

# **Improving Gypsy/Traveller Sites – Guidance on minimum sites standards, and site tenants’ core rights and responsibilities**

## **Progress Report**

**May 2018**

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### **Introduction**

In 2013 the Scottish Parliament's Equal Opportunities Committee (EOC) published a report, *Where Gypsy/Travellers Live*, which examined issues around the quality and quantity of Gypsy/Traveller sites provided by local authorities and registered social landlords (RSLs). The report made a number of recommendations to improve Gypsy/Traveller site provision in Scotland.

Two of the areas highlighted by the EOC were the poor quality of some Gypsy/Traveller sites, and the need for site tenants to have consistent tenancy agreements across the country. The Gypsy/Traveller Site Working Group was formed in 2014, which provided the Scottish Government with expert advice and discussed ways of addressing some of the issues raised by the EOC. "*Improving Gypsy Traveller Sites – Guidance on minimum site standards, and site tenants' core rights and responsibilities*" were then developed and published in May 2015 with input from:

- Gypsy/Traveller site tenants;
- organisations who work with the Gypsy/Traveller community;
- the Association of Local Authority Chief Housing Officers (ALACHO);
- the Convention of Scottish Local Authorities (COSLA);
- individual local authorities;
- organisations with expertise in housing.

They detail clearly the minimum standards we expect every local authority and RSL Gypsy/Traveller site to meet. They also set out the Scottish Governments expectation that all sites should meet the requirements by June 2018.

### **Background / Context**

Local authorities are responsible for assessing the accommodation needs of Gypsy/Travellers in their area through the development of a Housing Needs and Demand Assessment and Local Housing Strategy. In 2014 we published revised guidance for Housing Need and Demand Assessments and for Local Housing Strategies. This is to make sure the accommodation needs of Gypsy/Travellers are fully taken into account by councils as they plan accommodation provision in their area.

In December 2017, the Scottish Government launched the Race Equality Action Plan, which includes a specific section on Gypsy/Travellers. The Cabinet Secretary for Communities, Social Security and Equalities also announced the establishment of a Ministerial Working Group that will take action to improve the lives of Gypsy/Traveller communities across a range of issues. Housing was the subject of the first meeting on 1 February. The Membership of the Group is:

- Cabinet Secretary for Communities, Social Security & Equalities (Chair)
- Minister for Local Government & Housing
- Minister for Childcare and Early Years
- Minister for Employability & Training
- Minister for Public Health & Sport

The Group is tasked with driving forward the agenda, detailed in the action plan. This is informed by the work of the independent Race Equality Adviser, who set out a number of recommendations for Gypsy/Travellers in her report entitled “Addressing Race Inequality: The Way Forward.”

## **Review of progress**

This report is based on the returns from 16 local authorities and one RSL providing a total of 26 sites for Gypsy/Travellers. These are:

- Aberdeen City Council – 1 site
- Aberdeenshire Council – 1 site (seasonal)
- Angus Council – 1 site
- Argyll Community Housing Association (ACHA) – 2 sites
- City of Edinburgh Council – 1 site
- Clackmannanshire Council – 1 site
- Dumfries and Galloway Council – 2 sites
- Dundee City Council – 1 site
- East Lothian Council – 1 site  
(Managed by East Lothian Council on behalf of East and Mid Lothian Councils)
- Falkirk Council – 1 site
- Fife Council – 3 sites
- Highland Council – 4 sites
- North Ayrshire Council – 1 site
- Perth and Kinross Council – 2 sites
- South Lanarkshire Council – 2 sites
- Stirling Council – 1 site
- West Dunbartonshire Council – 1 site

In addition, two further sites are not included in the review. The permanent site at Houdston in South Ayrshire is out of use having suffered significant flood damage in December 2015. The local authority has provided a temporary site and is currently looking at options for an alternative permanent site. In the Scottish Borders there is a site for Gypsy/Travellers in Innerleithen. The site is managed by an independent private business, who leases the site from Scottish Borders Council. They do not manage the site on behalf of the Council but run the site as a commercial enterprise. The majority of the site is used as a commercial caravan park but a specified part of the site (10 pitches) and related amenities are for the exclusive use of Gypsy/Travellers. The site is open from April to September each year. The current lease between the Council and the private provider was due to end in March 2018. Council officers have been working on the development of a new lease and related

management agreement that will meet the needs of all parties and specifically establish arrangements to ensure the minimum standards and core rights and responsibilities are met.

Between August 2017 and March 2018, the Scottish Government carried out a review of progress towards meeting the standards. The first phase of this work involved requesting site providers to complete a self-assessment of their progress. This was followed up by a programme of visits to eight sites: Balmuirwood in Dundee; Clinterty in Aberdeen; Collin in Dumfries and Galloway; Tarvitmill, Cupar in Fife; North Cairntow in Edinburgh; Longman, Inverness in Highland; Redding in Falkirk; and Swinhill, Larkhall in South Lanarkshire, to talk to residents about their experiences of conditions on their sites while issuing questionnaires to residents living on the remaining sites. We spoke to a number of residents during these visits and received a further 31 questionnaire returns from five other sites – Dennystoun Forge in West Dunbartonshire, East Kilbride in South Lanarkshire, Glenluce in Dumfries and Galloway, Redburn in North Ayrshire and St Christophers in Angus.

Information from the remaining 13 sites is based solely on the self-assessment provided by the site provider. These are: Aberdeenshire; Bobbin Mill and Double Dykes in Perth and Kinross; Clackmannanshire; Duncholgan and Ledaig in Argyll and Bute; East Lothian; Kirkcaldy and Kelty in Fife; Kintallen, Newtonmore and Spean Bridge in Highland; and Stirling.

This report sets out a summary of the information gathered during this review.

## **Minimum Standards**

The minimum standards cover two broad areas:

- physical facilities and fabric, including the quality of fixtures and fittings, lighting, heating, and a hot and cold water supply; and
- services provided by the site provider and how it treats site tenants.

Within the two broad areas above the standards have seven parts:

- I. Essential Fabric Standards
- II. Energy Efficiency
- III. Facilities and Amenities
- IV. Safety and Security
- V. Maintenance and Repairs
- VI. Fair Treatment
- VII. Consultation

The standards are set out in detail and include indicators to help determine whether a standard is being met with notes on any additional issues that a site provider should consider and take into account.

This report considers each standard against the relevant indicators and sets out the information provided by the self-assessments and that gathered from site residents.

## **Executive Summary**

According to the self-assessment returns, two sites – Angus and Falkirk - met the standards across the board at the time of the survey and information gathered in the review indicates that 19 out of 26 sites will meet the site standards by June 2018. However, in a number of areas where site providers have said that they meet the standard, the information from site residents does not support this.

There are six sites where the essential fabric standards are unlikely to be met by June 2018. Work is planned on some sites to address these issues but it is unlikely to be complete by the deadline. Information from residents suggests there may be issues on a further five sites.

The review has highlighted some potential issues with measuring the energy efficiency of amenity blocks, we will explore whether further guidance is required in relation to this.

At the time of the survey, six sites did not meet all of the facilities and amenities standards, there are three sites where this is unlikely to be rectified by June 2018. Information from residents suggests there may be issues on a further six sites mainly in relation to the quality of the fixtures and fittings in the amenity blocks.

Fourteen sites did not meet the safety and security standard on one or more indicator at the time of the survey. There were some fairly significant safety issues, a lack of carbon monoxide detectors, heat detectors and smoke alarms in particular. Site providers told us they had plans to address this, and should ensure that this is done as a matter of urgency.

Four sites did not meet all the indicators for the maintenance and repairs standards. The issues on one of those sites will have been addressed by June 2018. Information from residents on a further nine sites described issues relating to this standard.

Site tenants must be treated with respect and fairness by the site provider. All but one site provider reported meeting this standard but this was contradicted by residents on a number of sites. Site tenants should also be consulted with about matters that affect them. Two providers recognised that they needed to make improvements in this area and were in the process of doing so but residents on a further four sites also spoke of issues relating to this standard.

Site providers should also reflect the core rights and responsibilities published in the guidance in their occupancy agreements. Of the 17 site providers, ten reported that site residents have occupancy agreements that reflect the core rights and responsibilities set out in the guidance. Five others are in the process of drafting and consulting on new agreements and should have them in place by the June 2018 deadline. The tenants we spoke to and the completed questionnaires we received supported this with the majority of tenants confirming that they had occupancy agreements that set out their rights and responsibilities.

## Essential Fabric Standards

These set out basic structural standards for Gypsy/Traveller sites with seven indicators to determine whether the standard is being met. Overall the self-assessments show that six sites – Aberdeenshire, Collin and Glenluce in Dumfries and Galloway, East Lothian, Edinburgh and Inverness in Highland - did not meet this standard on either one or more indicator. Information from site residents indicates that there may be further issues on five sites – Aberdeen City, Collin in Dumfries, Edinburgh, Larkhall in South Lanarkshire and Tarvitmill in Fife.

### Indicator 1 - Amenity blocks are structurally sound, with good quality foundations, floors, and walls

- Problems with the wall structure can be detected by: vertical or diagonal cracking, inadequate expansion joints or inadequate fixings between components, wall tie corrosion, twisted, cracked, overloading or slipped lintels due to settlement, bowing of walls and over sailing of walls at Damp Proof Course level. Problems with floors include possible rotting of an underlying wooden floor structure or sloping floors. Concrete floor structure problems would include serious cracking. Problems with the foundations can be detected by vertical or diagonal cracking of the wall structure.

The self-assessment returns suggest that two of the 26 sites do not meet this indicator. The information provided suggests that both of those sites require significant investment with major issues relating the land the site is built on. Both are progressing plans to bring the sites up to standard but this work is unlikely to be completed by June 2018. These sites are Banff in Aberdeenshire and Collin in Dumfries and Galloway.

### Indicator 2 - Pitches have an area of hardstanding, of suitable size and quality to tolerate weight of caravans (with contents), and cars or vans / light commercial vehicles. Suitable anchor points are provided, if necessary

- Each pitch should have an area of hardstanding of suitable construction and quality that it is able to tolerate the weight of at least one caravan with occupants. 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.

The returns for three sites indicate that this standard is not being met. Improvement works are underway on one of these sites (Newtonmore in Highland) at present so this should be rectified by June 2018, for the other two this is unlikely to be the case. These are Collin in Dumfries and Galloway and Inverness in Highland. Collin has major issues with subsidence and work in Inverness has still to be scheduled and funding identified following completion of the renovations at the Newtonmore site.

Residents from Edinburgh, Inverness, Larkhall, North Ayrshire and West Dunbartonshire also told us about a lack of satisfaction with the size of their pitches. Just as needs and aspirations have changed over time in the settled community, this

is also the case for the Gypsy/Traveller community. As families have grown, some pitches are too small to accommodate the caravans required to house families together, residents told us they would like to see the individual pitch areas increased. Some residents also expressed a wish for fencing around individual pitches to make them more secure and safer for children to play in.

Indicator 3 - Amenity block roofs are structurally sound, in good repair, and keep out water.

- Problems with a roof can be detected by: sagging of roof structure by ponding; humping of the roof over internal load bearing walls and/or party walls; spreading outwards of the roof structure at the eaves. Problems with the principal roof covering and roof edges could include missing, broken or slipped slates or tiles; also including broken or slipped ridge tiles and hips; torn or cracked flat roof coverings.

The returns indicate that two sites do not meet the required standard. At Banff in Aberdeenshire significant capital investment is required to bring the blocks up to standard. At Collin in Dumfries and Galloway the Council told us that the blocks currently keep out water but as there is subsidence on the site there is evidence of structural problems. A number of pitches are currently out of use because of the subsidence issues.

Indicator 4- Rising damp and penetrating damp are not present in amenity blocks.

- Rising damp is caused by defects in the Damp Proof Course, or in older homes the lack of a damp proof course. Penetrating damp is caused by defects in the roof, the exterior walls, rainwater gutters and downpipes, or missing flashings. Mould can also be evidence of condensation, which can be avoided by adequate ventilation (e.g. windows that open or extractor fans).

According to the self-assessments all sites meet this indicator.

However, some of this information is not supported by what residents told us. Residents from five sites complained about dampness in their amenity blocks (Aberdeen, Collin in Dumfries, Edinburgh, Larkhall in South Lanarkshire and Tarvitmill in Fife.) Work was carried out in Larkhall but some residents are still experiencing problems and further work is planned. Residents in Aberdeen and Larkhall also told us that they are unable to open the bathroom window to assist with ventilation. Some significant investment is planned at the Tarvitmill site in Fife but this is unlikely to take place before June 2018.

Indicator 5- Appropriate arrangements have been made for foul and surface water drainage, including gutters and downpipes for amenity block roofs.

- Problems include cracked or corroded gutters or downpipes; loose or defective brackets; and missing fittings.

Dumfries and Galloway Council reported failing this indicator due to the subsidence issues on the Collin site. All other providers report meeting this indicator. Some

residents in Edinburgh, Tarvitmill in Fife and West Dunbartonshire provided conflicting accounts of water leaking into their amenity blocks.

Indicator 6 - Windows and doors of amenity blocks are of a good quality.

- Problems could include distorted or unseated window / door frames; rotted sills or sub sills; broken panes of glass; corroded, rusting or rotten ironmongery; defective, damaged or missing seals or putty, and disrepair to screens, windows and roof lights.

The self-assessments indicate that three sites currently fail to meet this indicator, these are Aberdeenshire, Newtonmore in Highland and Stirling. Work is underway on the sites at Newtonmore and Stirling to ensure they meet the indicator by June 2018. Work is also planned at the Aberdeenshire site but this is unlikely to be completed by June 2018.

Indicator 7 - Access roads, and roads and paths on the site, are of good quality.

- Access roads and paths should be well maintained and safe, taking into consideration road surface, lighting, verge/grass cutting, and tree pruning. This is especially important where site tenants do not have easy access to public transport, and children need to travel to school. Arrangements should be made to enable gritting of roads and paths in freezing conditions.

The returns for five sites indicate that they do not meet this indicator and it appears unlikely from the information provided that any of these will be rectified ahead of June 2018. These are Collin and Glenluce in Dumfries and Galloway, East Lothian, Edinburgh and Inverness in Highland.

## **Energy Efficiency**

Site tenants often spend considerable time preparing food and bathing in amenity blocks, particularly those with young children. Amenity blocks on sites should therefore meet an appropriate energy efficiency standard. The self-assessment returns show that 18 sites are not currently able to show they are meeting this standard.

Indicator 1- Amenity blocks should meet an energy efficiency rating of band E or better

- Measures that would enhance energy efficiency might include more loft insulation, a highly efficient heating system, introducing low energy lighting, double or triple glazing. Energy efficiency bands are defined in the Standard Assessment Procedure (SAP) for assessing the energy performance of dwellings and are recorded in Energy Performance Certificates (EPCs). Band E is defined as a SAP rating of 39 to 54 in SAP 2005-2012.

Six providers – Angus Council, ACHA, Falkirk Council, North Ayrshire Council, Perth and Kinross Council and Stirling Council - report meeting this indicator (although two



– ACHA and North Ayrshire - did not provide certificates to support this). They have all provided either an EPC or SAP rating equivalent to Band E or above.

Some providers have stated that EPCs have still to be obtained while others have reported specific issues with producing EPCs. The issues identified are:

- anything under 50 square meters does not need to be assessed
- unable to obtain EPC using current software
- not possible to provide EPCs for non-domestic properties

When developing these standards in consultation with site providers and others the issue of the applicability of EPCs to amenity blocks was not raised. Obtaining a SAP rating should still be possible where the data needed for the assessment can be gathered.

Some providers have been able to provide ratings and have either been able to obtain the ratings without any issues or by making adjustments to the assumptions used to make the calculations. We will consider whether further guidance for this type of property is required.

Some site providers stated in their returns that they have taken action to improve the energy efficiency of their amenity blocks, for example a number of providers have installed different forms of insulation in their blocks. However, a number of residents reported issues relating to energy efficiency. A lack of suitable heating was raised by residents on the sites in Aberdeen, Dumfries and Galloway, Dundee, Edinburgh, Larkhall in South Lanarkshire, Tarvitmill in Fife and West Dunbartonshire.

## **Facilities & Amenities**

It is important that good quality facilities and amenities are provided to site tenants. This standard has six indicators to determine whether it is being met.

Overall the self-assessments show that six sites – Aberdeenshire, Collin and Glenluce in Dumfries and Galloway, North Ayrshire, Newtonmore in Highland and Stirling - did not meet this standard on either one or more indicator. North Ayrshire Council, Highland Council and Stirling Council told us that these issues would be rectified by June 2018. Information from site residents indicates that there may be issues on six further sites – Angus, Aberdeen, Edinburgh, Larkhall in South Lanarkshire, Tarvitmill in Fife and West Dunbartonshire – mainly in relation to the quality of the fixtures and fittings in the amenity blocks.

### Indicator 1 – The amenity block has a wholesome water supply, with adequate water pressure

- The Water Supply (Water Quality) (Scotland) Regulations 2001 and the Private Water Supplies (Scotland) Regulations 2006 set the standard for 'wholesome' water supplies, and reflect a European Drinking Water Directive. There should be sufficient water pressure to allow appliances in amenity blocks (such as washing machines) to be used normally.

All site providers except one reported that this indicator is met. At one of the four sites provided by Highland Council, Newtonmore, renovations began in November 2017 to address this ahead of the June 2018 deadline.

The residents we spoke to and the questionnaire responses we received supported this.

Indicator 2 – The amenity block has a toilet available for the exclusive use of the occupants of the pitch

- The bathroom's main toilet and related fittings must be in a good and usable condition.

All site providers reported that their amenity blocks have toilets available for the exclusive use of the occupants of the pitch. This was supported by the residents we spoke to and the questionnaire returns. One site provider, Stirling Council, reported that as part of this exercise, they had identified that some flush mechanisms and toilet seats required to be replaced and this was being done.

Indicator 3 – Amenity block fittings (including toilet, and any shower or bath) should be of a good quality

- The bathroom hand basin and related fittings must be in good and usable condition.

All but two site providers reported meeting this indicator. North Ayrshire Council is currently undertaking work on their site to ensure this is rectified ahead of the June 2018 deadline. At the site at Collin in Dumfries and Galloway a number of the showers are affected by the subsidence previously mentioned. This causes the water to pool in the shower basins. This cannot be rectified until the wider issue of subsidence is addressed.

Indicator 4 – Amenity block kitchen fittings (such as storage cabinets and worktops) should be of a good quality

- The condition of the kitchen sink and kitchen storage cupboards (primarily doors, carcasses and worktops), and related fittings, should be in good and usable condition.

All but two site providers reported meeting this indicator. Both Stirling Council and Highland Council, at its Newtonmore site, are undertaking work to ensure that this indicator is met by June 2018.

These reports at indicator 3 and 4 are not wholly supported by what residents told us. Residents in Angus, West Dunbartonshire, the Larkhall site in South Lanarkshire and the Tarvitmill site in Fife all expressed dissatisfaction with the fixtures and fittings in their amenity blocks. In Angus, the Council was in the process of replacing all amenity blocks, West Dunbartonshire Council told us they are striving to ensure all standards are met by June 2018. In Larkhall, South Lanarkshire most residents we spoke to had an issue with the quality of the bathroom flooring that had been fitted

and this was being redone. In Fife work is planned at all of the Council's sites but it is unclear if this will be complete at all three sites by June 2018.

#### Indicator 5 – There should be a hot and cold water supply to amenity block sinks

- The bathroom and kitchen should have a hot and cold water supply to hand basins and the bath/shower which is in good and usable condition.

All site providers report that they are meeting this indicator. This is largely supported by information from residents. Two residents at the West Dunbartonshire site told us that there is no hot water in their amenity blocks.

#### Indicator 6 – 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.

Aberdeenshire Council, Dumfries and Galloway Council and North Ayrshire Council reported not meeting this indicator. North Ayrshire Council reported carrying out work to address this. In Aberdeenshire and Dumfries and Galloway the significant investment required to bring the amenity blocks up to the standards will not be complete by the deadline. All other site providers report that this indicator is met and this was generally supported by what residents told us. Residents in Aberdeen told us there was a lack of sockets in the kitchen of their amenity blocks.

### **Safety & Security**

Sites should be safe and secure. There are seven indicators to establish whether this standard is met. The self-assessment returns show that 14 sites were failing to meet this standard on one or more indicator. It is not clear if all the issues at some sites will be addressed by June 2018 – Clackmannanshire, Collin and Glenluce in Dumfries and Galloway, East Lothian and the sites in Fife as planned refurbishment works may not have been completed by then.

#### Indicator 1 – There should be adequate food storage space in the amenity block

- The kitchen must have at least 1m<sup>3</sup> of food storage space either in the kitchen itself or immediately adjacent to the kitchen.

All site providers, except Dumfries and Galloway Council at both its sites and Highland Council at its Newtonmore site, told us they were meeting this indicator. Highland Council told us that the renovations that began in November 2017 would address this before June 2018. In Dumfries and Galloway the major issue with the condition of the land on the Collin site is preventing investment in the amenity blocks.

Some of the residents at the Larkhall site told us that they did not have enough room to store food in their amenity blocks and did not store food in the blocks because they were too damp. Some residents at both the Tarvitmill site in Fife and the West Dunbartonshire site told us they could not store food in their amenity blocks due to vermin.

### Indicator 2 – There are adequate and appropriately located carbon monoxide detectors and alarms

- There should be a carbon monoxide detector in every room in an amenity block that contains a carbon-fuelled fixed combustion appliance, other than an appliance used solely for cooking, and in any room which is frequently used by the site tenant(s) for general daytime living purposes.

The majority of site providers reported that this indicator is not applicable to them as their amenity blocks do not contain carbon-fuelled fixed combustion appliances. For those where it was applicable all except one reported that they meet this indicator. Clackmannanshire Council reported that they are only partially meeting this indicator.

### Indicator 3 – There are adequate and appropriately located smoke alarms/detectors. Site providers should also meet their duties under the Fire (Scotland) Act 2005

- In relation to an amenity block there must be at least:
  - one functioning smoke alarm in any room which is frequently used by the site tenant(s) for cooking and/or general daytime living purposes; and
  - one heat alarm in every kitchen.
- Site providers should also meet their duties under the Fire (Scotland) Act 2005 in relation to fire safety assessments.

A number of site providers were not fully meeting this indicator. The sites in Aberdeenshire, Dumfries and Galloway, Fife and West Dunbartonshire did not have smoke or heat alarms at the time of the review. Aberdeenshire Council, Dumfries and Galloway Council and West Dunbartonshire Council told us that they will address this ahead of June 2018. Fife Council told us that they will fit these as part of the planned refurbishment works.

North Ayrshire Council, Perth and Kinross Council and Stirling Council all told us they did not have heat detectors but had plans to install them before June 2018.

There were no site providers who reported not meeting their duties under the Fire (Scotland) Act 2005 in relation to fire safety assessments. Most had either determined or had plans to determine what the requirements for their particular site were before June 2018. However, five providers did not explicitly state whether they are meeting their duties under the Act – Angus, Clackmannanshire, East Lothian, Edinburgh and Highland councils.

### Indicator 4 – There is a safe electrical system, inspected once every 5 years

- The electrical system in the amenity block and elsewhere on the pitch must not be dangerous to the inhabitant as indicated by: broken casings; damaged power socket boxes; exposed wiring; other obvious signs of damage, disrepair or unauthorised alterations, especially to the consumer/meter units.

Information from site providers in respect of three sites – Collin in Dumfries and Galloway, Newtonmore in Highland and West Dunbartonshire – showed that they were not meeting this indicator but indicated that action was being taken to address this imminently.

A resident at the Tarvitmill site in Fife told us a light switch in their amenity block was damaged and a plug had fused becoming stuck in a kitchen socket. The resident stated that despite reporting these issues, nothing had been done making the electrical system in the amenity block unsafe.

Indicator 5 – There is a safe gas/oil system (if used) and appliances. There is a gas inspection (if applicable) once a year

- The gas or oil system in the amenity block and elsewhere on the pitch must not be dangerous to the inhabitants as indicated by problems such as: wall mounted boilers in danger of detaching; rusted boilers or tanks; leaking oil tanks or pipes; holes in gas flues; balanced gas flues with unsafe guards; balanced gas flues with incorrectly positioned guards; smell of gas/oil around boiler.

The majority of site providers told us that this indicator did not apply to them as they did not have gas or oil systems in their amenity blocks. Both site providers where this does apply told us they were meeting this standard. These were Clackmannanshire Council and Perth and Kinross Council.

Indicator 6 – There is good quality lighting of common parts of the site

- There must be adequate common or public lighting on the site.

Clackmannanshire, Dumfries and Galloway and West Dunbartonshire Councils told us they are not currently fully meeting this indicator but have plans to address this before June 2018.

Residents on the Collin and West Dunbartonshire sites confirmed this. In addition, some residents living on the Dundee and Inverness sites felt that there was not enough good quality lighting on all common parts of the site. In Inverness, this related to the access road. In Dundee, some residents told us that extra lighting had been installed but that some parts of the site were still not well lit.

Indicator 7 – There are appropriate road safety measures in place for roads on the site

- Appropriate measures should be in place to ensure road safety, such as speed limits and speedbumps, and appropriate signage (such as indicating to drivers that children may be playing, and to drive slowly).

Dumfries and Galloway Council and East Lothian Council told us that their sites are not currently meeting this indicator and it is not clear if this will be addressed before June 2018. Information from East Lothian Council set out that they are trying to identify funding for the required work and information from Dumfries and Galloway

Council indicated that they plan to address this on both its sites in the coming months but the ground conditions at the Collin site may affect how quickly this can be done.

Some residents in Aberdeen, Angus, Dundee, North Ayrshire, Larkhall and West Dunbartonshire told us that they didn't think there were enough appropriate road safety measures in place on their sites.

## **Maintenance & Repairs**

There should be regular, planned, maintenance of the site and its facilities. This should include maintenance of shared areas, amenity blocks, and hard standings. On-going maintenance should be a normal part of the service site tenants receive in return for the pitch fees they pay. Unused pitches should be kept clean and tidy, to create a more pleasant living environment for site tenants. Caravans that are clearly abandoned should be removed from a site.

There are three indicators to assess whether this standard is being met. The self-assessments showed that five sites failed this standard on one or more indicator – Collin and Glenluce in Dumfries and Galloway, East Lothian, and Inverness and Newtonmore in Highland. Dumfries and Galloway was the only provider to report not meeting Indicator 1 in relation to reporting and carrying out repairs and told us this would be addressed by June 2018. However, residents at a further six sites described issues with the repairs service. Three sites reported issues with drainage on the site – Collin in Dumfries and Galloway and Highland and Newtonmore. Work to address this will have been completed on the Newtonmore site by June 2018, on the other two sites this is unlikely to be the case. Residents on a further eight sites reported problems with drainage on their sites. Three sites report not meeting the indicator relating to maintenance of common areas – Collin in Dumfries and Galloway, East Lothian and Newtonmore in Highland. Work on the Newtonmore site will have been completed by June 2018. Residents at a further six sites reported issues with the maintenance of the common areas of their site.

### Indicator 1 – Repairs are carried out in line with timescales set locally for repairs for social housing tenants

- Site tenants should be given information on how to report a repair, and the timescales within which a repair should be carried out. Site tenants, along with other service users, should be consulted about the timescales for repairs.

All site providers except one report currently meeting this indicator. Dumfries and Galloway Council told us that repairs are carried out and are prioritised depending on the problem arising. These are carried out within Council timescales dependent on urgency as assessed by the repairs team. No repairs information is supplied to the tenants at this time. The Council stated that this will be developed so all tenants are aware of the standards they can expect and also how to report repairs.

Some residents at the sites in Angus, Dumfries & Galloway, Edinburgh, Tarvitmill in Fife and West Dunbartonshire told us that they did not know how long repairs should take and when they reported repairs they were not completed quickly. While one

resident at the Dundee site knew how long a repair should take they said that repairs were not always completed within that timeframe. Some residents at the North Ayrshire site did not know how long repairs should take but, apart from one, said that repairs were completed quickly.

Indicator 2 – There are adequate and good quality arrangements to allow rainwater to safely drain off the site

- This includes appropriate arrangements (e.g. storm drains) to deal with heavy rainfall. There should be regular maintenance of drainage systems to ensure they are working properly.

According to the self-assessment returns, three sites are not currently meeting this indicator – Collin in Dumfries and Galloway and Inverness and Newtonmore in Highland. At the Collin site this is caused by the ground conditions and subsidence issues. Renovations are underway at the Newtonmore site to address this. At the Inverness site, the drainage issues relate to the entrance road and this is currently being looked at.

Residents at Angus, Collin and Glenluce in Dumfries and Galloway, Dundee, Edinburgh, Inverness in Highland, East Kilbride and Larkhall in South Lanarkshire, Tarvitmill in Fife and West Dunbartonshire told us that the drainage on their sites was not adequate.

Indicator 3 – Common parts of the site are kept in good condition, including any common areas, paths, roads and children’s play parks

- A twice yearly informal inspection should be held of the site, to identify necessary maintenance and repairs.

Information from the site providers indicate that three sites do not meet this indicator – Collin in Dumfries and Galloway, East Lothian and Newtonmore in Highland. Work is underway to address this at the Newtonmore site. East Lothian Council are trying to identify funding to improve the children’s playpark on the site. The problems at the Collin site relate to the subsidence issues.

Some residents at the following sites did not agree that all common areas were kept in good condition – Angus, Edinburgh, Inverness in Highland, Larkhall in South Lanarkshire, North Ayrshire, Tarvitmill in Fife and West Dunbartonshire.

## **Fair Treatment**

Site tenants should be treated fairly by site providers. This reflects Outcome 1 of the Scottish Social Housing Charter (the Charter). Under the Charter social landlords should perform all aspects of their housing services so that “every tenant and other customer has their individual needs recognised, is treated fairly with respect, and receives fair access to housing and housing services”.

Indicator 1 – Tenants are treated fairly and with dignity by the site provider. Each tenant’s individual needs are recognised, they are treated fairly and with respect, and receive fair access to accommodation

- Site tenants must be treated with respect and fairness by the site provider. There should be a clear, objective, and transparent process for the allocation of pitches, and for any procedures to ask a court to terminate a person’s tenancy on a pitch. Individual needs in relation to the case for adaptations to an amenity block, or the external area of a pitch, should be considered. Rents paid for pitches should provide value for money for site tenants.

All providers except Dumfries and Galloway Council report currently meeting this standard. Dumfries and Galloway Council told us that policies for the allocation of pitches and rent collection are currently being developed and will be available prior to June 2018.

This is not fully supported by what residents told us. Some residents at Angus, Collin in Dumfries and Galloway, Edinburgh, Inverness in Highland, Tarvitmill in Fife and West Dunbartonshire told us they did not feel that they were treated fairly and with respect by the site provider. Some told us that while they were treated fairly and with respect by the site manager this was not true for the Council overall. Residents on some sites also felt that rent paid for pitches did not provide value for money with some rents higher than what you would pay for social housing in the area.

## **Consultation**

Site tenants should be consulted about the site owner’s policy on repairs and maintenance, rents and service charges made by the site owner, and whether the services site tenants receive reflect value for money. They should also be made aware of any significant changes to the site being considered by the site provider, such as plans to increase the number of pitches on a site. This reflects Outcomes 3, 14 and 15 in the Scottish Social Housing Charter which cover participation, rents, and service charges.

Indicator 1 – Gypsy/Traveller site tenants find it easy to communicate with the site provider, and get the information they need

- Site tenants should be consulted about:
  - rent levels, and any plans to increase them.
  - any proposed significant changes to the site (e.g. more pitches).
  - other changes in the local area that will have an impact on the site, e.g. planning applications on adjacent land.

Both Highland Council and Dumfries and Galloway Council told us this was an area where they had identified that improvements were required and had taken action to address this.

Highland Council recognised that historically the method in which engagement and consultations were carried out with site tenants lacked consistency. In July 2017, the Council appointed a Principal Tenant & Customer Engagement Officer. The main



duties of the post is to help the Council further enhance and deliver its Tenant and Customer Engagement strategic framework; provide innovative tenant and customer engagement opportunities throughout the Highlands and provide knowledge, information and training to staff and site tenants to influence positive change. The Principal Tenant and Customer Engagement Officer will be working closely with the Council's Tenant Services Officer and site tenants to review the structure of consultation, participation and engagement opportunities with site tenants to develop a model that best suits their needs.

Dumfries and Galloway told us that consultation in the past has not been transparent and has been on an intermittent basis. All future changes to site provision and rental charges will be consulted upon with the residents. A new post of Gypsy/Traveller Liaison Officer has been put in place to assist with this process to ensure that proper consultation and engagement takes place.

All other site providers told us they were meeting this standard, however, this is not fully supported by what residents told us. Some residents from Angus, Edinburgh, Tarvitmill in Fife and West Dunbartonshire told us that they did not always find it easy to get in touch with the site provider or get the information they need. Some residents at Dumfries and Galloway, Edinburgh, Inverness in Highland and West Dunbartonshire are not always asked about rent increases or any changes to the site before they happen.

### **Core Rights and Responsibilities for Gypsy/Traveller Site Tenants**

Gypsy/Traveller site tenants should each have their own individual occupancy agreements with the site provider. This sets out the contract between the site provider (the LA or RSL) and the tenant, and cover things such as use of facilities, repairs, payment for pitches, and arrangements for ending a tenancy. In 2015 there was little consistency of approach in terms of tenancy agreements, with each site provider developing their tenancy agreement in isolation from other providers.

This approach meant that Gypsy/Traveller site tenants lacked a central document that set out their core rights and responsibilities, and what they could expect at any Gypsy/Traveller site in the country. This was in contrast to tenants of social housing, who are able to refer to the legal framework for the Scottish Secure Tenancy (SST) which sets out certain rights and responsibilities.

The EOC report *Where Gypsy/Travellers Live* called for the kind of consistency that social tenants have with the SST for Gypsy/Travellers. The Gypsy/Traveller Site Working Group considered issues including site occupancy agreements as part of its work in 2014.

In light of the Group's discussions, the Scottish Government decided to set out core rights and responsibilities for site tenants to introduce consistency across Scotland in what site tenants can expect, while allowing site providers suitable flexibility to produce occupancy agreements that reflect local circumstances. These were discussed with Gypsy/Traveller site tenants, and developed with input from housing professionals, stakeholders with links to the Gypsy/Traveller community, and others. The core rights and responsibilities also took into account the terms of the

occupancy agreements already developed by site providers and were written from the perspective of a site tenant, to provide straightforward information on their rights and responsibilities.

In summary the core rights and responsibilities cover:

- Fair treatment. The need to treat site tenants fairly;
- Amenity block standards. The need for amenity blocks to meet certain specific standards;
- Repairs. Timescales for carrying out repairs;
- Ending a tenancy. Arrangements for ending a tenancy, and for a tenancy to be passed on;
- Consultation. The need to consult site tenants about specified matters;
- Information and complaints. The need to provide written information and a complaints procedure;
- Behaviour. Minimum standards of behaviour expected from a site tenant;
- Care of a pitch. Expected standards of care of a pitch;
- Leaving a pitch. Arrangements for leaving a pitch.

Site providers should reflect these core rights and responsibilities in their occupancy agreements. These set out what Gypsy/Traveller site tenants should expect, and what is expected of site tenants themselves. They introduce consistency across Scotland in what rights and responsibilities site tenants can expect, while allowing site providers suitable flexibility to produce occupancy agreements that reflect local circumstances.

Of the 17 site providers, ten reported that site residents have occupancy agreements that reflect the core rights and responsibilities set out in the guidance. Five others are in the process of drafting and consulting on new agreements and should have them in place by the June 2018 deadline. The tenants we spoke to and the completed questionnaires we received supported this with the majority of tenants confirming that they had occupancy agreements that set out their rights and responsibilities.

Two providers do not appear to have suitable occupancy agreements and it is not clear if this will be rectified before the deadline: Clackmannanshire Council did not answer the question or provide a copy of the agreement. City of Edinburgh Council report that their occupancy agreement partially meets the requirements and they are considering revising it.

## **Next Steps**

The Scottish Housing Regulator (SHR) is the independent regulator of RSLs and local authority housing services in Scotland. Its objective is to safeguard and promote the interests of current and future tenants, homeless people, and others who use services provided by social landlords. That includes people living on Gypsy/Traveller sites provided by local authorities and RSLs. The minimum site standards are now part of the Scottish Social Housing Charter and this report provides a baseline for the SHR in its on-going oversight of the Charter.

The Scottish Government will continue to liaise with the SHR and site providers to ensure that all sites provide accommodation that is of a good standard to Gypsy/Travellers.



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Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
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Edinburgh  
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ISBN: 978-1-78851-894-9 (web only)

Published by The Scottish Government, May 2018

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS414826 (05/18)

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