

Wiltshire Council

Cabinet

30 April 2019

Subject: Transfer of Two Gypsy, Roma & Traveller Sites

Cabinet Member: Councillor Toby Sturgis, Cabinet Member for Planning and Strategic Management

Key Decision: Key

Executive Summary

The Council currently owns 5 permanent gypsy and traveller sites and one transit site, a total of 100 permanent pitches and 12 transit pitches. Oak Tree Field (OTF) and Dairy House Bridge (DHB) sites along with the transit site adjacent to Oak Tree Field (Odstock transit site) are still in need of investment to enable them to continue in use as gypsy and traveller accommodation.

A number of options have been considered for these sites including closure, refurbishment, remodelling and disposal. In July 2018 the Cabinet considered the option of transferring the ownership of the two undeveloped sites to a new owner to enable them to receive the needed investment and remain as gypsy and traveller sites.

The purpose of this paper is to provide a summary of the marketing exercise undertaken and recommends for the transfer of ownership to investment preferred bidder for continuing use as gypsy and traveller sites.

Proposal(s)

It is recommended ;

- Bidder B is selected as preferred purchaser of the Dairy House Bridge, the Oak Tree Field site and the Odstock transit site.
- To transfer the Dairy House Bridge, the Oak Tree Field site and the Odstock transit site to Bidder B, on the terms of the bid received.
- The Director of Housing & Commercial, in consultation with the Director of Legal and Democratic Services, is delegated to complete the necessary legal documentation for the transfer.

Reason for Proposal(s)

Dairy House Bridge site, Oak Tree Field site and the Odstock transit site are in need of substantial investment. Transfer of ownership of the sites to a new owner will enable this investment to ensure the sites are able to remain in use as gypsy and traveller sites within Wiltshire.

Alistair Cunningham

Executive Director

Wiltshire Council

Cabinet

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Subject: Transfer of Two Gypsy, Roma & Traveller Sites

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Purpose of Report

1. This paper is to consider the recommendation for the transfer of ownership of the two council-owned gypsy and traveller sites that remain undeveloped at Dairy House Bridge, Oak Tree Field and the transit site adjacent to Oak Tree Field (Odstock transit site) to enable them to receive the needed investment to remain in use as Gypsy, Roma and Traveller (GRT) sites.

Relevance to the Council's Business Plan

2. The transfer of these sites supports the following corporate priorities and goals;
 - a. Growing the economy – I live in a good home I can afford
 - b. Strong communities
 - c. Protect the vulnerable

Background

3. Relevant history including previous decisions
 - 3.1 Due to constraints on available funding, the Cabinet in July 2018 considered options for the sites and agreed to transfer of ownership of these sites. The Council have undertaken a marketing exercise and undertaken due diligence on the bids received.
4. Policy issues
 - 4.1 Planning Policy for Travellers Sites (August 2015), requires local planning authorities to set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. More specifically local planning authorities should;
 - Identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.
 - Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.

Main Considerations for the Council

5. Site conditions and investment required

5.1 Condition surveys of the sites have been carried out to determine the extent and cost of the works required to maintain and improve the sites. This information was made available to all interested parties as part of the information pack collated by the Council's marketing agent. To bring the sites up to a licensable standard expenditure will be required to improve the overall infrastructure; only responsive repairs have been carried out over the last few years by the Council.

6. Planning Status of Sites

6.1 Officers within Housing and Strategic Assets & FM worked with the Planning Department to ensure both sites had Certificates of Lawful Existing Use or Development (CLEUD) as Gypsy and Traveller Sites. An application was submitted and both sites received the necessary certification in November 2018.

7. Resident engagement

7.1 Resident engagement on both sites has continued throughout the marketing process with regular newsletters produced to keep them informed. In addition, a meeting was held with Chaplain to Gypsies and Travellers Dorset and Wiltshire and resident representatives to reassure them through the marketing process and to ensure that their concerns were being addressed in the assessment criteria. A number of additional issues raised through this forum were included in either a short questionnaire or during the interview with each of the shortlisted bidders.

7.2 The key concerns and issues raised by residents regarding a change of site ownership are;

- increased rents and service charges
- requirement to rent mobile homes from the new owners
- less security of tenure and threats of eviction
- less open and transparent management policies
- possibility of discrimination against and victimisation of some residents which, due to culture of the residents, isn't reported
- mixing of different gypsy and traveller ethnic or cultural groups on one site could lead to issues of community cohesion
- whether bidders would engage with them and allow the bid information to be made available to them
- the policy relating to pets on the site

7.3 All the above points have been addressed, either through information provided to residents, via either news letters or "Frequently Asked Questions" or through the selection process.

7.4 Resident representatives were also invited to be involved in the due diligence process by carrying out joint site visits with officers to sites owned by the chosen short-listed companies, however, this offer was declined by residents. These site visits were to ensure that the companies were able to demonstrate a proven track record in the improvement and management of GRT sites.

8. Commission for Racial Equality Communication

8.1 The Council has been in receipt of representation from the Commission for Racial Equality questioning whether members had been fully informed in considering the transfer of the sites. The Council were able to demonstrate that a robust approach had been undertaken, including previous reports and that the desired outcome was one that would benefit both the residents and the Council.

9. Marketing advice

9.1 An agent, Carter Jonas, was appointed to advise on a marketing strategy and to provide initial advice on the sites. Throughout the marketing process, they acted as the primary point of contact for all expressions of interest and bid submissions. They also participated in the interview process for the organisations shortlisted by council officers to provide an independent view point.

10. Marketing of the Sites

10.1 This was managed on our behalf by Carter Jonas and their proposal (as detailed in the July 2018 papers) explained their marketing approach and the outcomes that were being sought.

10.2 Adverts were placed in the local press publications and emails sent out to all of the social housing providers in and around Wiltshire to ensure awareness of the actions being taken by the council.

10.3 The Council have adopted a phased approach to marketing the sites;

- Seeking expressions of interest
- Seeking formal bids from interested parties
- Initial selection of shortlist, based on a published scoring criteria that included minimum requirements to be met
- Interview of shortlisted parties
- Selection of preferred bidder

11. Selection Process

11.1 Following representations from interested parties, the initial deadline was extended (with all parties being made aware of the extension). In total 9 expressions of interest were received by the (revised) date.

11.2 Each of the parties who submitted an expression of interest were sent information packs and asked to submit formal bids to Carter Jonas by Friday 1st February 2019.

11.3 A total of 5 bids were submitted and capable of shortlisting.

11.4 During the marketing period, enquiries were received from site residents for direct purchase and potential formation of a Community Land Trust. No bids were received from either residents of Wiltshire Council owned sites or a Community Land Trust.

- 11.5 All the bids were assessed against the published selection criteria with financial elements comparing the highest eligible financial offer received. The selection criteria published in included in **Appendix 1**.
- 11.6 Within the assessment, bidders were informed that specific questions had a minimum threshold to be achieved in order for their bids to be eligible. Two of the bidding parties failed to meet the threshold and were eliminated, due either poor quality response, lack of detail or no provision of supporting information.
- 11.7 Following the initial assessment 3 bidding parties (details of which are contained in the Part 2 section of this paper) were short-listed for interview
- 11.8 A panel of officers and a member was formed in order to conduct the interviews on Wednesday 27th February and 12th March
- 11.9 The main purpose of the interview was for the bidders to reinforce the business case for the improvement of both sites and for officers to gain the necessary assurances to confirm the assessment scores
- 11.10 The Council has also undertaken financial due diligence to confirm that the bidding parties have funds to acquire the sites and implement improvements. In addition, the Council have satisfied itself that, as far as possible, there has been no collusion between the bidding parties to confirm that they can be assessed as independent bids.
- 11.11 Bidder C was excluded due to the lack of track record, lack of detail in their presentation at interview and the low nature of their financial offer. As a result, the following Scoring Matrix sets out the final respective scores:

Summary - Scoring of Valid Bids

OTF						
Bidder	Quality	Weighting	Financial	Weighting	Total	Order
A	50	0.6	87	0.4	65	2
B	75	0.6	56	0.4	67	1
C	63	0.6	6	0.4	40	3

DHB						
Bidder	Quality	Weighting	Financial	Weighting	Total	Order
A	50	0.6	87	0.4	65	2
B	75	0.6	53	0.4	66	1
C	63	0.6	6	0.4	40	3

11.12 As a conclusion to the selection process and after interviews and due diligence, the recommendation is to proceed with Bidder B.

11.13 The rationale behind this decision is detailed below:

- The bidding document stated that:
'The bidder will be selected for each site based on the overall scores for each site and the package which the assessors have most confidence will meet the Council's criteria will then be determined to decide on a final bidder.'

Wiltshire Council reserves the right to take into account all relevant information which is available to us at time of the decision to determine the choice of bidder'

- Bidder A provided a map of Gypsy and Traveller sites they owned but upon investigation through the Land Registry, the majority of these were no longer in their ownership
- Bidder A did not respond to the additional questions raised prior to interview and was not forthcoming with any proposals for improvement and refurbishment of the sites.
- The financial difference between the bids is £95k, however the difference in quality and information provided was substantial
- Bidder B presented a clear, well presented 5 year Plan for investment into both of the Council sites
- Only Bidder B spoke of involving the existing residents and working with them to agree the way forward for their proposals, just the type of response our residents would require
- Bidder B presented copies of policies and procedures and they agreed that all information provided by them, including details of their investment proposals could be given to our residents.

Overview and Scrutiny Engagement

12. A discussion with the Chair of Environment Select Committee took place and it was decided that due to the progress made with the procurement process, it would not be appropriate for the Committee to review process taken.

Safeguarding Implications

13. An Equality Impact Assessment has been carried out to assess the implications of the proposal and the subject of Safeguarding was raised in the Bidding Process to ensure full understanding from the bidding organisations, including existence of relevant policies. Bidder B satisfied this requirement by demonstrating their understanding of the issue in the interview process

Public Health Implications

14. A Health Impact Assessment has been carried out and noted site conditions could be detrimental to the health and wellbeing of residents, this was detailed in the July 2018 report. We asked for details of the organisation's Health & Safety Policy – Bidder B met this requirement by providing a copy of their Health & Safety Policy which was deemed satisfactory.

Procurement Implications

15. As this will be a land sale, there are no current procurement implications to this proposal, however, the appointed agent was competitively tendered and the sites were openly marketed. Nevertheless, involvement of the Strategic Procurement Team in the project to ensure transparency of the process has occurred.

Equalities Impact of the Proposal (detailing conclusions identified from Equality Analysis, sections 4 and 5)

16. An Equality Impact Assessment was completed and monitored, reviewed and updated throughout the resident engagement and transfer process. A copy of

the most recent EIA is included as Appendix 4, but key conclusions to note are:

- If cabinet make the decision to offer the sites to Bidder B, we will make available the policies, procedures and investment plan provided, to the residents (this was agreed to in advance by Bidder B)
- Following the decision, the project team will continue to work together through the transition period up to transfer to ensure continuity of engagement with residents.
- When any transfer of ownership completes, the new owners and the council will maintain a relationship into the future, as the council will be responsible for licensing the sites and ensuring compliance with licensing conditions.
- Successful transfer of ownership to the preferred bidder should ensure the necessary investment into the sites, giving a positive outcome for the existing residents and also increasing the number of good quality pitches for Gypsy, Roma and Travellers in Wiltshire.

Environmental and Climate Change Considerations

17. The transfer will contain a covenant requiring the new owner to retain the sites as gypsy and traveller sites. To ensure that the proposed new owner will be able to invest in the sites to improve the site conditions we requested details of a 5 year investment plan to understand their aspirations – Bidder B provided a copy of their outline improvement proposals.

Risks - arising if the proposed decision and related work is not taken:

18. If the sites are not transferred, due to the lack of capital funding available to invest in improving site conditions, it is likely that the sites will need to close which will reduce the number of pitches available to meet the needs of gypsies and travellers in Wiltshire and require the relocation of a number of families and households.
19. This in turn will create greater pressure on the local plan to identify additional gypsy and traveller pitches to meet needs.

Risks - arising if the proposed decision is taken and any actions that will be taken to manage these risks:

20. A revised risk assessment has been completed and is attached as Appendix 2.
21. Whilst the Council has sought assurances from bidders over investment into the sites, the Council will be relying on its statutory powers to ensure that the sites are maintained to an acceptable standard, through its licensing duties.

Financial Implications

22. The Part 2 element of this paper sets out the financial detail of each bid received, but the preferred bid will result in a capital receipt to the Council. Such capital will be used to off-set the capital investment of the Council.

23. In order to transfer ownership, it is recommended that there is continued revenue in the sites to enable them to continue to be occupied up to point of sale so that they can be maintained for the current residents pending more substantial investment.

Legal Implications

24. The sale of the sites will need to comply with the Equality Act 2010, the Mobile Homes Act 2013 and the Council's financial and procurement regulations.
25. Whilst there is no statutory requirement to consult regarding this proposal, there is an obligation to treat people fairly and this has been addressed by engagement with the residents and their families.
26. Section 123 of the Local Government Act 1972 requires the Council to seek best value for any disposal or for such disposal to fall within The Local Government Act: General Disposal Consent (England) 2003, which can include the consideration of the value of social and environmental benefits as well as economic or purely financial benefits. If not, the consent of the Secretary of State will need to be sought and obtained.
27. Under the Mobile Homes Act 2013 the Council has regulatory authority for the monitoring and granting of licences for holiday parks and traveller sites within the County. Whilst the existing GRT sites remain under the ownership of the Council the granting of licences does not apply. Once ownership is transferred from the Council, a licence will be required.
28. Any caravan site outside of council ownership is required to hold a licence which sets out how the operation of the site should be managed in terms of health and safety of the occupiers and good practice. Any new owner would need to make an application for a licence. In the case of an existing occupied site, a licence would be issued on proper application but conditions would be applied and the licence would set out the time period within which these should be resolved. Not holding a licence or breaching licence conditions could lead to a criminal prosecution of the site owner.
29. In light of the current condition of the sites, it is proposed that the sites will be transferred with an indication of the conditions likely to be attached to any licence to a private operator. However, as part of the assessment process we sought to find organisations with a clear proposal for investment on the site – Bidder B met this requirement.

Options Considered

30. An assessment of overall options has been detailed in the July 2018 and previous reports. The decision to transfer ownership has been progressed, with the options considered available at this stage relating to which bidder to accept.
31. The alternate option would be to accept either Bidder A or C, with the reasons for not adopting these options set out above.

32. The Strategic Procurement Team have been consulted throughout the process and the Council have followed the assessment criteria provided to all bidders to reach our recommendation.

Conclusions

33. The conclusions reached having taken all of the above into account:
- a. The two sites are in need of investment to enable them to continue in use as gypsy and traveller sites.
 - b. There is a need to maintain the number of gypsy and traveller pitches in Wiltshire to ensure they are safe and sustainable.
 - c. The only option that will enable this is the option to transfer ownership to a new owner to enable that investment.
34. Having gone through a marketing and bidding process it is recommended that the sites are transferred to Bidder B

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Appendices

Appendix 1 – Published selection criteria
Appendix 2 – Risk Register
Appendix 3 – Equality Impact Assessment
Part 2 – Details of parties interviewed

Background Papers

The following documents have been relied on to prepare this report: None

Evaluation Matrix for Assessment of bids made for Wiltshire Council Gypsy, Roma & Traveller sites

These criteria outline how Wiltshire Council intends to assess bids to purchase the freehold of sites individually or collectively. These are based on those used by other local authorities undertaking the same process, feedback from key project stakeholders.

Principles

- ✓ Transparency in the decision-making process
- ✓ Equality for all bidders
- ✓ Consistency of questions and assessment

Aims of these criteria

- To choose the right organisation to take the sites for the residents and Wiltshire Council and to ensure stability of the sites as far as possible. In particular, ensuring that sites are maintained as Gypsy, Roma & Traveller sites without a significant change in resident circumstances and also that there are no negative environmental impacts resulting from the divestment of the sites
- To limit the risks and impact of sale on the site residents, wider community and local authorities (including Wiltshire Council)
- To cover all relevant issues to ensure an informed decision can be made
- To ensure disposal is for the best consideration that can reasonably be obtained to comply with section 123 of the Local Government Act 1972

Best Consideration

In making a decision on the disposal of land Wiltshire Council has a responsibility to ensure that best value is achieved.

Section [123 of the Local Government Act 1972](#) states that except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

The Secretary of State has issued general consent (Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003) for the purposes of land disposals by local authorities pursuant to section 128(1) of the 1972 Act. The terms of the Consent mean that specific consent is not required for the disposal of any interest in land which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices.

Decision-making process

1. Shortlisting

Formal Bid submissions will be assessed against the set criteria provided below and a shortlist of bidders will be selected and invited to attend an interview. The shortlist of bidders will include all bidders who achieved a score of 2 or more before weighting in key assessment quality criteria (marked with an *).

2. Interview and Further Due Diligence

The interview will cover the content of the formal bid and will provide a chance for both parties to ask further in-depth questions of each other. The interview panel will consist of Wiltshire Council officers and an elected Member of Wiltshire Council. Further due diligence may be undertaken by Wiltshire Council prior to or following the interview including unaccompanied site visits (if applicable) and financial checks (which may include individual and company credit checks). The initial scores awarded for the bids may be amended following the interview and other due diligence checks.

3. Re-scaling

To give correct weighting to the Quality Matrix score and Financial score they will both be rescaled to reflect the range of values across all bidders and ensure that a meaningful comparison of scores can be made. This will be done by comparing individual scores to the highest score.

4. Decision

For each of the sites, each bidder who is interested in that site will then be awarded an overall combined score out of 100 based on their re-scaled Quality and Financial scores weighted as 60% to 40% respectively. All scores will be entered in the table below.

Bidder	Quality Matrix score (out of 215)	Rescaled Quality Matrix score (out of 100)	Finance score (out of 125)	Rescaled Finance score (out of 100)	Total score weighted 60% quality and 40% Financial	Other comments/information
Bidder A						
Bidder B etc.						

Based on this table, the bidders will be listed for each site in order of total score. The overall scores for each site and the package which the assessors have most confidence will meet Wiltshire Council's criteria will then be determined to decide on a final bidder or bidders to offer the sites to. Wiltshire Council reserves the right to take into account all relevant information which is available to us at time of the decision to determine the choice of bidder.

ASSESSMENT MATRIX

Total points available: 215 (being score x weight)

Scoring

Where criteria are scored individually this is outlined in the scoring explanation column, all other criteria are based on a weighting multiplied by a score of:

- 0 Area of evaluation not addressed at all
- 1 Area of evaluation poorly addressed
- 2 Almost satisfactory explanation but some areas of concern about area of evaluation
- 3 Satisfactory explanation demonstrating understanding of area of evaluation
- 4 Good explanation demonstrating clear understanding of area of evaluation
- 5 Excellent explanation demonstrating clear understanding of area of evaluation

We would encourage bidders to provide examples and evidence to support the answers below.

Key	Ref	Detailed Quality Criteria	Scoring Explanation	Weight	Score	Total Score	Comments
	A	Experience of managing sites (Out of 15)					
	1	Do you have experience of running caravan sites or other residential properties? What type of sites have you managed?	0-5 0 if No Higher if already set up to run sites such as caravan sites, or similar environments. 5 if currently operating a Gypsy, Roma and Traveller site	2			
	2	What site improvements/changes have you secured on your sites (if applicable)? What makes your approach stand out? What skills and expertise do you hold in relation to such sites?	0-5 Higher if experience of developing/improving sites as well as running them or any positive references/evidence of	1			

			suitability to run sites				
	B	Background (out of 25)					
*	3	<p>What equips you to deal with the Gypsy, Roma and Traveller community?</p> <p>Do you have a background of working with the community, or are you from a travelling background?</p>	<p>0-5 Higher if recently from or still living in a Gypsy, Roma and Traveller community and evidence of being active within and contributing to that community.</p>	5			
	C	Management Approach (out of 90)					
*	4	<p>Why do you think that you could do the best job for the residents of the Council's sites?</p>	<p>0-5 Demonstrate how will run sites in the interests of the residents and maintain site stability.</p>	3			
*	5	<p>How would sites be run? What site rules would you put in place? Have you experience of working to clear policies and procedures and would you intend to develop these for the sites? What is your approach to staffing (i.e. liaison officers? Site wardens? Caretakers?) How would you deal with an eviction?</p> <p>Do you have experience of effectively processing an eviction with clear policies and procedures</p>	<p>0-5 Demonstrating how sites are to be run in an effective and positive manner that helps residents.</p> <p>Evictions - need to see fairness and sensitivity, both in the process leading up to the eviction and how it is dealt with.</p>	3			
*	6	<p>How would you work with site residents to help them to access services (education, health, advice) and employment?</p> <p>What is your understanding of your safeguarding responsibilities to the site residents</p>	<p>0-5 Need to demonstrate understanding and positive approach to enhancing the lives of residents. Demonstrate knowledge of services available and how to signpost residents</p>	2			

			to them.				
*	7	<p>How would you approach any site management issues (e.g. anti-social behaviour, noise, dealing with issues on site, dealing with conflict, unauthorised developments, etc) and address complaints such as from nearby residents?</p> <p>Have you experience of developing and adhering to robust policies and procedures and how would you engage with the residents in developing them</p>	<p>0-5 If they can demonstrate experience of dealing with problems on sites effectively will gain higher points.</p> <p>Demonstrable ability to effectively address any enforcement issues arising</p>	2			
*	8	<p>What is your approach to health and safety, including fire risk, on site?</p>	<p>0-5 Important that resident safety is taken into account and a positive approach to making sure sites are safe, and giving evidence of doing so, will be beneficial.</p>	2			
	9	<p>How would you manage; litter, fly tipping, flooding, air or water quality impacts, smoke/emissions from site.</p>	<p>0-5 Need to show understanding of these issues and an ability to resolve as appropriate working with Wiltshire Council</p>	1			
	10	<p>What would your policy be regarding siting and ownership of mobile homes and replacement of these?</p>	<p>0-5 Higher if show a flexibility in allowing residents to choose their approach to replacing caravans and meet residents needs</p>	5			
	D	Rent (Out of 20)					

*	11	What approach would you take to setting rents/service charge to stop this from disadvantaging residents?	0-5 Higher points for seeking to understand residents' position, the fact many are on benefits (and how they could be taken out of that system and potentially be more self-sufficient). Positive approach to working with housing authorities.	4			
	E	Impact of change on residents (out of 15)					
*	12	The residents will be worried by a change in ownership, what will you do to help get them through this period?	0-5 Higher points if can demonstrate understanding of the Gypsy & Traveller culture and specifically the worry they will have about this change in ownership. Need to explain steps which would be taken to reassure residents.	3			
	F	Social and Legal (Out of 15)					
	13	Do you understand the planning policy associated with these sites?	0-5 Higher if clear understanding of the current and emerging planning policy on the sites. Regarding current planning conditions this includes the implications for development potential of these sites.	2			
	14	How would you manage and deal with any requirements relating to on-going maintenance and licensing liabilities/ costs (if any) on the sites?	0-5 Higher if show understanding of the likely impacts of liabilities and how this can be	1			

			managed				
G	Local engagement (Out of 10)						
15	How would you: <ul style="list-style-type: none"> - Engage with other agencies (e.g. police, local community, Gypsy, Roma and Traveller groups) and multi-partner working to resolve issues? - Work positively with the local planning authority enforcement teams, including providing occupancy information and making vacant pitches available to displaced families? 	0-5 Need to show that they value the importance of multi-partner working with representatives of the Gypsy, Roma and Traveller community, Police/PCSO and local authorities. If mentioned, a local liaison group with the wider community would also be beneficial.	2				
I	Future Plans (Out of 10)						
16	How would you anticipate developing or improving the sites in future? What will you do with the sites once in your ownership?	0-5 Higher if bidder can demonstrate commitment to investment in the sites, an existing knowledge of what is already on site and what they would like to improve, upgrade or replace. Provision of community facilities would be beneficial. Recognition of environmental constraints on future expansion and that these must be managed.	2				
J	Letting Criteria (Out of 15)						
17	How do you propose to allocate pitches and manage voids? What selection criteria do you have in identifying new suitable tenants?	0-5 Bidder to set out selection procedure.	3				
	TOTAL QUALITY MATRIX SCORE (out of 215)						

FINANCIAL EVALUATION OF BIDS

The financial aspect will be judged for each site individually of the bids is split into two parts which together total 125 points:

Financial bid	100	Quantitative	Judged by comparing the bid as a percentage of the highest bid received
Financial criteria	25	Qualitative	Scored 0-5

Financial bid – out of 100

Bidders must submit an informal bid for the site or sites they are expressing an interest in.. Each bid will be awarded a score based on the relationship of the bid with the average of all the bid prices for that site.

Financial criteria – out of 25

	Criteria	Scoring	Weight	Score	Comments
1	What evidence are you able to provide of your viability as a bidder in terms of capital available for the purchase and investment?	0-5 Need evidence via Solicitor such as evidence of capital and filed accounts. Important to demonstrate that the bidder has finance available and that there is a genuine evidence of sustainability to manage sites in the longer term.	3		
2	To what extent are you reliant on unsecured funding?	0-5 higher if not reliant on unsecured funding such as borrowing or grants not yet awarded .	2		

The financial criteria score will be added to the financial bid score to give a total out of financial score out of 125.

Risk Ref	Risk	Risk Category	Link to Corporate Business Plan	Owner	Cause	Primary Impact	Secondary Impact	Likelihood (1-4)	Impact (1-4)	Inherent Risk	Controls	Likelihood (1-4)	Impact (1-4)	Residual Risk
1	Residents go to Media to dispute the Council's approach, increase in complaints, MP letters and petitions	Reputation	An innovative and effective council	Frank Barnes/ Nicole Smith	Residents consider the Council has failed to deliver promises made, residents are angry and frustrated with the Council	Adverse publicity and Local members placed under pressure	Officer time dealing with media enquiries and members having to make statements	4	2	8	1. Develop a Communications Plan to ensure there is a joined up process for dealing with enquiries	3	2	6
2	Increase in rent arrears and high voids	Financial	An innovative and effective council	Frank Barnes/ Nicole Smith/ Leanne Sykes	Residents discontinue paying rent. Residents move to different location and voids increase	Financial - loss of income	Health & Safety due to increase fly tipping and damage to voids	4	3	12	1. Clear communication 2. Robust action on arrears process 3. Regular estate visits	3	2	6
3	Potential increase in fly tipping / damage	Health & Safety	Protecting those who are most vulnerable	Frank Barnes/ Nicole Smith/ Leanne Sykes	Loss of respect for site, decide to	Health & Safety to residents,	Financial impact to remove hazardous waste	3	3	9	1. Clear communication 2. Regular estate visits	3	2	6
4	The lack of investment and repairs on these two sites are leading to conditions which could be prejudicial to health	Health & Safety	Protecting those who are most vulnerable	Tim Bruce/ Leanne Sykes	For a number of years these sites were intended for redevelopment however, the source of funding for this investment has since been withdrawn. Bids	Conditions on site are extremely poor and the drains in particular are becoming unsustainable and causing rat infestations and constant blockages	The residents on site have been patient but this patience is now running out as the Council have not delivered on redevelopment of both these sites	4	4	16	1. Commission up to date condition surveys to determine the level of investment required to maintain the existing tenancies 2. Obtain funding to undertake essential and emergency works to ensure the safety and well being of the existing residents	3	3	9
5	Dairy House Bridge is fast becoming unsustainable with only 13 of the 18 units in occupation and the overall layout is non-compliant. Increased fly tipping, vandalism and loss of rental income and unmet housing need	Reputation	An innovative and effective council	Tim Bruce	The Fire Safety and Layout requirements set out in the Government's Model Standards 2008 for Caravan Sites in England are not being met on Dairy House Bridge	Units are either too close to each other or the boundaries to comply with the Design Standards	Even if we were carry out repairs/ remedial action to the site, the layout and access to the site would still be non-compliant without substantial investment.	3	4	12	1. Consider closure on Dairy House Bridge 2. Focus investment on to a single site, but this would reduce the Council's overall provision for the G&T Community	3	2	6
6	The current Transit site which is next to Oak Tree Field has been closed for 4+ years and there are no suitable facilities on site to bring it back into use without investment. This is a breach of planning obligations	Legislative	Protecting those who are most vulnerable	Tim Bruce	The use of current transit site was always included the original redevelopment proposals but the Council has been unable to identify any alternative sites.	Having a transit site next to a permanent site is unlikely to be successful or sustainable and will lead to disputes and excessive management time to keep all residents satisfied	Resident dissatisfaction whether we invest or not as there will be an impact on them which ever decision is reached	3	3	9	1. The Council needs to find alternative sites to use as temporary accommodation (Transit) within the County 2. Maintain the site at Oak Tree Field as a permanent Transit Site is unlikely to be successful	3	2	6
7	Attracting contractors to carry out the remedial works	Financial	An innovative and effective council	Tim Bruce	Contractors are likely to increase their costs on any works that are seen to not fully address the needs of the community. Residents refusing to accept the Council's decisions may refuse access to complete the required works	Any prices are likely to include high risk allowances for undertaking and completing the work unless an effective partnership can be created between the contractor, the Council and the residents.	Time delays as attracting suitable and sufficient contractors may prove difficult unless grounds can be found a more negotiated contract.	4	3	12	1. Consider issuing a notice of intention to carry out works and interview prospective contractors to determine if a negotiated contract may prove more successful. 2. Accept that traditional tendering, which places the majority of the risk with the contractor, will be unlikely to deliver value for money	3	3	9
8	Contract delivery will require constant supervision which will have resource implications for the Council	All	An innovative and effective council	Tim Bruce	Unless the residents are onboard and there is the understanding that flexibility will be required to deliver the works, the contract may be extremely difficult to effectively deliver within a reasonable timeframe	Tendered or agreed prices do not reflect the actual cost of delivering the works and either the contractor has difficulty in delivering the works or the Council ends up paying considerably more for the works	The works will be inconvenient and may prevent residents having access to bathing or cooking facilities for times of the day on an individual basis whilst works to the drains could effect many residents	3	3	9	Creation of an effective partnership to complete the works will take a great deal of trust and negotiation, but investing in creating this platform will be resource demanding on the Council	3	2	6
9	Disruption to marketing process	All	Strong communities	Mike Dawson	Residents on site refusing access and other forms of disruption	Inability to market site effectively	Lack of site access	2	3	6	1. Communication strategy to be robust 2. Clear time line issued to residents 3. Complementary means of issuing site information	1	3	3
10	Inability to dispose of the site	Legislative	Protecting those who are most vulnerable	Mike Dawson/ Leanne Sykes	Title issues	Defective title results in legal impediment on sale of site	Delay to sale of site	2	3	6	1. Clear due diligence on site prior to marketing	1	3	3
11	No financial value generated	Financial	Growing the economy	Mike Dawson/ Leanne Sykes	Market perceives no value in the sites	Disposal of site would be at a loss to the Council	0	3	4	12	1. Estimate of site value obtained from outset 2. Cabinet decision accepts may not yield a significant value 3. Determine whether any works would enhance the site value	2	3	6
12	Lack of Control after transfer	Legislative	Protecting those who are most vulnerable	Mike Dawson/ Graham Garrett	Transfer of land will limit the council's control of the management and	Disposal of site would be at a loss to the Council	Resident concerns are realised, leading to criticism of the Council	4	3	12	1. Officer have sought clarity to proposals for the site. 2. Information of proposals to be shared with residents 3. Licence for sites to be time limited in accordance with the proposals	3	2	6
13	Restrictions on sale of land.	All	Protecting those who are most vulnerable	Graham Garrett	Restrictions placed on title preventing or limiting the ability to sell	Properties cannot be sold or can only be sold with the consent of a third party.	Delay due to seeking the consent of a third party and additional costs in meeting requirements of a third party.	3	3	9	1. Undertake title investigation at an early stage to identify any possible issues.	2	3	6
14	Preferred bidder is unable to secure a site licence.	All	Protecting those who are most vulnerable	Graham Garrett	The preferred bidder is either incapable or unlikely to be granted a site licence	Properties cannot be sold.	Properties are retained by the council.	3	4	12	1. Bidders should be required to engage with the Licencing Team before submitting bids or such information as will be required for an application for a site licence should form part of all bids.	3	3	9
15	Judicial Review brought on from the Commission for Racial Equality	All	Protecting those who are most vulnerable	Graham Garrett	Questions raised about the process followed by the Council	Properties cannot be sold.	Properties are retained by the council.	3	4	12	1. Bidders should be required to engage with the Licencing Team before submitting bids or such information as will be required for an application for a site licence should form part of all bids.	3	3	9
14	The cost of surveys, remedial works and disposal process to be met from G & T revenue budget. Not yet fully determine but could range from £20k to £120k	Financial	Protecting those who are most vulnerable	Leanne Sykes	Lack of investment over the last few years with redevelopment having been the proposed route. Withdrawal of government funding	Having to met from a budget which is unlikely to cover everything required and so overspent in a time where savings are required	Resident dissatisfaction with this course of action	4	3	12	Difficult to avoid the need to keep people safe but decommissioning of one site may reduce the potential overspend but create other difficulties	3	3	9
19	Residents end up on the road or double up on private sites.	Reputation	Protecting those who are most vulnerable	Highways Enforcement and planning services.	Residents are forced to leave the site after sell-off or struggle to pay rents.	Increase in unauthorised encampments or overcrowding on private sites. Residents end up homeless.	Additional enforcement cases. More applicants on Council register.	3	1	3	Free pre-application advice to travellers; development plan policies guiding new development if residents wish to develop private site.	2	2	4
20	Increased difficulty meeting identified need through site allocations in the Local Plan.	Financial	Strong communities	Planning & Property Services	Residents leaving the site are officially in 'need' as they become homeless.	Insufficient supply to meet need through land allocations. Council to purchase additional land for allocation.	Additional costs to purchase land on the open market to ensure sufficient suitable land is allocated in the Local Plan.	3	2	6	Seek approval from members to purchase additional land otherwise failure to get Local Plan through examination.	3	2	6
21	Increased need for affordable pitches to be made available through Local Plan allocations.	Financial	Strong communities	Planning & Housing	As a follow on risk from the above. Residents leaving the site cannot afford purchasing/renting a pitch on existing or new sites.	Council to ensure affordable pitches are available on new sites allocated in the Plan given the evidence on increased need/demand following sell-off.	Increased risk to Local Plan robustness as RSL or Council may have to step in to bring forward a proportion of new sites with affordable pitches that remain so in perpetuity.	3	2	6	As above. Allocate sites for delivery of affordable pitches. Seek delivery partner but judged to be difficult at this point as repeat of current exercise basically.	3	2	6
22	Unable to gauge resident's accommodation needs	Reputation	Strong communities	Spatial Planning	Residents being upset about the prospect of change of site ownership.	Residents unwilling to cooperate when approached for interviews as part of the next Gypsy and Traveller Accommodation Assessment (likely to be this year).	Incomplete 'needs' data for Local Plan review and site allocations.	4	2	8	Communications Strategy underpinning GTAA project.	3	2	6
23	Poor publicity for the Council	Reputation	Protecting those who are most vulnerable	Sue Ellison	The Council not being able to robustly respond to external questioning or justify decision	Poor publicity	Loss of confidence in the decision making process	3	2	6	1. Communications Team involved in regular meetings 2. Production of proactive briefing notes and newspaper articles	3	1	3

Equality Analysis Evidence Document					
Title: Dairy House Bridge and Oak Tree Field Gypsy and Traveller Sites					
The cabinet have asked for an assessment of the option to dispose of these two sites but on the basis that they are retained as G&T sites and continue to provide accommodation to the existing residents					
Why are you completing the Equality Analysis? (please tick any that apply)					
Proposed New Policy or Service	Change to Policy or Service ✓	MTFS (Medium Term Financial Strategy) ✓	Service Review		
Version Control					
Version control number	1.0	Date	22 nd March 2019	Reason for review (if appropriate)	To appraise the option for transfer of ownership of two Gypsy and Traveller Sites where the Council no longer has access to the external funding originally targeted for improving these two sites
Risk Rating Score (use Equalities Risk Matrix and guidance)					
**If any of these are 3 or above, an Impact Assessment must be completed. Please check with equalities@wiltshire.gov.uk for advice					
Criteria	Inherent risk score on proposal		Residual risk score after mitigating actions have been identified		
Legal challenge	12 (Significant Risk)		6		
Financial costs/implications	2		2		
People impacts	16 (Significant Risk)		8		
Reputational damage	12 (Significant Risk)		6		
Section 1 – Description of what is being analysed					
<p>The Council currently owns 5 permanent gypsy and traveller sites and one transit site, a total of 100 permanent pitches and 12 transit pitches. These are as follows;</p> <ul style="list-style-type: none"> • Thingley, near Chippenham – 31 permanent pitches (remodelled 2016/17) • Fairhaven, Dilton Marsh – 7 permanent pitches (remodelled 2016/17) • Lode Hill, Downton – 12 permanent pitches (remodelled 2016/17) • Oak Tree Field, Salisbury – 32 permanent pitches • Dairy House Bridge, Salisbury – 18 permanent pitches • Odstock transit site (adjacent to Oak Tree Field) – 12 temporary pitches. <p>The Thingley, Fairhaven and Lode Hill sites which provide a total of 50 permanent pitches, have been remodelled & improved and will remain in Council ownership. However, the Oak Tree Field (OTF) and Dairy House Bridge (DHB) sites along with the transit site adjacent to Oak Tree Field (Odstock transit site) are still in need of investment to enable them to continue in use as gypsy and traveller accommodation.</p> <p>A number of options have been considered for these sites including closure, refurbishment, remodelling and disposal. In July 2018 the Cabinet considered the option of transferring the ownership of the two undeveloped sites to a new owner to enable them to receive the needed investment and remain as gypsy and traveller sites.</p> <p>Transfer of ownership of the sites to a new owner will enable this investment to ensure the sites are able</p>					

to remain in use as gypsy and traveller sites within Wiltshire. Following a marketing and bidding process, it is recommended that the sites are transferred to Bidder B, as outlined within the report to Cabinet on 30th April 2019

This Equality Impact Assessment is therefore geared to consider the implications of this recommendation for transferring the ownership

Section 2A – People or communities that are currently **targeted or could be affected** by any change (please take note of the Protected Characteristics listed in the action table).

The community / people who are impacted by this proposal are:

- The existing residents on both sites, who for many years have been informed that redevelopment of these sites was the proposal of the Council. The remaining three Gypsy and Traveller sites owned by the Council have had this work completed and, due to the investment made, are not being considered for transfer due to the need to generate income to help pay off the investment made by the Council.
- The wider Gypsy and Traveller Community as conditions on Dairy House Bridge and Oak Tree Field mean that vacant units on these sites are not suitable to be offered as accommodation until at least some investment is made. It is questionable that conditions comply with the government's Model Standards 2008 for Caravan Sites in England.

As a result, it could be construed that that Council is not acting in a fair manner to these groups who, up to this point, have been led to believe that the Council would invest in the redevelopment and creation of sustainable housing solutions on these sites. As a result of this previous decision, the council has held off some repairs and only carried out repairs of a temporary nature to keep facilities going rather than spend money on things that would originally be down for complete replacement.

At present there are now 10 plots on these sites that are no longer fit for letting due to fly-tipping, vandalism and poor site conditions, and this means both a loss of rental income and an under provision of accommodation to the wider Gypsy & Traveller community.

What is becoming obvious is that the option to transfer the ownership will not come without some expense on the part of the Council and so it comes down to a comparison of all the options into to reach a sustainable decision.

Any decision not to proceed with the redevelopment option could be considered to be discriminatory towards the Gypsy and Traveller community without a full and proper explanation that clearly demonstrates a transparent decision making process.

Section 2B – People who are **delivering** the policy or service that are targeted or could be affected (i.e. staff, commissioned organisations, contractors)

Council staff, particularly the Gypsy & Traveller Manager in Housing, have been subject to constant questioning about these two sites and when the proposed works were to proceed. The staff in the current Gypsy & Traveller project team give an indication of the level of impact a decision to dispose would have on the Council. The following services are part of team:

- Housing – lead officers
- Strategic Assets
- Legal Services
- Finance
- Strategic Procurement
- Public Health
- Public Protection
- Corporate Services
- Planning
- Communications

Therefore, the implications of any decision are likely to have a call on officers within these teams and at

a cost to the Council.

In addition, it is likely that we will have to make use of external consultants to undertake a variety of services, such as stock condition surveys, valuations and marketing of the sites as we do not have the resources available in the timeframes required to make a clear decision

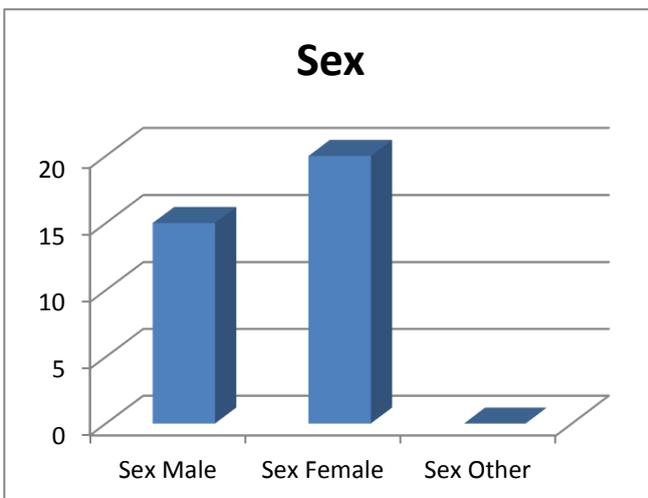
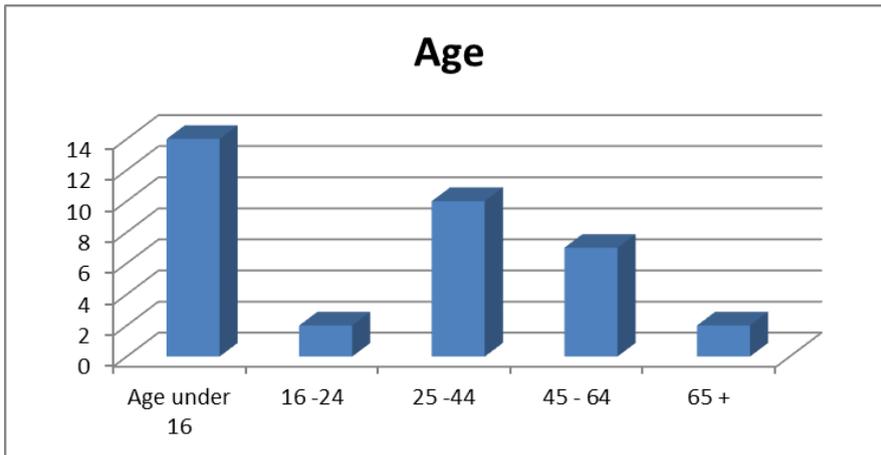
Note: Throughout this Project it is vitally important the Council takes care over our communications and that we ensure there is no discrimination towards the Gypsy & Traveller Community

Section 3 –The underpinning **evidence and data** used for the analysis (Attach documents where appropriate)

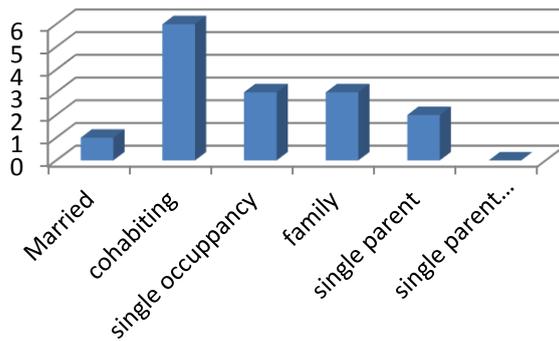
Prompts:

- What data do you collect about your customers/staff?
- What local, regional and national research is there that you could use?
- How do your Governance documents (Terms of Reference, operating procedures) reflect the need to consider the Public Sector Equality Duty?
- What are the issues that you or your partners or stakeholders already know about?
- What engagement, involvement and consultation work have you done? How was this carried out, with whom? Whose voices are missing? What does this tell you about potential take-up and satisfaction with existing services?
- Are there any gaps in your knowledge? If so, do you need to identify how you will collect data to fill the gap (feed this into the action table if necessary)

It is difficult to collect detailed information about the residents, but the following is a summary of the facts that have been put together:



Status



Meetings have been held with Hampshire County Council and Buckinghamshire County Council and we are seeking to meet with Somerset County Council, which have transferred all of their sites to a third party outside of the Council to manage this housing provision.

In support of this project, the following documents have been prepared:

- Risk Register
- Equality Impact Assessment
- Health Impact Assessment
- Consultation Plan
- Communications Plan
- Transfer proposal - outline the approach towards marketing and seeking to maximize value for money
- Legal Proposal – to outline all the legal constraints that might apply to the transfer option

Resident engagement

Resident engagement on both sites has continued throughout the marketing process with regular newsletters produced to keep them informed. At the request of Rev. Jonathan Herbert, C of E Chaplain to Gypsies and Travellers Dorset and Wiltshire, a meeting was held with him and some resident representatives to reassure them through this process and to demonstrate that their concerns were being addressed in the assessment criteria. A number of additional issues were raised at this meeting and so these were placed in a short questionnaire sent to each of the bidders who were shortlisted for interview.

The key concerns and issues raised by residents regarding a change of site ownership are;

- increased rents and service charges
- requirement to rent mobile homes from the new owners
- less security of tenure and threats of eviction
- less open and transparent management policies
- possibility of discrimination against and victimisation of some residents which, due to culture of the residents, isn't reported
 - mixing of different gypsy and traveller ethnic or cultural groups on one site could lead to issues of community cohesion
- Whether bidders would engage with them and allow the bid information to be made available to them
- the policy relating to pets on the site

Resident representatives were also invited to be involved in the due diligence process by carrying out joint site visits with officers to sites owned by the chosen short-listed companies, however, this offer was refused. These site visits were to ensure that the companies were able to demonstrate a proven track record in the improvement and management of GRT sites.

***Section 4 – Conclusions** drawn about the impact of the proposed change or new service/policy

Prompts:

- What actions do you plan to take as a result of this equality analysis? Please state them and also feed these into the action table
- Be clear and specific about the impacts for each Protected Characteristic group (where relevant)
- Can you also identify positive actions which promote equality of opportunity and foster good relations between groups of people as well as adverse impacts?
- What are the implications for Procurement/Commissioning arrangements that may be happening as a result of your work?
- Do you plan to include equalities aspects into any service agreements and if so, how do you plan to manage these through the life of the service?
- If you have found that the policy or service change might have an adverse impact on a particular group of people and are **not** taking action to mitigate against this, you will need to fully justify your decision and evidence it in this section

Shortly after the Cabinet Report in July, a letter was received from the Commission for Racial Equality who were opening up the possibility of a Judicial Review of the Council's decision to consider transfer of the proposed sites. However, due to the robust approach being taken, legal services were able to demonstrate that this has been a transparent process and that we were seeking an outcome that would benefit both the residents and the Council.

Nevertheless, officers decided that it would be appropriate to continue to demonstrate this transparency of the process by referring the final decision to the Cabinet in a public forum, rather than the delegated powers which were granted under the July 2018 Cabinet decision. Given the results of the bidding process and the closeness of the results, officer considered it appropriate to bring the matter back to Cabinet for a final decision.

If cabinet make the decision to offer the sites to Bidder B, we will make available the policies, procedures and investment plan provided, to the residents (this was agreed to in advance by Bidder B)

Following the decision, the project team will continue to work together through the transition period to ensure continuity of engagement with residents.

When any transfer of ownership completes, the new owners and the council will maintain a relationship into the future, as the council will be responsible for licensing the sites and ensuring compliance with licensing conditions.

Successful transfer of ownership to the preferred bidder should ensure the necessary investment into the sites, giving a positive outcome for the existing residents and also increasing the number of good quality pitches for Gypsy, Roma and Travellers in Wiltshire.

***Section 5 – How will the outcomes from this equality analysis be monitored, reviewed and communicated?**

Prompts:

- Do you need to design performance measures that identify the impact (outcomes) of your policy/strategy/change of service on different protected characteristic groups?
- What stakeholder groups and arrangements for monitoring do you have in place? Is equality a standing agenda item at meetings?
- Who will be the lead officer responsible for ensuring actions that have been identified are monitored and reviewed?
- How will you publish and communicate the outcomes from this equality analysis?
- How will you integrate the outcomes from this equality analysis in any relevant Strategies/Polices?

The details within the document will be kept under review by the Gypsy & Traveller Project Team assembled to undertake the review of the transfer option. The Project Team meets monthly but this document will be placed on the agenda on a quarterly basis and kept under constant review to ensure that decisions are reached in a transparent manner.

***Copy and paste sections 4 & 5 into any Committee, CLT or Briefing papers as a way of summarising the equality impacts where indicated**

Please send a copy of this document to Equalities@wiltshire.gov.uk

Completed by:	<ul style="list-style-type: none"> • Tim Bruce – Strategic Asset Manager – Housing • Emily Higson – Corporate Services 	
Date	22 nd March 2019	
Signed off by:	<ul style="list-style-type: none"> • Simon Hendey – Director, Housing & Commercial • Alistair Cunningham - Corporate Director Growth, Investment & Place 	
Date	tbc	
To be reviewed by:	<ul style="list-style-type: none"> • Emily Higson together with the G&T Project Team 	
Review date:	Quarterly basis as Project Team Meetings	
For Corporate Equality Use only	Compliance sign off date:	tbc

Equality Impact Issues and Action Table (for more information on protected characteristics, see page 7)					
Identified issue drawn from your conclusions (only use those characteristics that are relevant)	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions?	When will the action be completed?	How will it be monitored?	What is the expected outcome from the action?
Age					
Based on the demographics of the existing residents, there are a number of young children living on these sites and therefore, keeping them and their families safe must be a priority	The key action is to seek to maintain the sites in sufficient condition that warrants the maintenance of existing homes	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
Disability					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
Gender Reassignment					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
Marriage and Civil Partnership					
Tbc	Tbc	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
Pregnancy and Maternity					
Tbc	Tbc	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group

Race (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)					
This is the area of most concern as we are dealing with a specific cultural and racial group within the Gypsy and Traveller Community	All Officers and Members need to understand how decisions reached may impact on this community, which is why consultation and involvement is so vital	The Whole Project Team and Members	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
Religion and Belief					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
Sex					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
Sexual Orientation					
Based on the demographics of the existing residents, there are no particular concerns in this area	None at this present time	Mike Davies/ Nicole Smith	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group
Other (including caring responsibilities, rurality, low income, Military Status etc)					
Cultural Awareness Low income on most residents	The Corporate Business Plan refers to 'Protecting those who are most vulnerable' and many of the residents living and seeking this housing provision fall within this category. Care and support must be given to our residents to ensure that the impact of decisions is minimized	The Whole Project Team and Members	Ongoing	Through the Project Team Meetings	That the impact on residents is minimized and that all existing residents are able to remain in occupation. No acts or statements that could be construed as discrimination towards this group

Calculating the Equalities Risk Score

You will need to calculate a risk score twice:

1. On the inherent risk of the proposal itself (without taking into account any mitigating actions you may identify at the end of the Equality Analysis (EA) process)
2. On the risk that remains (the residual risk) after mitigating actions have been identified

This is necessary at both points to:

- Firstly, identify whether an EA needs to be completed for the proposal and;
- Secondly, to understand what risk would be left if the actions identified to mitigate against any adverse impact are implemented

Stage 1 - to get the inherent risk rating:

1. Use the [Equalities Risk Criteria Table](#) below and score each criterion on a scale of 1 - 4 for the impact and 1 – 4 on their likelihood of occurrence. Multiply these 2 scores together (Likelihood x Impact) to get a score for that criterion (this will range from 1 – 16).
2. Record each of these scores in the [table](#) at the beginning of this document
3. Assess whether you need to carry out an EA using the guidance box below (stage 2).

Stage 2 - to identify whether an EA needs to be carried out:

If your inherent risk score (for any criteria) is:

12 – 16 or Red = High Risk. **An Equality Analysis must be completed.** Significant risks which have to be actively managed; reduce the likelihood and/or impact through control measures.

6 – 9 or Amber = Medium Risk. **An Equality Analysis must be completed.** Manageable risks, controls to be put in place; managers should consider the cost of implementing controls against the benefit in the reduction of risk exposure.

3 - 4 or Green = Low Risk. **An Equality Analysis must be completed**

1 – 2 or Green = Low Risk. **An Equality Analysis does not have to be completed**

Stage 3 - to get the residual risk rating:

1. Repeat the process above when mitigating actions have been identified and evidenced in the [table](#) on page 3 to calculate the **residual risk**
2. Make a note of the residual risk score in the [table](#) on the first page of the EA template

Equalities Risk Criteria Table

<p align="center">Impact</p> <p>Criteria</p>	<p align="center">Low</p> <p align="center">1</p>	<p align="center">Moderate</p> <p align="center">2</p>	<p align="center">Substantial 3</p>	<p align="center">Critical</p> <p align="center">4</p>
<p>Legal challenge to the Authority under the Public Sector Equality Duty</p>	<p>Complaint/initial challenge may easily be resolved</p>	<p>Internal investigation following a number of complaints or challenges</p>	<p>Ombudsman complaint following unresolved complaints or challenges</p>	<p>Risk of high level challenge resulting in Judicial Review</p>
<p>Financial costs/implications</p>	<p>Little or no additional financial implication as a result of this decision or proposal</p>	<p>Medium level implication with internal legal costs and internal resources</p>	<p>High financial impact - External legal advice and internal resources</p>	<p>Severe financial impact - legal costs and internal resources</p>
<p>People impacts</p>	<p>No or Low or level of impact on isolation, quality of life, achievement, access to services. Unlikely to result in harm or injury. Mitigating actions are sufficient</p>	<p>Significant quality of life issues i.e. Achievement, access to services. Minor to significant levels of harm, injury, mistreatment or abuse OR, low level of impact that is possible or likely to occur with over 500 people potentially affected</p>	<p>Serious Quality of Life issues i.e. Where isolation increases or vulnerability is greatly affected as a result. Injury and/or serious mistreatment or abuse of an individual for whom the Council has a responsibility OR, a medium level of impact that is likely to occur with over 500 people potentially affected</p>	<p>Death of an individual for whom the Council has a responsibility or serious mistreatment or abuse resulting in criminal charges OR High level of impact that is likely to occur, with potentially over 500 people potentially affected</p>
<p>Reputational damage</p>	<p>Little or no impact outside of the Council</p>	<p>Some negative local media reporting</p>	<p>Significant to high levels of negative front page reports/editorial comment in</p>	<p>National attention and media coverage</p>

Equalities Risk Matrix

		Acceptable		Actively managed	
Impact	Critical (4)	4	8	12 Significant risk	16 Significant risk
	Substantial (3)	3	6	9	12 Significant risk
	Moderate (2)	2	4	6	8
	Low (1)	1	2	3	4
		Very unlikely (1)	Unlikely (2)	Likely (3)	Very likely (4)
		Likelihood of occurrence			

The protected characteristics:

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds). This includes all ages, including children and young people and older people.

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment - The process of transitioning from one gender to another.

Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Marriage and civil partnership - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships' and from 29th March 2014, same-sex couples can also get married at certain religious venues. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity - Pregnancy is the condition of being pregnant.

Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.

Sex (this was previously called 'gender') - A man or a woman.

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

You are also protected if you are discriminated against because you are **perceived** to have, or are **associated** with someone who has, a protected characteristic. For example, the Equality Act will protect people who are caring for a disabled child or relative. They will be protected by virtue of their association to that person (e.g. if the Carer is refused a service because of the person they are caring for, this would amount to discrimination by association and they would be protected under the Equality Act)