

**PRE-DECISION SCRUTINY: GYPSY AND TRAVELLER ACCOMMODATION
ASSESSMENT AND SITE SELECTION ASSESSMENT CRITERIA**

Purpose of Report

1. To undertake pre-decision scrutiny of the draft report to Cabinet on Gypsy and Traveller accommodation assessment and site selection assessment criteria, as attached at **Appendix A**.

Background

2. 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. The Housing (Wales) Act 2014 contained new provisions relating to the methodology to be followed when undertaking an assessment of need and requires each local authority to submit their assessment of need to Welsh Government for approval, by February 2016. A new assessment of need has been undertaken and is attached at **Appendix 1 of Appendix A**.
4. At the LDP Examination Hearing Session on Gypsies & Travellers, the Planning Inspectors recommended the deletion of the proposed allocation at Seawall Road due to its location on a high flood risk zone. The LDP Examination Inspectors 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 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. The proposed site selection criteria are attached as **Appendix 2 to Appendix A**.

5. 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.

Previous Scrutiny

6. Members of the previous Community & Adult Services Scrutiny Committee undertook an Inquiry into the provision of accommodation for Gypsies and Travellers in Cardiff. The Inquiry reported in April 2011 and 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.
7. 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>

8. 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>

9. At their Committee Meeting in May 2015, Members received a further update which, in addition to the information outlined above, showed:

- a. Consultation plans for extending the footpath at the Shirenewton Site were being prepared and were due to be delivered to ward Councillors post election.
- b. An assessment into a footpath on Rover Way concluded 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.
- c. There is a corporate approach in place to collectively manage the LDP process.
- d. Council officers directly involved in managing the consultants undertaking the studies have attended a cultural awareness workshop. The Welsh Government was exploring providing training for Councillors across Wales on their duties in relation to Gypsies and Travellers.
- e. That it is anticipated that the Welsh Government will undertake a role in collecting and storing data across Wales, given the requirement to submit new Gypsy & Traveller Accommodation Assessments to the Welsh Government by February 2016.

10. Following the scrutiny in May 2015, the then Chair, Councillor Groves, wrote to Councillor Elsmore and Councillor Patel, detailing the Committee's comments and observations; this letter is attached at **Appendix B**. The response to this letter is attached at **Appendix C**.

Way Forward

11. 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 Jane Thomas, (Assistant Director, Communities and Housing), James Clemence, (Operational Manager Planning Policy) and Stuart Williams, (Group Leader Policy), have been invited to give a presentation and to answer questions from the Committee.

Legal 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 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

13. 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:

- I. consider the information provided in the report, appendices and presentations;
- II. consider whether they have any observations, comments or recommendations they wish to make to the Cabinet; and
- III. consider a way forward with regard to any future scrutiny of the issues raised.

MARIE ROSENTHAL

Director of Governance and Legal Services

29 December 2015