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7th December 2012

To Councillors Hampton, A. Campbell, Cavana, Darwent, Davies, Hunter,
McFarlane and Wilson
All other Members for Information Only

**COMMUNITY SERVICES STANDING SCRUTINY PANEL –
WEDNESDAY, 12TH DECEMBER 2012 at 10.00 A.M.**

1. Item for Call-in – Transit Site Funding for Gypsies/Travellers (copy of call-in paper and minute Excerpt attached – **please bring report previously issued to Leadership Panel**).

For more information on any of the items on this agenda, please telephone Avril Gerrish,
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**SCRUTINY PANELS
CALL-IN REQUISITION**

We, the undersigned, require that the following decision of the Leadership Panel be called-in to the next meeting of COMMUNITY SERVICES Standing Scrutiny Panel.

Date of Leadership Panel	Tuesday 4 December, 2012
Item No.	1 (1) (b)
Report Title	Transit Site Funding for Gypsies/Travellers

Signature

Print Name

- (1) **Member responsible for Call-in**

Nan McFarlane

Nan McFarlane

- (2) **Members supporting Call-in (three required):-**

(a) Douglas Campbell

Douglas Campbell

(b) Alec Oattes

Alec Oattes

(c) Corri Wilson

Corri Wilson

Date 5 December, 2012

Reason

In order to improve information for Members, to assist Officers in briefing the Scrutiny Panel and to improve the quality of Scrutiny, we confirm that the item is being called-in for the following reason(s)

Members are reminded that the 'reasons' section should be completed with sufficient detail as to allow members of the Standing Scrutiny Panel and officers to appreciate the cause for concern prompting the Call-in. (This may be by reference to a part or parts of the Report or Decision or by describing an issue which may not have been adequately addressed or by requesting the provision of additional information which should be specified).

We are writing to seek a review of the decision to return the funding for a Transit site for Gypsies/Travellers and our reasons for concern is as follows:-

South Ayrshire is a popular area for travellers transiting Scotland and over the past years, the Council has had to take significant action to protect land in Council ownership such as Maidens Shore, Newton Shore and Prestwick Shore in addition Council has had to take legal action to require travellers to vacate sites and has incurred additional operational costs such as waste management. Travellers have also encamped on private land in South Ayrshire and similar issues as described above for local land owners.

The Standing Scrutiny Panel of the previous Council considered three options for sites as identified by Officers and came to the view that none of those sites in Council ownership were suitable. We feel it is appropriate that the matter be further considered by the Standing Scrutiny Panel where they could review the full list of sites that were considered and the reasons for discounting them from consideration.

Failure to identify a suitable site will mean the Council and local land owners will continue to incur costs and a financial review may be considered in order to assess whether investment and purchase of private land for a travellers site may be financially viable in the long term.

Note

Call-ins must be delivered to the Chief Executive no later than 4.00 p.m. on the Thursday immediately following the Tuesday on which the Leadership Panel has met.

Time Received... 3.30pm Date Received... 6/6/12 Received by... Suee nwar

DRAFT



**EXCERPT FROM THE MINUTES OF
THE LEADERSHIP PANEL
OF 4TH DECEMBER 2012**

Reference was made to the Minutes of 9th February 2010 (Page 92, paragraph 7) when it had been agreed to accept the Scottish Government's funding support of £81,375 in 2009/10 towards the scoping and delivery of a transit site by 2011/12 for gypsies / travellers and there was submitted a report (issued) of 8th November 2012 by the Executive Director – Children and Community

- (1) advising
 - (a) that the Scottish Government's funding had been offered on the basis that a transit site be delivered by March 2012 and that if no suitable sites could be identified, funds would to be returned to the Scottish Government and that in consultation with the Scottish Government, an extension had been granted to allow further consideration of this project to be given;
 - (b) that between February and June 2010, 111 sites in Council ownership had been assessed for their suitability for a transit site and that this process had ruled out the majority of sites due to land conditions, current use and location and that three potential sites had been shortlisted as follows:-
 - the former St. Quivox Primary School, Ayr;
 - Grangestone Industrial Estate, Girvan; and
 - former Nursery Site, Coalpots Road, Girvan;
 - (c) that the Community Services Standing Scrutiny Panel had visited each of these sites towards the end of 2010 and had further ruled out the site at St. Quivox due to its small size and close proximity to existing housing, and the two sites in Girvan had offered greater potential, with less impact on existing communities, however, extensive consultation with gypsies / travellers had suggested that Girvan was too close to the Irish ferries as a stopping point and too far from the central belt, where most work opportunities existed; and
 - (d) that sites in the private sector had been dismissed, as the acquisition cost of land of a suitable size would have been in excess of £100,000; and
- (2) reporting that over the past year, tentative discussions had taken place with neighbouring local authorities to investigate the possibility of a joint approach to delivery of a transit site, however, these authorities had indicated that they were not in a position to progress a transit site at this time.

Clarification was sought and provided in relation to if a suitable site became available in the future, would the Council be able to ask the Scottish Government for this funding and whether Officers were satisfied that all reasonable steps had been taken to find a suitable site.

Decided: to agree to return £81,375 of funding to the Scottish Government due to changing gypsy / traveller travelling patterns and that no Council owned land that met both the requirements of the settled and Gypsy/Traveller communities being available.

South Ayrshire Council

**Report by Executive Director, Children & Community
to Leadership Panel
of 4th December 2012**

Subject: Transit Site Funding for Gypsies/Travellers

1. Purpose

The purpose of this report is to outline the various options considered for a Gypsy/Traveller transit site and to seek Leadership Panel agreement to return funds awarded for such a development to the Scottish Government.

2. Recommendation

It is recommended that the Leadership Panel:

Agrees to return £81,375 of funding to the Scottish Government due to changing Gypsy/Traveller travelling patterns and no Council owned land that meets both the requirements of the settled and Gypsy/Traveller communities being available

3. Background

- 3.1 On 9th February 2010, the Leadership Panel agreed to South Ayrshire Council accepting £81,375 funding from the Scottish Government to support the development of a transit site for Gypsies/Travellers. This funding equated to 75% of the anticipated development costs, with the Council meeting all other costs incurred.
- 3.2 The purpose of this funding was to allow the Council to work more pro-actively with Gypsies/Travellers whilst reducing unauthorised encampments in South Ayrshire. Typically, there were approximately 20 unauthorised encampments in South Ayrshire per year on a mix of private and Council owned land. Encampment size usually ranges from 2-6 caravans with associated vehicles. Over the past 2 years, the number of unauthorised encampments has reduced to an average of 10 per annum.
- 3.3 The Council's approach to managing unauthorised encampments is held up as a model of good practice across Scotland, with many local authorities now adopting a similar approach. In addition to this approach, creating defence mechanisms on more visible sites has led to a reduction in the number of high profile unauthorised encampments in South Ayrshire. Protection measures have been installed at Prestwick, Maidens and Barassie seafronts, Newton Shore and parts of Troon. Furthermore, many private landowners have taken steps to protect their land around Heathfield Industrial Estate, and to the rear of Asda and Tesco, both in Ayr.
- 3.4 The Scottish Government funding was offered on the basis that a transit site be delivered by March 2012. If no suitable sites could be identified, funds were to be returned to the Scottish Government. In consultation with the Scottish Government, an extension was granted to allow further consideration of this project to be given.

- 3.5 Between February and June 2010, 111 sites in Council ownership were assessed for their suitability for a transit site. This process ruled out the majority of sites due to land conditions, current use and location. This resulted in a shortlist of 3 potential sites including:
- The former St Quivox Primary School, Ayr
 - Grangestone Industrial Estate, Girvan
 - Former Nursery Site, Coalpots Road, Girvan
- 3.6 The Community Services Standing Scrutiny Panel visited each of these sites towards the end of 2010 and further ruled out the site at St Quivox due to its small size and close proximity to existing housing. The 2 sites in Girvan offered greater potential, with less impact on existing communities. However, extensive consultation with Gypsies/Travellers suggested that Girvan is too close to the Irish ferries as a stopping point and too far from the central belt, where most work opportunities exist.
- 3.7 Sites in the private sector were dismissed, as the acquisition cost of land of a suitable size would have been in excess of £100,000.
- 3.8 Over the past year, tentative discussions took place with neighbouring local authorities to investigate the possibility of a joint approach to delivery of a transit site. However, these authorities have indicated that they are not in a position to progress a transit site at this time.

4. Proposals

- 4.1 Due to the unsuitability of land owned by the Council and the additional costs associated with acquisition from the private sector, the following options exist:
1. Now that the majority of high profile sites have some form of defence mechanism and there being no suitable site in Council ownership, return £81,375 grant funding immediately to the Scottish Government. Any future encampments will be managed through the existing unauthorised encampment policy.
 2. Identify a site in the private sector for acquisition and seek the Scottish Government's approval to extend the grant expiry date. This option would require acquisition costs to be met from the general fund and is estimated to be in the region of £100,000 - £150,000.

Due to the additional costs associated with acquiring land in the private sector and a reduction in the average number of unauthorised encampments on Council land, it is recommended that option 1 be agreed as the most suitable course of action.

5. Resource Implications

5.1 Financial

£81,375 of grant funding would be returned to the Scottish Executive, as outlined in section 4.1.

5.2 Legal

There are no legal implications as a result of this report.

5.3 Human Resources

There are no human resource implications as a result of this report.

6. Risk

In the absence of a transit site for Gypsies/Travellers, risks associated with managing future unauthorised encampments will be undertaken within operational activities.

7. Equalities

An Equalities Impact Assessment has been carried and a summary is attached to this report as Appendix 1. Returning the funding to the Scottish Government has an equalities implication, as it does not support elimination of discrimination, advance equality of opportunity or help to foster good relations. However, this can be mitigated through provision of information and advice to Gypsies/Travellers and identifying unofficial stopping points for small groups of caravans.

8. Sustainable Development Implications

This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

9. Options Appraisal

An options appraisal has been carried out and is detailed in section 4.1 of this report.

10. Link to Council's Priorities / Improvement Programme

The provision of a transit site would have supported Council Aim 3 - People in South Ayrshire have housing that meets their needs. Despite recommending a return of the funding, the Council still has a permanent site in South Ayrshire to accommodate Gypsies/Travellers. These units are allocated through a waiting list.

11. Results of Consultation

- (1) There has been public consultation with Gypsies/Travellers both at the permanent site at Houdston and with unauthorised encampments over the past 2 years.
- (2) Consultation has taken place with Councillor Philip Saxton, Portfolio Holder for Housing and Customer First.
- (3) Members of the Community Services Standing Scrutiny Panel carried out a site visit to the potential locations towards the end of 2010.

Background Papers

Managing Unauthorised Encampments by Gypsies/Travellers in South Ayrshire, Leadership Panel 9th February 2010
Gypsy/Traveller Transit Site in South Ayrshire Briefing Note 17th May 2010
Gypsy/Traveller Transit Site in South Ayrshire Briefing Note 2 30th June 2010

Person to Contact

Kenneth Leinster, Head of Community Care & Housing
Tel 01292 612735, Kenneth.Leinster@south-ayrshire.gov.uk

Date: 8th November 2012

Appendix 1 - Summary Equality Impact Assessment Implications & Mitigating Actions

Name of Policy:Transit Site Funding for Gypsies/Travellers

This policy will assist or inhibit the Council's ability to eliminate discrimination; advance equality of opportunity; and foster good relations as follows:

<p>Eliminate discrimination Delivery of a transit site would have reduced discrimination towards Gypsies/Travellers through less high profile unauthorised encampments and better provision of facilities. With no Council owned land that meets the requirements for a transit site being available, land would have to be acquired from the Private Sector. The acquisition of land in the private sector would come at a significant cost to the Council with significant risks over the long term viability of the site. Returning the funding to the Scottish Government would result in the current approach to managing unauthorised encampments being maintained. Recent protection of vulnerable sites has mitigated the impact of encampments on existing communities and tourism. Neighbouring authorities are not in a position to consider delivery of a transit site at this time.</p>
<p>Advance equality of opportunity Provision of a transit site would have improved living conditions for travelling groups. By returning funding to the Scottish Government, Gypsies/Travellers may continue to illegally camp on land in South Ayrshire.</p>
<p>Foster good relations Generally, South Ayrshire Council has a good relationship with Gypsies/Travellers. Provision of a transit site would have allowed this relationship to develop whilst reducing the impact encampments can have on existing communities.</p> <p>The Travelling Persons Site Manager will continue to be the link between the settled community and unauthorised encampments by Gypsies/Travellers</p>

<u>Summary of Action Plan to Mitigate Negative Impacts</u>	
<u>Actions</u>	<u>Timescale</u>
Travelling Person Site Manager will continue to liaise with unauthorised encampments across South Ayrshire	<u>As required</u>
Development of an information pack for Gypsies/Travellers visiting the region that can be handed out to unauthorised encampments in addition to being accessible on the Council's website.	<u>December 2013</u>
Continue to build on existing relationships with Health & Education colleagues to ensure welfare of Gypsies/Travellers is enhanced at unauthorised encampments.	<u>March 2013</u>
Keep abreast of good practice in managing unauthorised encampments through the Gypsy/Traveller Site Manager's Meetings.	<u>Ongoing</u>
Attempt to identify unofficial stopping points for Gypsies/Travellers that can be used for short periods of time, without the need for permanent provision of facilities.	<u>March 2013</u>

<p>Signed:Head of Service</p> <p>Date:19th November 2012.....</p>
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