

To: Members of the Cabinet

Date: 9 October 2018

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Dear Councillor

I refer to this agenda for the meeting of the **CABINET** to be held at **4.00 pm** on **MONDAY, 15 OCTOBER 2018** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN** and enclose the following report which includes confidential appendices.

**Agenda Item  
No**

**5 ITEMS FROM SCRUTINY COMMITTEES** (Pages 3 - 176)

To consider any issues raised by Scrutiny Committee for Cabinet's attention.

**GYSPY AND TRAVELLER SITE PROVISION**

To consider a report (which includes confidential appendices) by Councillor Graham Timms, Vice Chair of Communities Scrutiny Committee detailing the conclusions reached by the Scrutiny Committee following consideration of the call-in of the Cabinet decision taken on 25 September 2018 in respect of the Gypsy and Traveller Site Provision and recommending Cabinet revisits its decision to take into account additional information requested by scrutiny.

Yours sincerely

G Williams  
Head of Legal and Democratic Services

**MEMBERSHIP**

**Councillors**

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Bobby Feeley  
Huw Hilditch-Roberts  
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<b>Report to:</b>	<b>Cabinet</b>
<b>Date of Meeting:</b>	<b>15 October 2018</b>
<b>Scrutiny Chair:</b>	<b>Councillor Graham Timms</b> <b>Vice-Chair: Communities Scrutiny Committee</b>
<b>Report Author:</b>	<b>Rhian Evans, Scrutiny Co-ordinator</b>
<b>Title:</b>	<b>Gypsy and Traveller Site Provision</b>

## 1. What is the report about?

The conclusions reached by Communities Scrutiny Committee following its review of Cabinet's decision of the 25<sup>th</sup> September 2018 in relation to the provision of gypsy and traveller sites in Denbighshire.

## 2. What is the reason for making this report?

To inform Cabinet of the Communities Scrutiny Committee's recommendations following its review of the Cabinet's decision in relation to the provision of gypsy and traveller sites in Denbighshire. The review was undertaken in accordance with the Council's Call-in Procedure Rules following receipt of a formal signed request for the decision to be reviewed.

## 3. What are the Recommendations?

That Cabinet:

- 3.1 acknowledges Communities Scrutiny Committee's conclusions and recommendations following its review of the Cabinet decisions of the 25<sup>th</sup> September;
- 3.2 revisits its decision of the 25<sup>th</sup> September 2018 in relation to the proposed location of the residential and transit Gypsy and Traveller Sites in Denbighshire in light of the additional information requested by Scrutiny; and
- 3.3 in future, through the provision of information at Council Briefing sessions, ensures that all county councillors are extensively briefed on potentially controversial decisions which the Council or Cabinet are expected to take.

## 4. Report details

- 4.1 Cabinet at its meeting on the 25<sup>th</sup> September considered a Part II report on the Council's obligations regarding gypsy and traveller site provision in the county. At the conclusion of that discussion it resolved to:

*“(a) approve undertaking pre-planning consultation and subsequent full planning applications (taking into consideration the outcomes of the pre-planning exercise)*

*for the residential and transit Gypsy and Traveller sites on the Green-gates Farm East site in the locations indicated in Appendix 1 to the report, and*

- (b) *approve the submission of funding bids to the Welsh Government in respect of proposals for residential and/or Gypsy Traveller sites subject to planning consent being granted in line with the programme outlined in paragraph 4.11 of the report.”*
- 4.2 The above decisions were published on the Council’s website on the 27<sup>th</sup> September 2018. In accordance with the Council’s Call-In Procedure the decisions were not implemented immediately enabling non-Cabinet members to call-in the decision for examination, if they felt it merited detailed scrutiny.
- 4.3 A ‘Notice of Call-In’ form, signed by the required number of non-Cabinet councillors, was received in respect of the above decision on the 4<sup>th</sup> October 2018, which was within the 5 working day timescale stipulated in the Council’s ‘Call-in Procedure Rules’. The ground for the Call-in was that a better site had not been considered.
- 4.4 In accordance with the Council’s Call-in Procedure Rules Scrutiny had to consider the request within 5 working dates of its receipt. To facilitate this a special meeting of the Communities Scrutiny Committee was convened on the 11<sup>th</sup> October 2018. The link below will take members to the report and appendices considered by the Committee at that meeting:  
<http://mgintranet/ieListDocuments.aspx?CId=271&MId=5912&LLL=0>
- 4.5 Detailed discussion took place at the Communities Scrutiny Committee meeting in respect of the Cabinet decision and the sites put forward in the report presented to Cabinet for consideration. Whilst Scrutiny acknowledged that the Council is legally obliged to make provision for a residential and/or a transit site(s) for Gypsies and Travellers in the county if a need is identified as part of “...an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area”<sup>1</sup>, it was of the view that insufficient comparable information was provided in the Cabinet report to enable the Executive to make an informed decision on the most suitable site.
- 4.6 Scrutiny members were of the view that it would have been beneficial for decision-makers to have comparable information presented to them in the ‘pros’ and ‘cons’ tables contained in the Cabinet Report of each site put forward, along with the reasons why locations included on an earlier list of potential sites had been eliminated, when determining which site(s) to approve for pre-planning consultation, followed by full planning applications and for submission to Welsh Government (WG) for funding bids.
- 4.7 On this basis the Committee requests that Cabinet revisits its original decision, subject to the additional information referred to above being provided. Previous Cabinet reports are included as appendices to this report (**Appendix 1** – Cabinet Report of 24<sup>th</sup> April 2018 & **Appendix 2** – Cabinet Report of 25<sup>th</sup> September 2018) along with amended ‘pros’ and ‘cons’ tables of the sites considered at Cabinet’s September meeting (**Appendices 3a and 3b**) and a list of the original potential sites

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<sup>1</sup> Section 101(1) of Part 3 of the Housing (Wales) Act 2014

with a brief description of why they were not taken forward (**Appendix 4**). Due to the confidential nature of the information contained in the appendices these documents are excluded from publication by virtue of paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

- 4.8 In addition, Scrutiny also thought that Cabinet should have reported the matter to a Council Briefing session for wider member input before making a formal decision at Cabinet. Consequently it recommended that Cabinet should in future consider reporting on all 'important' decisions to a Council Briefing session, prior to making the decision at Cabinet.

**5. How does the decision contribute to the Corporate Priorities?**

The review of the decision is not linked to the Corporate Priorities.

**6. What will it cost and how will it affect other services?**

Some information on costs relating to gypsy and traveller site provision was included in the report to Cabinet dated 25<sup>th</sup> September 2018 (Appendix 1). Additional information is included in the Appendix 3 to the current report.

**7. What are the main conclusions of the Well-being Impact Assessment?**

See Cabinet report dated 25<sup>th</sup> September 2018.

**8. What consultations have been carried out with Scrutiny and others?**

This report outlines the conclusions of the Scrutiny process.

**9. Chief Finance Officer Statement**

See Cabinet report dated 25<sup>th</sup> September 2018.

**10. What risks are there and is there anything we can do to reduce them?**

Scrutiny's review of the original Cabinet decision should mitigate against any future risks to the Council posed by external challenges to the decision.

**11. Power to make the Decision**

Sections 21(2) and (3) of the Local Government Act 2000; and

Section 7.4.2(a) of the Council's Constitution stipulates that "Scrutiny Committee may review and scrutinise the decisions...of the Cabinet" whilst Section 7.4.2(d) states that they may "make recommendations to the Cabinet...arising from the outcome of the scrutiny process."

**Contact Officer:**

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**List of Appendices** (all excluded from publication – see paragraph 4.7)

- Appendix 1:** Cabinet Report of 24<sup>th</sup> April 2018
- Appendix 2:** Cabinet Report of 25<sup>th</sup> September 2018
- Appendices 3a and 3b:** amended ‘pros’ and ‘cons’ information on the sites considered at Cabinet’s September 2018 meeting
- Appendix 4:** list of the original potential sites with a brief description of why they were not taken forward

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