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Wiltshire Council

Cabinet

3 July 2018

Subject: Site Disposal (Part I and Part II)

Cabinet Member: Councillor Cllr Toby Sturgis

Key Decision: Y

Executive Summary

The Council 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;

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.

The Thingley, Fairhaven and Lode Hill sites have been improved and will remain in Council ownership. They provide a total of 50 permanent pitches.

The Oak Tree Field and Dairy House Bridge sites along with the transit site adjacent to Oak Tree Field (Odstock transit site) are in need of investment to enable them to continue in use as gypsy and traveller sites.

A number of options have been considered for these sites including closure, refurbishment and disposal.

The purpose of this paper is to consider the option of transferring the ownership of the two sites that remain undeveloped to a new owner to enable them to receive the investment they need to continue to remain in use as gypsy and traveller sites.

Proposal(s)

It is recommended that;

Approval is delegated to the Service Director for Housing and Commercial Development to agree terms of sale for Oak Tree Field and Dairy House Bridge gypsy and traveller sites along with the Odstock transit site and to agree transfer

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of ownership. (Graham – can you check this wording?)

Reason for Proposal(s)

Dairy House Bridge, Oak Tree Field and the Odstock transit sites 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.

Alistair Cunningham
Corporate Director

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3 July 2018

Subject: Site Disposal (Part I and Part II Report)

Cabinet Member: Councillor Cllr Toby Sturgis

Key Decision: Y

Purpose of Report

1. The purpose of this paper is to consider the option of transferring the ownership of the two council owned gypsy and traveller sites that remain undeveloped, including the transit site, due to the level of investment required, to enable them to receive the investment they need to continue to remain in use as gypsy and traveller sites.

Relevance to the Council's Business Plan

2. The transfer of sites relates to the following business plan priorities and goals;
 - a. Growing the economy – I live in a good home I can afford
 - b. Commercialism – consider innovative funding options and opportunities
 - c. One Public Estate – a strategic and commercial approach to managing assets.

Background

3. Relevant history including previous decisions
 - 3.1 In September 2013 Wiltshire Council secured £4.419m from the Homes and Communities Agency (HCA), now called Homes England to redevelop the 32 pitches at Oak Tree Field and the 18 pitches at Dairy House Bridge – A total of 50 pitches, within the 2011-15 HCA programme with a requirement to complete the project by the end of March 2015. This proposal involved temporary closure of the transit site to use as decant accommodation, with the transit site reopening on completion of the remodelling works to the 50 permanent pitches.
 - 3.2 Planning permission for both sites was achieved in spring 2014, followed by a tendering process to appoint a contractor. However, the prices quoted for the works far exceeded initial expectations, thus requiring additional funding. As the funding was not available within the Council's capital

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programme, the work was unable to progress and the government grant allocation was handed back.

- 3.3 There is Homes England grant funding available to bid for to redevelop gypsy and traveller pitches as part of the Shared Ownership and Affordable Homes Programme 2016-21. However, grant rates are significantly lower than they were at the time of bidding for funding in 2013 and as a result the council will have to find a capital budget for this project to proceed.

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.

- 4.2 The Wiltshire Gypsy and Traveller Accommodation Assessment completed in December 2014 recognised the contribution the 100 permanent pitches and 12 transit pitches in council ownership made to the overall supply of pitches in Wiltshire. It recommended that in addition to these pitches and the existing private pitches, there was a need for an additional 90 pitches in Wiltshire between 2014-2029. This figure also assumed that the council transit site would be converted to provide 4 permanent pitches. Regarding transit accommodation the report recommends implementation of a network of emergency stopping sites rather than operating a single transit site in the extreme south of the county.

5. Statutory requirements ([Graham/Nicole/James/Emily – can you help here?](#))

- 5.1 The Equality Act 2010 does not define race, however case law has established that Roma gypsies and Irish travellers are covered by the protected characteristic of race for the Equality Act 2010. Therefore the Council has a duty to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.
- 5.2. **Eliminating discrimination and harassment** - When a public body, like a local council or a government department (for example the Department of Work and Pensions) makes a decision it **must** have due regard to the

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need to eliminate discrimination and harassment of Gypsies, Travellers and Roma people.

5.3 Advancing equality of opportunity - The public body **must** also have due regard to the need to advance equality of opportunity for Gypsies, Travellers and Roma people. That means thinking about:

- the disadvantages they face and how to remove or minimise those disadvantages;
- how the needs of Gypsies, Travellers and Roma people are different to the needs of other groups; and
- how to encourage Gypsies, Travellers and Roma people to participate in activities which they often do not participate in, including public life.

5.4 Fostering good relations - Public bodies **must** have due regard to the need to foster good relations between Gypsies, Travellers and Roma people and others. When fostering good relations, a public body must think about the need to tackle prejudice and promote understanding.

5.5 **Mobile Homes Act?**

6. Consultation

- 6.1 There is no statutory requirement to carry out public consultation regarding transfer of ownership of gypsy and traveller sites.
- 6.2 Hampshire, Buckinghamshire and Somerset councils have all disposed of their gypsy and traveller sites. Officers and Members have consulted with these authorities to ensure understanding of the implications of site disposal.

Main Considerations for the Council

7. Site conditions and investment required **(Tim – can you complete?)**

- 7.1 Site surveys have been carried out to estimate the extent of works required to appropriately maintain the sites in the future. There are essential works required to bring the sites up to a licensable standard, although it is considered that no additional work (over and above responsive repairs) should be carried out prior to sale. The options in relation to expenditure committed prior to disposal are attached at **Appendix 1**.

8. Resident engagement outcome

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8.1 Engagement with residents on the two sites commenced on 23rd April 2018. A number of site visits have been held to discuss the proposal with groups of residents and individual households and listen to any concerns. A survey form has been given to every household on site and the results of these surveys are collated at **Appendix 2**.

8.2 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

9. Marketing advice

9.1 An agent has been appointed to advise on a marketing strategy and to provide initial valuation advice. An executive summary of the initial report is attached at **Appendix 3**.

Overview and Scrutiny Engagement

10. A briefing was held with the Chair of Overview & Scrutiny Committee on 22nd May 2018

Safeguarding Implications

11. An Equality Impact Assessment has been carried out to assess the implications of the proposal. This is attached at **Appendix 4**.

12. There are a number of families living on the two sites with children. There are also some adults who could be considered vulnerable. However, residents will be governed and protected by the Mobile Homes Act 2013 which offers the residents greater security and requires any site owner or landlord to comply with the provisions within the Act

13. A 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 then a licence would be issued on proper application. Should there be any existing breaches of the standard conditions then 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. In light of

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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. .

Public Health Implications

14. A Health Impact Assessment has been carried out and is attached at **Appendix 5.**

Procurement Implications

15. As this will be a land sale, there are no current procurement implications to this proposal. The appointed agent has been competitively tendered and the sale will be conducted in the open market.

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

16. An Equality Impact Assessment has been completed and will continue to be monitored, reviewed and updated throughout the resident engagement and transfer process. This is attached at **Appendix 4.**

Environmental and Climate Change Considerations

17. The transfer proposal will involve retaining the current sites as gypsy and traveller sites. However, as part of the proposal, the intention is that the new owner will be able to invest in the sites to improve the site conditions, in particular site drainage.

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

20. A risk assessment has been completed and is attached at **Appendix 6.**

Financial Implications (Leanne – can you add here?)

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21. There is insufficient capital within the current Council capital programme to invest in the Oak Tree Field and Dairy House Bridge gypsy and traveller sites.
22. In order to transfer ownership, it is recommended that there is investment 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. Details of the investment required to point of sale are attached at **Appendix 1.**

Legal Implications (Graham – can you add here?)

23. Constitution, policy framework implications....

Statutory requirements ...

Consultation....

Wording of the resolution....

Any other considerations e.g. achieving best value?

Options Considered

24. A number of options have been considered in relation to the Oak Tree Field and Dairy House Bridge sites. These are as follows;

1	Do nothing
2	Minimal refurbishment and drainage improvements
3	Improvement of the pitches
4	Transfer ownership of both sites

25. An assessment of each option is attached at **Appendix 7.**

Conclusions

26. The conclusions reached having taken all of the above into account. The two sites are in need of investment to enable them to continue in use as gypsy and traveller sites. There is a need to maintain the number of gypsy and traveller pitches in Wiltshire to ensure they are safe and sustainable. The only option that will enable this is the option to transfer ownership to a new owner to enable that investment.

Alan Richell (Interim Director - Housing and Commercial Development)

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14th May 2018

Appendices

Appendix 1 – Site condition survey and options for expenditure (part II)

Appendix 2 – Outcome of resident engagement

Appendix 3 – Marketing advice (part II)

Appendix 4 – Equality Impact Assessment

Appendix 5 – Health Impact Assessment

Appendix 6 – Risk Assessment

Appendix 7 – Options appraisal

Background Papers

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

None

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