

## **EAST AYRSHIRE COUNCIL**

**CABINET – 29 JUNE 2011**

### **OUTCOME AND RECOMMENDATIONS FROM THE CALL-IN OF A DECISION OF CABINET – 1 JUNE 2011: PROVISION OF SERVICES TO GYPSY TRAVELLERS**

#### **Report by the Chair of the Governance and Scrutiny Committee**

#### **1. PURPOSE OF REPORT**

- 1.1** The purpose of this report is to present the recommendations of the Governance and Scrutiny Committee of 17 June 2011 in respect of the called-in decision of Cabinet relating to the provision of services to Gypsy Travellers.

#### **2. BACKGROUND**

- 2.1** The Cabinet, at its meeting held on 1 June 2011, considered a report by the Depute Chief Executive/ Executive Director of Neighbourhood Services (i) on the work of a short term Officers' Working Group convened to ensure that East Ayrshire Council was adequately fulfilling its public duty in respect of Gypsies/Travellers; (ii) which presented for approval a draft policy for managing Gypsy/Traveller unauthorised encampments in East Ayrshire; and (iii) on work that had taken place to identify a site within East Ayrshire for a transit site for Gypsies/Travellers and which had recommended a preferred site for approval.

- 2.2** The Cabinet meeting on 1 June 2011 agreed:-

- (i) to approve the draft procedure and service responsibilities for Managing Unauthorised Encampments in East Ayrshire as set out in Appendix I of the report;
- (ii) to note the outcome of the assessment of potential locations for a Gypsy/Traveller Transit Site and agreed that further work be carried out to confirm the suitability of the preferred site at Furnace Road, Muirkirk;
- (iii) to note that the Council would identify a designated officer who would be responsible for the management and monitoring of the site(s) and would act as a liaison officer with both the travelling community and the wider community; and
- (iv) otherwise, to note the contents of the report.

- 2.3** A request to "call-in" this decision of Cabinet was subsequently received by the Chief Executive on 9 June 2011 seeking review by the Governance and Scrutiny Committee of "the collating of information and the rationale behind the priority listings".

### **3. CONSIDERATION OF THE CALLED-IN DECISION**

**3.1** The called-in decision was considered by the Governance and Scrutiny Committee on 17 June 2011.

**3.2** The five signatories to the call-in notice, being Councillors Maureen McKay, David Shaw, Neil McGhee, William Crawford and William Menzies addressed the committee in support of the call-in and Councillor Linton, Depute Leader of the Council and Spokesperson for Strategic Planning, Management and Resources and Equalities together with the Depute Chief Executive/Executive Director of Neighbourhood Services, Head of Housing and the Development Planning and Regeneration Manager outlined the reasons for the Cabinet's decision and responded to the terms of the call-in. Members of the Committee then asked questions of the signatories to the call-in notice, the portfolio holder and Officers present.

### **4. SUMMARY OF ISSUES**

**4.1** Arising from the verbal submissions made, the question and answer session and the subsequent debate, the following relevant issues were highlighted:

- concerns regarding the lack of Elected Member involvement in the short term working group;
- in terms of Appendix III of the report – the relevance and adequacy of the range of criteria covered by the Scottish Office Guidance; the rationale behind the selection of additional criteria; and the potential for further relevant criteria that could have been included; and
- the transparency and methodology of the scoring process.

### **5. FINANCIAL/LEGAL/ COMMUNITY PLANNING/RISKS ISSUES**

**5.1** None arising directly from this report.

### **6. RECOMMENDATION**

**6.1** Having considered the verbal submissions made and following discussion, the Governance and Scrutiny Committee agreed that, in order to ensure absolute public confidence in the process used to identify a suitable site location for a Gypsy/Traveller transit site, to refer the matter back to Cabinet with the following recommendations, viz –

- (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 three 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 afresh, with appropriate consultation with (a) Elected Members; (b) all relevant Council

- Services (including in particular the Environmental Health Service); and (c) the Scottish Gypsy Travellers Association; and
- (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.

Councillor Tom Cook  
Chair of the Governance and Scrutiny Committee

BW/SW  
23 June 2011

**LIST OF BACKGROUND PAPERS - Nil.**

Any person wishing further information should contact Bill Walkinshaw, Head of Democratic Services on Telephone Number (01563) 576135.

**Implementation Officer: Bill Walkinshaw, Head of Democratic Services in terms of the call-in procedures.**