

Report



meeting **CABINET**

date **6 July 2011**

agenda item number **10**

Joint Report of the Cabinet Member for Community Safety and the Cabinet Member for Finance and Property

Gypsy and Traveller Issues

Purpose of the Report

1. a. to inform Cabinet of the implications of changes to the Mobile Homes Act 1983 and,
b. to seek approval for the marketing of a 20 year lease of Daneshill Travellers site, Daneshill Road, Lound, Retford, Nottinghamshire.

Background

2. This report summarises a number of issues relating to Gypsy and Travellers in Nottinghamshire.
3. There are several well established Gypsy and Traveller populations in the county e.g. the English Romany Gypsy communities in Newark, Ollerton and Worksop and fairground Travellers in Kirkby in Ashfield.
4. It is difficult to quantify exact population numbers, however, it is estimated that there are between 4,000 and 5,000 settled and nomadic Gypsies and Travellers in Nottinghamshire. A caravan count in July 2010 indicated that there are approximately 235 Gypsy and Traveller occupied caravans in the county.
- A. Implications of changes to the Mobile Homes Act 1983
5. As a result of changes to the Mobile Homes Act 1983 (the Act), from 30th April 2011 new duties have been placed upon local authorities regarding Gypsies and Travellers who reside on local authority owned sites.
6. Amendments to the Act provide increased protection against evictions and increases in pitch fees.

7. Where an agreement with an occupier existed before 30th April 2011 the local authority now has a statutory duty to provide the occupier with a prescribed written statement setting out their new rights. All new agreements after 30th April will include the new implied terms in Schedule 1 of the Act.
8. Daneshill is the only Nottinghamshire County Council owned site. This is a transit site, which means it offers short term pitches to temporarily accommodate occupants for a short period of time.
9. The act makes specific allowance for agreements for transit pitches to reflect their temporary nature. With a transit agreement, either the local authority or the occupier can give early notification to terminate the agreement. Authorities will have the right to terminate the agreement and obtain possession having given not less than 4 weeks notice.
10. Government guidance states that it would not be reasonable or proportionate for authorities to use the early termination power unless the occupier was committing a breach or the pitch was urgently required for someone else.
11. Occupiers could potentially give notice upon exiting the site and in some situations may be entitled to recover any excess rent.
12. Following changes to the Act, the Council has complied with the statutory duty. Legal Services have written to all Daneshill licensees to inform them of changes to their rights and outlining the new implied terms.

B. Marketing of a 20 year lease of Daneshill Travellers site, Daneshill Road, Lound, Retford, Nottinghamshire

13. Daneshill is a 16 pitch transit site at Sutton-cum-Lound near Retford. The site which is the only Nottinghamshire County Council owned site, was established in 1993 and has been managed by the authority since November 2006. There are 35 other privately owned and run sites across the County, 8 of which operate on a commercial basis.
14. The site, which is 1.1 miles from Lound, is situated in a rural area surrounded by agricultural land, small woods and tree belts. It sits directly across the road from the Nottinghamshire County Council Daneshill Road landfill site.
15. Although some remedial improvement measures were carried out on the site in 2006; the site still requires substantial financial investment in order to bring it up to the required modern standard. This would include converting each caravan plot into a hard standing plot, replacement of fences, refurbishment of toilet and shower facilities, improved fire safety and complete replacement of the sewerage system.

16. A recent Gypsy Traveller Accommodation Assessment highlighted a shortfall of caravan pitches in the Bassetlaw area, however, occupancy rates have fallen sharply at Daneshill and the site has been consistently under utilised; only 4 of the 16 plots now occupied.
17. With current low occupancy rates, the average weekly rent now collected for the whole of the site is just £110. This can be attributed to a combination of both the rural location and condition of the site.
18. During April 2009-10 there were an estimated 44 unauthorised encampments in Nottinghamshire (excluding the City). Although the County Council has no statutory obligation to provide Gypsy and Traveller sites, any decision to evict from an unauthorised location is more likely to succeed in the courts if the Council can offer an alternative location. The number of unauthorised encampments could increase if there was no alternative placements available.
19. Indications from other sites in the County show that well managed sites offering a good standard of accommodation are well utilised and profitable.
20. A site warden, who has been in post since April 2008, is employed by the authority on a part-time basis and lives on the site to manage it day to day.

Options Considered

21. A number of options have been considered for the future of the site including:
 - a. sale of freehold to the site
 - b. retaining the site and upgrading facilities with improved management
 - c. retaining freehold to the site, but leasing on a 20 year lease
22. Savills Estate Agents visited the site in February 2011 and noted that if placed for sale by auction, there would be interest in the sale of the land.
23. However, It is likely that if the site was sold it would not remain as a Gypsy Traveller site. This would mean a loss of provision both for the County Council and the Gypsy and travelling community with the loss of transit pitches and a dedicated site to relocate unauthorised encampments.
24. Based on current rental receipts any major investment in terms of modernisation would be extremely difficult to recoup.
25. The preferred option is to market the site as a Gypsy Traveller site with a 20 year lease. This would encourage interested parties to provide the necessary investment in order to bring the site up to a modern standard.

Statutory and Policy Implications

26. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder and those using the service. Where such implications are material, they have been described in the text of the report.

Recommendations

27. That Cabinet notes the implications of changes to the Mobile Homes Act 1983.
28. That approval is given for Daneshill Travellers Site to be marketed as set out in the report with detailed terms to be approved by the Group Manager Property in consultation with Legal Services.

Legal Services' Comments (L.McC. 28-06-2011)

Cabinet has delegated authority to approve the recommendations in the report.

Comments of the Service Director (Finance) (P.B 28-06-2011)

As indicated in the report the preferred option to market the site as a gypsy traveller site on a 20 year lease will encourage private investment to bring the site up to a modern standard.

Background Papers Available for Inspection

Electoral Division(s) Affected

All