

Bath & North East Somerset Council

DECISION MAKER:	Cllr Paul Crossley, Leader of the Council Cllr Tim Ball, Cabinet Member for Homes & Planning	
DECISION DATE:	On or after 12th July 2014	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2665
TITLE:	Gypsy & Traveller Site (Lower Bristol Road)	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 On the 4th June 2014 Development Control Committee approved a planning application, submitted on behalf of the Council, for the development of a 13 pitch gypsy and traveller site on land adjacent to the Lower Bristol Road. To progress this scheme the Council will need to contract with a partner who will both deliver and manage the scheme.

2 RECOMMENDATION

- 2.1 That the Council enter into partnership with a Registered Housing Provider (RP) to deliver a Gypsy & Traveller site on the land adjacent to Lower Bristol Road; and
- 2.2 That Full approval is given to spend up to £1.8m of the Council budget for Gypsies and Travellers sites for 2014/15, for which provisional funding approval was included with the Council's February 2014 budget report.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 £1.8m of corporately supported borrowing capital spend was provisionally approved by Council in the February 2014 budget report. £80k of this was approved in 2013/14.
- 3.2 The approval to draw down the Council budget for Gypsy & Travellers will support a capital grant to the selected RP to enable the scheme to be built-out and delivered. It will also support all the professional fees and other costs associated with delivering the scheme. The build-out costs including the remaining professional fees, and which form the grant to the RP, have been independently assessed by Council appointed cost engineers. As such the Council can be assured that the capital grant to the RP is appropriate. In addition, and as extra security, the partnership contract allows for the recovery of a proportion of the grant should the actual delivery cost be below the grant transferred. It should be noted that only the funding agreed as required for the scheme will be utilised, not necessarily the full budget approval amount.
- 3.3 In addition a provisional Homes & Community Agency (HCA) grant award of £750k will be novated to the RP to support the development of the site. The HCA funding is payable in two tranches, with first payment being start on site. This will be dependent upon the Council contracting with RP.
- 3.4 The development of the scheme would have a positive impact on the Council's revenue budget due to a reduction in expenditure associated with the enforcement and management of unauthorised sites and a positive income stream provided by New Homes Bonus funding and Council Tax income.
- 3.5 The operating costs of the scheme are anticipated to be revenue neutral to the Council. The partnership agreement allows for the RP to charge rent based upon the HCA Affordable Rent model¹ which is used by the RP to manage and maintain the site. However, given the period of the lease (125 years), that there is no break clause for the RP until year 10, and that the Council controls the allocations to the 8 permanent pitches the Council have been asked to partially underwrite the rental stream. This condition would become effective if the scheme experienced 2 or more empty pitches for 1 year or more. In this case Council would be obliged to pay 50% of the rent of unoccupied pitches below seven pitches. This is conditional on the vacancies not being a result of the site management practices by the RP. Any such costs arising would be contained within the overall departmental budget allocation.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 There are three principle statutory considerations in relation to the provision of Gypsy and Traveller sites, these being:
 - (1) The Housing Act 2004 which places a duty on local housing authorities to undertake regular assessments of the accommodation needs of Gypsies and Travellers, known as a Gypsy & Traveller Accommodation Assessment (GTAA). The most recent GTAA, completed in 2012, identified a significant and unmet need for Gypsy & Traveller pitches within the area. The Act also requires local housing authorities to include the needs of Gypsies and

¹ The Affordable Rent Model allows rent to be charged at up to 80% of market rents. Equates to £105 per week per pitch.

Travellers in any housing strategy they produce in line with the Local Government Act 2003 and to take any such strategy in to account in exercising their functions.

- (2) The National Planning Policy Framework guidance places a requirement on local authorities to set pitch targets for Gypsies and Travellers which address the likely permanent and transit site accommodation needs of their area, as informed by the GTAA. In addition to setting pitch targets local authorities are required to identify a supply of specific deliverable sites, sufficient to provide five years' worth of sites against the locally set targets. There is also a requirement to plan for a further 10 years' supply of sites.
- (3) Whilst the Equalities Act 2010 does not define race case law has established that Roma gypsies and Irish travellers are covered by the protected characteristic of race for the Equality Act 2010. Local authorities have a duty under this Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

5 THE REPORT

- 5.1 The Gypsy & Traveller Accommodation Assessment (GTAA) undertaken in 2012 by Opinion Research Services identified an unmet need of 28 pitches for Gypsy & Travellers over the time period 2012-2027, with 23 of these being required within the first 5 years. The assessment further estimated that of these 28 pitches at least 5 would need to be transit pitches with the remaining pitches being permanent. Transit pitches provide for short term stays, whilst the permanent pitches allows communities to settle and establish links with the local community and support services, particularly schooling and health care.
- 5.2 On the 4th June 2014 Development Control Committee approved a planning application, submitted on behalf of the Council, for the development of a 13 pitch gypsy and traveller site on the land adjacent to the Lower Bristol Road. This will meet the full identified transit pitch need and a substantial proportion of the permanent pitch need.
- 5.3 The partnership contracts, prepared and agreed by the Council's legal advisors, include the following broad heads of terms:
 - (1) Land transferred on 125 year lease, on nominal rent, conditional on use as a Gypsy & Traveller site,
 - (2) 10 year break clause on the RPs side and 3 month notice on Council's.
 - (3) Site to be managed and maintained by the RP to a specified standard,
 - (4) Revenue income from the site to be retained by the RP and used to manage and maintain the site,
 - (5) Council retaining nomination rights for the permanent pitches,
 - (6) Should lack of demand result in two or more of the permanent pitches remaining vacant for 1 year or more then there is a risk sharing agreement on on-going rental loss,
 - (7) The RP to manage transit site occupancies, however, the Council does have the ability to call upon these pitches if required and assuming a vacancy exists,

6 RATIONALE

- 6.1 The Housing Act 2004 which places a duty on local housing authorities to undertake regular assessments of the accommodation needs of Gypsies and Travellers, known as a Gypsy & Traveller Accommodation Assessment (GTAA). The most recent GTAA, completed in 2012, identified a significant and unmet need for Gypsy & Traveller pitches within the area.
- 6.2 The National Planning Policy Framework guidance places a requirement on local authorities to set pitch targets for Gypsies and Travellers and to identify a supply of specific deliverable sites. There is no realistic option that the private sector will meet this demand, particularly for transit pitches, and so meet the requirement to be deliverable.

7 OTHER OPTIONS CONSIDERED

- 7.1 None, given the request from Cabinet that this site should be developed, if possible, as a Gypsy & Traveller site.

8 CONSULTATION

- 8.1 On-going consultation with current site residents; consultation through planning application process; Cabinet member for Housing & Major Projects; Members of Housing & Major Projects PDS, s151 Officer.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Graham Sabourn, Head of Housing. (01225 477949)
Background papers	None
Please contact the report author if you need to access this report in an alternative format	