

Submission on
the Preparation of Cork City Council's
new Traveller Accommodation Programme (TAP) 2019 - 2024

This is a by the Traveller Visibility Group (Cork) on the preparation of the new Traveller Accommodation Programme.

We welcome this opportunity to contribute to the development of the new TAP, however we also note that our previous submissions on previous TAPs have been almost entirely ignored, and we both hope and expect, that this is not going to happen once more. We expect to have the contents of our submission discussed at the Cork City LTACC, and hope to do likewise with the Housing SPC. Once more, we are submitting this in good faith, expecting that our submission will be considered fairly, and hoping that our recommendations will be taken on board – but we will not be taken for granted any longer, continuing to engage in a process that simply ignores and sidelines us.

In our submission we make reference to the `Guidelines for the Preparation Adoption and Implementation of Local Authority Traveller Accommodation Programmes 2019 – 2024`, issued by the Department of Housing Planning & Local Government, issued in July 2018 (hereafter referred to as the Guidelines)

1. Traveller Ethnicity

Following the historic, formal recognition of Travellers as an ethnic minority group in Irish society in March 2017, the introduction of the new TAP should reference this and Cork City Council's previous decision on this matter. The spirit of this unanimous decision needs to be carried through the whole body of the new TAP, and the term `Traveller` should be capitalised throughout the document.

We recommend that the new TAP should state that “Cork City Council recognises Travellers as an ethnic minority group within Irish society, and the actions in this Traveller Accommodation Programme are informed by this recognition.”

2. Essential Flaws with the Current TAP

Although there is a statutory duty on City Council to adhere to Directions of the Minister under section 6 and 10 (2) (b) of the Housing (Traveller Accommodation) Act 1998, this was wilfully and knowingly ignored in the current TAP.

Targets - In 2013, for the current TAP, the Minister directed *“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.” (Sec 17, previous Guidelines, then called Memorandum, August 2013).*

This was entirely ignored – knowingly, as the draft TAP contained some contradictory targets. When our submission raised this contradiction, targets were entirely removed in flagrant disregard of legal obligations.

Projected Needs - Again the Minister previously directed : *“The Minister has given a direction under section 6(5) of the 1998 Act, specifying that relevant housing authorities shall make an estimate of the projected accommodation needs of Traveller families arising during the duration of the programme (1st January, 2014 to 31st December, 2018).” (Sec 7, Memorandum, 2013).*

While projected needs assessments were undertaken for Carrigrohane & Meelagh, no such needs assessment was undertaken for Spring Lane, St. Anthony`s Park, Nash`s Boreen & Corcoran`s Quay. This occurred even though this legal requirement was specifically pointed out to Cork City Council via formal submissions, and information to facilitate the making of such estimates was provided regarding Spring Lane & St. Anthony`s Park).

Exclusion from Needs Assessment - In reference to the needs assessment of Travellers in private rented accommodation, the current TAP states *“Due to the changes introduced into the Triennial Assessment of Needs issued to Local Authorities in February 2013 the Traveller category has been removed. All traveller applicants were reassigned to ‘the most appropriate basis of need’. In accordance with this practice the Traveller Accommodation Unit confined our analysis of need to the applicants living on Traveller Specific accommodation and unauthorised sites”* .

This is again in clear breach of the statutory Direction by the Minister, which stated : *“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” (Sec 7, Memorandum, 2013).*

The Housing (Traveller Accommodation) Act 1998 obliges local authorities to include all Travellers in the functional area in need of accommodation to be included, and the exclusion operated by Cork City Council is clearly ultra vires.

These statutory shortfalls have already been raised with the NTACC, and have been fed into the Joe Horan Report too.

3. Traveller Accommodation Needs Assessment

TVG & CTWN have offered to work with Cork City Council on a joint needs assessment. This offer has been met with a non-response. Irrespective of this, we have compiled our own Traveller accommodation needs survey over the last couple of months. We are currently working closely with UCC and our sister organisations in Cork County & Kerry to analyse this survey, which we now expect to take the form of a `shadow survey`. We will submit the results of our findings as soon as it becomes available. We expect, that it will be given due attention.

The statutory needs assessment needs to be undertaken in compliance with the Housing (Traveller Accommodation) Act, 1998 and the Housing (Miscellaneous Provisions) Act, 2009. It needs to be inclusive of all Traveller families in Cork City and the area that will become part of Cork City, following the impending boundary extension. The exclusion of Traveller families in private rented used in the previous programme, cannot be used again, as it is ultra vires and inappropriate (beside Cork City, only two other local authorities used this wholly inappropriate, unilateral exemption). One of the base lines for the assessment should be the most recent Annual Count of Traveller Families (November 2017). All accommodation option should be available to families, including the possibility to opt for Traveller-specific (group housing and/or halting site) for those currently housed in standard housing, whether in local authority, AHB or private rented. This is especially so now, following the formal recognition of Traveller Ethnicity by the Irish State in 2017.

The needs assessment has to include a projected needs assessment to comply with legal requirements. This is highlighted in the Guidelines (Part 3, Section 4) which states in relation to the accommodation needs assessment : “*This must relate to the **existing accommodation needs and the projected need that will arise during the period of the programmes ...***” There is a model on how to estimate this need used by other local authorities : a count of unmarried young Travellers, age 14+ in the functional area, followed by a calculation that approx. 50% of this cohort will require accommodation within the lifetime of the new TAP. The projected needs assessment needs to be combined with an implementation action plan to meet this need. Issues of chronic overcrowding, ongoing fire safety risks on sites and the development of so-called, `unauthorised encampments` are a direct result of non-existent projected needs assessments and a lack of forward planning.

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.*” (Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes`, RSM for Housing Agency, June 2017) across the country, and this is certainly our experience here in Cork.

The Guidelines repeatedly highlights and specifically references “*the need for transient sites*” (Part 3, Section 4). The Direction of the Minister (Part 3, Section 5) highlights the need “*for all categories of Traveller accommodation*” and specifically names this matter in his subsequent Direction (Part 3, Section 8) “*... including transient sites ...*”.

Throughout the current TAP the term `need` is frequently replaced by the term `demand` (e.g. “*In assessing the demand for Traveller accommodation in Cork City ...*”). This is both

inappropriate and misleading. Cork City Council is legally charged to undertake a Traveller accommodation needs assessment, and inappropriate and confusing terms like `demand(s)` and `desire` should be replaced by the correct term `need(s)` throughout the TAP.

We recommend that the new TAP will assess the needs of all Traveller families within the City Council area of the near future, that it will include families to become Cork City residents shortly, following the boundary extension; that it will include Travellers in housing wishing to live in Traveller-specific accommodation; that it will include an extensive projected needs assessment; and that it will be inclusive of a needs assessment for transient sites.

4. Review of Current TAP

The review of the existing TAP needs to contain an in-depth analysis of progress, lack of progress and what is missing. We have already referred to the essential, missing elements above. The review further needs to focus on why there was no progress on addressing the acute accommodation crisis on Spring Lane, why there were no meetings even with Carrigrohane residents to start planning on a new development, no progress on Nash's Boreen or Corcoran's Quay, why there were so few standard housing allocations to Traveller families, the difficulties with HAP & CBL, and the lack of any Estate Management Meetings throughout the periods of the TAP.

5. Traveller Specific Accommodation

Since the introduction of Traveller Accommodation Programmes in 1999, almost 20 years ago, there have been only two new Traveller-specific developments, namely the new St. Anthony's Park and Meelagh. Both were replacement development, replacing older Traveller accommodation. Neither was prompted by the accommodation needs of the Travellers involved, but by commercial interests, as the old sites were in the way of new commercial developments – the expanding Apple Computer Campus & the Mahon Point Shopping Centre.

Time is long overdue, that Cork City Council builds new Traveller accommodation in response to the ongoing accommodation crisis in Spring Lane, in Nash's Boreen and elsewhere.

5.1. Spring Lane - Spring Lane Halting Site has been identified as one of the worst sites in the country, and is an expression of chronic overcrowding, continuing fire safety risks and the failure to deliver Traveller accommodation in Cork City. The 10-bay halting site is home to 33 families, many of whom live in ramshackle bays on the periphery surrounding the existing site. Most of Ellis Yard, adjacent to Spring Lane, has been clearly identified and zoned for Traveller Accommodation in the current City Development Plan since 2015. 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). The difficulty, which prevented the development of Ellis Yard for additional Traveller accommodation in 2011, has been overcome since 2015, yet there has been

absolutely zero progress on this matter since. Traveller organisations have been told that Ellis Yard is contaminated and cannot be built on, but a FOI request on this matter confirmed that City Council holds no records whatsoever regarding the contamination of Ellis Yard. The implementation of City Council's own policy to develop Ellis Yard as Traveller accommodation will also address the ongoing problem of rubbish dumping in the area. 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.

5.2. Carrigrohane Straight Road – Overcrowding and associated fire risks on the Straight Road remains acute, though there is very limited space for additional mobiles/caravans. It is on a flood plain, and residents had to be rescued by emergency personnel twice within the last ten years. The area is boggy and infested with insects during the summer. It is hidden from view, with a narrow entry road. There is no other residential development nearby (as it is on a floodplain). Meetings to develop plans for a new site, promised in the TAP failed to materialise. Overcrowding on the site has led to tensions among residents, and has led to one small family group leaving the site and setting up a new 'unauthorised encampment'. These families are currently dragged through the courts by Cork City Council.

5.3. Meelagh – Built in 2004, it has two small yards for two extended families for scrap/horse-care. Nevertheless there are outstanding maintenance issues in Meelagh, and overcrowding is also becoming an issue. One family, who dealt with this overcrowding by moving a caravan into a secluded, communal area of Meelagh, were dragged through the courts by City Council and ended up sleeping in a car and tent for a period.

5.4. St Anthony's Park – This is Cork City's newest and best quality Traveller-specific accommodation. Despite this overcrowding is also already occurring here. This should be of no surprise to the Council, as the Council itself had identified the need for a 22-unit replacement site in 2012, but only delivered 16 units. Traveller families without a home, occupying communal lands within St. Anthony's Pk have also been dragged through the courts by City Council.

6. 'Unauthorised Encampments'

Due to the lack of official Traveller-specific accommodation over the decades, there are a number of 'Unauthorised Encampments' across the city. Two of these are in existence for several decades (Nash's Boreen & Corcoran's Quay). Cork City Council has acknowledged its responsibilities to the families there by including the families in its TAP and its needs assessment, but have completely failed in taking (or even identifying) any actions to meet these needs.

Ongoing chronic overcrowding has led to the establishment of a couple of newer encampments, two within the curtilage of existing sites (Meelagh & St. Anthony's Park), and another on the Fairfield Pitch (as a result of overcrowding and tensions on the Carrigrohane Site)

6.1. Nash's Boreen – The families are still without an ESB connection on site and get their heating and electricity through generators, which are expensive to run, as well as unreliable

and unsafe. City Council has provided portaloos, and there is some discussion around upgrading the portaloos.

6.2. Corcoran`s Quay, Blackpool – The three families here are looking to be considered for a welfare pod as they are supplied by CCC with a portaloos that is not fit for purpose. There is one new family, along with the older ones, long included in the TAP.

6.3. FairfieldPitch – There are two families remaining here, though the third family also has yet to be accommodated. This camp is a direct result of the overcrowding on the Straight Road, and the families have nowhere else to go.

The new TAP needs to have clear, annualised targets for the delivery of new Traveller-specific accommodation. Regarding Spring Lane, Council should immediately proceed towards the development of Ellis Yard for additional Traveller accommodation, as committed to in the City Development Plan in 2015. Another small, new group housing scheme (as identified by Respond) should also be pursued, along with the re-development of Spring Lane. The residents of Nash`s Boreen needs to be prioritised, and the boundary extension should provide some opportunities here. The two families on the Fairfield Pitch are in need of a small Traveller-specific scheme, and working with Cena may prove to be useful to meet their needs. The same may apply to Corcoran`s Quay. Overcrowding and population increases on Carrigrohane, and St. Anthony`s Park need to be addressed through joint planning with the residents, followed by appropriate actions. Overcrowding and population increases on Meelagh should be addressed through plans for additional units on the vacant waste ground at the rear of Meelagh Drive.

7. Boundary Extension

The extension of the city boundary is due to take place before the upcoming local election, and therefore before the adoption of the new TAP. In view of this, the needs assessment must include Traveller families in the county, who are due to be within the functional area of Cork City shortly. Particular emphasis needs to be placed on Traveller-specific accommodation thus affected (e.g. Hazelwood Grove).

The boundary extension will provide new opportunities for the provision of Traveller accommodation, on the outskirts of the city, by the opening of new land banks for new developments

The Needs Assessment should include Travellers in the county, due to be within the city area shortly. The Strategy Statement of the new TAP should name new opportunities for Traveller accommodation following the boundary extension.

8. HAP & Difficulties in Accessing Private Rented Accommodation

Ever increasing numbers of Traveller families are living in short-term, insecure accommodation leading to homelessness. This is allied to difficulties in accessing such

private rented accommodation due to discrimination. This situation is well documented in reports by the ESRI . (“... *there are difficulties in accessing and remaining in private rented accommodation for Travellers, including high costs, discrimination by landlords and the general public, overcrowding due to large family sizes and separation from family and community*“ (KW Research and Associates, 2014, quoted in ESRI Report) and the Irish Human Rights & Equality Commission (“*Travellers are 22 times more likely than White Irish to experience housing discrimination, controlling for the membership of the other equality groups. This large difference in the experience of discrimination is halved when we control for education and employment status. It decreases further, although only slightly, when we also control for housing tenure. In the full model, Irish Travellers are nine times more likely than other White Irish respondents to experience discrimination in access to housing*”(Discrimination and Inequality in Housing in Ireland` IHREC, June 2018)).

There is a marked lack of official support on this issue, even though much of the private housing, sought to be accessed, is under the Housing Assistance Payment (HAP), administered by local authorities. One of the fundamental difficulties 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 Travellers 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 to the Traveller accommodation crisis).

The new TAP should state : “Cork City Council will provide support to Travellers wishing, or being forced to, access private rented accommodation through its HAP Placefinder Service. Families, who access HAP as a short-term measure to avoid acute homelessness or severe overcrowding will remain full housing applicants on Cork City’s Housing List”

9. Choice Based Letting (CBL)

CBL 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 some 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. Properties cannot be viewed prior to submitting a `bid`. As City Council chooses to put all available standard housing on CBL, it is the only route to access standard housing in Cork City. There are also confusing messages sent to potential Traveller housing applicants. On the one hand applicants are being told that one needs to be seven, or more years on the housing list to have any chance of success on the CBL system, while on the other hand any applicants, however

recent on the list, are being told to `bid` on CBL properties. In the circumstances, this appears to be a waste of time, if not entirely misleading. Additionally the Traveller organisations are aware of approved housing applicants of more than 20 years, `bidding` on suitably sized properties, but still without any success.

As there is no legal requirement to put all standard social housing on CBL, and the system is clearly not working for Traveller applicants, a system of `case management` should be re-introduced for Traveller applicants, who request, similar to the system operated by Joe Horan regarding Spring Lane in around 2015.

We recommend the new TAP should state : “In addition to the standard CBL system, Traveller housing applicants will be afforded the opportunity to access a `case management` approach to their housing application outside of CBL on a request basis.”

10. Homelessness

Traveller homelessness, and its unique features, has been well documented recently. The ESRI noted “*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.*” (‘A Social Portrait of Travellers in Ireland’, ESRI January 2017), while IHREC observed “*members of the Traveller Community are the most at risk of being homeless – while they represent less than 1 per cent of the Irish population they make up 9 per cent of the homeless population.*” (‘Discrimination and Inequality in Housing in Ireland’ IHREC, June 2018). This issue is as prevalent in Cork, as it is elsewhere, while 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 are frequently sent back to City Council from there. The practice of sending homeless Travellers on circular journeys and back to the start has to stop forthwith. Travellers on the side of the road or in the back yard of a relative a clearly homeless and should be registered as such. Both acute and preventative services should be made available to homeless Traveller families, including the HAP Placefinder Service.

The new TAP should commit “Access to Homelessness services and registration as homeless for Travellers will be made easier and streamlined by Cork City Council”

11. Evictions & Use of Emergency Powers

Overcrowding and lack of forward planning by City Council has led to the creation of a number of `unauthorised encampments` over the last year. These may be in a bit of unused ground owned by City Council, or within the communal area of an existing halting site. In either case, the response by Council has been to seek to evict the families, and all of the

families have been brought to court. City Council should consider the use of trained mediators in the Traveller Conflict & Mediation Service in seeking to avoid legal eviction procedures and avoid unnecessary tensions.

The Housing (Traveller Accommodation) Act 1998 is currently being reviewed by central government, after its failure to provide Traveller accommodation over the last two decades. A review of the Criminal Trespass legislation is included in this process. In the circumstances it is highly inappropriate for Cork City Council to seek to evict families to whom it has a duty of care, especially when it is fully aware of the additional difficulties in accessing social housing and private rented accommodation by Travellers.

The new TAP should clearly state : “Cork City Council will closely work with Travellers, who are housing applicants in order to meet their accommodation needs. It will take measures to seek to prevent homelessness and overcrowding, and will only seek to use powers of eviction as a very last resort. City Council will consider the use of the Traveller Conflict & Mediation Service in this regard.”

12. Caravan Loan Scheme (CLS) & Caravan/Mobile Rental & Emergency Mobile Provision

The re-introduction of the CLS should be listed in the Strategy Statement and Implementation Measures of the new TAP. The stated reasons for abandoning the CLS have been superseded by new legislation since 2014, and therefore there is no reason not to introduce it.

Along with the re-introduction of CLS, City Council should take cognisance of the limitations of the scheme (as outlined in the Housing Agency report on CLS). It should familiarise itself with the National Traveller MABS’s A Small Scale Study into the cost of Mobile Homes/Trailers for the Purpose of Social Housing for Travellers, which noted that : *”It also raises questions as to whether or not a loan scheme is the most appropriate vehicle for the provision of good quality accommodation to Travellers who are largely in need of social housing and recommends exploration of alternative rental schemes.”* (see <https://www.ntmabs.org/publications/development/2018/national-traveller-mabs-mobile-homes-study.pdf>).

Following Hurricane Ophelia, Traveller families in Nash’s Boreen were denied a replacement mobile, based on that they occupied an `unauthorised encampment`. This was wholly inappropriate, and the provision of a replacement mobile should be considered on the basis of need (in line with Departmental circulars)

We recommend the new TAP Strategy Statement should state the commitment to “City Council will support individual Traveller families in providing their own accommodation to meet their distinctive needs through administering the Caravan Loans Scheme on behalf of the Department of Housing Planning and Local Government. Cork City Council will also be flexible in supporting Travellers further to provide their own accommodation, like private sites, and will work with Cena on this issue. Cork City Council will move to provide

mobile homes and caravans (connected to services) for rent to its Traveller tenants in its halting sites”

Regarding Emergency Replacement Mobile the new TAP should state “Cork City Council will consider the provision of emergency replacement mobile homes on the basis of needs.”

13. Fire Safety Concerns, Overcrowding & Emergency Powers

The fatal tragedy in Carrickmines in 2015 resulted in an almost immediate flurry of activity to assess fire safety risks on Traveller accommodation. Apart from the new St. Anthony’s Park, all of the City’s Traveller accommodation failed this assessment.

There have been some improvements since. The Fire Department has worked with Traveller Organisations on training, smoke detectors have been delivered, and fire fighting equipment has been installed. However the serious fire risks, associated with caravans & mobiles too close to one another or to buildings (i.e. less than 6 m) poses a serious, ongoing fire safety risk. Chronic overcrowding and the lack of delivery in Traveller accommodation, aggravates, rather than alleviates, this problem, with growing families cramming into limited spaces. A speedy delivery on the new TAP should alleviate these fire risks. In the meantime City Council should use legal, emergency powers to provide basic, safe services to families in need, as suggested in Part 3, Section 20 of the Guidelines.

The new TAP should commit to “Cork City Council will monitor fire safety risks on Traveller accommodation on an ongoing basis. It will address fire risks caused by overcrowding. It will use emergency powers under Section 138 (4) & (5) of the Local Government Act, 2001 in providing emergency Traveller accommodation, where required”

14. Accommodation of Choice/Culturally Appropriate Accommodation

Procedures and practices of City Council suggest only one direction of choice in accommodation options for Travellers. Travellers residing in halting sites or unauthorised encampments have the choice of group and standard housing. Once in group housing, Traveller families have the option to move to standard housing. Movement in the opposite direction does not appear to be available. This lack of choice has been reinforced by City Council’s existing, though inappropriate, policy on the triennial assessment, where Travellers have been removed as category.

It appears the discredited ‘Settlement Policy’ of the 1960 is and well and alive in Cork City, even though it has officially been abandoned by the state with the Report of the Task Force on the Travelling Community in 1995. Following the formal Traveller Ethnicity recognition by the Irish State in 2017, it now needs to be confined to the dustbin of history, and all accommodation options (including Traveller-specific) need to be available to all Traveller housing applicants.

We recommend the Policy Statement of new TAP should formally commit City Council to : “Traveller-specific accommodation options like halting sites and group housing will be offered to all Traveller applicants, including those in standard housing and private rented.”

15. Transient Accommodation

It is the considered view of Traveller organisations, that transient accommodation should be provided in parallel with badly needed, permanent Traveller-specific accommodation. If transient accommodation was to be provided in the absence of sufficient permanent, Traveller-specific accommodation, it would merely become temporary accommodation (possibly in the long term) for permanent Traveller residents in Cork City, rather than meeting the purpose of facilitating Traveller nomadism.

We recommend the new TAP should state the commitment that “Cork City Council will pro-actively consider the provision of transient accommodation in parallel with permanent accommodation, mindful of the reality that transient provision will turn into temporary accommodation in the absence of sufficient Traveller-specific accommodation. Furthermore Cork City Council will facilitate visiting relatives on Traveller-specific accommodation.”

16. Estate Management & Tenant Participation

The current TAP commits itself to regular Estate Management Meetings. Despite this stated policy, there have been no estate management meetings with any Traveller tenants on any Traveller accommodation, since the commencement of this current TAP in 2014.

We have lobbied Cork City Council on a number of occasions to reconvene Estate Management meetings for most areas. Estate Management meetings could be one of the key channels to develop trust and good working relationship with CCC for families, if regular and consistent meetings were to take place.

We recommend the new TAP should state : “Cork City Council is committed to pro-active tenant participation and the principles of meaningful consultation, negotiation and joint decision making. It will convene regular Estate Management meetings to encourage tenant engagement.”

17. Management & Maintenance of Traveller-Specific Accommodation;

Structures for the Development of Accommodation Proposals

In line with tenant participation and good estate management principles, the new TAP should commit itself to good practice in the management of Traveller-specific accommodation (Guidelines, Part 3, Section 7).

This section also instructs local authorities to include “*detail the structures for the development of accommodation proposals*”. Good, pro-active consultation guidelines, committed to negotiations and joint decision-making have been published by the NTACC as guidelines. While City Council briefly followed these NTACC guidelines during the St. Anthony’s Park replacement, it was not carried through to the end, but abandoned by the Council midway. Application of the NTACC Consultation Guidelines should be as inclusive as possible, and should be formally named in the new TAP.

We propose the new TAP Strategy Statement should formally state : “*In developing Traveller-specific accommodation City Council is committed to adhere to the NTACC guidelines to the fullest extent possible*”

We recommend the new TAP Strategy Statement should further state : “*Cork City Council will carry out refurbishment and enhancement works, where required. It will carry out regular, ongoing maintenance on all accommodation provided to its Traveller tenant.*”

18. Promoting Working Relationships

Previous TAPs committed Cork City Council to “... *encourage Travellers and their representatives to participate to the full in all aspects of the decision-making process, to ensure the maximum exchange of information and feedback,...*”. While we acknowledge recent improvements in communication channels, working relationships have been quite poor for most of the period of the current TAP. Recent improvements need to be embedded in the new TAP.

We recommend the new TAP should state : “*Cork City Council is fully committed to improve working relationships with Travellers, their representative organisations and other key stake holders by working in partnership to promote integrated approaches to meet Traveller needs. Cork City Council is further committed to a policy of transparency and openness in this engagement. In compliance with the spirit Freedom of Information legislation, it will share relevant information with others in this partnership, unless precluded to do so by privacy concerns, or legal obligation.*”

19. LTACC

The current TAP has an extensive section on the High-Level Traveller Inter-Agency Group (TIG), rather than the operation of the LTACC. The TIG, which had been chaired by former Minister-of-State, Kathleen Lynch has been dissolved by the chair, primarily over lack of progress on the accommodation issue.

Instead of the TIG, there should be a dedicated section on the LTACC, as it is the statutory committee relevant to the monitoring and implementation of the TAP. Our experience of the operation of the LTACC has been quite mixed. For many years it has been a dysfunctional

committee, unable to carry out its functions, though there has been a marked improvement in the operation of the LTACC over the last few months. Though the full potential of the committee has not been utilised, as a forum to resolve issues. Nor have there been any site meetings in recent times.

Best practice needs to be embedded in the new TAP. The current TAP states "*Progress with implementation of the Programme in terms of accommodation provision will be continuously monitored by officials throughout the duration of the Programme. The Local Traveller Accommodation Consultative Committee will be kept fully informed of progress at the regular two monthly meetings.*" This is an accurate description of the passive role of the LTACC, and the TVG would contend that even the promise to keep the LTACC "*fully informed*" was not kept for most of its operational past. In any case, the LTACC needs to move from being kept informed to being actively involved. To adhere to the statutory Terms of Reference for LTACCs, it needs to be more proactively involved in advising on planning, implementation and the review of the TAP.

We propose the new TAP should have a separate section on the LTACC in its Strategy, which should formally state : "*City Council is committed to best practice in the operation of its LTACC and to implement NTACC guidelines and recommendations in relation to the operation of the committee. The LTACC will be fully involved in monitoring the TAP in terms of its implementation and its planning, and will be actively engaged on reviewing the TAP at regular intervals, including funding allocations and funding spent*".

20. Traveller Accommodation Underspent

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. If meaningful partnerships are to be developed, Travellers and their organisations need to be given relevant information in due time, and be involved in discussing both opportunities and difficulties at the LTACC.

The scandal of the Traveller accommodation underspent is a case in point. The most recent figures (July 2018) note that Cork City Council has been approved € 310,000 for this year, but has drawn down none of this funding.

21. Approved Housing Bodies

Cena is an Approved Housing Body, with a particular brief and expertise in the area of Traveller-specific accommodation. TVG has previously suggested the involvement of Cena, and we hope the potential of Cena can be utilised in the new TAP.

We recommend the new TAP should name the Traveller-led Approved Housing/Accommodation Body Cena, and should state "*City Council will explore opportunities to work with Cena in the delivery of Traveller-specific accommodation*"

22. Horse Ownership & Economic Spaces

The Housing (Traveller Accommodation) Act, 1998 puts a strong emphasis on Travellers' "the distinct needs and family circumstances" (Section 10. (3)(b)), which clearly includes cultural and potential economic activities like horse keeping. When Meelagh was developed in 2008 it included two yards to facilitate horse keeping or the keeping of scrap for the two extended families there. Unfortunately this forward-thinking approach in the delivery of Traveller Accommodation was abandoned by City Council shortly thereafter.

We recommend the new TAP should restate the commitment from the previous TAPs to "support traditional Traveller skills and economy ...", while expanding this to give a commitment "to work with Traveller horse owners to positively explore this issue, support the identification a suitable parcels of land for stabling, and/or grazing, and to support the development of relevant initiatives and projects on this subject."

23. National Traveller & Roma Inclusion Strategy (NTRIS)

As well as referencing the Traveller Ethnicity recognition in 2016, the new TAP should also make reference to NTRIS, adopted government strategy and policy, especially the Chapter dealing with Traveller accommodation (Actions 126 – 131)

The new TAP should state "Cork City Council welcomes NTRIS and is committed to work with central government and local stakeholders on the delivery of its actions, especially regarding Traveller accommodation"

24. Human Rights & Equality Impact Assessment

Since the adoption of the current TAP, the Irish Human Rights and Equality Commission Act, 2014 came into force. Section 42 of the Act places a positive duty on public sector bodies to have regard to the need to eliminate discrimination, promote equality, and protect human rights, in their daily work. This is relevant to Cork City Council, especially regarding its role as a landlord and public housing/accommodation provider.

As Cork City Council is involved with the Irish Human Rights and Equality Commission (IHREC) in a pilot on the public sector duty, it is only appropriate that City Council undertake a Human Rights & Equality Impact Assessment to assess its compliance with the Act. This should be undertaken regarding the new TAP, and should involve key stake holders like Traveller tenants/applicants and Traveller organisations. Impacts in need of assessment should include the operation of the housing list, CBL, HAP (incl. HAP Placefinder), protocols for evictions (including thresholds for the taking of legal actions), homelessness registration, estate management, approaches to fire safety risk management, etc. (This is not an exhaustive list)

The preparation of the new TAP should be human rights & equality proofed in advance and in conjunction with key stakeholders. Following this, the new TAP should state : "The preparation of this TAP was informed by a Human Rights & Equality Impact

Assessment involving Cork City Council and key stake holders. Cork City Council is committed to ongoing impact assessments in this regard to ensure best practice in its Traveller accommodation delivery.”

25. EU Race Equality Directive & UN Convention on the Rights of the Child

Similar to the IHREC Legislation, the EU`s Race Equality Directive is also of relevance to the delivery of services (i.e. housing/accommodation) by Cork City Council ([http://europa.eu/rapid/press-release MEMO-07-257 en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-07-257_en.htm?locale=en)), and City Council should formally state its compliance with same.

One of the distinguishing feature of Traveller families engaging with City Council as either tenants or applicants, is the much larger cohort of children (compared to the majority population) within families. This highlights particular needs of children, which need to be addressed and taken account of.

The new TAP should state : “Cork City Council is committed to comply with the EU Race Equality Directive in its Traveller accommodation delivery, and takes particular account of the need of Traveller children, recognising its obligations under the UN Convention on the Rights of the Child”

October 2018

Breda O Donoghue

Chairperson

Traveller Visibility Group