

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

CABINET MEETING:

21st January 2016

**GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT
AND SITE ASSESSMENT CRITERIA**

REPORT OF DIRECTOR

AGENDA ITEM:

PORTFOLIO: HEALTH HOUSING AND WELLBEING (Councillor Susan Elsmore)
TRANSPORT, PLANNING AND SUSTAINABILITY (Councillor Ramesh Patel)

Reason for this Report

1. To seek the Council's approval to submit the Gypsy and Traveller Accommodation Assessment to Welsh Ministers for approval and to endorse the proposed Gypsy and Traveller Site Assessment Criteria which will be used to assess potential sites for meeting the need identified in the Gypsy and Traveller Accommodation Assessment.

Background

2. The Council is required, under Part 3 of the Housing (Wales) Act 2014 to undertake a Gypsy and Traveller Accommodation Assessment and to make provision for sites where the assessment identifies an unmet need for Gypsy and Traveller pitches. All Local Authorities in Wales are required to submit the Accommodation Assessment to Welsh Ministers for approval by 21st February 2016 and in order to meet this deadline a Gypsy and Traveller Accommodation Assessment was undertaken in autumn 2015 in accordance with Welsh Government guidance.
3. In preparing the Accommodation Assessment the Council commissioned Gypsy & Traveller Wales to carry out the required interviews in addition to using Travellers Education and Save the Children to try to reach as many people as possible. The Council also has worked closely with the Gypsy and Traveller community, adjoining Local Authorities and Welsh Government. For project management purposes a Steering Group was established at the beginning of the process. This Steering Group helped ensure the GTAA was informed by all available expertise and included representatives from the Council's Housing and Planning Sections, representatives of the Gypsy and Traveller community, Gypsies and Travellers Wales and Health and Education Gypsy and Traveller Liaison Officers.

4. A total of 172 survey forms were completed and respondents included Gypsy and Travellers living on Council operated and private sites, those currently living in bricks and mortar housing and those residing on unauthorised transit sites at the time of the survey. Analysis of these responses identified an additional need for 87 permanent pitches up to 2026, with 64 in the short term. The consultation also identified the need for a regional transit site. The full findings are set out in the Report included at Appendix 1.
5. These findings are subject to the approval of Welsh Ministers who will assess the Gypsy and Traveller Accommodation Assessment to ensure its robustness in terms of compliance with this guidance, quality of engagement with relevant individuals and calculation of needs. Welsh Ministers may approve the assessment as submitted, approve the assessment with modifications, or reject the assessment and require a new assessment be undertaken. If reports are not approved as submitted, the Welsh Government will consult with the Council in relation to the necessary changes required.
6. This new Assessment will update the findings of the previous study undertaken in April 2013 by Opinion Research Services on behalf of the Council. This found a need for 108 (43 short term) permanent pitches and 10 transit pitches up to 2026 and formed part of the evidence base for the Local Development Plan (LDP) which is nearing adoption following examination last year.
7. As set out above the Housing (Wales) Act 2014 also introduces a statutory requirement on the Council to meet the need for Gypsy and Traveller Accommodation as identified in the Accommodation Assessment. The Deposit LDP proposed a new Gypsy and Traveller site of 65 permanent pitches at Seawall Road, Tremorfa to meet the short term need identified in this April 2013 study. However due to concerns raised in relation to flood risk the LDP Inspectors appointed to examine the Plan instructed the Council to remove the site from the Plan and to prepare position statement setting how the Council intended to meet this unmet need.
8. The position statement submitted to the Inspectors sets out a comprehensive and inclusive process to address the need for additional pitches over the next two years. The first phase is the identification of suitable sites to meet both identified short and long term need by July 2016. Importantly this exercise also provides an opportunity for the Council to revisit and refine the methodology which was previously employed to identify sites in July 2013 during the sites study undertaken by Peter Brett Associates and also to take account of the revised figures relating to need in the new Accommodation Assessment.
9. The table below sets out the key outputs and the associated timescales for delivery. Progress will also be monitored through an indicator in the LDP Annual Monitoring Report.

Mechanisms	Timescale
Agree project management arrangements including reporting structure and representatives	July 2015
Agree methodology for undertaking site search and assessment	December 2015
Update Gypsy and Traveller Needs Assessment for both permanent and transit pitches in accordance with Housing (Wales) Act 2014	February 2016
Undertake a site search and assessment and secure approval of findings – (i.e. Identify required sites to meet short and long term need)	July 2016
Secure planning permission and funding (including any grant funding from Welsh Government) for identified sites(s) required to meet short term	May 2017
Secure planning permission and funding (including any grant funding from Welsh Government) for identified(s) required to meet long term need	May 2021

10. Project Management techniques are being used to deliver these outputs and a Steering Group comprising senior Officers and Cabinet Members and an Officer Working Group comprising Officers from relevant service areas across the Council has been established to progress the work. Where necessary the working group draws on advice from other stakeholders such as the Welsh Government and the Gypsy and Traveller community.
11. In addition to the completion of the new Accommodation Assessment, work has also been progressed on undertaking a thorough review of the previous site selection criteria used to identify sites. This review has had regard to good practice from other authorities, national planning guidance including Welsh Government Circular 30/2007 and latest guidance produced by the Welsh Government relating to the design and management of Gypsy and Traveller sites. The views of the Gypsy and Traveller community have also been sought in revisiting the Site Selection Criteria.
12. A proposed Site Selection Criteria is included as Appendix 2 to this report and set out assessment criteria around three main headings relating to availability, site suitability and achievability. Availability considerations include whether the site is genuinely available long term and there are no legal issues. Site suitability considerations include a comprehensive list

of policy and physical constraints and deliverability considerations relate to the consideration of abnormal costs. In order to provide an overview a summary of the suitability of each potential site against each of the criteria will be entered into a table together with an overall conclusion for each site. This will allow a transparent and considered assessment to take place with an overall conclusion stating the preferred option and the reasoning behind it.

13. *The proposed Site Assessment Criteria was also considered by Communities and Adult Services Scrutiny Committee on 6th January 2016 and a copy of the scrutiny letter and the response is attached under Appendix 3.*

Next Steps

14. The next steps following Cabinet endorsement of the Site Selection Criteria will be finalisation of a list of potential Gypsy and Traveller sites and application of the Site Selection Criteria. This process will take place over the next six months and further report will be brought to Cabinet in July 2016 with the findings of the assessment and recommendations on preferred sites.

Reason for Recommendations

15. To seek Cabinet's approval to submit the Gypsy and Traveller Accommodation Assessment (GTAA) to Welsh Ministers for approval and to endorse the proposed Gypsy and Traveller site Selection Criteria which will be used to assess potential sites.

Financial Implications

16. The report considers a needs assessment for Gypsy and traveller accommodation. Creating new pitches will have financial implications in both operational costs of sites as well as capital expenditure implications, which will need to be accurately identified. For any implementation and operating costs to be affordable, it is essential that external grant funding is available to meet need. Where land is not already in council ownership, it may need to be purchased or transferred from other public sector bodies. It is essential that the site selection criteria also considers the whole life cost of individual sites / options, with this to be reported back at a future Cabinet.

Legal Implications (including Equality Impact Assessment where appropriate)

17. 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 eg. standing orders and financial regulations; (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.

18. The Council have a legal duty under the Housing (Wales) Act 2014 to carry out an assessment of the accommodation needs of Gypsies and travellers residing in or resorting to its area. The Council has a duty to consult such persons as it considers appropriate.
19. Following the assessment the Council must prepare a report which contains details of how the assessment was carried out, details of the consultation and details of the accommodation needs identified by the assessment. The Council must submit the report to the Welsh Ministers for approval of their assessment.
20. If the approved assessment identifies needs within the Council's area with respect to the provision of sites on which mobile homes may be stationed the Council must exercise its powers under section 56 of the Mobile Homes (Wales) Act 2013 so far as may be necessary to meet those needs.
21. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics.
22. Protected characteristics are:
 - Age
 - Gender reassignment
 - Sex
 - Race – including ethnic or national origin, colour or nationality
 - Disability
 - Pregnancy and maternity
 - Marriage and civil partnership
 - Sexual orientation
 - Religion or belief – including lack of belief
23. As such a decision to implement the proposal has to be made in the context of the Council's equality act public sector duties.
24. The report identifies that an Equality Impact Assessment has been carried out and is appended at Appendix 4. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty.
25. The decision maker must have due regard to the Equality Impact Assessment in making its decision.

26. The decision maker must also have regard to certain other matters when making its decision as outlined in the Statutory Screening tool.

RECOMMENDATION

It is recommended that Cabinet:

1. Approve the Gypsy and Traveller Accommodation Assessment for submission to Welsh Ministers for approval.
2. Endorse the proposed Gypsy and Traveller Site Selection Criteria which will be used to assess potential sites.
3. Receive a further report be brought to Cabinet setting out the findings of the site assessment process and recommendations on preferred sites.

SARAH MCGILL
ANDREW GREGORY
21 January 2016

The following appendices are attached:

1. Gypsy and Traveller Needs Assessment Report
2. Gypsy and Traveller Assessment Site Selection Criteria
3. Response from Communities and Adult Services Scrutiny Committee 6th January 2016
4. Equality Impact Assessment

The following background papers have been taken into account

1. Undertaking Gypsy and Traveller Accommodation Assessments Guidance, Welsh Government, May 2015.
2. Designing Gypsy and Traveller Sites Guidance, Welsh Government, May 2015
3. Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites, Welsh Government, December 2007
4. Cardiff Council Gypsy and Traveller Accommodation Needs Study, ORS, April 2013
5. Cardiff Council Gypsy, Traveller and Travelling Showpeople Sites Study, Peter Brett Associates, July 2013
6. Statutory Screening Tool