

Briefing Report for Scrutiny

CARDIFF COUNCIL CYNGOR CAERDYDD

Jane Thomas
Director - Adults, Housing & Communities

UPDATED GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT

Reason for this Report

1. To provide members of the relevant Scrutiny Committee with information in relation to a matter to be considered at a future meeting of Cabinet. The information within this report will form the basis of that future report to Cabinet to seek approval for the submission of the updated Gypsy and Traveller Accommodation Assessment to Welsh Ministers.

Background

2. The Council is required under Part 3 of the Housing (Wales) Act 2014 to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) and to make provision for sites where the assessment identifies an unmet need for Gypsy and Traveller pitches. The first GTAA was approved by Welsh Ministers in 2016 and in accordance with the Act local authorities must update the GTAA every 5 years. This update is required to be submitted to Welsh Government by February 2022 and to meet this deadline an update to the GTAA has been undertaken. This report outlines the findings of this update and the recommended steps that the Council needs to take under the Act.

Updated Report

3. In preparing the updated Accommodation Assessment the Council commissioned Gypsy & Traveller Wales to carry out the required interviews in addition to using Travellers Education to try to reach as many people as possible. This included contacting each household on at least 3 occasions to secure a completed survey, making contact with parents of children attending local schools and also through general awareness raising through community contacts. 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

APPENDIX A

expertise and included representation from several different organisations which are shown below.

- Cardiff Council – Housing
 - Cardiff Council – Strategic Planning
 - Cardiff Council – Travellers Education
 - Cardiff Council – Flying Start (including Health Visitors)
 - Cardiff & The Vale – Community Cohesion
 - South Wales Police – Community Engagement
 - Gypsy and Traveller Wales
 - Cardiff and Vale University Health Board
 - TGP Cymru – Children and Families Charity
4. A total of 122 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 a total additional need for 115 permanent pitches up to 2036. Of this total additional need 73 permanent pitches were identified as being required in the next 5 years. 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. This updated Assessment will update the findings of the previous study approved by Welsh Ministers in 2016. This found a need for 72 (48 short term) permanent pitches and also identified the need for a regional transit site up to 2026.
 6. 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.

Progress in meeting identified Need

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. In order to meet the need identified in the 2016 Assessment a comprehensive city-wide search for suitable sites for Gypsy and Travellers has been undertaken using site selection criteria approved by Cabinet.
8. The approved site selection criteria sets out assessment criteria around three main headings relating to availability, site suitability and achievability. Availability considerations include whether the site is

APPENDIX A

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 total cost (including any abnormal costs) to ensure it does not prejudice the ability to develop the site.

9. The selection and consideration of potential Gypsy and Traveller sites will include detailed technical investigations, particularly flood risk assessments, to fully establish the extent of risk, along with the potential scope of mitigation measures and any other relevant site-specific technical matters. This work will be carried out in liaison with Natural Resources Wales and Welsh Government. It is important to find the best possible site for the community and it is important that this is fully considered before concluding the site assessment process.
10. Following the agreement of the Gypsy and Traveller Accommodation Assessment by Welsh Government, further work will then be undertaken before identifying potential sites for consideration.

Replacement Local Development Plan

11. The Council agreed with Welsh Government in March 2021 to prepare a replacement Local Development Plan to cover the period 2021 to 2036. The findings of this updated GTAA and the work undertaken to date on undertaking a city-wide search for land which could be available for Gypsy and Traveller sites will form a key part of the evidence base for the new plan. The replacement Plan will need to identify sufficient land to meet the need for Gypsy and Traveller pitches identified in the updated assessment.
12. The preparation of the new plan is at early informal consultation stage and the first formal stage of consultation is the Preferred Strategy planned for autumn 2022. This document will need to set out a preferred strategy for meeting the need identified in the updated Assessment taking on board the work undertaken to date. This document is due to be considered by Cabinet and Council in September 2022.

Next Steps

13. A report will be taken to Cabinet to seek their approval to submit the Gypsy and Traveller Accommodation Assessment (GTAA) to Welsh Ministers under the Act.

Legal Implications

14. The Council's legal obligations under Part 3 of the Housing (Wales) Act 2014 ("the Act") are set out in detail within the body of the report.
15. It is noted that the Act introduces a requirement on the Council to meet the need identified within the statutory assessment. If Welsh Ministers

APPENDIX A

approve the GTAA, then the Council will need to identify adequate provision to meet that assessed need.

16. 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.
17. 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. As such a decision to implement the proposal has to be made in the context of the Council's equality act public sector duties.

Financial Implications

18. The costs of submitting the GTAA to Welsh Ministers for approval can be met from within existing resources. The financial implications of the GTAA will become more significant as the Assessment is updated and potential sites identified when funding requirement for the Council, both Capital and Revenue, will need to be included in the updated assessment.

Human Resources Implications

19. There are no HR implications for this report.

Property Implications

20. None

REPORT TO CABINET

1. A report will be taken to Cabinet seeking that they approve the Gypsy and Traveller Accommodation Assessment for Submission to Welsh Ministers for approval.

SENIOR RESPONSIBLE OFFICER

Jane Thomas

The following Appendices are attached:

- Appendix 1 – Updated Gypsy and Traveller Needs Assessment Report