

**PERTH AND KINROSS COUNCIL**  
**HOUSING & COMMUNITIES COMMITTEE**

**23 March 2022**

**GYPSY/TRAVELLER SITE TRANSFER**

**Report by Depute Director (Communities) (Report No. 22/63)**

This report seeks committee approval to transfer Double Dykes, one of the two Council owned Gypsy/Traveller sites, from the General Fund to the Housing Revenue Account (HRA), subject to Scottish Government Ministerial consent.

It also informs committee that ongoing engagement with the residents at the Council's second site at Bobbin Mill, will continue in order to establish their views and support on proposals to transfer their site to the HRA.

**1. BACKGROUND**

- 1.1 The Scottish Housing Regulator has responsibility for the regulation of the landlord, homelessness and factoring functions of local authorities. Protecting the interests of tenants and other service users has been a consistent guiding principle for regulation and inspection in Scotland. This responsibility extends to Gypsy/Travellers living in Council run sites.
- 1.2 The focus on the interests of tenants and other service users, including Gypsy/Travellers on sites owned and/or managed by social landlords, was formalised by the Housing (Scotland) Act 2010. The Act set out the clear statutory objective of the Scottish Housing Regulator to; safeguard and promote the interests of current and future tenants of social landlords, as well as people who are or may become homeless, and people who use housing services.
- 1.3 The Scottish Social Housing Charter, which came into effect on 1 April 2012, reinforced the statutory duties introduced through the 2010 Act. This notably, set a specific outcome for those local authorities and social landlords with responsibility for managing sites for Gypsy/Travellers to ensure that "sites are well maintained and managed."
- 1.4 The Scottish Government also published 'Improving Gypsy/Traveller Sites – Guidance on minimum standards, and site tenants' core rights and responsibilities' in 2015. This sets out minimum site standards for Gypsy/ Traveller sites provided by local authorities and registered social landlords.
- 1.5 A follow-up report was published in May 2018, reviewing the progress of social landlords in meeting the standards set out in the 2015 publication. This was based on local authorities providing a self-assessment of each site. In addition to this self-assessment, we have also asked, through our Stock Condition Survey, for an independent assessment of our compliance. Both

sites have been assessed as fully meeting or indeed exceeding each of the standards.

- 1.6 Alongside improvements with site standards, there has been an increased effort from local and central governments to improve the lives of the Gypsy/Traveller communities. A Ministerial Working Group was set up in 2018 to address the inequalities experienced by Gypsy/Traveller communities in housing, education, health, employment and any cross-cutting issues, such as community cohesion.
- 1.7 A joint action plan 'Improving the lives of Gypsy/Travellers: 2019-2021' by the Scottish Government and Convention of Scottish Local Authorities (COSLA) was published in October 2019, with commitments to:
  - provide more and better accommodation.
  - improve access to public services.
  - improve incomes in and out of work.
  - tackle racism and discrimination.
  - improve Gypsy/Traveller representation at national and local level.
- 1.8 This has been used to enhance and develop the Council's existing Gypsy/Traveller Strategy, which will be reviewed during 2022 in partnership with the Gypsy/Traveller community.

## **2. DOUBLE DYKES SITE**

- 2.1 The Council owns and manages Double Dykes which is located on the north-western boundary of the City of Perth and lies between the periphery of an industrial site and the River Almond. Double Dykes was established as an official site in June 1982, providing hard standings and amenity facilities. The site was used by Gypsy/Travellers for many generations and residents who previously used this land became the first tenants of the official site.
- 2.2 In 2008, the site was upgraded using grant funding from the Scottish Government to provide 20 chalets. Each chalet has 3 bedrooms, a separate dining room, gas central heating, and each pitch has its own touring caravan space. There is a large amenity space at the rear of the site, which allows for children's play activities and there is also a community facility where the children can attend nursery or schooling, and both children and adults can receive health care and support from a variety of agencies.
- 2.3 Residents on the site have an Occupancy Agreement with Perth & Kinross Council and pay a weekly rental for their pitch of £101.86 The residents are also required to pay Council Tax.
- 2.4 Double Dykes is held on the General Fund, and the Housing Service is responsible for the management of the site. This includes allocation of the chalets, tenancy management, rent collection and managing rent arrears, and repairs and maintenance of the chalets on site. A housing officer is responsible for the day-to-day management of the site.

- 2.5 During 2007 to 2011, £569,000 of investment (net of Scottish Government Grant) was spent on improving Double Dykes to ensure it continued to meet the minimum site standards. This investment was funded through prudential borrowing on the General Fund and there is still approximately £153,000 of outstanding debt on the site.
- 2.6 The 'Improving the lives of Gypsy/Travellers: 2019-2021' joint action plan, as outlined in section 1.7, committed a £2 million investment on public sector Gypsy/Traveller sites. Perth and Kinross were allocated funding of £124,858 - the 6th highest allocation of the 19 landlords who have Gypsy/Traveller sites. The funding enabled projects to be identified by the residents, for Double Dykes these included the replacement of the existing portacabin and the installation of a modular building - the "Happy Cabin" and a garden area. The Happy Cabin enables residents to come together, provides a unified space for visitors and increased access to service provision for the residents.
- 2.7 Alongside the above improvements, the site was also included in the Local Housing Condition Stock Survey. As well as assessing the condition of the chalets, the surveyors were asked to confirm our ongoing compliance with the Scottish Government's minimum site standards, together with identifying what further works would be required to bring the chalets up to meet the new Energy Efficiency Standard for Social Housing (EESH) targets for energy efficiency.
- 2.8 The outcome of the survey will inform ongoing and future capital improvements. The survey results will be shared with residents and a partnership approach will be taken to progress any future developments.
- 2.9 Under current arrangements, residents at Double Dykes lease their homes under an occupancy agreement, which does not offer the same level of protection or security of tenure that a secure tenancy agreement provides. A Scottish Secure Tenancy Agreement also provides the following benefits and rights:
- to assign their tenancy to a household member
  - for their tenancy to be succeeded
  - to repair
  - to exchange their home
- 2.10 In addition, each year when it comes to budget setting, the General Fund faces many competing priorities from across all areas of the Council and can be subject to reductions in funding. Unlike the General Fund, the HRA is not subject to the same level of reductions and in the main is self-financing, as it is funded through the rents that tenants pay.
- 2.11 Because the account for the sites is separate from the wider HRA account, residents do not benefit from the wider pooling of rents and the ability, therefore, to deliver longer term planned improvements such as planned maintenance and capital improvements.

2.12 The rent levels and rent structure at Double Dykes is not fully aligned with HRA tenants.

### **3. PROPOSALS**

3.1 Through the provisions of the Housing (Scotland) Act 2010 and the introduction of the Scottish Social Housing charter, it has been made clear that the provision and management of Gypsy/Traveller site is a housing function. There are several challenges with the existing arrangements as detailed above and it is therefore proposed that the site at Double Dykes is transferred from the General Fund to the HRA.

3.2 If approval to transfer the site to the HRA is agreed, any future works and capital spend can be made through the HRA Capital or Planned Maintenance programmes.

3.3 There will be no change to the structure or type of services provided to residents. There will be an enhancement to the services provided, in terms of a planned maintenance programme for the chalets and the site, and an opportunity for residents to access the same level of support and assistance that is on offer to HRA tenants. In addition, a review of the rent structure would be undertaken to ensure alignment with other HRA tenants.

3.4 The transfer of the site to the HRA will be subject to Scottish Ministers consent and this will be sought following approval of the transfer at Committee.

3.5 Ongoing consultation and engagement will continue with the residents at the Council's second site at Bobbin Mill, in order to seek their views and support on the proposals to transfer their site to the HRA.

### **4. CONSULTATION**

4.1 Consultation has been undertaken with the residents of Double Dykes which involved:

- individual letters to all residents at the outset providing contact information if there were any specific queries or concerns
- meetings with residents, visits to the site and telephone discussions
- the development of a Question-and-Answer Guide around the transfer and the impact on the existing arrangements
- a detailed letter explaining the rationale for the transfer.
- Independent advice and support from MECOPP and support from the Ethnic Minority Law Centre.
- a dedicated officer for residents to approach if they required further information or advice.

- 4.2 Feedback received on the proposal has been positive. They are supportive of the approach and can see the benefits in terms of both short and long term for financial planning and investment.
- 4.3 Wider tenant consultation and engagement, in accordance with our tenant agreed Framework has taken place. There were no issues or concerns in relation to the proposal.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 As noted in section 2.5, there is currently outstanding debt of £153,000 on the site It is proposed to transfer this debt from the General Fund to the HRA as part of the overall transfer.
- 5.2 The loan charges associated with this debt will be met by the income paid by the current residents of the site. There would be no negative financial implications on current HRA tenants as a result of this transfer.
- 5.3 Once the site is transferred, all future costs associated with the delivery of services, repairs and capital expenditure will be contained within HRA budgets.
- 5.4 As per section 1.7, the Scottish Government and COSLA have made a clear commitment to ensuring that the lives of Gypsy/Travellers are improved in Scotland. On 4 June 2021, the Scottish Government announced additional funding of £20 million to 2025/26. The funding is intended for both significant renovation and improvements of standards on existing sites and the building of new sites.
- 5.5 Based on the findings of the Local Housing Condition Stock Survey, and through full consultation and engagement with the residents, a funding bid could be made to support any capital improvements works identified for the site. The Scottish Government have given assurances that funding bids will be considered at a future date due to the funding being spread over a 5-year period. Transferring the site to the HRA could provide a stronger case for a funding application to be approved.

## **6. CONCLUSION AND RECOMMENDATIONS**

- 6.1 This report outlines the benefits for residents at Double Dykes around the transfer to the HRA. These benefits not only include an enhancement to their rights as tenants but also access to a more secure financial platform to allow us to deliver the Scottish Government's vision in relation to Improving the Lives of Gypsy Travellers.
- 6.2 Having a long-term financial planning approach to continuing to improve sites in partnership with our tenants will also allow us to have true and meaningful engagement and a consistent approach across the Council's housing stock.

6.3 It is recommended that Committee: -

- (i) approves, subject to the necessary Scottish Ministerial consent, that the Double Dykes site be transferred from the General Fund to the to the Housing Revenue Account (HRA).
- (ii) notes the ongoing dialogue and support as outlined in Section 3.5 for residents at Bobbin Mill and that a future report be submitted to Committee

**Author(s)**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Clare Mailer	Depute Director (Communities)	11 March 2022

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION, AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>None</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>None</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

1.1 The Single Outcome Agreement for Perth and Kinross has five outcomes which provide a clear strategic direction, inform decisions at a corporate and service level, and shape the allocation of resources. The following are relevant to this report: -

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible, and informed citizens
- (iii) Promoting a prosperous, inclusive, and sustainable economy
- (iv) Supporting people to lead independent, healthy, and active lives
- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

1.2 As above.

### 2. Resource Implications

#### Financial

2.1 Costs associated with the delivery of services, repairs and capital spends are contained within existing HRA budgets.

### **3. Assessments**

#### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The information contained within this report has been considered under the Corporate Equalities Impact Assessment process (EqIA) and no major change required.

#### Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt, or agree to an action or to set the framework for future decisions.

#### Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act: -
- in the way best calculated to delivery of the Act's emissions reduction targets
  - in the way best calculated to deliver any statutory adaptation programmes
  - in a way that it considers most sustainable.
- 3.6 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

#### Legal and Governance

- 3.7 Head of Legal and Governance was consulted on this report.

#### Risk

- 3.8 None arising from this report.



#### **4. Consultation**

##### Internal

- 4.1 The Chief Executive, all Executive Directors/Directors and the Head of Legal and Governance have been consulted in the preparation of this report.

##### External

- 4.2 All current residents at Double Dykes have been consulted on this proposal.
- 4.3 The Tenant Committee Report Panel was consulted on this report. They commented that it is good to see the proposal to transfer the Gypsy/Traveller sites to the Housing Revenue Account. The Housing Service already manages the sites so it would bring services together such as repairs and maintenance.

#### **5. Communication**

- 5.1 None.

#### **2. BACKGROUND PAPERS**

- 2.1 None.

#### **3. APPENDICES**

- 3.1 None