

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

10 NOVEMBER 2021

Present: Councillor Jenkins(Chairperson)
Councillors Ahmed, Carter, Gibson, Philippa Hill-John, Lent,
Lister, Mackie and McGarry

29 : APOLOGIES FOR ABSENCE

None received.

30 : DECLARATIONS OF INTEREST

A Declaration of Interest was received from Cllr Lent who declared a personal interest in Item 5 as her son is in receipt of Adult Services.

31 : MINUTES

The minutes of the meeting held on 13 October 2021 were agreed as a correct record.

32 : UPDATED GYPSY & TRAVELLER ACCOMMODATION ASSESSMENT - TO FOLLOW

The Chairperson advised Members that this item enabled them to consider the updated Assessment, prior to its consideration by Cabinet.

The Chairperson welcomed Cllr Lynda Thorne, Cabinet Member for Housing & Communities; Sarah McGill and Jane Thomas from the People & Communities directorate and Andrew Gregory and Stuart Williams from the Planning, Transport & Environment directorate to the meeting.

The Chairperson invited Cllr Thorne to make a statement after which Officers provided Committee with a presentation and Members were invited to ask questions and make comments/observations;

Members made reference to the number of responses received to the survey and considered that it was a low number upon which to base a 15-year projection. Officers explained that the engagement is with a specific community who are generally difficult to engage with, so they considered the response was good. Officers added that people generally respond to surveys if they have a need, 122 responses were received. Members noted that the Council have to use forms and a process that are prescribed by Welsh Government. The report will go to Cabinet, then to Welsh Government Officials where it will be scrutinised, and feedback will be received.

Members noted that a number of Gypsy Travellers are living in bricks and mortar and asked why Housing Associations were not included in the Steering Group. Officers explained that they had tried to widen the group as much as possible, there were officers from Council Housing on the group. Officers added that many respondents

had indicated they were unhappy in bricks and mortar as this can lead to Culture aversion so it was important to provide pitches for them.

Members asked about capacity at the Rover Way site and were told there are around 20 pitches and the site is overcrowded.

Members asked about cost projections for delivering the additional housing need. Officers advised that there is a grant from Welsh Government to deliver the additional pitches but not for purchasing the land, they added it was difficult to estimate costs at the moment, however rent would be raised from the pitches when they are in place.

Members queried whether, based on the size of the Rover Way site, there would be a need for a number of additional sites across the City. Officers explained that the Shire Newton site is larger at around 60 pitches and a new site would be more in keeping with that rather than Rover Way. Officers added that the Council has already purchased some land next to the Shire Newton site.

Members noted that from the last assessment, it was determined that 48 new pitches would be required from 2016-2021, Members asked if these had been delivered and taken up. Officers explained that they had not been delivered as yet and the short term need has now increased. A discussion took place around the implications if needs are not met and whether the Authority is compelled to provide pitches to those living in bricks and mortar at present. Officers explained that the Authority has to meet the need in the LDP, the strategy has to be there or the LDP would be classed as unsound. With reference to providing pitches to those currently living in bricks and mortar, Officers explained that it is Welsh Government regulations that cultural needs are met as part of the Equality Legislation.

Members asked if there was scope to have a site out of county in partnership with a neighbouring Authority. It was explained that transit sites are provided on a regional basis with neighbouring Authorities but a permanent site needed to be in Cardiff.

Members asked why the 48 pitches had not been delivered between 2016 and 2021 and Officers explained that they had taken this time to look at sites, explore various options and undertake assessments. They added that they were close to identifying a site but it was a complex process. Members asked if there was a risk of not delivering again and Officers reiterated that it had to be included in the LDP, there was now 5 years of work behind them and they would bring a report to Cabinet in September 2022 with a strategy to deliver the full 115 pitches.

With reference to Gypsy Travellers survey responses, Members noted that over a third indicated they were not happy, Members asked the reasons for this. Officers explained it was a combination of having to live in bricks and mortar, sites being overcrowded and the facilities on sites.

Members discussed the impact on other communities and whether this is considered when identifying a site. Officers explained that at this stage in the process they are only looking at the numbers, the next stage would be the proposed options, then wider consultation on any site proposed, including community consultation, proximity to schools, access, flood risk etc. Officers reiterated that they have to follow a very rigorous Welsh Government process that is about the numbers.

Members asked if there was any statutory reason why potential community impact couldn't be made a live consideration now. Officers stated that they do not have a site identified as yet, when a site is presented, then all implications will be considered and there would be a full planning process where objections can be made.

Members asked why the Police were included in the Steering Group and officers explained that they wanted to increase the survey responses so they included the Police Liaison Officer for Gypsy Travellers to spread the word in the community.

Members asked if Officers were confident that this was a robust and resilient assessment with accurate numbers. Officers confirmed they were confident and would await feedback from Welsh Government when it is submitted and scrutinised.

RESOLVED: That the Chairperson writes to the Cabinet Member on behalf of the Committee expressing their comments and observations during the Way Forward.

33 : CABINET RESPONSE TO THE 'CLOSER TO HOME: OUT OF COUNTY PLACEMENTS FOR ADULTS WITH A LEARNING DISABILITY' INQUIRY REPORT

The Chairperson advised Committee that this item provided Members with the opportunity to explore the Cabinet's response to the report, and to receive an update on some of the key areas of work.

Members were reminded that the focus of the inquiry's work, was the decision-making process for adults with a learning disability, who require a transition back into county.

During the course of the inquiry, it was confirmed that the majority of individuals who transition from out of county, are those who have attended specialist, further education provision.

Welsh Government have previously been responsible for determining access to these provisions, however under the ALN & Education Tribunal Wales Act, this responsibility will move to the local authority.

The Chairperson welcomed Cllr Susan Elsmore, Cabinet Member for Social Care, Health & Wellbeing; Cllr Sarah Merry, Cabinet Member for Education, Employment and Skills; Sarah McGill and Jane Thomas from the People & Communities directorate; Melanie Godfrey, Richard Portas & Jenny Hughes from the Education department and Emma Mulinder from Adult Services.

The Chairperson invited Cllr Elsmore and Cllr Merry to make statements after which Officers provided Committee with a presentation and Members were invited to ask questions and make comments/observations;

Members made reference to Recommendation 5 which had been partially accepted and sought clarity on what part had not been accepted. Members were advised that the Complaints Procedure was currently being updated and would include how disagreements and assessments would be managed. Officers also stated that there

would be times when Professional Assessment would come into play. Members clarified that this recommendation was in relation to a review of supported living and Officers agreed that families should be involved in reviews and assessments.

Members were disappointed that Recommendation 10 had been rejected as a whole and considered they could have separated out Intentional Communities from Education. Officers stated that they have a responsibility under the Code to provide information on different settings, what is available, what is being delivered locally etc. to families so they can make informed decisions. There is also a duty on the Authority to provide locally, have sufficient provision and meet all needs.

A discussion took place around moving away to go to college and the invaluable holistic experience that can be. Officers agreed but stated that in relation to Further Education, this is usually a local provision and the Code is focussed on Further Education. Officers added that in Cardiff learners can stay in school until they are ready to access FE or until the age of 19. It was stressed that if a learner's needs cannot be met locally then they can choose a setting out of county.

In relation to Intentional Communities Officers explained that the communities are already there; the focus was on developing support services locally.

Members referred to Recommendation 14 and felt that a Handbook would be useful particularly for older parents although they accepted it would need to be updated. Officers explained that they are developing a transition pack that can be downloaded and updated easily – this would include leaflets and signposting etc.

Members sought to clarify in relation to the Assessment Centre in Recommendation 19, that this was only put forward as an option for learners who maybe did not want to move back home with parents or felt they may regress if they did. Officers apologised for the misunderstanding the recommendation and agreed this could be a good option.

Members asked how much has changed as a result of the report; Officers stated that they are always happy to have an outside focus and they enjoyed the opportunity to show Members the services and gain a different perspective. There were a lot of recommendations, some of them prompted a review of the way they do things and fast-tracked things that were in the pipeline such as the website.

Members referred to the change in the law whereby Authorities would be responsible for assessment, commissioning and funding etc and asked what work is being done to ensure the Authority is not compromised. Officers explained that it is the same scenario with Schools SEN provision; the Authority is bound to work on the basis that they carry out professional assessments, take independent advice, work with parents and young people etc, there are lots of checks and balances, the right of appeal and tribunal.

Members referred to recommendation 10 and asked what happens if a parent or young person did not want a local setting but wanted an out of county setting. Officers explained that if an education need could be met locally but they chose out of county then they would have the right of appeal whereby currently there is no recourse.

RESOLVED: That the Chairperson writes to the Cabinet Member on behalf of the Committee expressing their comments and observations during the Way Forward.

34 : COMMITTEE BUSINESS

Members were advised that the Membership and Terms of Reference for the Replacement Local Development Plan Task and Finish Group had been agreed. The report with the findings of the Task and Finish Group would be reported to Cabinet in March 2022.

35 : URGENT ITEMS (IF ANY)

None received.

36 : DATE OF NEXT MEETING - WEDNESDAY 8TH DECEMBER 2021

The meeting terminated at 6.25 pm