



CABINET

19 DECEMBER 2017

COMMERCIAL DIRECTOR: ANDREW QUINCY

CABINET MEMBER WITH RESPONSIBILITY FOR FINANCE: COUNCILLOR ROBIN BROWN

Subject:	Irchester Caravan Park, Gypsy Lane, Irchester, Wellingborough
Recommendations:	<p>That Cabinet:</p> <ol style="list-style-type: none"> 1. Notes the improvement of the operation of the caravan park following the agreement of its disposal during 2014. 2. Delegate to the Commercial Director, in consultation with the Cabinet Member for Finance, the approval of a deed to vary the terms of the transfer of the site so as to allow for any combination of permanent and transit pitches provide that transit pitches account for no more than 50% of total pitches and to authorise the execution of all necessary documentation.

1. Purpose of Report

- 1.1 To provide Cabinet with an update on the operation of the caravan park since its disposal from the County Council to a private landlord.
- 1.2 To seek approval to vary a restrictive covenant within the terms of the transfer of the site between NCC and its current owner to permit the owner to substitute transit pitches for a limited number of permanent traveller pitches on the site.

2. How this decision contributes to the Council Plan

The Council’s vision is to make Northamptonshire a great place to live and work. This is achieved through increasing the wellbeing of your county’s communities and/or safeguarding the county’s communities.

<p>This initiative specifically delivers increased wellbeing and/or safeguarding by ensuring that:</p> <ul style="list-style-type: none"> • People of all ages are safe, protected from harm and able to live happy, healthy and independent lives in our communities. • People have the information and support they need to make healthy choices and achieve wellbeing. • Communities thrive in a pleasant and resilient environment, with robust transport and communications infrastructure. • Resources are utilised effectively and efficiently, in coordination with partners and providers.

3. Background

- 3.1 Prior to April 2014, the County Council owned and managed a caravan park at Irchester for gypsies and travellers. The park had 25 permanent pitches each with a hardstanding for a caravan and an amenity block for washing, sanitation, cooking and dining.
- 3.2 The provision and management of gypsy and traveller parks is not a statutory function of the County Council. The cost of the caravan park, both in terms of revenue expenditure associated with site management and capital cost of associated with planned maintenance, was prohibitive which led the County Council to consider alternative ownership or management by a Housing Authority, Registered Social Landlord or other social housing organisation able to ensure the long term sustainability of the caravan park for the gypsy and traveller community, in particular its current residents.
- 3.3 The County Council obtained advice from Counsel during February 2012 which provided a number of ownership and management options that address the County Council's challenges with site management and funding. The County Council's preferred option was the freehold transfer recommended covenants including: (a) overage, and (b) permitted use as a traveller site only.
- 3.4 We undertook a consultation with all stakeholders during 2012 including the Borough Council of Wellingborough, Countywide Traveller Unit, Northamptonshire Police and the residents of the caravan park. A notable finding was that the residents of the caravan park preferred the self-determination of the park through its sale to the traveller community.
- 3.5 The County Council commenced an extensive period of marketing of the caravan park during 2013 which led to an open tender for bids to acquire the freehold to the caravan park as a going concern. The Council required that any disposal will ensure the security of tenure for the existing residents.
- 3.6 The open tender process resulted in two bids, of which only one bid satisfied all the assessment criteria and provided sufficient reassurance of the security of tenure for the existing residents. The County Council proceeded with the preferred bidder and the transfer contract was signed during April 2014 with an agreement to a two-year lease period ending with freehold transfer (April 2016) conditional on the performance of the traveller site in meeting the needs of residents during the lease period.
- 3.7 The freehold transfer deed included two covenants that are relevant here: (i) a 'permitted use clause' that the site should only be used as a 26 pitch permanent travellers' site and (ii) an 'overage clause' that the Council is entitled to 25% of any increased value arising from a planning permission granted on the site. Both covenants were approved by Cabinet decision in November 2012.
- 3.8 The new owner of the traveller site has contacted the County Council during April 2017 to seek permission to convert four permanent pitches into ten transit pitches; the net effect being an increase of six pitches available for travellers. This request triggers both covenants described in the previous section, the permitted use clause is to be

resolved by this Cabinet paper, the overage clause has been assessed separately and has been determined that no increased value arises from the additional pitches.

4. Recommendation

- 4.1 Approving the request from the new owner will bring a number of benefits consistent with the Council Plan and also: (i) provide travellers with an alternative to unauthorised encampments and (ii) provide the local housing authority, Borough Council of Wellingborough, with additional pitches that contribute toward meeting its Gypsy and Traveller Accommodation Assessment (GTAA).
- 4.2 Approval of the request will require a variation to the transfer deed to amend the current 'permitted use' covenant to allow any combination of permanent and transit pitches where the number of transit pitches does not exceed 50% of the total. The overage clause will remain unaltered.
- 4.3 The covenants detailed in section 3.7 were approved by Cabinet during November 2012 and therefore Cabinet approval is required to amend them.

5. Consultation and Scrutiny

- 5.1 Significant consultation relating to the disposal and management of the traveller site was undertaken during 2012. No further consultation is considered necessary in relation to this recommendation.

6. Equality Screening

An Equality Impact Assessment was carried out previously and its findings remain current and appropriate.

Reason that no EqIA is required	✓ as appropriate
The proposal/activity/decision has no impact on customers or the service they receive	✓

7. Alternative Options Considered

- 7.1 There are no alternatives options to consider.

8. Financial Implications

- 8.1 There are no financial implications except some minor officer resource to prepare this Cabinet paper and to draft the Deed of Variation.
- 8.2 The overage clause does apply to the request from the new owner to increase the total number of pitches by substituting 4 permanent pitches for 10 transit pitches. The consideration payable has been assessed by a qualified Estates Valuer and has been determined to be negligible and recommends that no charge is applied.
- 8.3 It is noted that approval of this recommendation may also improve the sustainability of the traveller site and the security of tenure of the residents it accommodates.

9. Risk and Business Continuity Management

(a) Risk(s) associated with the proposal

Risk	Mitigation	Residual Risk
None		

b) Risk(s) associated with not undertaking the proposal

Risk	Risk Rating
Demand for transit traveller pitches continues to not be provided for and unauthorised encampments continue as at present.	Amber

10. List of Appendices

10.1 Not applicable

Author:	Name: James Wheeler Team: Property Services
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Background Papers:	
Does the report propose a key decision is taken?	YES
If yes, is the decision in the Forward Plan?	YES
Will further decisions be required? If so, please outline the timetable here	NO
Does the report include delegated decisions? If so, please outline the timetable here	Yes, delegated to approve a deed of variation to be undertaken
Is this report proposing an amendment to the budget and/or policy framework?	NO
Have the financial implications been cleared by the Strategic Finance Manager (SFM)? Have any capital spend implications been cleared by the Capital Investment Board (CIB)	YES Name of SFM: Rosemary Pallot N/A
Has the report been cleared by the relevant Director?	YES Name of Director: Andrew Quincy
Has the relevant Cabinet Member been consulted?	YES Cabinet Member: Robin Brown
Has the relevant scrutiny committee been consulted?	NO Scrutiny Committee:
Has the report been cleared by Legal Services?	YES Name of solicitor: Duncan Bisatt Solicitor's comments:
Have any communications issues been cleared by Communications and Marketing?	YES Name of officer: Joni Ager
Have any property issues been cleared by Property and Asset Management?	YES Name of officer: Ian Boll
Are there any community safety implications?	Not applicable
Are there any environmental implications:	Not applicable
Are there any Health & Safety Implications:	NO
Are there any Human Resources Implications:	NO
Are there any human rights implications:	NO
Constituency Interest:	N/A

