

Report To: Cabinet

Date of Meeting: 24<sup>th</sup> January 2017

Lead Member / Officer: Councillor Hugh Irving/Nicola Stubbins

Report Author: Nicola Stubbins /Angela Loftus

Title: Amendments to the Gypsy and Traveller Accommodation Assessment

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## 1. What is the report about?

1.1. The report outlines amendments to the draft 2016 Gypsy Traveller Accommodation Assessment for Denbighshire which considers the potential future need for both residential and transit Gypsy and Traveller accommodation provision. The original draft assessment was approved for submission to Welsh Government by Cabinet on 16th February 2016.

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

2.1 The assessment of Gypsy and Traveller accommodation needs, and the duty to make provision for sites where the assessment identifies need, became statutory requirements under the Housing (Wales) Act 2014.

2.2 Denbighshire's 2016 assessment was submitted to Welsh Government by the 26th February 2016 deadline. However, a number of points of clarification have been requested before it can be submitted for Ministerial approval. In addition, the assessment needs to be amended in the light of further information and additional clarification of the circumstances of the individuals identified.

2.3 The amended draft Denbighshire 2016 Gypsy Traveller Accommodation Assessment report is attached as Appendix 1. The key amendments relate to the potential need for a residential site in Denbighshire and the approach to transit provision

## 3. What are the Recommendations?

3.1 The recommendation is to approve amendments to Denbighshire's draft Gypsy and Traveller Accommodation Assessment for submission to Welsh Government, including requirements for:

- a) a residential Gypsy and Traveller site in Denbighshire of 6 pitches to meet the needs of Gypsy and Traveller households in the County
- b) a transit site for 4-5 pitches to provide for Gypsies and Travellers travelling through the County.

## 4. Report details

- 4.1 The assessment of Gypsy and Traveller accommodation needs and the duty to make provision for sites where the assessment identifies need, is a statutory requirement under the Housing (Wales) Act 2014. The key difference compared to previous legislation is that the duty is now to assess any need and address any need identified.
- 4.2 The definition of 'Gypsies and Travellers' for the purposes of this accommodation assessment process is contained within section 108 of the Housing (Wales) Act 2014. Gypsies and Travellers are defined as:
- (a) Persons of a nomadic habit of life, whatever their race or origin, including: persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently;
  - (b) members of an organized group of travelling show people or circus people (whether or not travelling together as such); and
  - (c) all other persons with a cultural tradition of nomadism or of living in a mobile home.
- 4.3 All Local Authorities were required to undertake an up-to-date assessment by 26th February 2016 and every 5 years thereafter. The 2016 assessment was conducted jointly with Conwy County Borough Council although separate documents were submitted by each authority. The draft assessment was approved for submission to Welsh Government by Cabinet on 16th February 2016 and was subsequently submitted to Welsh Government in line with the legislative requirements.
- 4.4 The draft Assessment submitted to Welsh Government concluded the following:
- A clear need for a transit site(s) or stopping place in the North of the County given the incidence of unauthorised encampments
  - Two Gypsy and Traveller households were identified, who currently live in houses (bricks and mortar) expressed a preference to live on a site. However, at this stage no evidence of immediate need was demonstrated.
- 4.5 Following submission Welsh Government have reviewed the assessment and have asked for a number of clarifications to be included in the report before it is submitted for ministerial approval. These include:
- Points relating to the assessment process and a need to demonstrate a robust methodology. This have been addressed through amendments to the report.
  - The need to be more specific about the way in which transit provision will be taken forward in both Conwy and Denbighshire.
  - Further explanation as to why the 2 households currently living in bricks & mortar were not deemed to have a 'need', together with further information on potential household growth.

### Need for residential pitches

- 4.6 Following submission of the draft Assessment to WG, new information has been obtained relating to the need for residential pitches. The initial draft assessment in February 2016 identified two households resident in Denbighshire who expressed a

preference for living on site as an alternative to their current Bricks and Mortar accommodation. This assessment concluded that, whilst the families expressed a preference for on-site living, neither of the households displayed a need for a pitch on a permanent residential site within the county. However, further information has been obtained regarding the families' circumstances which challenges this initial conclusion.

- 4.7 In addition to the two households identified in the first assessment, further information has now been obtained in relation to another three households of the same extended family group, two of which are currently living in trailers on unauthorised sites in Denbighshire, and one currently living in Bricks and Mortar. There is also potentially one emerging household expected to require accommodation in the next few years. Following further discussions with all the households, it is clear that they have a strong tradition for living in mobile homes and a local connection with Denbighshire.
- 4.8 The additional and new evidence indicates that in Denbighshire there is a need for a permanent residential site for five pitches to meet the needs of Gypsies and Travellers currently residing in the county, with one additional pitch required to meet the needs of an emerging household over the next 1-2 years.

#### Need for transit site(s)

- 4.9 The draft Assessment identified a clear need for a transit site or stopping place in the North of the County to provide for Travellers who are in transit, or travelling through the County. WG has requested further clarification on how the need for transit provision will be addressed. There are potentially 2 options for meeting this need:
- A joint transit site/ stopping place serving both Conwy and Denbighshire of 8 - 10 pitches
  - Two smaller transit sites/ stopping places, one in each County each with 4 - 5 pitches

To remind Members, stopping places are agreed locations for encampments to be tolerated in the short-term and where temporary facilities can be provided. WG do not provide funding to establish stopping places. Transit sites are permanent facilities designed for temporary use by occupiers, normally with a communal amenity block. Individual occupiers are permitted to reside on the site for a maximum of 3 months at a time. These sites can be provided with the assistance of WG Gypsy and Traveller Sites Capital Grant funding and Local Authorities would be able to charge residents a weekly rent and service charges. A transit site would provide better quality & more suitable accommodation than a temporary stopping place and discussions with travellers has indicated that transit site would be their preference.

- 4.10 Since submitting the 2016 assessment, officers have been jointly exploring the practicalities of adopting a regional approach to the development of a transit site with Conwy County Borough Council. An issue with joint provision is the limitations of police powers to move on unauthorised encampments. The Police have powers under section 62 A-E of the Criminal Justice and Public Order Act 1994 to direct both trespassers and travellers to leave land where there is a suitable pitch elsewhere in the same local authority area. Therefore if a 'joint' transit site was provided in Conwy

County only, unauthorised encampments within Denbighshire could not be moved onto it. The provision of a transit site in each County would allow for these powers to be used.

- 4.11 In order to meet the needs of Gypsies and Travellers it is recommended that a transit site of 4-5 pitches should be provided in Denbighshire, however it is recommended that the residential site should be delivered as a priority, in advance of transit provision.

#### What happens next?

- 4.12 If approved by Cabinet, the amended Denbighshire 2016 Gypsy Traveller Accommodation Assessment Report will be re-submitted to Welsh Government and will need to have Ministerial approval. Under the provisions of the Housing (Wales) Act, the Council will be required to address any accommodation needs identified.

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

The relevant Corporate Priorities are:

- Vulnerable people are protected and are able to live as independently as possible
- Ensuring access to quality housing.

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

The cost of the draft Gypsy and Traveller Accommodation Assessment was shared with Conwy County Borough Council and was factored into existing budgets. The costs of the additional work undertaken has been met from existing resources. Further investigation will be needed into any costs once a decision is made about whether there is a need or not in terms of gypsy and traveller provision. Local Authorities can potentially access funding from the Welsh Government towards the cost of developing new Gypsy and Traveller sites if necessary.

#### 7. **What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the website and should be attached as an appendix to the report.**

The overall impact was considered Positive in terms of Health, Community Cohesion, and Welsh Language/Culture, Equality and Global Responsibility; Neutral in relation to Prosperity and Resilience. No Negative impacts were identified.

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

Whilst developing the assessment consultation was undertaken through a range of methods and these are outlined in the Assessment.

#### 9. **Chief Finance Officer Statement**

Denbighshire's share of the costs of the Gypsy and Traveller Accommodation Assessment have been contained within existing revenue budgets in the current financial year. If, in due course it is agreed that there is a need to make Gypsy and Traveller provision within the county then further detailed work will be required to ascertain the estimated costs and the options to fund the expenditure, ensuring that all external funding sources are maximised. Final proposals will need to go through the normal Council approval processes.

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

- 10.1 Unlawful encampments on Council and private land will continue if the housing needs of Gypsies and Travellers are not met. Resolving such unlawful encampments will inevitably result in costs for the authority. Provision for residential and transit accommodation would help to address this issue.
- 10.2 Welsh Government may not approve the draft amended Gypsy and Traveller Accommodation Assessment and request further work.

## **11. Power to make the Decision**

Housing (Wales) Act 2014 – part 3