implementation of the scheme may be used as a tool to force Travellers into standard housing, and seeking to deny the choice of traveller-specific accommodation by some, rogue local authorities.

### **Rent Payments & Receipts**

There is an ongoing problem with the issuing of receipts on some Traveller accommodation in Cork City. Tenants pay their rent to the Council`s caretaker in cash, combined with their electricity payments. No receipts are ever issued, even when receipts are specifically asked for. This may create additional difficulties for members of the family further down the road, e.g. it might be

required as `proof of address` by the Department of Social Protection. It is ridiculous that in 2017, tenants of Cork City Council have to revert to the Workplace Relations Commission under the Equal Status Act, to get access to a basic legal right.

### **HAP & Choice Based Letting**

Both HAP & CBL are new schemes, and there are difficulties attached to both schemes, relating to Travellers.

Clearly the fundamental difficulty with HAP is its lack of a secure tenancy. But in addition to this, Travellers face additional difficulties in accessing it in the first place. Discrimination against Travellers in general and in the private rented sector is well documented. As finding an available HAP property is the responsibility of an applicant, Traveller HAP applicants face the huge hurdle of finding the very few affordable HAP properties in Cork, just like any other applicant, but then face additional difficulties in accessing same, because they are Travellers. The extension of the HAP Placefinder Service to Traveller applicants should be introduced in the short- to medium-term (as HAP is not a long-term solution).

CBL also provides particular challenges to Traveller applicants. It is an electronic system, therefore one has to have access to the internet, be IT literate and comfortable to use a fairly complex IT system. There are supports available in City Hall to access the system, but that clearly requires additional journeys into the centre of town, which disadvantages one applicant against another one, who has easy access and good IT skills. As City Council chooses to put all available standard housing on CBL, it is the only route to access standard housing in Cork City. The different impacts of CBL on different groups of housing applicants should be Human rights and equality-proofed as part of the pilot IHREC scheme with Cork City Council.

### **Nomadism, Evictions & Transient Halting Sites**

We acknowledge that Cork City Council has a policy of allowing visiting relatives to stay in caravans on Traveller accommodation (provided there is space), but it never had a dedicated transient halting site.

In the early days of TAPs the issue was simply ignored or de-prioritised. The Criminal Trespass Legislation had the desired effect of criminalising nomadism, and much of it has stopped. Cork City Council state there is no identifiable need for a site, but this needs assessment is clearly tainted. Is there no need because people willingly chose not to travel any longer? Or have Travellers been pro-actively prevented from doing so by the state`s decision to effectively criminalise nomadism? The disappearance of a lot of summer travelling

following very shortly after the introduction of this draconian, anti-Traveller legislation suggests the latter.

Apart from nomadism, the legislation has been used by City Council against homeless Travellers towards whom the local authority has a duty to provide. Relationships between Travellers & the Gardai are difficult enough a lot of the time. Using the gardai to effect evictions of homeless families, does not only deteriorate the relationship with the local authority, but also the relationship between gardai & Travellers (as does the frequent use of the Armed Response Unit).

### **Operation of LTACC**

The operation of the LTACC has to be described as dysfunctional, as the committee cannot fulfil its statutory terms of reference. Information pertinent to the workings of the committee is frequently withheld from the members by the officials. A culture, where Traveller reps have to revert to use of frequent FOI requests or replies to PQs to access relevant information are clearly unacceptable. It leads to a culture of bad relations, and issues end up being discussed in retrospect, undermining the consultative intent of the LTACC. There are numerous examples of this, with the Fire & Safety Risk assessment following the Carrickmines tragedy being the most high-profile example. Apart from the regularity of meetings, none of the guidelines concerning the operation of the LTACCs (including the ones from the 2006 Review) are being implemented : the Director of Services does not attend committee meetings, there are no meetings with the CEO twice a year, there is no link to the housing SPC, etc.

Unlike both common & good practice elsewhere, the LTACC was completely excluded from the statutory review of the TAP too. The committee was merely provided with a report after the event, and it is concerning that the Department facilitates such poor practice.

Withholding of information, mere provision of information after a decision has already been taken, late circulation of relevant information, non-involvement of the LTACC prior to TAP, and in its statutory review makes the LTACC a completely token committee. Its practice taints the credibility of Cork City Council, but also of the Department. If the Department has a responsibility for a national policy framework, then the Department is also responsible for allowing a token, meaningless framework to continue in apparent perpetuity.

### **Working Relationships**

Working relationships between Traveller organisations and city officials are poor. Senior City Council officials are on record of being entirely unwilling to

work with Traveller organisations, and the few designated spaces, where they have to meet with us, we are confronted with a language of “*eliminating the Traveller footprint*” or talk of “*final solution*” regarding Travellers. The intent of some senior officials not to provide Traveller-specific accommodation, but to seek to offer housing as the only option, and to consider Traveller organisations as a nuisance in the pursuit of this policy is also documented. If this approach comes from near the top in City Council, it is difficult to envisage how officials at the `coal-face` of the work can develop positive working relationships.

We have organised several events on Traveller accommodation over the last couple of years, including a regional/national conference on Traveller accommodation. While officials from other local authorities travelled some distances to engage with us, the complete absence of Cork City Council officials has been both notable and telling.

We are committed to continue to seek positive working relationships based on real partnership, good community development practise, inclusion of both Traveller residents and Traveller organisations, transparency, openness, etc..

While we do not know anything about the IHREC pilot on the public sector duty currently undertaken with Cork City Council, we hope to be engaged with this in the near future to bring about a better working relationship.

### **Funding Allocations & Transparency**

There is an array of information relating to funding allocations & recoupments, arriving in a piecemeal fashion. Yet there is a certain pattern to this information: it arrives retrospectively; it is unclear and it is often contradictory. For example a reply to PQ 484 on allocations & recoupments for Traveller accommodation give an allocation of approximately € 1.45 million for Cork City for the 2014 – 2016 period, with a recoupment of approx. € 985.000 for the same period. Yet the St. Anthony`s Park replacement was built in 2014/2015 at a reported cost of € 5 million?

Yet the recently published report on Traveller Accommodation covers the same time period, but provides entirely different figures. Here the allocation is € 8 million for 2014 – 2016, and the recoupment figure € 4.75 million. Starkly different figures, covering the same period of time, and presumably coming from the same sources? How can this be explained?.

There is an urgent need to develop a culture of clarity and transparency, when it comes to the allocation and spending of funding on Traveller accommodation. And if meaningful partnerships are to be developed, Travellers and their organisations need to be involved in it – not after the event, but throughout it.

## Opportunities

There have been some attempts at models of real participation and meaningful engagement. The replacement of St. Anthony's Park had a model of intense consultation, allied with a Health Impact Assessment. It was unfortunate that both were abandoned, long before any conclusion. Nevertheless such practise – if carried through to the end – could provide a model for real engagement.

The Joe Horan Report was brought to conclusion, as far as the report in itself is concerned. However implementation of the report seems to be at a standstill (if not entirely abandoned). A renewed effort to implement the recommendations of the report could be a way forward.

Cork City Council is involved in a pilot-scheme with IHREC on implementing the public sector duty. We learned of it by pure chance, and do not know anything about its contents. Nevertheless we hope that it will lead to better outcomes in Traveller accommodation, and an improved relationship and the development of real partnerships with our sector in the near future

## Conclusion

The Traveller Organisations in the Southern region have developed our collective position on Traveller accommodation some 18 months ago. We are happy to distribute our document to the members of the NTACC here today again. Nine of our ten points have yet to be realised.

Traveller ethnicity was finally recognised by the Irish State in 2017, following a campaign of about 30 years. To give any meaning to this, certain practices need to change. Traveller cultural rights need to be respected (and this includes the issue of Traveller Horse Ownership).

In terms of Travellers seeking Traveller-specific accommodation, this legal right needs to be respected. The de-facto practice of `well you can exercise your legal right for Traveller accommodation for as long as you like, but standard housing is all we are going to provide` needs to stop, and needs to stop now.

The Department of Housing and its Minister repeats constantly, that it is responsible for the legal and policy framework to deliver Traveller Accommodation. That policy framework is an empty shell, and has proven to be so over nearly 20 years. It is not just Traveller Organisations saying this, but also the Department's own report and the ESRI. The ESRI unambiguously stated only in February : *"The government needs to be more proactive in ensuring that local authorities are meeting their obligation to provide adequate Traveller-specific accommodation. The fact that funding for this has been provided but not spent points to a **systemic failure** in existing processes and structures. In order to achieve the accommodation objectives, further action is necessary. The challenge clearly goes beyond the funding issue and includes*



*the need to **enforce** local responsibility and to address local opposition to the provision of Traveller-specific housing."*

The existing, meaningless framework needs to be replaced with a new one. We need a National Traveller Accommodation Agency, which steps in if local authorities fail in their duties to provide Traveller accommodation (as they have in the past), the planning framework needs to be amended to facilitate the speedy delivery of badly needed Traveller accommodation. This could include a model similar to the one being pursued for strategic infrastructure projects to be brought directly to An Bord Pleanala. Guidelines that can and are being ignored, need to be replaced by a system of regulations and directions to create a new, meaningful and working framework, which delivers Traveller accommodation & creates real partnerships. Failure to meet regulations and targets has to be addressed through a system of sanctions, as the Traveller accommodation crisis cannot be allowed to continue any longer.