

## Wiltshire Council

### Cabinet

3 July 2018

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**Subject:** Site Disposal

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

**Key Decision:** Yes

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#### 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 it is proposed that these sites 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 Oak Tree Field, Dairy House Bridge and Odstock sites including any expenditure required to achieve transfer and maintain health and safety to enable them to receive the investment they need to continue to remain in use as gypsy and traveller sites.

## **Proposals**

It is recommended that;

Approval is given to:

1. Dispose of the Council's freehold interests in the two gypsy and traveller sites at Oak Tree Field and Dairy House Bridge including the Odstock transit sites to enable them to stay as gypsy and traveller sites; and
2. Delegate to the Director for Housing and Commercial Development authority to agree the terms of the transfer of ownership in consultation with the Cabinet Member for Spatial Planning, Development Management and Property, the Director of Finance and Procurement and the Director of Legal and Governance Services.

## **Reason for Proposals**

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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### Purpose of Report

1. The purpose of this paper is to consider the option of transferring the ownership of the Oak Tree Field, Dairy House Bridge and Odstock sites including any expenditure required to achieve transfer and maintain health and safety 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

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

- 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 actively to 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 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 2013** – this requires that the site owner of a site not owned by a local authority is a fit and proper person and offers some protection to site residents relating to pitch fee increases and unfair eviction and harassment.

## 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

- 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 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.

### 8. Resident engagement outcome

- 8.1 Engagement with residents on the two sites commenced on 23<sup>rd</sup> 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 1**.

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 disposal advice.

## **Overview and Scrutiny Engagement**

10. A briefing was held with the Chair of Overview & Scrutiny Committee on 5th June 2018

## **Safeguarding Implications**

11. An Equality Impact Assessment has been carried out to assess the implications of the proposal. This is attached at **Appendix 2**.

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, the residents' agreements are, and will continue to be, governed by the Mobile Homes Act 1983 (as amended by the Mobile Homes Act 2013) which provides the residents security of tenure and requires any site owner to comply with the provisions of the Mobile Homes Acts and Regulations made under those Acts.

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. If during the application process potential breaches of the Model Standards 2008 for Caravan Sites for England are identified then the licence would set out the time period within which these potential breaches should be remedied. Not holding a licence or breaching licence conditions could lead to a criminal prosecution of the site owner. In light of the current condition of the sites, it is proposed that an indication of the conditions likely to be attached to any licence to a private owner will be provided to any potential buyer.

## **Public Health Implications**

14. A Health Impact Assessment has been carried out and is attached at **Appendix 3**.

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## **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 2**.

## **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.
20. Alternatively around £3m of capital funding would need to be identified within the Council's capital budget to fund the works required.

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

21. A risk assessment has been completed and is attached at **Appendix 4**.

## **Financial Implications**

22. 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.

## **Legal Implications**

23. 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.

24. 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.
25. 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.

### Options Considered

26. 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                |

27. An assessment of each option is attached at **Appendix 5**.

### Conclusions

28. 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 and to ensure they are safe and sustainable. The 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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### Appendices

- Appendix 1 – Outcome of resident engagement
- Appendix 2 – Equality Impact Assessment
- Appendix 3 – Health Impact Assessment
- Appendix 4 – Risk Assessment
- Appendix 5 – Options appraisal

### Background Papers

The following documents have been relied on in the preparation of this report:  
 None