

Wiltshire Council

Cabinet Capital Assets Committee

21 November 2013

Subject: Gypsy, Roma and Traveller Project

**Cabinet member: Councillor Toby Sturgis
Strategic Planning, Development Management,
Strategic Housing, Property and Waste**

Key Decision: Yes

Executive Summary

The Council owns and manages 90 permanent and 12 transit gypsy and traveller pitches in Wiltshire across 6 sites.

A site survey carried out in 2008 and a more recent internal audit report carried out in 2011 identified a number of outstanding issues with the condition of the sites in the council's ownership.

In May 2011 the council had the opportunity to bid for funding from the Homes and Communities Agency (HCA) to invest in the refurbishment and new provision of gypsy and traveller pitches. A bid for £3.6m capital funding was submitted to refurbish 40 of the council's permanent pitches and to provide 20 new pitches.

On 5th January 2012 the HCA announced that the council had been successful in securing an allocation of £3.42m to deliver the pitches by March 2015. This along with capital investment of £250,000 and borrowing authority for up to £150,000 is currently being used to refurbish 40 of the council's existing pitches over 3 sites as well as delivering an additional 10 pitches on 2 of those sites. Construction has started on 2 of the sites with the third being programmed in and it is estimated that the work will be completed on these site by summer 2014.

The HCA approached the council at the end of June 2013 to indicate that some funding had been returned to the Agency due to other organisations not being able to complete within the required timescales. The council put forward a bid to refurbish the remaining 2 council owned sites in July 2013 and was formally notified on 9th September that the HCA had agreed a further £4.419m to refurbish the remaining 50 pitches. This work falls under the existing funding programme and as such is required to be completed by March 2015

Approval is now sought to use the allocated funding and to enter into a contract with a developer to carry out the works to the sites following the conclusions of an appropriate tendering process.

Proposal(s)

Members are recommended to;

1. Delegate authority to the Associate Director for Adult Care Commissioning, Safeguarding and Housing in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to accept the increase in allocated grant agreed under the existing Funding Agreement with the HCA from £3.42m to £7.839m
2. Delegate authority to the Associate Director for Adult Care Commissioning, Safeguarding and Housing in consultation with the Cabinet Member for Strategic Planning, Development Manager, Strategic Housing, Property and Waste to enter into a contract to deliver the new build works for the 50 pitches following a competitive tendering exercise
3. Delegate authority to the Associate Director for Adult Care Commissioning, Safeguarding and Housing in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to enter into any associated legal agreements or procurement activities to enable the delivery of the project

Reason for Proposal

There are a number of drivers for pursuing the opportunity to secure grant funding to invest in existing and new gypsy and traveller pitches in Wiltshire. These include;

- (i) The requirement to ensure the provision of good quality well managed sites to uphold the legislative requirements set out in Human Rights (1998) and Equality Act (2010)
- (ii) The need to reduce unauthorised encampments
- (iii) The need to reduce unauthorised developments

These outcomes have been supported through the approval of the Council's Gypsy and Traveller Strategy by Cabinet on 24th May 2010, traveller policies within the emerging Wiltshire Core Strategy, the emerging Development Plan Document for Gypsy and Traveller sites and the internal audit report August 2011 relating to the provision of services to travellers by the Council.

Maggie Rae

Public Health, Public Protection and Adult Care

Wiltshire Council

Cabinet Capital Assets Committee

21 November 2013

Subject: Gypsy, Roma and Traveller Project

**Cabinet member: Councillor Toby Sturgis
Strategic Planning, Development Management,
Strategic Housing, Property and Waste**

Key Decision: Yes

Purpose of Report

1. To seek authority to accept the increase in grant funding allocation from the Homes and Communities Agency (HCA) under the current programme from £3.42m to £7.839m
2. To seek authority to enter into a contract with a developer, following a competitive tendering exercise, to carry out the works to deliver the 50 pitches by March 2015
3. To seek authority to enter into any other legal and procurement agreements necessary to ensure delivery of the project.

Background

4. In May 2010 Cabinet approved the Gypsy and Traveller Strategy. One of the objectives of this strategy is to achieve clear pathways to providing appropriate sites for Gypsies and Travellers, with standards of accommodation on local authority sites being equitable to that of the settled population.
5. In 2008 a site conditions survey identified that local authority managed sites are in a poor state of repair. No capital budget has been identified to undertake large scale refurbishment or rebuilding of these sites.
6. In August 2011 the Council's internal audit report identified a high risk in delaying funding and carrying out essential and urgent repairs risking health and safety incidents at Traveller sites. The report recommended that urgently needed repairs threatening health and safety should be undertaken as a priority.
7. In May 2011 the Council expressed an interest in securing £3.6m capital funding from the HCA to deliver 60 gypsy and traveller pitches in Wiltshire.

8. On 5th January 2012 the HCA announced that the council had been successful in securing £3,420,014 to deliver 60 gypsy and traveller pitches.
9. Due to increased construction costs the council was able to agree a revised proposal with the HCA in July 2012 to deliver 50 gypsy and traveller pitches maintaining the same grant level.
10. In order to support this approval was gained from the Cabinet Capital Assets Committee in July 2012 to borrow up to £150k to support the delivery of this programme of work.
11. This programme of work is progressing well with construction work having started on 2 sites with the remaining site in preparation.
12. The HCA approached the council at the end of June 2013 to advise that there was further funding available for gypsy and traveller pitches due to funding being returned by organisations that will be unable to complete their delivery within the programme timescales.
13. The council put a bid forward in July 2013 to the HCA for funding to refurbish the remaining two sites, Oak Tree Field and Dairyhouse Bridge in Salisbury, requesting funding of £4.419m.
14. The council was notified on 9th September that it had been successful in this bid and would be allocated the full additional funding request of £4.419m.
15. The funding conditions remain the same and the works must be completed by March 2015.

Main Considerations for the Council

Project Governance

16. A governance structure has been set up for the project including a Project Board, chaired by Councillor Toby Sturgis and a Project Delivery Group.

Consultation

17. A programme of consultation has been developed in line with the existing programme including consultation with Lead Members, local Members, Area Boards, local residents and gypsy and traveller households which commenced in September 2013.

Communication

18. A communication plan developed for the existing programme was agreed by the Project Board. It outlines the plans for communication with all stakeholders and partners including the media and residents and will be updated to reflect this additional programme of work.

Decanting

19. Once the work is completed to the existing site at Downtown in spring 2014, there will be a small number of pitches available that could potentially be used to decant residents from the other two sites but solely using these pitches would not support the completion of the project within the required timescales.
20. Due to the timescales required to complete the works, use of the 12 transit pitches adjacent to the Oak Tree Field site is also required to accommodate residents from both sites on a phased basis.
21. This will result in the transit site needing to be temporarily closed from January 2014 until the works are complete to ensure that the site facilities can be prepared to support the residents whilst the main construction takes place.
22. There is no statutory requirement for the council to operate a transit site; however, the site does assist in the management of unauthorised encampments and unauthorised developments during this period.
23. Approval to close the transit site for these redevelopment works will be sought through a Member delegated decision to ensure transparency.
24. During the period of the works there may be a slight increase in the number of unauthorised encampments around the county; however, these will be managed in line with the council's current policy.
25. Where possible during the closure pitches may be able to be held vacant to assist in management of enforcement processes.

Procurement

26. Due to the timescales involved to get into planning an exemption has been granted for the retention of the architects working on the existing programme.
27. A competitive tendering exercise will be undertaken to appoint a developer to refurbish the additional pitches due to the estimated value of the works.
28. This process will be undertaken with the aim of having a developer in place by the middle of February 2014 at the latest to allow start on site during March 2014.

Financial Feasibility

29. The bid was submitted on the basis that the council's capital was already invested in the existing programme and there was no further council capital available to fund the additional programme.
30. The value of the land for each site constitutes the council's contribution to the programme.

31. The amount of funding bid for was higher than the original programme bid due to the timescales involved, the resources required and increased construction costs coming forward through the existing programme of work.
32. This increased grant rate should ensure that there is no further funding requirement from the council in order to complete the work.

Planning

33. Work is ongoing to ensure the new pitches are delivered in line with the emerging core strategy, the emerging Gypsy & Traveller Site Allocations DPD and generally in line with planning policy.
34. Planning permission will be required to deliver the refurbishment work and applications for permission will follow the normal planning policy process.

Relevance to the Council's Business Plan

35. Undertaking refurbishment work to these two sites will assist the council in meeting the objective set out in the council's business plan to refurbish council housing and encourage the development of new affordable homes, including supported living in rural areas.
36. Redesign and upgrading of the sites will help the council develop healthier environments for people to live, in turn assisting in the creation of stronger, more resilient communities.
37. Completing work to these sites on top of the existing programme of work the council will be able to eliminate overspend within this budget area and create a programme of planned maintenance in line with other council properties reducing pressure on the council's budgets going forward.

Safeguarding Considerations

38. As part of the construction programme, residents and their families will need to be moved to temporary pitches in order for work to be completed to their permanent pitches.
39. The project team will ensure that these temporary pitches provide the necessary facilities to maintain the health and wellbeing of residents and their families.
40. The developer for the sites will be required to take into account that some residents and their families are likely to be on site during the work and will need to plan a phased approach to the construction work accordingly providing an appropriate approach to health and safety.
41. Any plans to decant residents to other sites for the duration of their phase will take into account any particular needs that present themselves during the course of individual consultations including education and health.

42. Support will be offered throughout to residents and their families to ensure that individual needs are being met as the programme of work progresses.
43. Everyone will be consulted with about their needs on an individual basis and will be supported to access any social care assessments that may be required to ensure that their needs are fully identified and their permanent pitch best meets their requirements on return.
44. Complete refurbishment of the site will raise the standard of living by replacing the water, electricity and drainage infrastructure to rectify a number of historical issues on the sites included drains backing up and electricity tripping.
45. The refurbished pitches will also enforce the fire safety guidelines automatically so residents are unable to park their caravans or mobile homes with 6 metres of a caravan or mobile home on the adjacent pitch.
46. All pitches will become part of the agreed pitch fee process established as part of the existing programme of works. Pitches where there is no occupier when the works started will be set at £85 per week over 50 weeks from April 2014 (and rising in line with the Mobile Homes Act requirements accordingly) whilst pitches currently with active pitch agreements will be raised in a phased approach over a period of 4-5 years depending on completion of the pitch to match the higher rent.

Public Health Implications

47. The audit report from 2011 set out a number of issues with the existing council owned sites including trip hazards which presented a significant health and safety risk to the residents and their families.
48. The proposed programme of work is intended to replace out of date and not fit for purpose infrastructure including:
 - a. Electricity supplies upgraded to support modern appliance requirements and reduce/eliminate tripping occurrences which result in residents sometimes being without electricity and hot water overnight
 - b. Upgrade the drainage infrastructure as camera surveys from 2008 indicate substantial issues with the current drainage systems on all the sites. This should reduce the amount of blockages within the system and the health risks associated with backed up toilets.
 - c. Improved surface water drainage measure and levelling of pitches to ensure that risk of flooding on individual pitches is reduced
49. Design standards applied to the sites and pitches will increase the benefits for residents on these sites by:
 - a. Increasing the standard of amenity facilities provided on each pitch, providing better insulated buildings, internal access between the kitchen area and the bathrooms rather than needing to go outside

- and reducing the amount of energy consumed in heating the buildings
- b. Sites will no longer have gravel on the pitches reducing the potential for disease to be spread to children from the amount of animals, particularly dogs, kept on the sites
- c. Pitches will be mainly tarmac and will be level eliminating historical trip hazards
- d. Complete refurbishment of the sites, providing a clean environment for residents should reduce the attraction for rats which frequently visit the sites
- e. Providing open green spaces away from roadways that are safe for children to play in

Environmental and Climate Change Considerations

- 50. Refurbishment of existing gypsy and traveller sites will contribute to the improvement of the local physical environment.
- 51. Provision of new pitches will meet planning policy requirements in terms of sustainability and impact on the local environment.
- 52. As part of the work to improve facilities on the existing sites, options for use of biomass heating and other sustainable energy generation will be explored.
- 53. New amenity blocks will be provided on the sites to meet BREEAM 'very good' standards, incorporating a high level of insulation to reduce energy consumption.

Equalities Impact of the Proposal

- 54. The project involves the improvement of facilities for one of Wiltshire's minority groups. If the project does not proceed this will have an adverse impact on this minority group and will leave them with sub-standard facilities which are not equitable to the settled community. This will have potential Human Rights implications and will be contrary to the council's statutory duties under the Public Sector Equality (Equality Act) Duty
- 55. This project has potential to advance equality of opportunity and promote good relations (community cohesion) between the Gypsy/Traveller community on the Council owned sites; the project will involve comprehensive consultation and communication with local residents to achieve optimum community cohesion and integration. Consultation has already begun with the communities on the existing sites proposed to be included within the project and although steps have been taken to manage expectations if the project does not proceed this could have a negative impact on the council's reputation within this community.
- 56. An Equality Analysis of the project has been carried out in line with the council's approved template and is being monitored and updated on an ongoing basis by the project's Delivery Group.

Risk Assessment

57. There is a risk that development of the proposal will generate negative publicity for the Council. However strategies have been put in place to manage communication and consultation to mitigate this risk and outline the positive benefits of the proposal for local communities.
58. There is a risk that further resources dedicated to evaluating and developing this proposal will lead to a decision that the project is not viable and/or deliverable. However, this is a low risk as substantial work has been undertaken to explore the potential barriers to delivery. All efforts will be made to find workable solutions to enable the project to proceed.

59. Risks that may arise if the proposed decision and related work is not taken:

1. The council not receiving further funding at a later date to undertake the refurbishment of these two sites
2. Two tier standard on living amongst the council owned sites where sites and pitches do not have equitable standards
3. Sub-standard of living unequitable to the settled community which could have Human Rights implications
4. Potential for negative impact on the council's reputation amongst this community group as consultation has already started
5. The council still retaining a deficit revenue position for the management of the council owned sites as the maintenance and utility costs remain high for these two sites

60. Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks:

Risk	Action to mitigate the risk
1. Increased demand on resources	Funding requested includes allowances for support to the site management team and project management functions
2. Funding timescales not met	Required activities are being planned to ensure that work will commence on site in March 2014 in order to meet the funding conditions completion deadline
3. Having sufficient space to decant residents whilst construction work takes place	Approval to use the transit site will be requested, additional pitches at Downton become available, assessing land availability at existing 2 sites covered by this request

Financial Implications

61. The funding allocated by the HCA should be sufficient for the works to the two remaining permanent sites in Salisbury to be completed without the need for additional council capital or borrowing.
62. Undertaking of these two sites should entirely eliminate the council's continuing deficit revenue position for running the council owned sites after the initial year following completion of the last site.
63. Closure of the transit site may result in increased costs relating to any additional unauthorised encampments and in line with the current policy, legal expenses, removal costs and site clearance costs will be met by the team responsible for the land.
64. Holding two pitches vacant once complete whilst the work is undertaken to Oak Tree Field and Dairyhouse Bridge will have a small impact on the revenue budget for this period.
65. The grant funding is payable at a rate of 50% at start on site and 50% on practical completion of the sites therefore there will be some initial expenditure that will need to be funded by the council before the first tranche of funding is received.
66. The rental income from the letting of the pitches and/or the lease payments will cover ongoing planned and reactive management and maintenance costs for the 50 pitches.
67. The increased rental income and complete refurbishment of all 5 of the council owned gypsy and traveller sites will provide the council with a surplus rental income over time.
68. This report requests delegated authority to enter into a contract with the successful developer following a competitive tendering exercise.

Legal Implications

69. Legal advice has been sought on the terms and conditions of the HCA's funding agreement.
70. There will be a number of models of ownership and management of the sites to consider as part of this proposal.
71. Further legal advice will be sought regarding the appropriate models for the sites being considered as part of this project.
72. Options include continued ownership and management of the sites by the Council, long lease arrangements or options for self-ownership and

management by the gypsies and travellers. The legal and financial implications of these options will need to be further explored.

Options Considered

73. Not to progress the project

This option is not a no cost option for the council and would remove the opportunity to access government funding for the rest of the 2011-15 programme of investment in gypsy and traveller sites. The implications of this would be that the Council would need to find other ways of investing in sites owned by the local authority in order to address the issues outlined by the audit report and condition surveys.

74. To progress the project

This option would enable the council to complete the refurbishment of all 5 of the permanent council owned gypsy and traveller sites within a 3 year period, providing equitable standards of living across all sites, reducing health and safety issues and with minimal investment of council capital/borrowing. Completion of this work and the increase in rental income from the improved pitches will allow the council to create budgets to ensure that the sites can be adequately maintained on an ongoing basis and over time should generate a surplus in rental income that could be invested in other sites.

Conclusions

75. The gypsy and traveller project will deliver substantial investment in improving conditions on existing pitches in line with the council's gypsy and traveller strategy, core strategy policy and business plan.

76. The ability to use Government funding will significantly reduce the pressure on the council's own capital and revenue budgets for the continued maintenance and management of these sites.

77. Due to the tight timescales it is essential to be able to enter into contract with a developer as soon as possible to enable a start on site for the first phase of construction in March 2014.

Proposal(s)

78. Members are recommended to;

- a. Delegate authority to the Associate Director for Adult Care Commissioning, Safeguarding and Housing in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to accept the increase in allocated grant agreed under the existing Funding Agreement with the HCA from £3.42m to £7.839m
- b. Delegate authority to the Associate Director for Adult Care Commissioning, Safeguarding and Housing in consultation with the Cabinet Member for Strategic Planning, Development Manager, Strategic

Housing, Property and Waste to enter into a contract to deliver the new build works for the 50 pitches following a competitive tendering exercise

- c. Delegate authority to the Associate Director for Adult Care Commissioning, Safeguarding and Housing in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to enter into any associated legal agreements or procurement activities to enable the delivery of the project

Reason for Proposal

79. There are a number of drivers for pursuing the opportunity to secure grant funding to invest in existing and new gypsy and traveller pitches in Wiltshire. These include;

- (i) The requirement to ensure the provision of good quality well managed sites to uphold the legislative requirements set out in Human Rights (1998) and Equality Act (2010)
- (ii) The need to reduce unauthorised encampments
- (iii) The need to reduce unauthorised developments

80. These outcomes have been supported through the approval of the Council's Gypsy and Traveller Strategy by Cabinet on 24th May 2010, traveller policies within the emerging Wiltshire Core Strategy, the emerging Development Plan Document for Gypsy and Traveller sites and the internal audit report August 2011 relating to the provision of services to travellers by the Council.

Maggie Rae
Public Health, Public Protection and Adult Care

Report Author:

Janet O'Brien
Head of New Housing
Tel. 01249 706550
Email. Janet.obrien@wiltshire.gov.uk

6th November 2013

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

None