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CORRESPONDENCE FOLLOWING THE COMMITTEE MEETING

Committee COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

Date and Time of Meeting WEDNESDAY, 10 NOVEMBER 2021, 4.30 PM

Please find below correspondence send by the Committee Chair following the meeting, together with any responses received.

For any further details, please contact scrutinyviewpoints@cardiff.gov.uk

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My Ref: Scrutiny/Correspondence/Cllr Jenkins

15th November 2021

Councillor Lynda Thorne
Cabinet Member for Housing & Communities
Sent via e-mail



Dear Cllr Thorne,

**COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE – 10 NOV 2021 – UPDATED
GYPSY & TRAVELLER ACCOMODATION ASSESSMENT -**

Please accept my thanks, on behalf of Committee, for facilitating our consideration of the updated Gypsy & Traveller Accommodation Assessment (GTAA). As you are aware, the findings from this Assessment (if agreed by Welsh Government) will be used to inform the replacement Local Development Plan (RLDP), which spans a fifteen-year period. During our consideration, a number of concerns were raised which are set out in this letter.

Though it is recognised that this Assessment is largely defined by Welsh Government guidance, given the Assessment's importance, the timescale it covers, and the issue of liability detailed later in the letter, I strongly urge that the concerns and comments detailed below are raised with Welsh Government Ministers for their attention, and to initiate discussion around the prescribed Assessment's overall robustness.

GTAA Methodology

During the meeting, we explored the Assessment's considerable reliance on the survey results when determining identified need. In particular, we sought clarity on whether 122 responses, is in fact a robust result to facilitate such significant decisions. In response, our attention was drawn to the size of the Gypsy and Traveller population in Cardiff, and that as a community they are quite hard to engage with. With this in mind, officers are content that the response rate is a good result.

As a committee, we acknowledge that the size of the Gypsy & Traveller community in Cardiff is relatively small and this in turn provides some reasoning as to why the GTAA's findings are largely based on survey findings. However, given the importance of the Assessment and the timeframe it covers, this strong reliance on a survey does raise questions in relation to its robustness and validity and if in fact, the survey results could be considered as empirical

evidence. Having carefully considered this, I am of the view that 122 survey responses cannot reasonably be considered as empirical evidence to largely determine population projections over a 15 year period.

In line with this, the population projections used to inform the overall RLDP are provided by Welsh Government. However in contrast, it appears the data provided for this Assessment (which is used to inform the RLDP) is largely supplied by the Council, which is a notable juxtaposition. This in itself, signals a significant responsibility for the Council which in turn, also raises the issue of liability for the Council and emphasises the need to ensure that the findings provided in the Assessment are accurate and robust. With liability in mind, we wish to stress the need to ensure extra precautions are utilised at every possible opportunity when conducting this Assessment. In addition, we also wish to **request** clarity on the Council's exact liability for the GTAA, particularly if projections are inaccurate or the identified need is not met.

Given the number of Gypsy & Travellers who reside in bricks and mortar, we questioned why there was no representation from Housing Associations on the Steering Group, and we were advised such individuals are represented on the Group by the Council and Gypsy & Traveller Wales membership. Further to this, we also sought clarity on the role of South Wales Police within the Group, and it was confirmed their purpose was due to their links with the community, and their ability to help spread the word of the survey to increase engagement.

Determining Sites for the Identified Need

During the meeting we explored how many sites would be needed to accommodate the identified need for 115 extra pitches. We were advised there is ongoing consideration in this matter, however, to address this need, it may be that one large site is developed or increased capacity is sought on an existing site. In addition, it was also confirmed that the identified need for 115 extra pitches is required to be in Cardiff, however, in line with the GTAA findings, consideration is being given toward developing a regional transit site for the community. During the discussions it was unclear if determining a site location would largely depend on Planning law and we wish to **request** further information and clarity toward the full process for identifying potential sites.

In relation to funding to meet this additional need, we note a Welsh Government grant will be made available for delivering additional pitches, but not for buying land, and work is ongoing regarding the Council's cost projections for this additional housing need.

Although it is recognised the purpose of the GTAA is to identify Gypsy & Traveller's Accommodation need and to identify numbers, we also discussed the importance of recognising the needs of other communities and we explored if there is a statutory reason why the impact and needs of wider communities is not included in the Assessment. We were advised as the focus of this Assessment is to determine numbers, and due to the locations of additional sites currently being unknown, it presents difficulties in this consideration being taken into account.

It was further confirmed that the next stage regarding proposed options for site/pitch location will include wider consideration toward other communities. Nevertheless, given the importance of this Assessment for all of Cardiff's communities', the timeframe it relates to and the potential implications surrounding liability already noted in the letter, I feel it is worthwhile to stress the importance that this Assessment is conducted through an integrated approach, with broad consideration which includes the potential impact on a city-wide level, at every possible opportunity.

During the meeting, we were advised that the short-term pitches identified in the 2016 GTAA have not yet been provided as a suitable site is yet to be identified. In line with this, we wish to **request** clarity on if the identified need of 115 additional pitches found in this Assessment, is in addition to the 72 pitches identified in the 2016 GTAA, or if the 115 pitches are inclusive of the 2016 assessment.

We note a Cabinet Report detailing the strategy to deliver the 115 extra pitches is to be expected in September 2022. Given we were informed a detailed assessment has been ongoing regarding site allocation since 2016, we wish to **request** insight into the potential location of pitches / sites. Although we would like this information shared with us publicly owing to the importance of democratic transparency, we will accept this information being shared on a confidential basis if required.

Finally, Members wished to advise that at times, some of the answers provided at the meeting proved equivocal which stimulated concern and lack of confidence amongst Members in the answers they received.

To confirm, a response to this letter is requested along with the following information:

- Information on the Council's liability for the GTAA, particularly if projections are inaccurate or the identified need is not met.

- Clarity on if the identified need of 115 additional pitches found in this Assessment, is in addition to the 72 pitches identified in the 2016 GTAA, or if the 115 pitches are inclusive of the 2016 assessment.
- Clarity on the full process for identifying potential sites / allocation of pitches.
- Insight into the potential location of sites / pitches to address the identified need detailed in this Assessment.

Yours,



COUNCILLOR SHAUN JENKINS

Chairman - Community & Adult Services Scrutiny Committee

cc. Cllr Caro Wild, Cabinet Member for Strategic Planning & Transport
Sarah McGill, Corporate Director, People & Communities
Jane Thomas, Director, Adults, Housing & Communities
Andrew Gregory, Director, Planning, Transport & Environment
Stuart Williams, Group Leader, Policy
Jo Watkins, Cabinet Business
Leaders of the Opposition
Members of the Community & Adult Services Scrutiny Committee
Tim Gordon, Head of Communications & External Relations

Fy Nghyf / My Ref: CM46734

Dyddiad / Date: 7th December 2021

Councillor Shaun Jenkins
Cardiff Council
County Hall
Cardiff
CF10 4UW

Annwyl/Dear Councillor Jenkins

CASSC - 10 Nov 2021 - Updated Gypsy & Traveller Accommodation Assessment

Thank you for your letter dated 15th November 2021 setting out the concerns and comments of Members in relation to the updated Gypsy and Traveller Accommodation Assessment (GTAA) and a request for clarification on several issues.

I have set out below a response to each of the requests for information:

(1) Information on the Council's liability for the GTAA, particularly if projections are inaccurate or the identified need is not met.

The updated GTAA has been submitted to Welsh Government so they can review the document to ensure it fully accords with Welsh Government guidance relating to the preparation of GTAA's. If they have any concerns with the way the GTAA has been undertaken or the accuracy of the projections, they will give the Council an opportunity to address these concerns before submitting it to Welsh Ministers for approval. As set out by Officers at the meeting, it is considered that the updated GTAA fully accords with Welsh Government guidance on preparing such assessments.

In terms of meeting the identified need, the Housing Act 2014 requires Local Authorities to identify sites to meet the need identified in GTAA. The GTAA will form part of the evidence base for the Replacement Local Development Plan (RLDP) and the plan will need to identify sufficient land to meet this need. The plan will be subject to and independent examination by an Inspector appointed by Welsh Government. For the plan to be found sound and for the Inspector to recommend adoption of the plan, it will need to address the need identified in the GTAA. Given this it is vital for the future planning of the city that the RLDP adequately addresses this matter.

GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

WORKING FOR CARDIFF, WORKING FOR YOU

The Council welcomes correspondence in Welsh, English or bilingually. We will ensure that we communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to delay.

(2) Clarity on if the identified need of 115 additional pitches found in this Assessment, is in addition to the 72 pitches identified in the 2016 GTAA, or if the 115 pitches are inclusive of the 2016 assessment.

The updated GTAA is a new assessment with a base date of 2021 and sets out the number of additional pitches required to 2036. It supersedes and updates the GTAA undertaken in 2016 and the number of pitches identified at that time, meaning the need for new pitches currently stands at 115.

(3) Clarity on the full process for identifying potential sites/ allocation of pitches.

As set out, the RLDP will need to identify sufficient land to meet the need for new pitches identified in the updated GTAA. The RLDP Preferred Strategy is due to be considered by Cabinet in September 2022 and the Preferred Strategy will need to identify sufficient land to meet this need.

In order to inform the Preferred Strategy work is progressing on identifying suitable sites within the city and exploring various options to meet the identified need.

(4) Insight into the potential location of sites/pitches to address the identified need detailed in the Assessment.

As set out, above work is progressing on identifying suitable sites to meet the need identified and at this stage it is too early in the process to give an insight into the potential location of sites/pitches. As set out by Officers at the meeting, it will be important to ensure that best possible site is provided for the community before concluding the assessment process.

If you have any further queries, please do not hesitate to contact me.

Yn gywir
Yours sincerely

Lynda Thorne

Councillor / Y Cynghorydd Lynda Thorne
Cabinet Member for Housing & Communities
Aelod Cabinet dros Dai a Chymunedau



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My Ref: Scrutiny/Correspondence/Cllr Jenkins
7 December 2021

Councillor Susan Elsmore
Cabinet Member Social Care, Health & Wellbeing
Sent via e-mail

Dear Cllr Elsmore,

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE – 10 NOV 2021 – CABINET RESPONSE – CLOSER TO HOME INQUIRY

As Chairman of the Community and Adult Services Scrutiny Committee, I wish to thank you, Cllr Merry and officers for attending Committee. Providing Members with an opportunity to consider the Cabinet's response to the Closer to Home Task & Finish Inquiry.

Following our consideration, Members of the committee have requested I feedback the following comments and observations to you.

Members firstly wish to take the opportunity to thank you and officers for the positive response to the inquiry and for the ongoing work in this field. Members felt the discussions held at the meeting were constructive and useful. We particularly welcomed the solution focused approach provided by yourself and officers in response the inquiry's findings and recommendations, and in preparation for the changes under the ALNET(W) Act.

As discussed at the meeting, it is important that individuals with learning disabilities have choice over where they live. Following publication of the Cabinet response, and in response to recommendation 10, a parent who engaged in this inquiry drew our attention to Appendix 3 of the WLGA 'Improving Lives, Improving Practice' Report. As you are no doubt aware, this Report was developed to help guide and improve the commissioning of services for those with learning disabilities. Appendix 3 of the WLGA Report mentions intentional communities as a model of accommodation, suggesting the offer of these provisions are in line with statutory guidance. We therefore we wish to seek clarity on if the statutory duty to consider local options first only applies to further education provisions, or if it relates to all accommodation provisions, particularly those deemed as intentional communities.

Members were disappointed that recommendation 10 was not accepted due to the importance of recognising and promoting the different benefits of all provisions. Although

Members recognise the statutory limitations, it was hoped the service area would join Members in advocating on behalf of young people on the right to go away to attend college (should the individual wish) due to the importance of choice, and to encourage access to a similar experience to those of their peers (as many of their peers may move away from home to attend a university course at a similar age).

During the discussion we also raised our concerns regarding the authority's upcoming responsibility in determining further education provision under the ALNET(W) Act, and we sought assurance around how the authority will ensure there is independence in its decision making. It was confirmed that this is a responsibility the authority is already familiar with, for instance through determining specialist education or additional learning needs education, and independent professional advice will also be included in the assessment along with the Act's right to appeal process

We also explored what would happen if an individual and their family's choice was to attend a specialist further education course out of county regardless of need, and we were reminded of the right to appeal process under the ANLET(W) Act.

Remaining mindful that formal processes can often be stressful for the individuals' involved, it was pleasing to note the emphasis at the meeting toward the alternative avenues such as 'dispute resolution' and 'mediation' processes the service area will deploy as a recourse to appeals. As stated, this was pleasing to note, and Members wish to stress that the focus on avoiding formal appeals and continually working with the individual and their families toward reaching an agreement remains.

In terms of dispute resolution, we also explored why recommendation 5 was partially accepted, and we were advised although the service area works hard to ensure all involved stakeholders are content with assessments, there may unfortunately be times when all involved stakeholders may not agree with the decision made. We also note and welcome, that the complaints procedure is being updated to provide a clear framework on the management of disagreements in assessments.

Leading on from this, we do wish to advise one of the key reasons for recommendation 5 was due to the number of parents who engaged with the inquiry stating they did not actively feel involved in, or aware of reviews. Particularly when their child resided in supported living. As mentioned at the meeting, we note local providers are looking at new ways of sharing information with families on a regular basis, however we do wish to seek clarity that when a review occurs, this is done through a meeting where all relevant stakeholders, particularly parents, are invited to attend (where applicable).

Members welcome the development of the Learning Disability Service website and introduction of a downloadable 'transition pack'. Although we recognise the limitation of a handbook (such as information quickly going out of date), we do feel a handbook would be useful as there may be elderly parents of those with a learning disability, or those with a learning disability themselves, who may have trouble accessing the internet.

In terms of recommendation 19, which related to the development of a local assessment centre. The intent behind this recommendation is that such a facility may be beneficial for individuals' transitioning from out of county when there is a delay in their next accommodation. With the hope the centre could help avoid regression in skills during this period and ensure a thorough understanding of the individual's need is attained.

It was pleasing to note the potential benefits of a local assessment centre was shared by officers and of their offer to closely monitor the Vale's effort to secure an assessment centre; in the hope we could learn from it to develop our own.

To confirm, a response to this letter is requested particularly around the following:

- If the statutory duty to consider local options first only applies to further education provisions, or if it relates to all accommodation provisions particularly those deemed as intentional communities.
- When a review occurs (regardless of provision), this is done through a meeting where all relevant stakeholders, particularly parents are invited to attend and the Council's role in this process.

Yours,



COUNCILLOR SHAUN JENKINS

Chairman - Community & Adult Services Scrutiny Committee

cc. Cllr Sarah Merry, Deputy Leader, Cabinet Member for Education, Employment & Skills

Sarah McGill, Corporate Director People & Communities

Jane Thomas, Director, Adults, Housing & Communities

Emma Mulinder, Operational Manager – Learning Disabilities

Jennie Hughes, Senior Achievement Leader Inclusion

Mel Godfrey, Director of Education & Lifelong Learning

Cllr Bablin Molik – Task Group Member

Cllr Susan Goddard – Task Group Member

Members of the Community & Adult Services Scrutiny Committee

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