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Government of Ireland

# Traveller Accommodation Expert Review

## Programme Board Update

Prepared by Department of Housing, Local Government and Heritage

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# Expert Group

## Background

In 2018, the Traveller Accommodation Expert Group was established to review the Traveller Accommodation Act, 1998, and other legislation that impacts on the provision and delivery of accommodation for Travellers.

The terms of reference for the Traveller Accommodation Expert Group were drawn up in consultation with the National Traveller Accommodation Consultative Committee (NTACC).

The Expert Group met with Minister English for the first time in September 2018 and held their first working meeting on the 15th of October 2018.

They were tasked with putting forward recommendations and proposed actions to improve the delivery of Traveller accommodation.

The Expert Group completed their review and the report was published in July 2019.

The Expert Group delivered 32 recommendations across the four topics considered; they range from changes to procedure and policy, to changes to legislation. Delivery and implementation will involve several areas within the Department as well as input from other Departments, local authorities and other external stakeholders.

## Composition of Expert Group

- The Traveller Accommodation Expert Group comprised of the following three members:
    - Dr. Conor Norton, Head of School of Planning, DIT;
    - Professor Michelle Norris, Head of Social Policy, Social Work and Social Justice, UCD; and
    - David Joyce, Barrister, Mercy Resource Law Centre

The Housing Agency provided administrative support to the Expert Group and further assistance and support was available from the Department's Traveller Accommodation Support Unit.

## Terms of Reference of Expert Group

- To review the effectiveness, implementation and operation of the Housing (Traveller Accommodation) Act, 1998 with a view to examining whether it provides a robust legislative basis for meeting the current and future accommodation needs of the Traveller Community.

- To examine national and international best practice in the provision of accommodation for nomadic communities in order to inform the legislative basis for meeting the current and future accommodation needs of the Traveller Community.

- To review other legislation that impacts on the provision and delivery of Traveller specific accommodation including transient accommodation.

- Consult with all relevant stakeholders at local and national level, including Traveller representative organisations and other stakeholder groups represented on the National Traveller Accommodation Consultative Committee (NTACC) and Local Traveller Accommodation Consultative Committees (LTACCs). Such consultation will include an invitation for written submissions and a series of meaningful national, regional and local workshops/focus groups.

- Draft and present a report and recommendations to the Minister within 6 months of commencement.

# Programme Board

## Background

Early in 2021 Minister Peter Burke established a Programme Board to oversee the implementation of the recommendations contained in the Traveller Accommodation Expert Review report.

The report sets out an integrated set of recommendations intended to improve the effectiveness of the arrangements for providing accommodation for members of the Traveller community. These recommendations address four key themes:

- delivery reflecting need
- planning
- capacity and resources
- Governance

## Terms of Reference

**Role of the Minister**

The Minister is decision maker on all matters. Advice and recommendations of the Programme Board will form part of the decision making process.

**Role of the Board**

The Programme Board will put in place a work programme covering all of the recommendations of the Expert Group and recommend the sequencing of projects to be advanced.

Board members should engage with all of their representative organisations so as to inform their input on matters at hand. This input should be relayed to the Programme Manager who will liaise with and inform the relevant Project Managers.

The Programme Manager will provide progress reports as appropriate on projects being undertaken.

The Programme Board will make recommendations to the Minister based on their consideration of the Programme Manager's progress reports and the outcomes arising from individual Projects.

**Decisions of the Board**

The programme Board should strive for consensus at all times.

Where recommendations to be put forward to the Minister cannot be agreed unanimously, the Board may, if necessary, proceed by way of a majority vote. Where decisions have been reached by vote, the Board must submit a summary of their deliberations and the views of the representative organisations to the Minister for consideration.

**Board meetings**

The Minister's advisor will attend all meetings and will relay the business of the meeting to the Minister[1].

The quorum for meetings shall be not less than 4 members including the Chairperson which must include one representative from the Department, one Traveller representative and one CCMA representative.

The Programme Board will meet as required to advance the work programme.

**Privacy**

Discussions between and contributions by individuals at meetings of the Board are confidential and should not be shared except with the explicit consent of all Board members. This does not however preclude discussion of project work and agenda items by Board members with their representative organisations so as to inform input to Board meetings.

## Secretariat

The Department will provide secretarial and administrative support to the Board. Board meetings will be minuted.

Minutes will be shared with the members of the National Traveller Accommodation Consultative Committee

## Programme Board Membership

The Programme Board, will consist of two representatives from the Department, two representatives from the Traveller representative organisations, two representatives from the County and City Management Association (CCMA) and the Chair of the National Traveller Accommodation Consultative Committee (NTACC). The Chair of the NTACC will act as Chair for the Programme Board.

[1] The Minister also plans to attend meetings on a quarterly basis.

| Membership | |
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| Mr Eoin O'Sullivan NTACC | Chair (Programme Board Chair) |
| Ms Karen Murphy | DHLGH representative<br>(Programme Manager) |
| Mr Patrick O'Sullivan | DHLGH representative |
| Ms Bridget Kelly | Traveller representative |
| Mr Bernard Joyce | Traveller representative |
| Ms Anne Haugh | CCMA representative |
| Mr Colm Ward | CCMA representative |

| Secretariat | |
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| Mr Iain Long | Secretariat to the Programme Board |

**Review**

A review of Board membership will take place in March 2023.

## Recommendations Status Update

The Expert Review report, which is intended to improve the effectiveness of the arrangements for providing accommodation for members of the Traveller community, has 32 recommendations across 4 categories as follows:

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| **Category A** | Delivery Reflecting Need (aimed at addressing deficiencies in how information is gathered and used) |
| **Category B** | Planning (aimed at removing any potential delays and obstacles in the planning system in terms of delivery) |
| **Category C** | Capacity and Resources (aimed at increasing resources and delivery capacity) |
| **Category D** | Governance (aimed at strengthening governance arrangements) |

Delivery and implementation of the recommendations involves several areas within the Department as well as input from other Departments, local authorities and other external stakeholders.

The Programme Board selected 24 out of the 32 recommendations for inclusion in the ongoing work programme, grouped into 11 separate projects. To date 8 of these 24 recommendations have been completed. Updates on progress is provided in the table below

| | Category A - Delivery Reflect Need (8 Recommendations) | | |
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| | **Recommendation** | **Project Status** | **Update September 2022** |
| **A.1(a)** | The DHPLG should amend the regulations which govern the methodology local authorities use to conduct Social Housing Assessments in order to:<br><br>Enable Travellers (and all other applicants for social housing) to specify their first, second and third preference in terms of accommodation type. | **Project 1** | **Completed**<br><br>The recommendation was discussed by the Board who concluded that as the Social Housing Support application process allows for the selection of multiple accommodation types that no further action is required. |
| **A.1 (b)** | Introduce an 'ethnic identifier' so that Traveller applicants for mainstream social housing can be identified and progress in meeting their housing needs monitored effectively. | **Project 1** | **Completed**<br><br>Regulation S.I. 73 of 2022, allowing for the inclusion of a Traveller identifier on the statutory Social Housing Support application form came into operation on 14 March 2022. |
| **A. 2(a)** | The implementation of the Social Housing Assessments by local authorities should be centrally monitored to ensure that the data generated are more robust and geographically consistent. This would require:<br><br>Revision and standardisation of the application form. | **Project 1** | **Completed**<br><br>Following the changes to the Social Housing Support (SHS) application form on foot of the regulations (see A.1(b) above) the DHLGH has engaged with the Housing Agency regarding training (i.e. The Housing Agency is taking account of the new form in the regular training it provides for local authority officials). |

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| **A.2 (b)** | The provision of information and regular training for local authority officials to ensure that Social Housing Assessments are conducted consistently nationwide. | **Project 1** | **Completed**<br><br>As at A.2 (a) above. |
| **A.2 (c)** | A quality review of each local authorities' Social Housing Needs Assessment data when it is being compiled into the Annual Summary of Social Housing Needs Assessments by the Housing Agency, and initiation of appropriate interventions in cases where the data quality are inadequate. | **Project 1** | **Completed**<br><br>Linked to A.2 (a) above.<br><br>Further liaison was undertaken with the Housing Agency including a meeting with the Housing Agency and the Programme Board. |
| **A.3** | In addition to more robust and detailed Social Housing Needs Assessments data, more detailed data on Travellers who are not included in the Assessment and on future Traveller accommodation need are required for effective planning for Traveller accommodation provision.<br><br>It is envisaged that these additional data would be compiled once during each Traveller Accommodation Programme cycle (Section 4 sets out recommendations regarding the duration of this cycle and the timeframe for gathering the data required to inform the content of the TAPs). These additional data would encompass: | **Ongoing work programme** | **Ongoing work programme**<br><br>A data sub-group is being established and will meet to consider recommendations relating to data assessment and analysis. |

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| **A.3 (a)** | Information on Travellers currently accommodated in RAS, HAP and Rent Supplement funded dwellings. This would require the inclusion of an ethnic identifier in applications for these housing allowances and the collation of data currently recorded by the Department of Employment and Social Protection (in the case of Rent Supplement) and on each local authority's 'transfer list' (in the case of RAS and HAP). | **Ongoing work programme** | **Ongoing work programme**<br><br>Linked to A.3 above. |
| **A.3 (b)** | An in-depth nationwide survey of the characteristics of the Traveller population, their location and accommodation, commissioned from an independent, expert provider. This survey would provide more detailed information on Travellers' mobility patterns, family formation, existing accommodation tenure and conditions, and future accommodation preferences. It could also be used to inform the ongoing review of the accuracy of the Social Housing Assessments, as recommended above. | **Ongoing work programme** | **Ongoing work programme**<br><br>Linked to A.3 above. |
| **A.4** | All data on Travellers from the revised Social Housing Assessment, claimants of RAS, HAP and Rent Supplement and the in-depth nationwide survey should be published, to enable review of the content and implementation of Traveller Accommodation Programmes devised on the basis of these data (Section 4 sets out recommendations regarding this review process). | **Ongoing work programme** | **Ongoing work programme**<br><br>Linked to A.3 above. |

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| **A.5** | The DHPLG should amend the regulations which govern the allocation of Traveller-specific social housing to enable Traveller occupants of HAP and RAS-funded dwellings and standard local authority or AHB social housing to apply to transfer to Traveller-specific social housing. | **Project 2**<br><br>Ongoing work programme | Following review of the existing framework a DHLGH paper is under consideration by the Programme Board. |
| **A.6** | Implement an ongoing programme of equality monitoring of arrangements for allocating social housing to assess their impact on Travellers and other vulnerable populations. This should examine the impact of using the time on the list and choice-based lettings allocations systems. | **Future work programme** | **Future work programme** |
| **A.7** | The Central Statistics Office should work with local authority social workers for Travellers and Traveller organisations to ensure that the Census better captures the characteristics of the Traveller population. | **Project 3** | **Completed**<br>The DHLGH liaised with the CSO and provided local authority contact details for relevant personnel to assist enumerators. The CSO undertook to engage with local and national Traveller representative organisations. |

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| **A.8** | Commission research on homelessness among Travellers and ensure that the particular accommodation challenges and preferences of this group are addressed in relevant strategies to combat homelessness. | **Project 4**<br><br>Ongoing work programme | The Department's Traveller Accommodation Support Unit has established regular liaison internally with Homelessness Unit, including having regard to Pavee Point Research Report, to inform and actively address Traveller homelessness. Areas relating to Traveller Homelessness are currently being explored through this liaison. |

| | Category B – Planning (10 Recommendations) | | |
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| **B.1** | In the immediate term, encourage local authority chief executives to use their emergency powers, where necessary, to bypass problems with decision-making by elected members regarding Traveller Accommodation. | **Project 5**<br><br>Ongoing work programme | **Completed**<br><br>This has been communicated to local authorities as part of the guidance issued with the Mid-term TAP review Circular and will be included with the guidance issued for the next round of TAPs. |
| **B.2** | Put in place the legislative provisions to suspend the reserved function of elected members for approval of Part 8 proposals for Traveller accommodation, and also to suspend the reserved function relating to the agreement to dispose of land for the purposes of developing Traveller accommodation and provide these as executive functions. This suspension should be reviewed after a period of five years. | **Project 6**<br><br>Ongoing work programme | DHLGH legal advice sought is pending (Project Manager is liaising with legal unit).<br><br>Clarification sought from Expert Group regarding an apparent contradiction between recommendation B2 and B3. |
| **B.3** | Put in place the legislative provisions to provide an alternative and direct route for Traveller-specific accommodation to An Bord Pleanála in line with the processes established for Strategic Housing Development. This provision should be reviewed after a period of five years. | **Project 6**<br><br>Ongoing work programme | DHLGH legal advice sought is pending (Project Manager is liaising with legal unit).<br><br>Clarification sought from Expert Group regarding an apparent contradiction between recommendation B2 and B3. |

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| **B.4** | Carry out appropriate baseline studies on Traveller accommodation needs as part of integrated Housing Need and Demand Assessments for Development Plans. | **Ongoing work programme** | **Ongoing work programme**<br><br>Linked to A.3 above. |
| **B.5** | Request research and a review by the Office of the Planning Regulator (OPR) of Traveller accommodation policies and objectives in statutory development plans. | **Project 7** | **Completed**<br><br>The OPR Case Study Paper (CSP03) – Traveller Accommodation and the Local Authority Development Plan was published in October 2021. |
| **B.6** | Ensure that local authority Development Plans comply with provisions of the Planning and Development Act, (2000) as amended, particularly in relation to the requirement around Traveller accommodation [s10(2)(i)]. | **Project 7** | **Completed**<br><br>The Traveller Accommodation Programmes (TAPs) 2019-2024 statutory mid-term review by each local authority and the DHLGH is being undertaken. The Department has communicated with local authorities on undertaking and completing this review, including having regard to the OPR case study. (See also B.5 above.)<br><br>The NTACC have provided input to the mid-term review. |

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| **B.7** | Update the Traveller accommodation and planning legislation to improve general alignment of the different mechanisms for planning for the provision of Traveller accommodation. Most importantly, the timeframe for the production, adoption and implementation of Traveller Accommodation Programmes should align with each local authority's Development Plan timing and cycles. | **Project 7**<br><br>**Ongoing work programme** | As at B.6 above.<br><br>The DHLGH has communicated further with local authorities on undertaking and completing the TAPs review, including having regard to the local authority plans for integration of the TAPs with the development plan cycles. |
| **B.8** | Provide comprehensive planning guidelines for Regional Assemblies and local authorities to ensure consistency and integration of the Traveller Accommodation Programme and the Housing Strategy section of Development Plan preparation and development management processes. | **Future work programme** | **Future work programme** |
| **B.9** | Provide the Regional Assemblies with a formal role in the advising on, coordinating and monitoring of the local level delivery of Traveller accommodation at regional level, and, in the shorter term pending this new role, designate local authorities in each Region as leads in the areas of review, policy, delivery, etc. | **Future work programme** | **Future work programme** |
| **B.10** | Ensure that any new national level agency/authority would incorporate a role in monitoring statutory plans and referrals, as necessary, to the Office of the Planning Regulator. | **Future work programme** | **Future work programme** |

| | Category C - Capacity and Resources (8 Recommendations) | | |
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| **C.1** | The Department of Housing, Planning and Local Government (DHPLG) should review the level of funding it provides for the provision of Traveller-specific accommodation, and consider increasing funding to the levels provided prior to 2008. | **Project 8** | **Completed** |
| **C.2** | The DHPLG should review arrangements for disbursing funding for the provision and refurbishment of Traveller-specific accommodation to local authorities, with a view to identifying and eliminating any procedures which delay output while maintaining necessary oversights over public spending. | **Project 8** | **Completed** |
| **C.3** | The DHPLG should review and reform arrangements for reporting spending of Departmental funding for the implementation of Traveller Accommodation Programmes by local authorities.<br><br>These reforms should ensure that reporting is regular and standardised across local authorities, and that it generates robust data on output achieved compared to the plans set out in the TAPs and net of any dwellings demolished or vacant.<br><br>These reports are required to enable appropriate monitoring of output, and the initiation of action to ensure implementation of the TAPs, if necessary. | **Future work programme** | **Future work programme** |

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| **C.4** | Research on good practice in the planning, design, management and maintenance of halting sites should be commissioned which takes account of changes in caravan design and size, and Travellers' needs and household size. On the basis of this research and also consultation with Travellers and social landlords, up-to-date guidelines on the planning, design, management and maintenance of Traveller-specific accommodation be issued. | **Project 9**<br><br>Ongoing work programme | The DHLGH has engaged the Housing Agency to commission research on the planning and design of Traveller-specific accommodation (informed by a stakeholder advisory group managed by the Housing Agency). Consultants have been appointed to carry out the research based a tender process and on Terms of Reference which were reviewed by the Programme Board prior to commissioning research. Up-to-date guidelines will be prepared on foot of this research.<br><br>In parallel, the DHLGH will consider guidance on management and maintenance of Traveller-specific accommodation having regard to a survey to be undertaken with local authorities.<br><br>See C.6 below. |
| **C.5** | The reasons why the approved housing bodies have not made use of the funding for halting site provision available under the Capital Assistance Scheme should be investigated, and reforms initiated as necessary to ensure that take-up increases. | **Project 10**<br><br>Ongoing work programme | The DHLGH is engaging internally and with the AHB sector (including Cena a Traveller AHB) on its capacity to deliver Traveller Accommodation and a meeting with AHBs and their representative body took place in June. |

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| **C.6** | The role of caretakers for Traveller-specific accommodation and the number of these staff currently employed by local authorities should be reviewed, with a view to expanding this role to encompass more comprehensive 'estate management' type responsibilities and increasing staffing levels in order to improve management and maintenance standards. | **Project 9**<br><br>Ongoing work programme | As at C.4 above.<br><br>The DHLGH will have regard to this proposed expansion in its consideration of the guidelines on management and maintenance of Traveller-specific accommodation. |
| **C.7** | DHPLG should examine the potential for funding for CENA housing association to provide advice to social housing landlords on the design, location and management of Traveller-specific accommodation and to conduct consultations on these issues with Travellers on behalf of social landlords. | **Project 10**<br><br>Ongoing work programme | See also C.4 above.<br><br>The DHLGH is in discussions with Cena (a Traveller AHB) to build Cena's capacity to deliver Traveller accommodation. |
| **C.8** | The 'shared services' model, whereby one local authority provides a service on behalf of others, has proved very effective in improving the delivery of specialist services such as the Housing Assistance Payment (led by Limerick City and County Council).<br><br>The DHPLG should work with the Local Government Management Agency (LGMA) to examine its potential for use in the procurement, design and management of Traveller-specific accommodation.<br><br>Under this arrangement, one local authority could act as the regional lead for the delivery of Traveller-specific accommodation for neighbouring local authorities. | **Future work programme** | **Future work programme** |

| | Category D – Governance (6 Recommendations) | | |
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| **D.1** | - "Traveller Accommodation Act, 1998" envisages that the National Traveller Accommodation Consultative Committee (NTACC) will contribute to this task. However, the NTACC's role is purely advisory, whereas the Expert Group's analysis highlights the need for active and ongoing monitoring of the planning and provision of Traveller accommodation and intervention when these functions are not being adequately performed.<br><br>The functions of the NTACC should be revised and strengthened to enable it to address this governance deficit. This revised role would encompass:<br><br>- Overseeing and checking the annual Social Housing Needs Assessment (SHNA) process insofar as it relates to Travellers, data collection, processing and analysis, and providing training for local authorities and making recommendations as required regarding reform to the SHNA process.<br><br>- Standardising and monitoring the Annual Estimate (Count) of Traveller families carried out by local authorities, ensuring the data gathered as part of this process reflects the SHNA. | **Ongoing work programme** | Ongoing work programme. A paper prepared by DHLGH is under discussion by the Programme Board to assist with consideration of this recommendation. |

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| | - Designing and commissioning the five-year national assessment of Traveller needs and preferences which will inform the content of Traveller Accommodation Programmes.<br><br>- Monitoring the formulation and content of the Traveller Accommodation Programmes produced by each local authority and their implementation on an annual basis, and report the findings of this expertise to the Minister of Housing and the Oireachas Housing Committee on Housing and Homelessness.<br><br>- On the basis of this evidence;<br>**a.** Ensuring that the content of all draft TAPs are adequate to meet the Traveller accommodation needs identified, and that the content of the TAP is adequately reflected in the housing strategy part of the local authority Development Plans. Where gaps are identified, the TAPs and Development Plans should be referred back to local authorities and, if necessary, to the Office of the Planning Regulator.<br>**b.** Ensuring that the implementation of TAPs is adequate, and where it is not, refer back to local authorities and, if necessary, to the Office of the Planning Regulator and the Minister for Housing. | | |

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| | - Commissioning and carrying out research on issues related to Traveller accommodation, as required, to inform policy formulation by the Department of Housing, Planning and Local Government.<br>The name 'National Traveller Accommodation Consultative Committee' would not be appropriate for this revised remit; therefore, the NTACC should be retitled: the National Traveller Accommodation Authority (NTAA). | | |
| **D.2** | Carrying out the National Traveller Accommodation Authority's functions listed above would require the recruitment of a team of appropriate support staff. This would include research, planning and design professionals. It is vital that adequate levels of funding should be provided by the DHPLG for this purpose. Civil service recruitment and employment norms mean that the Department of Housing, Planning and Local Government would not be best placed to provide the type of specialist staff support required by the NTAA.<br><br>Therefore, to enable the National Traveller Accommodation Authority to fulfill its remit, it would be necessary to establish it as an agency of the DHPLG with the power to employ its own staff, or to task one of the Department's existing agencies with providing the required staffing support. | **Ongoing work programme** | Ongoing work programme linked to D.1 above |

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| | The latter model is employed, for instance, to support the Regulation Office for Approved Housing Bodies, which is housed within the Housing Agency but has its own board. | | |
| **D.3** | At local authority level, Local Traveller Accommodation Consultative Committees (LTACCs) should be replaced with Traveller Accommodation Strategic Policy Committees (TASPCs). Like all other local authority strategic policy committees (SPCs), the TASPC would be made up of elected members but it would also include Traveller representatives. The TASPC would have a decision-making role as well as an advisory role and would feed into the development of the housing strategy by being integrated into the Housing SPC. The two SPCs would be linked through a Traveller representative on the TASPC sitting on the Housing SPC. | **Future work programme** | **Future work programme** |
| **D.4** | Repeal the Trespass legislation, in particular as it applies to publicly owned land, until an appropriate network of transient provision as envisaged in the 1998 Act has been provided. | **Project 11**<br>Ongoing work programme | The Department of Justice and Equality, in consultation with An Garda Síochána, outlined that the Department of Justice and Equality and An Garda Síochána do not advocate the removal of the provision from legislation. Further engagement with the Department of Justice has been initiated in this regard. |

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| | | | The DHLGH is engaging with the Northern Ireland Housing Executive (NIHE) to explore the feasibility of an all island approach to the provision of a network of transient sites. The shared membership between the National Traveller Accommodation Consultative Committee (NTACC) members including the NIHE will assist close cooperation.<br><br>The DHLGH is also engaging with the Housing Agency on the feasibility of transient sites. |
| **D.5** | The eviction procedure, which allows for the removal of families within 24 hours, needs to be reviewed with a view to providing an internal appeals procedure. This process can be utilised by families who are assessed under a local authority TAP, and should allow for appropriate submissions relating to the individual circumstances of families affected, with particular regard being given to the vulnerable members of those families, including children and their educational requirements, elderly and disabled family members, infant children or pregnant women. | **Project 11**<br><br>Ongoing work programme | The Programme Board decided on the establishment of a sub- group to develop guidance on an eviction procedure to issues to local authorities. A sub-group of the Board is now established to include one representative from the Traveller organisations, one representative from the CCMA and one representative from the DHLGH. |

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| **D.6** | Review Section 69 (1) (b) to provide for a system whereby Travellers parking on the roadsides, covered by the Section, should not have to seek consent for an initial period of time. The section could be amended to require consent be attained after a specified period and such consent could then be subject to such terms and conditions as necessary. | **Future work programme** | **Future work programme** |

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