

EAST AYRSHIRE COUNCIL

CABINET

26 OCTOBER 2011

PROPOSED APPROACH FOR IDENTIFICATION OF A SITE FOR GYPSIES / TRAVELLERS IN EAST AYRSHIRE

Report by the Depute Chief Executive/Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To present to cabinet, for approval, a proposed approach to identifying a location for a gypsy / traveller transit site within East Ayrshire.
- 1.2 Specifically, in line with the decision of the Cabinet meeting held on 29 June 2011, the report proposes procedures for (a) reviewing the scoring mechanism; (b) ensuring appropriate Elected Member involvement in the process and; (c) undertaking appropriate consultation in order to compile a list of possible sites.

2. BACKGROUND

- 2.1 On 1 June 2011 Cabinet considered a report on the Provision of Services to gypsies / travellers, which outlined in considerable detail the need for a transit site for gypsies / travellers to be located within East Ayrshire. Taking on board the provisions of the Equality Acts of 2006 and 2010 and the Council's own commitment to equality and inclusion, it has been demonstrated to Cabinet that there are compelling reasons for the Council to bring forward an appropriate site.
- 2.2 Governance and Scrutiny Committee on 17 June 2011 reviewed the decision taken by Cabinet on 1 June 2011, with regards to the identification of a transit site for gypsies / travellers. On 29 June 2011, Cabinet accepted the recommendations of the Governance and Scrutiny Committee and as per the meeting minutes agreed:
 - (i) that the scoring mechanism be reviewed, including particular consideration as to the introduction of further additional criteria (impact on industry and tourism and contamination issues being 3 possible areas to be considered);
 - (ii) that arrangements be made for appropriate Elected Member involvement in that review of the scoring mechanism;
 - (iii) that the site selection process thereafter be undertaken of new, with appropriate consultation with (a) Elected Members; (b) all relevant Council services (including in particular Environmental Health Service); and (c) the Scottish Gypsy Travellers Association

- (iv) that in view of recommendations (i) – (iii) above, that no further action be taken in respect of the outcome of the previous site selection process; and

Cabinet also agreed to remit to the Depute Chief Executive / Executive Director of Neighbourhood Services to bring back a report to a future meeting of Cabinet setting out proposals to implement the agreed recommendations.

3. THE PROPOSED SCORING MECHANISM

- 3.1 Camping has been a way of life for Gypsies / Travellers for centuries. Unauthorised camps have on occasion, however, been known to cause considerable tension with nearby settled communities. Gypsies/ Travellers living in unauthorised encampments often lack access to basic amenities, such as health care and education and can be subject to verbal abuse and discrimination. At the same time, local residents and businesses have reported problems of noise and anti-social behaviour from some encampments.
- 3.2 In light of the above, it is recognised that the identification of a transit site is likely to be a highly sensitive issue. The Council therefore requires to be very clear as to the basis of any decisions taken. Before any site selection can be carried out, it is proposed that an agreed scoring method needs to be put in place, to ensure the process for site assessment is entirely robust, credible and transparent.
- 3.3 In order that a number and variety of possible sites can be fairly and openly assessed, it is proposed that a criteria based approach is used, whereby each site would be scored against a set criteria and awarded a score on the basis of how well they meet the criteria. Sources to be used to compile the criteria will comprise
- **The Secretary of State's Advisory Committee on Scotland's Travelling People – Guidance note on site provision of travelling people, October 1997.** Although published 14 years ago, the Scottish Government has confirmed that this guidance remains valid and relevant. The guidance suggests 8 criteria to be used when selecting a location for a site for gypsies / travellers.
 - **Department for Communities and Local Government (DCLG) – Good Practice Guide on Designing Gypsy and Traveller Sites, 2008.** Whilst intended for use in England, The Good Practice Guide prepared by DCLG provides further guidance, which can be readily applied to Scotland, on the factors to take into account when identifying a transit site for gypsies / travellers.

- **East Ayrshire Local Plan 2010.** The Local Plan includes criteria to be taken into account in relation to an application for a privately owned gypsy / traveller site. This can be considered applicable to the current identification of a site, albeit that it will not be in private ownership.
- **Other factors important to East Ayrshire.** The sources above will provide a number of relevant criteria. However, it is considered that there will be further factors that are of particular relevance to East Ayrshire, which should be taken into account. These may include factors suggested by Governance and Scrutiny Committee on 17 June 2011, namely impact on industry, impact on tourism and possible existence of land contamination issues.

3.4 In line with the recommendation of the Governance and Scrutiny Committee of 17 June 2011, which was duly accepted by Cabinet on 29 June 2011, the development of the scoring mechanism should be carried out with appropriate Elected Member involvement. It is therefore proposed that a Member/Officer working group (comprising the respective political group leaders or named substitutes and appropriate officers from relevant services) be set up to take this forward. It is proposed that the key outputs of the Member/Officer working group will be to prepare and present to Cabinet for approval:

- **The list of criteria to be used to assess sites.** It is suggested that these be developed having regard to all of the sources listed in 3.3 above. Consideration should also be given by the group to whether a degree of weighting is appropriate, in terms of whether some criteria deserve to be given greater weight than others.
- **A scoring guidance document.** The guidance document will supplement the list of scoring criteria and give clear guidance as to how the criteria should be interpreted and applied to individual sites. The guidance document will make clear what should constitute a high score and what should constitute a low score. This should help avoid any dubiety over why certain scores have been awarded. Additionally guidance will be provided as to the method to be adopted for selecting the preferred site from a combined range of scores.

3.5 The views of the Scottish Gypsy Travellers Association on the proposed criteria and scoring guidance documents will be sought.

4. THE PROPOSED PROCESS FOR COMPILING A LIST OF POTENTIAL SITES

4.1 The identification of a site for gypsies / travellers will be a two stage process. As described above, the first stage in the process is to agree a clear and transparent scoring mechanism and procedure. The second stage will be to draw up a list of sites that should be assessed using the agreed criteria. The second stage will not be undertaken until the scoring mechanism has been finalised and agreed by Cabinet.

- 4.2 Governance and Scrutiny committee on 17 June 2011, recommended that the site selection process be undertaken with appropriate consultation with (i) Elected Members; (ii) all relevant Council Services; and (iii) the Scottish Gypsy Travellers Association. This recommendation was endorsed by Cabinet on 29 June 2011.
- 4.3 In order to reflect the decision described above, it is proposed that a list of possible sites will be drawn up through consultation comprising of:
- a. A letter to be sent to all Elected Members requesting, on a non-attributable basis, suggestions of sites that should be considered both (i) in their respective ward; and (ii) outwith their ward.
 - b. A letter to be sent, asking the same question but with reference to their area, to all Community Councils.
 - c. Appropriate dialogue with relevant Council Services.
 - d. Consultation with the Scottish Gypsy Travellers Association.

All suggested sites will be appropriately considered for inclusion on the list for detailed assessment.

5. THE PROPOSED SITE SCORING PROCESS

- 5.1 When an agreed scoring mechanism is in place and a list of sites compiled, the scoring will be undertaken in accordance with the agreed guidance document. It is proposed that the scoring be undertaken by a group of senior officers and the outcome reported to Cabinet for approval. Cabinet should be provided with a clear illustration of how the preferred site was arrived at.
- 5.2 In terms of the detail of the scoring, it is proposed that this be carried out by way of a scoring panel comprising of approximately 4 officers from different Council Services. The group will require to come to a consensus on each score, ensuring that each site is given detailed consideration in relation to each of the agreed criteria.

6 FINANCIAL / PERSONNEL IMPLICATIONS

- 6.1 The cost of providing a transit site would require to be met by the Council in the absence of any funding support from the Scottish Government.
- 6.2 Appropriate officer input into the proposed leader-officer working group will be provided from existing staff resources.

7. POLICY / LEGAL IMPLICATIONS

- 7.1 Providing access to services for Gypsies/Travellers is governed by the public sector duties set out by the Equality Acts 2006 and 2010.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 Should the Council not put in place a procedure for identifying a site for gypsies / travellers there is a risk of failing to provide for all parts of the community, in respect of the Equality Acts 2006 and 2010. If a site is not provided for use by the Travelling Community it will become increasingly difficult for the Council to manage and deal with unauthorised encampments particularly on land in public ownership.

9. RECOMMENDATIONS

- 9.1 Cabinet is asked to:

- (i) Agree to the setting up of a Member/Officer working group, to allow for appropriate Elected Member input into the development of the scoring mechanism for the identification of a site for gypsies / travellers in accord with the decision of the Governance and Scrutiny Committee on 17 June 2011;
- (ii) Agree the recommendation that in view of the significance of this issue to both the Council and our communities that member representation comprise the respective Leaders or named substitutes of the three political groups represented on the Council;
- (iii) Agree that the Member/Officer working group be remitted to **develop** a set of scoring criteria and an associated scoring guidance document to assess possible sites to be submitted to a future Cabinet for approval in due course;
- (iv) Agree that following the approval of the scoring mechanism the approach described in section 4 of this report for compiling a list of possible sites will be taken forward;
- (v) Agree that the actual scoring process will be carried out by officers, as described in Section 5 of this report.
- (vi) To otherwise note the contents of the report.

Elizabeth Morton
Depute Chief Executive/Executive Director of Neighbourhood Services

19 October 2011

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LIST OF BACKGROUND PAPERS

1. Guidance Notes on Site Provision for Travelling People, The Secretary of State's Advisory Committee on Scotland's Travelling People, October 1997
2. An Accommodation Needs Assessment of Gypsies / Travellers in West Central Scotland, Craigforth Consulting, June 2007
3. Designing Gypsy and Traveller Sites Good Practice Guide, Department for Communities and Local Government, May 2008.

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