

**RESIDENTIAL (CARAVAN) SITE LICENCE CONDITIONS FOR
GYPSY/TRAVELLER SITES**

1.0 EXECUTIVE SUMMARY

- 1.1 This report seeks Committee approval for the new standards relating to the licensing of gypsy/travellers sites. This will ensure that the sites provide a safe, secure place to stay, that the revised licensing conditions better reflect the customs and lifestyle of this community, and are consistent with other similar sites across Scotland.
- 1.2 The new standards have been developed as Argyll and Bute Council is in the unique position of requiring to licence these sites, whereby other sites across Scotland are operated by local authorities and are exempt from the requirement to be licensed. It also recognises that the existing conditions for residential caravan sites which are used at present, are inappropriate.
- 1.3 The introduction of the new Council's Standards for the Licensing for Gypsy/Travellers Sites, demonstrates the Council's commitment to meeting the COSLA Leaders Pledge (February 2019) to to improve the lives of Scotland's Gypsy/Travellers and tackle discrimination towards the community.
- 1.4 There are no financial implications to the Council from this report

1.5 RECOMMENDATION

That the PPSL Committee approve the model licensing standards for Gypsy/Traveller sites in **Appendix 1**. This is consistent with the Council's role as a licensing authority and demonstrates our commitments to the COSLA Leaders Pledge to "improve the lives of Scotland's Gypsy/Travellers and tackle discrimination towards the community"

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GYPSY/TRAVELLER SITES**

2.0 INTRODUCTION

- 2.1** Councils have a responsibility to provide appropriate sites for use by gypsy/travellers to provide a safe, secure place to stay. The conditions for these sites reflect the protected status for gypsy/travellers and are defined by the Scottish Government.
- 2.2** In Argyll and Bute, the ownership and management of these sites was transferred to Argyll Community Housing Association, as part of the housing stock transfer in 2006. By doing so, this brought these sites into the Caravan Sites and Control of Development Act 1960 residential caravan site licensing regime and appropriate licenses were issued by the Council to ACHA. Argyll and Bute Council is the only Council in Scotland in this position.
- 2.3** The Scottish Housing Regulator reported in October 2018 that over half of council-run traveller sites fail to meet minimum standards, and the two sites currently in use within Argyll were identified as being non-compliant. In subsequent discussions with ACHA, it was identified that one of the issues was that the current licensing standards for the caravan sites did not adequately reflect the customs and lifestyle of the gypsy/travellers. As a result, there is ongoing work by ACHA to secure improvements to the sites, and the Council has taken the opportunity to develop new licensing standards for Committee approval,

3 RECOMMENDATION

- 3.1** That the PPSL Committee approve the model licensing standards for Gypsy/Traveller sites in Appendix 1. This is consistent with the Council's role as a licensing authority and demonstrates our commitments to the COSLA Leaders Pledge to "improve the lives of Scotland's Gypsy/Travellers and tackle discrimination towards the community."

4 DETAIL

- 4.1** Gypsy/Traveller sites are provided by Councils to provide a safe and secure place for them to live, and also to reflect the customs and lifestyle within their communities. These sites are exempt from the Caravan Site Licensing regime which applies to other holiday and residential caravan sites, although they

require to meet Scottish Government guidance specific to Gypsy/Traveller sites which encompassed the cultural needs of Gypsy/Travellers whilst maintaining minimum safety standards.

- 4.2** As a result of the Council's housing stock transfer in 2006, the three Gypsy/traveller sites namely Ledaig, Oban; Duncholgan, Lochgilphead and Torlochan, Dunoon (currently closed) transferred to Argyll Community Housing Association (ACHA). ACHA have the responsibility for the ownership and management of these sites.
- 4.3** Following the transfer of the Gypsy/Traveller sites to ACHA the exemption from licensing no longer applied and the sites applied for, and were issued with Residential Caravan Site Licences that followed the conditions laid down in the Model Standards of Circular 17/1990 issued by the Scottish Government for Caravan Site Licensing. The licensing function for caravan sites is delegated to the Environmental Health Department in the Council's Scheme of Delegation.
- 4.4** The regulation of caravan sites was reviewed by Scottish Government and new legislation introduced under the Housing (Scotland) Act 2014 amended the Caravan Sites and Control of Development Act 1960 with the principal aim of improving and protecting permanent residents on Park Home or Mobile Home sites. Existing permanent residential sites are required to apply for a new 5 year licence as opposed to the one-off licence which was previously in place. The new licensing regime, charging and minimum standards were agreed by Members at PPSL Committee on the 20th June 2018. Applications have been received from ACHA for the two remaining Gypsy/traveller sites in Argyll namely Ledaig (now known as Bayview), Oban and Duncholgan, Lochgilphead. The site in Dunoon is closed.
- 4.5** Discussions with ACHA regarding the new licensing regime, have also included the Scottish Housing Regulators Report which is referred to in section 2.3. The Council are liaising with ACHA to secure the necessary improvements, although responsibility rested with them.
- 4.6** Discussions were held with ACHA concerning the Gypsy/Traveller sites to progress the licence applications and compliance with the new model licence conditions. It became apparent that;
 - a) The cultural needs of the Gypsy/Traveller community are not reflected in the Scottish Government Model Standards for Residential Caravan sites which are applied to licensed sites, which local authorities require to apply
 - b) The position of Argyll and Bute Council is unique as gypsy/traveller sites operated within other local authorities require to meet a different standards. The 'Improving Gypsy/Traveller Sites – Guidance on minimum Site Standards and site tenants' core rights and responsibilities' dated May 2015 laid down standards for Gypsy/Traveller sites designed to meet their needs, yet provide them equivalent level of protection and amenity to residents

- c) The main condition which caused difficulty was the condition requiring a minimum separation distance of 6 metres between caravans as a means of preventing any spread of fire. In Gypsy/Traveller sites they permit the accommodation of more than one touring type caravans on a family sized pitch provided with an exclusive use of the pitches amenity/storage block. Model Licensing conditions for residential caravan sites do not recognise this arrangement.
- d) There are other issues surrounding the site and ACHA are considering improvements and liaising with residents.

4.7 The outcome of the discussions with ACHA was to 'blend' both sets of standards to produce a set of licence conditions that was appropriate for the differences found at Gypsy/Traveller sites. The draft conditions (Appendix 1) have been circulated to ACHA who have consulted with their residents. We have consulted with ACHA and Minor Ethnic Carers Of People Project – (MECOPP) (who represent the gypsy/travelling community and residents on the sites) on these proposed conditions and no objections have been raised although there were suggested amendments or improvements requested.

Each suggestion was considered and where appropriate to the current site arrangements were incorporated into the conditions. The biggest issue that MECOPP wanted addressing was for permanent caravans or chalets to be connected to mains water and drainage to avoid the need to use the individual amenity block. This was rejected as a licence condition because the current site arrangements provide fully serviced amenity blocks. If the site owner wishes to replace the amenity blocks with serviced pitches in the future then they will need to go through due process and seek prior permissions from the Council and their site licence conditions would be revised accordingly.

The document now needs approval from the Council.

4.8 In February 2019, at COSLA, Scotland's Council Leaders pledged action to improve the lives of Scotland's Gypsy/Travellers and tackle discrimination towards the community. Through the work in developing new model standards, this demonstrates that the Council are working with ACHA and residents to improve the standards of the Gypsy/Travellers sites in Argyll and Bute, ensuring that the standards better reflect their culture, whilst ensuring adequate facilities and amenities

5 CONCLUSIONS

5.1 These Model Standards will secure that there is appropriate protection for the residents of these sites but also respect their cultural lifestyle, and

- a) demonstrates the Council's commitment to the COSLA Leaders Pledge to take action to improve the lives of Scotland's Gypsy/Travellers and tackle discrimination
- b) are consistent with the enforcement policy of the Council's Regulatory Services which seeks to work with people and business to secure compliance and that any action is appropriate, proportionate, targeted, transparent and risk-based.

- c) meets our duties as a licensing authority under the Caravan Sites and Control of Development Act 1960, as amended

6 IMPLICATIONS

6.1	Policy	Consistent with Council Policy and Business Outcomes
6.2	Financial	None. Argyll and Community Housing Association have responsibility for management and standards on suite
6.3	Legal	Meets the Council's legal duties under the Control of Development Act 1960 as amended, and consistent with Council's Enforcement Policy
6.4	HR	None
6.5	Fairer Scotland Duty:	None
6.5.1	Equalities - protected characteristics	Seeks to improve the lives of Scotland's Gypsy/Travellers and tackle discrimination
6.5.2	Socio-economic Duty	None
6.5.3	Islands	None
6.6	Risk	Approval of recommendations will remove potential risks to Council and of failing to meet Scottish Strategic Regulators Code
6.7	Customer Service	Demonstrates partnership working and ability to seek improvements following customer feedback

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Policy Lead Councillor David Kinniburgh

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APPENDICES

Appendix 1: Argyll and Bute Standards for Gypsy/Travellers Sites

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GYPSY/TRAVELLER SITE LICENCE CONDITIONS – FOR SITES THAT ARE PRIVATELY OWNED AND MANAGED

These conditions have been derived from Scottish Government documents; 'Improving Gypsy/Traveller Sites – Guidance on Minimum Site Standards, and site tenants' core rights and responsibilities' dated May 2015 and 'Model Standards for Residential Mobile Home Site Licences – Guidance to local Authorities on site licence conditions for mobile home, park home, or caravan sites which are licenced to have permanent residents' dated December 2018.

Where the term 'pitch' is used within this document it refers to the area of land used to accommodate the caravans, trailers, and vehicles belonging to the occupying tenant of that pitch and their immediate family.

All site licence conditions apply only to the area within the boundary of the site.

Number of Pitches, Site Plans and Boundaries

1. The maximum number of pitches on the site is
2. The boundaries of the site and each pitch must be clearly marked by appropriate man-made or natural features.
3. Each pitch should have an amenity block located on the pitch for the exclusive use by the occupants of the pitch.
4. The area to be occupied by caravans, the position of toilet blocks, the drainage, water points, fire points, recreation space, roads and car parking spaces shall conform to the details shown on the plan accompanying the application for this Licence. A plan of the site of a suitable level of quality and detail must be supplied to the local authority whenever there is a material change to the boundaries or layout of the site. Such plans should ideally be of 1:500 scale.

Amenity and Privacy

5. For amenity and privacy reasons:
 - The distance between any caravan, trailer or vehicle sited on an individual pitch should generally be not be less than 6 m from a caravan/trailer or vehicle sited on an adjacent pitch.

Roads, Gateways and Traffic Routes (within site boundaries)

6. Roads must be constructed of hard durable materials (such as suitable bitumen macadam or concrete with a suitable compacted base) and must be provided so

that no pitch is more than 45 metres from a road. Roads must be capable of carrying vehicles with an axle loading of 14 tonnes as a minimum.

7. Roads must be designed to provide adequate access for emergency vehicles. Routes for emergency vehicles must be kept clear of obstructions at all times. Where necessary, suitable vehicle turning areas should be provided.
8. All roads must have good surface water/storm drainage. Roads must not be less than 3.7 metres wide unless they are designed for, and used by, one way traffic in which case they must not be less than 3 metres wide.
9. One-way systems must be clearly signposted by the owner of the road.
10. Where existing two-way roads are less than 3.7 metres wide, passing places or a one-way system should be provided by the owner of the road
11. All gateways/entrance/exits to the site must be a minimum of 3.5 metres wide and have a minimum height clearance of 3.7 metres for vehicular access and be accessible at any time.
12. Roads must be maintained to a good standard by the road owner
13. Cable overhangs must meet the relevant statutory requirements.
14. Salt or grit should be provided in conveniently located containers, for use to allow the safe movement of vehicles in icy conditions.
15. Where appropriate, suitable measures (e.g. signage or speed bumps) to control the speed of vehicles on the site should be provided.

Pedestrian Routes

16. Every pitch must be connected to a road by a footpath at least 0.9 metres wide with a hard surface which must be maintained in good condition.
17. Communal pedestrian routes should not be less than 0.9 metres wide. The route should be made of a hard surface and must be maintained in good repair and in a safe condition by the owner or the route.
18. All pedestrian routes must have good quality and well maintained surface and storm water drainage.
19. Salt or grit should be provided in conveniently located in containers, for use to allow for safe movement of pedestrians in icy conditions.
20. The surface and gradient of roads and all pedestrian routes should be designed and maintained to take into account the requirements of disabled households by the owner.

Bases and Hard Standings

21. Every pitch must have an area of hard-standing or solid base, of a suitable size and quality to tolerate weight of caravans (with contents), and cars or vans/light commercial vehicles. Suitable anchor points should be provided if necessary.
22. The hard standings must be constructed to the industry guidance current at the time of construction, and kept in a suitable condition with any necessary maintenance.
23. Pitches should be of a size that enables at least one caravan and car or vans/light commercial vehicle to fit on the pitch, with sufficient room left to allow site tenants and vehicles to move around, and on and off, the pitch as necessary.

Supply and Storage of Gas

24. Any Gas supply (liquefied petroleum gas (LPG) and natural) provided by ACHA and the storage of LPG gas cylinders must meet relevant statutory requirements, and relevant Standards and Codes of Practice.
25. Any gas installations supplied by ACHA must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements. Any work on gas installations and appliances on the site must only be carried out by persons who are competent to do the particular type of work being undertaken.¹
26. The Amenity Block shall have a safe gas/oil system (if used) and appliances. There shall be a gas inspection (if applicable) once a year undertaken by the licence holder.

Electrical Installations

27. The site must be provided with an electricity supply and distribution network of adequate capacity to safely meet the reasonable demands of each pitch and other facilities and services within it. The electrical system on the site, including the distribution network and supplies to mobile homes and site buildings, must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.
28. The electrical system in the Amenity Block and elsewhere on the pitch shall be inspected at a minimum of every 5 years.

¹ For the definition of a competent person please see paragraph 8.2 of the Explanatory Notes to these Model Standards.

29. Any work on the electrical distribution network on the site and equipment connected to it must be carried out only by persons who are competent to do the particular type of work being undertaken.²

Oil Storage Tanks

30. Oil storage tanks must be designed, constructed and located so as to comply with relevant statutory requirements and British and/or European Standards.

Water Supply

31. All pitches on the site must be provided with a water supply sufficient in all respects to meet the reasonable demands of the occupants, and all water supplied for human consumption must be of the quality required by relevant statutory requirements and British and/or European Standards.

32. The water distribution network and installations must be designed, installed, tested, inspected and maintained in accordance with the provisions of the relevant statutory requirements and British and/or European Standards.

33. All repairs and improvements, instructed by ACHA, to water supplies and installations must be carried out to conform to relevant statutory requirements and British and/or European Standards.

34. Work on water supplies and installations, instructed by ACHA, must be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with relevant statutory requirements and British and/or European Standards.

35. Water supplies should be adequately protected from damage by frost.

Drainage and Sanitation

36. The Gypsy/Traveller site, including every pitch or hard standing, must be provided with a suitable drainage system for the hygienic disposal of foul, rain and surface water from the site, buildings, Amenity Blocks, roads and footpaths.

37. The surface and foul drainage network and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.

38. Each Amenity Block and site building must be connected to a foul drainage system. Provision must be made for foul drainage either by connection to a public sewer, a sewage treatment facility or to an appropriate septic tank or treatment system approved by the local authority or, where appropriate, the

² For the definition of competent person see paragraph 9.3 of the Explanatory Notes to these model standards.

Scottish Environment Protection Agency (SEPA). A maintenance and service contract must be in place for non-public sewage treatment systems. Septic tanks and treatment systems should be registered with SEPA in accordance with their requirements.

Flooding

39. The site licence holder should establish whether the site is at risk from flooding by referring to SEPA's Flood Maps.
40. Where the site is at risk of flooding the licence holder should sign up to SEPA's Floodline service, establish an evacuation plan, and display notices prominently on the park with all relevant information.

Lighting

41. Roads and pedestrian routes must be provided with a good quality working artificial lighting system between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.
42. Where appropriate, Amenity Blocks and communal buildings should have good quality working artificial internal and external lighting.
43. The lighting systems and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.

Amenity Blocks

Amenity Blocks shall meet the following standards

- a) they shall be structurally sound, with good quality foundations, floors and walls
- b) roofs shall be structurally sound, in good repair and keep out water
- c) rising damp and penetrating damp shall not be present
- d) windows and doors shall be of good quality
- e) they shall meet an energy efficiency rating of band E or better
- f) a toilet shall be provided for exclusive use of the occupants of the pitch
- g) bathroom fittings (including toilet, and any shower or bath) should be of a good quality
- h) kitchen fittings (such as storage cabinets and worktops) should be of good quality
- i) there should be hot and cold water supplied to amenity block sinks/basins/bath/shower
- j) there should be adequate electrical sockets in the amenity block. The kitchen must have at least 6 x 13 amp electrical power sockets securely mounted on the wall.
- k) there should be adequate food storage space in the amenity block (at least 1 m³ in either the kitchen itself or immediately adjacent).
- l) there are adequately and appropriately located carbon monoxide detectors and alarms.
- m) there are adequately and appropriately located smoke alarms/detectors. Site providers should also meet their duties under the Fire (Scotland) Act 2005.

Domestic Waste

44. Each mobile home must be provided with, or have ready access to, appropriate facilities for the recycling of waste material and for the disposal of residual waste.

Notices and Information

45. Displayed in a prominent place at the entrance to the site, must be:

- a) details of how to contact the Police, the Fire and Rescue Service, and emergency and local medical services;
- b) Emergency contact details for ACHA and out of hours ACHA repairs;
- c) a copy of the Site Rules, if applicable. If the site rules are more than one page long the first page can be displayed, along with details of a specific place on the site that the full site rules can be inspected on request;
- d) a copy of the Site Licence.

All notices must be suitably protected from the elements.

Other relevant information should be provided to the local authority if requested, including a copy of documents showing the on-going maintenance and inspection of the site and its facilities.

Site Maintenance

46. The site licence holder should ensure that the site and all the facilities on it, including any common areas, paths, roads and children's play equipment, in ACHA's ownership are maintained in a good order and condition, and function as

intended. Repairs are carried out in line with timescales set locally for other social housing tenants.

Additional Structures and Alterations to Existing Structures

47. New structures on the site and buildings or structures undergoing a change of use, alteration or adaption must comply with relevant building standards Regulations. Planning Permission may also be required and any conditions complied with.

Parking

48. Sufficient and appropriate parking provision should be made for vehicles belonging to residents and their visitors.