

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET

17th January 2017

**REPORT AUTHOR: County Councillor Rosemarie Harris
Portfolio Holder for Property, Buildings and Housing
and County Councillor Wynne Jones Portfolio Holder for
Finance**

**SUBJECT: Approval of the Gypsy Traveller Accommodation
Assessment 2016 and the allocation of funding to
ensure that the Council complies with the requirement
to deliver the need identified from the Gypsy Traveller
Accommodation Assessment in accordance with Part 3
sections 103 and 104 of the Housing (Wales) Act 2014.**

REPORT FOR: Decision

1. Summary

1.1 This report requests that the Cabinet :

- a. accept and notes the results of the approved Gypsy Traveller Needs Assessment.
- b. accept and note the progress of the Gypsy Traveller Project Board in addressing the needs identified in the draft Gypsy Traveller Needs Assessment submitted to Welsh Government in February 2016
- c. confirm the allocation of capital funds and amendments to the Financial Resources Model to enable:
 - the Council to discharge its statutory duty to deliver the accommodation assessment requirements for Gypsy & Traveller Accommodation in Machynlleth and Welshpool as identified from the approved Gypsy Traveller Accommodation Assessment (GTAA).
 - the Housing Service to continue to project manage the delivery of additional pitches as identified and ensure that the Housing Service applies for the maximum grant available from Welsh Government to enable the delivery of a new site in Machynlleth and provision of an additional two pitches in Welshpool.

2 Background

- 2.1 On the 11th September 2015 portfolio holders approved the allocation and virement of £50,000 to undertake the GTAA in accordance with Part 3 of the Housing (Wales) Act 2014 and to provide additional project management capacity within the Housing Service to bring forward a site in Machynlleth to meet the needs identified, in accordance with the Welsh Governments requirements.
- 2.2 The GTAA was undertaken by ORS and submitted to Welsh Government by the 25th February 2016. Following discussions with Welsh Government we have now received confirmation that the assessment is approved by Welsh Government. The approved assessment identifies:
 - an immediate need, defined as in the first five years from when the assessment was sent to Welsh Government, for a five pitch site in Machynlleth; and,
 - after 5 years the provision of two additional pitches in Welshpool to accommodate family growth at the Leighton Arches site.
- 2.3 The draft GTAA submitted to Welsh Government in February 2016 identified the following needs:
 - the development of three un-serviced pitches on the Kings Meadow site in Brecon;
 - the provision of a new five pitch site in Machynlleth;and,
 - the provision of two additional pitches on the Leighton Arches site in Welshpool.
- 2.4 The Council has been advised by Welsh Government that it is imperative that if an immediate need for a site has been identified then the Local Development Plan must include a site allocation and that it should be demonstrated that the site is suitable and deliverable, including funding / CPO (if necessary) being in place by the time of the examination of the LDP. The Powys LDP is in its examination stage and hearing sessions are due to commence in March 2017.
- 2.5 The appointed LDP Planning Inspector, Mrs Nicola Gulley, at the LDP progress meeting held on the 15th September 2016 reiterated the importance of a site allocation for Machynlleth and she also stated that she considered the provision in Welshpool should be prioritised similarly.
- 2.6 The Housing Service appointed a Gypsy Traveller Project Officer in January 2016 and established a multi-disciplinary Gypsy Traveller Project Board to address the needs identified in the GTAA and in accordance with the requirements of the LDP.
- 2.7 At the inaugural meeting of the Gypsy Traveller Project Board on the 31st March 2016 the results of the unapproved GTAA were considered and timelines for delivery considered for each identified need. It was agreed at the meeting that the following actions and timelines would be pursued:

- by the end of April 2016 apply for available Welsh-Government grant to develop the four un-serviced pitches on Kings Meadow, Brecon. Grant conditions require that the local authority owns or leases land and that planning permission is granted. (The application for grant was submitted to Welsh Government by the Gypsy and Traveller Project Officer – Housing and grant of £303,600 was awarded on the 19th July 2016. A specification has been agreed and issued for tender with completion of works by 31st March 2017 in accordance with the grant conditions);
- to commence negotiations with the owners of two possible parcels of land in Machynlleth with a view of developing proposals sufficient to enable submitting planning applications for the sites;
- to advertise for additional land availability in the area. Initiate formal contact with landowners with a view of acquiring the land;
- to be in a position to apply for Welsh Government grant and commence development of the new site in April 2017 with a view of completing the site by March 2018;
- from April 2018 consider provision of additional pitches on Leighton Arches site Welshpool and reconfiguration of site layout due to lack of land and space, applying for Welsh Grant grant once planning permission obtained;and,
- Request additional funds for Gypsy and Traveller Project Officer - Housing in order that project management capacity is available to March 2019 when it is anticipated that all needs identified will be met.

- 2.6 As the Council has secured grant to develop the un-serviced pitches on Kings Meadow the approved GTAA no longer includes the development of the site as Welsh Government has recognised the work that the Council has done to date.
- 2.7 The Gypsy Traveller Project Board meets on a monthly basis and has been working primarily on the provision of a new site in Machynlleth. In Machynlleth. A number of parcels of land have been considered and surveys have been commissioned which will inform which site or sites can be proposed for a planning application in order to comply with the LDP advice from Welsh Government. In Welshpool expansion of the existing site is being explored.
- 2.8 Section 103 of the Housing (Wales) Act 2014 places a duty on the local authority to meet any needs identified in the GTAA in accordance with section 56 of the Mobile Homes (Wales) Act 2013. Section 104 provides the Welsh Ministers with a power to direct the local authority to meet those needs. (Sections 103 and 104 came into force on the 16th March 2016).
- 2.9 It should be noted that the timelines considered are ambitious however the Gypsy and Traveller Project Board consider that they are possible if resourced appropriately. The work of the group and its proposed work plan will be used to respond to the obligations imposed by the Housing (Wales) Act 2014 and requirements for

addressing identified need in the LDP process. The timelines also take into consideration the availability of Welsh Government grant as other local authorities will be bidding for grant and the sooner we apply the more likely we are to receive grant.

- 2.10 The Council in its capital programme allocated £200k for the Machynlleth site for this financial year which is being spent on exploring a suitable site and necessary survey works and securing planning permission. £2.28 million has been allocated for 2017/18, however of this £1.5 million is assumed Welsh Government grant. The remaining £780k is funded from prudential borrowing. The two year revenue consequence of £980k is £46.6k per annum. The rental income from 5 pitches per annum is £23k. The service is unable to fund the full £46.6k per annum and it is recommended that £37.3k is added to the capital funding requirement in the Financial Resources Model (FRM).
- 2.11 £100k has recently been vired from Homefinder receipts to assist in exploring options in Welshpool.
- 2.12 As stated in paragraph 2.3 above, the authority can only apply for Welsh Government grant if it owns the land and planning permission has been granted. The Council will therefore need to finance the provision up to this point. It is also unclear at this time what the levels of Welsh Government grant will be in the future. Previously £1.5 million was available for each scheme however Welsh Government are reviewing the available limits as all local authorities have completed a GTAA and needs have to be met across Wales.
- 2.13 At this juncture the total costs for providing an additional site in Machynlleth are unclear as a number of parcels of land are being considered and the costs are variable according to site specific issues. In Welshpool the options under consideration are an extension to the existing site or the provision of an alternative site to accommodate the two additional pitches.
- 2.14 A copy of the approved GTAA is attached at Appendix 1.

3 Powys One Plan

- 3.1 There is a statutory duty to address the needs identified in the GTAA. There is clear evidence of the link between poor housing conditions and ill-health and the lack of suitable permanent accommodation for Gypsies and Travellers has been demonstrated to be a barrier to employment, access to health services and access to education.

4 Options Considered/Available

- 4.1 Powys County Council has three options:

First, we could decide to ignore the results of the GTAA and not allocate the funding required to fulfil the identified needs. This would have repercussions for the families for whom we have a duty to provide accommodation and to the LDP process. In addition, Section 104 of the Housing (Wales) Act 2014 states that Welsh Ministers could if they were not satisfied that we were not complying with section 103 of the Act direct the authority to exercise its powers under section 56 of the Mobile Homes (Wales) Act 2013.

- 4.2 Second, the Gypsy Traveller Project Board continue to meet on a monthly basis and work to the agreed work plan which is to develop the four un-serviced pitches at Kings Meadow for which grant has been secured, continue to explore the options in Machynlleth with a view of securing a planning permission on an agreed parcel of land which would be in accordance with the advice received regarding the LDP and continue to consider options for Welshpool and plan to deliver the provision in Welshpool during the 2018 / 2019 financial year which would address comments made by the LDP Planning Inspector. In doing so, this would comply with the requirements of the Housing (Wales) Act 2014 and ensure that the Council is in a position to apply for available Welsh Government grant for the schemes over the planned period.
- 4.3 Thirdly, we proceed as stated in the second option with regard to Kings Meadow and Machynlleth but as the need in Welshpool is after five years we do not consider developing pitches in Welshpool in the next five years. This will not however address the comments made by the LDP Planning Inspector at the progress meeting and may affect the LDP process. It should also be noted that in 2021 the Council will be required to undertake another GTAA in accordance with the Housing Act (Wales) 2014 and it is unlikely that the need will reduce in Welshpool.

5. Preferred Choice and Reasons

- 5.1 Option two is preferred which will enable the Council to meet its statutory obligations as stated in Part 3, sections 103 and 104 of the Housing (Wales) Act 2014. It will ensure that that the Council complies with the advice received regarding the LDP and will enable the Gypsy Traveller Working Group to continue to work to the agreed programme ensuring that the Council is in a position to apply for available Welsh Government grant for the schemes over the planned period.

6. Sustainability and Environmental Issues/Equalities/Crime and Disorder/Welsh Language/Other Policies etc

- 6.1 Gypsy and Travellers are a recognised minority ethnic group and the Council must comply with the provisions of the Housing (Wales) Act 2014 to meet the accommodation needs of this minority group. The

LDP process also requires that identified need is included in the land allocation.

7 Children and Young People's Impact Statement - Safeguarding and Wellbeing

- 7.1 There is clear evidence of the link between poor housing conditions and ill-health and the lack of suitable permanent accommodation for Gypsies and Travellers has been demonstrated to be a barrier to employment, access to health services and access to education. The provision of accommodation as identified in the GTAA will significantly improve the wellbeing of the households.

8 Local Member(s)

- 8.1 Local members in Machynlleth have been kept advised of the need for a site in the area.
- 8.2 Local members in Welshpool have been advised of the need for additional pitches.
- 8.3 Local members in Brecon will be advised when works are scheduled.

9 Other Front Line Services

- 9.1 This matter will not have an effect on other frontline Services.

10 Support Services (Legal, Finance, HR, ICT, BPU)

- 10.1 The Finance Business Partner notes the contents of the report to accept the results of the approved Gypsy Traveller Needs Assessment, and the progress of the Gypsy Traveller Project Board in addressing the needs identified in the draft GTAA submitted to Welsh Government in February 2016.

Amendments required to the Financial Resources Model to enable the Housing Service to continue to project manage the delivery of additional pitches to March 2019 an approximate cost of £100k, the shortfall of £37.3k re prudential borrowing of £980k and costs incurred on sites not pursued for planning permission, yet to be clarified. On-going these new sites will have to be maintained from pitch rental income and if insufficient will be a budget pressure.

The Capital and Financial Planning Accountant confirms that capital programme allocation is £2.280m in 17/18 for the Gypsy and Traveller site. The budget is based on a £1.5m Welsh Government (WG) grant and there is a risk about whether WG will continue to fund sites at the level. The service is unable to fund the prudential borrowing required to fund the site and will require corporate assistance. There is no

allocation for any development in Welshpool in 2018/19 and once the costs have been determined these will be put forward in a capital pressures list for 2018/19.

- 10.2 Legal – “the Professional Lead-Legal has no comment to make on the preferred option recommended in this report the legal Services will support this Service as and where required”

11 Local Service Board/Partnerships/Stakeholders etc

- 11.1 The local authority must exercise its powers in accordance with section 56 of the Mobile Homes (Wales) Act 2013 if the approved assessment identifies needs.

12 Corporate Communications

- 12.1 The Housing Service will ensure that communications regarding the schemes proposed are undertaken with beneficiaries of the works, local communities and local members. The Gypsy and Traveller Project Board will also assist with communication issues relating to each scheme.

13 Statutory Officers

- 13.1 The Solicitor to the Council (Monitoring Officer) has commented as follows: “I note the legal comment and have nothing to add to the report”.
- 13.2 The Strategic Director Resources (S151 Officer) notes the comments from Finance. The Capital elements have been included in the capital strategy but the means of funding it have not, this together with the project management costs require funding and if approved will be included in the Financial Resource Model from 2017/18. I also note that these costing are reliant on the funding received from WG, any change in position would be subject to further approval and virement if necessary.

14 Members’ Interests

- 14.1 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
<p>That Cabinet grants approval:</p> <p>a. to the Gypsy Traveller Accommodation Assessment (GTAA) 2016 and agrees to meet the needs as identified;</p> <p>b. that the programme of works identified by the Gypsy Traveller Project Board is continued and that the Project Board aim to address all the identified needs by March 2019;</p> <p>c. that the proposed allocation of capital funds to meet the identified need is approved and confirmed;</p> <p>d. that the additional revenue cost of prudential borrowing for future years is included in the Financial Resources Model for consideration at budget setting.</p>	<ol style="list-style-type: none"> 1. To enable Powys County Council to comply with the provisions of Part 3 sections 103 and 104 of the Housing (Wales) Act 2014. 2. That the local authority exercises its powers in accordance with section 56 of the Mobile Homes (Wales) Act 2013 and the accommodation needs of Gypsy and Travellers as identified in the GTAA are addressed. 3. To enable the delivery of accommodation needed in accordance with the GTAA in Machynlleth and Welshpool ensuring that the Council can access Welsh Assembly Government grant. 4. To ensure that the LDP process is not affected and that land is allocated in accordance with the needs identified.

Relevant Policy (ies):	None..		
Within Policy:	N	Within Budget:	Y

Relevant Local Member(s):	All Members
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Person(s) To Implement Decision:	Service Manager Housing Solutions
Date By When Decision To Be Implemented:	17 th January 2017

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Background Papers used to prepare Report:

Draft Gypsy Traveller Accommodation Assessment
Approved Gypsy Traveller Accommodation Assessment
Welsh Government Guidance – Undertaking Gypsy and Traveller Accommodation Assessments