

**PROGRESS REPORT - IMPLEMENTATION OF AGREED RECOMMENDATIONS RE
COMMITTEE REPORT: 'THE PROVISION OF ACCOMMODATION FOR GYPSY AND
TRAVELLER HOUSEHOLDS IN CARDIFF'**

Purpose of Report

1. To update Committee Members on progress with implementing the agreed recommendations of the previous Committee's report 'The provision of accommodation for Gypsy and Traveller households in Cardiff'.

Background

2. In 2010, the Community and Adult Services Scrutiny Committee undertook an inquiry into the provision of accommodation for Gypsy and Traveller households in Cardiff. The Inquiry heard that there are two main statutory duties for Welsh local authorities with regard to enabling the provision of accommodation for Gypsies and Travellers; preparing a Local Development Plan (LDP) and carrying out a Gypsy and Traveller Accommodation Assessment (GTAA). The Housing Legislative Competence Order (LCO) allows Welsh Ministers to place a duty on local authorities to provide Gypsy and Travellers sites; this is to provide a legislative safeguard in the event that a non-statutory approach does not deliver the aim of securing appropriate sites for the Gypsy and Traveller community.
3. Welsh Government guidance is clear that the local planning authority should work with the Gypsy and Traveller community to encourage them to put forward candidate sites, and that there should be representations from Gypsy and Traveller communities and stakeholders and their representatives at the LDP Deposit Stage.

4. In its Inquiry report, April 2011, the Committee made 18 recommendations. Three of these were directed at the Welsh Government, bringing the total recommendations to the Executive to 15. Two of these related to the existing Rover Way site, three related to assessing the need for Gypsy and Traveller accommodation, and 10 related to meeting the need for Gypsy and Traveller accommodation.

5. The Executive Response to this Inquiry report was agreed at their Business Meeting in October 2011; the Executive accepted 13 recommendations and partly accepted two. At the Committee Meeting in April 2013, Members received a progress report on work to implement the accepted recommendations. Following the meeting, Committee wrote to Councillor Ralph Cook and Councillor Thorne seeking assurance that this administration accepted the recommendations agreed by the previous Executive; this assurance was received via a letter from the Cabinet Members, which Members received with their papers for the Committee meeting on 21st May 2013, available at:
<https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/CouncilMeetings/Pages/default.aspx#lists>

6. Following the Committee Meeting in April 2013, Members asked to receive a progress report, without witnesses, at the same time as the LDP Deposit Plan was available for scrutiny, in order to see how stages 2 and 3 are being implemented. This was provided as part of the papers for the Committee meeting on 23rd July 2013 and is available at:
<https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/CouncilMeetings/Pages/default.aspx#lists>

Issues

7. At Members' request, officers have completed an updated progress report, which is attached at **Appendix A** and provides a position statement as at April 2015. The progress report shows the following:
 - a. The work by Atkins and Opinion Research Services/ Peter Brett Associates, previously reported to Committee, fed into the preparation of the LDP Deposit Plan and included an allocation for a new Gypsy & Traveller site of 65 pitches at Seawall Road. At the LDP Examination Hearing Session on Gypsies &

Travellers, the Planning Inspectors recommended the deletion of the allocation at Seawall Road due to its location on a high flood risk zone.

- b. The LDP Examination Inspectors have asked the Council to prepare a position statement on how the Council will meet the need for new pitches, setting out clear mechanisms and timescales, including proposals to revisit the methodology for identifying sites as well as identifying funding sources. The Inspectors have also asked for an update/timetable for the preparation of Supplementary Planning Guidance.
 - c. The Housing (Wales) Act 2014 contains new provisions relating to the methodology to be followed when undertaking an assessment of need and requires local authorities to submit these to Welsh Government for approval, by February 2016. Officers are meeting Welsh Government officials to discuss further. It is proposed to work with the Gypsy & Traveller Group Wales as part of undertaking the new assessment.
 - d. Consultation plans for extending the footpath at the Shirenewton Site are being prepared and are due to be delivered to ward Councillors post election.
 - e. **Appendix A**, page 4, contains a hyperlink to an assessment report re a footpath on Rover Way. This concludes that implementation is unlikely at the present time as the scheme does not feature prominently on the priority list and so does not qualify for funding. The progress report provides details of other work that has been undertaken to improve signage to highlight to motorists the presence of pedestrians and horses.
 - f. There is a corporate approach in place to collectively manage the LDP process, as detailed on pages 7-8, **Appendix A**.
 - g. The Deposit LDP contained a criteria based policy for assessing any future proposed sites for future Gypsy & Traveller accommodation. The LDP Examination did not raise any significant concerns about the policy.
 - h. Council officers directly involved in managing the consultants undertaking the studies have attended a cultural awareness workshop. The Welsh Government is currently exploring providing training for Councillors across Wales on their duties in relation to Gypsies and Travellers.
8. The progress report states that, given the requirement to submit new Gypsy & Traveller Accommodation Assessments to the Welsh Government by February

2016, it is anticipated that the Welsh Government will undertake a role in collecting and storing this data across Wales.

Way Forward

9. Councillor Ramesh Patel, Cabinet Member Transport, Planning and Sustainability, and Councillor Susan Elsmore, Cabinet Member Health, Housing and Well Being, have been invited to give a statement and answer Members' questions. Sarah McGill, Director of Communities, Housing and Customer Services, and Andrew Gregory, Director of Strategic Planning, Highways, Traffic & Transportation, along with James Clemence, Operational Manager Planning Policy and Stuart Williams, Group Leader Policy, have been invited to answer questions from the Committee.
10. The progress report states that, at the meeting, officers will update Committee on:
 - a. the content of the position statement prepared to address the action points requested by the LDP Examination Inspectors;
 - b. the timetable for Supplementary Planning Guidance and whether there is a need for detailed guidance and advice re Gypsy & Traveller Accommodation.

Legal Implications

11. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

12. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to note the information provided in **Appendix A** and consider whether it wishes to use information contained in the report to inform future scrutiny.

MARIE ROSENTHAL

County Clerk and Monitoring Officer

30th April 2015