

ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE

Minutes of a meeting held on 14th June, 2016.

Present: Councillor Mrs. A. Moore (Chairman); Councillor Mrs. P. Drake (Vice-Chairman); Councillors G.A. Cox, Mrs. M. Kelly Owen, A.G. Powell, G. Roberts, S.T. Wiliam and M.R. Wilson.

Also present: Councillors Ms. B.E. Brooks, L. Burnett, H.C. Hamilton, G. John, K.P. Mahoney and R.A. Penrose.

94 APOLOGY FOR ABSENCE -

This was received from Councillor A.G. Bennett.

95 MINUTES -

RECOMMENDED - T H A T the minutes of the meeting held on 17th May, 2016 be approved as a correct record.

96 DECLARATIONS OF INTEREST -

No declarations were received.

97 REVENUE AND CAPITAL MONITORING FOR THE PERIOD 1ST APRIL, 2016 TO 30TH APRIL, 2016 (DEH) -

The Principal Accountant, in presenting the report commenced by advising that for the Highways and Engineering Department there was currently a £26,000 favourable variance against the profiled budget. The main reason for this being that there were currently vacant posts within the Department. For Waste Management there was currently an adverse variance of £37,000 due to slight overspends on staffing, transportation costs and income being lower than anticipated. The 2016/17 budget also included a further savings target of £253,000 for a review on transport. Plans were in place to shortly implement round changes in waste collection in order to reduce the resources required which in turn should reduce the overspends outlined. A favourable variance of £8,000 was also being shown under Transportation as staffing costs within the Division were lower than those that had been budgeted to date. With regard to the Regeneration Service area as it was very early in the financial year there was currently no variance to the profiled budget.

This was a similar position for the Development Management Service area although Committee noted that from 1st March, 2016 the Drawing Office which had formerly been included in the Development Management Division was to be transferred to the

Performance and Development Division within the Resources Directorate in order to create an authority-wide Graphics Unit.

Attached at Appendix 2 to the report was a list of savings to be achieved in the coming year for the Committee and Appendix 3 detailed the financial progress on the Capital Programme as at 30th April, 2016.

The report also highlighted a number of schemes where Emergency Powers had been approved in order for the inclusion of a Welsh Government Grant. These related to a Road safety grant for improvements at Court Road, a grant for works to Dinas Powys Cycleway, bus improvement schemes on Port Road and Rights of Way Improvement Schemes. Approval had already been provided for a £30,000 Sustainable Transport contribution from Section 106 through the conversion of the Marine Hotel for spend towards the Harbour Road Causeway Improvement Scheme.

The Council was also currently investigating opportunities for improvement at nearby public open spaces in the vicinity of Penarth Heights and as part of this process a number of parks in north Penarth were to be considered.

In response to a query regarding two separate savings identified at Appendix 2 relating to a Transport Review and Car Mileage, a query was raised whether the saving within Visible Services and the saving within the Transportation Department had been double counted. Members were informed that the savings within Visible Services related to the fleet the Council currently owned and the saving within Transportation related to passenger transport and buses. A Member queried the reference to Cogan Hall farm as to whether this related to the safe routes to school scheme and was advised by the Managing Director that this referred to Section 106 money generated as a result of the Cogan Hall Farm development transferred as the safe routes bid had been rejected by Welsh Government earlier in the year.

Following a request for further information on the detail of the Coastal Protection and Land Drainage Schemes, it was agreed that Members receive the information via e-mail.

Having considered the report and acknowledging that it was early in the financial year, it was subsequently

RECOMMENDED - T H A T the position with regard to the 2016/17 Revenue and Capital Monitoring be noted.

Reason for recommendation

In view of the contents contained therein.

98 END OF YEAR PERFORMANCE REPORT 2015-16 AND TARGET SETTING FOR 2016-17 (DEH) -

Committee was informed of the end of year performance results for the period 1st April, 2015 to 31st March, 2016 for the Visible Services Directorate, provided with

an update on the development of the Council's Performance Management Framework. Committee was requested to consider the proposed targets for improvement for 2016/17 for existing performance indicators aligned to the Wellbeing Outcome 2 'An Environmentally Responsible and Prosperous Vale'.

Members were informed by the Head of Visible Services and Transport that this would be the last year that performance linked Directorate Service Plans would be reported following the Council's review of its Performance Management Framework during 2015. In future years Committees would receive performance information that was linked to the Council's Wellbeing Outcomes with which Scrutiny Committees were aligned. The report presented performance information relating to the previous year's performance reporting framework and would support the Council in meeting its statutory performance reporting requirements for 2015-16. The 2015-16 performance report for the Directorate is attached at Appendix 1. The report also provided Members with an update on the progress being made to develop the Council's Performance Management Framework, following the review undertaken in 2015 and changes subsequently approved by Cabinet and Full Council.

In referring to Appendix 1, the Head of Service stated that this was structured as follows:

- An overview provided a snapshot of the progress made by the Directorate towards achieving the objectives which contributed towards its service outcomes. The overview highlighted progress made towards the delivery of key actions in the Corporate Plan 2013-17, the Outcome Agreement 2013-16 and the Improvement Plan Part 1 2014-15 for which the Directorate has lead responsibility. Examples of exceptional performance during the quarter were highlighted as were any key areas of slippage and the planned remedial action.
- A brief evaluation was provided of each service outcome which outlined the overall progress (including actions and performance measures) made towards achieving these outcomes.
- Detailed progress was reported for each service objective considering all actions and was categorised as being completed, on track, slipped and not due. All performance indicators were allocated a performance status (☺ relates to performance that had met or exceeded target, ☹ related to performance within 10% of target and ☹ related to performance that had missed target by more than 10%).
- A direction of travel arrow was also provided against each measure indicating whether current performance had improved, stayed static or declined on the previous year's performance. An upward arrow indicated that performance had improved from the previous year's performance, a static arrow indicated performance had remained the same and a downward arrow showed performance had declined compared to the previous year.

Members were also informed that due to the changes to Scrutiny Committee remits from 1st May, 2016, the end of year report for 2015-16 would contain some performance information relating to activity that was previously scrutinised by the Scrutiny Committee (Economy and Environment) that was no longer within the remit of the newly formed Environment and Regeneration Scrutiny Committee and vice

versa. For example, the Environment and Regeneration Scrutiny Committee would receive end of year performance information relating to Leisure Services which would now form part of the remit of the Healthy Living and Social Care Scrutiny Committee. By presenting the end of year performance to the Environment and Regeneration Scrutiny Committee it would ensure that the Committee with knowledge and experience of the performance of the Leisure Service during the 2015-16 year concluded the work by scrutinising its end of year performance.

The Head of Service further outlined that overall, Visible Services had achieved the majority of its priorities for 2015-16 as outlined in its Service Plan. 17 (71%) of Service Plan actions had been completed at end of year. Of the 24 actions contained within the Service Plan, slippage was reported against 7 actions. Action against all slipped actions was being progressed and these had been carried forward into the Directorate's respective Service Plans for 2016-17.

In terms of the contribution made to achieving corporate priorities, the Directorate had completed 7 of its 12 actions against the Corporate Plan, with slippage reported for 5 actions. The Directorate had no Improvement Objective or Outcome Agreement actions for which it was responsible. Of the 28 performance indicators reported at end of year, 16 (57%) had met or exceeded target, 4 (14%) were within 10% of target and 6 (22%) missed the target by more than 10%. For two measures a performance status was not applicable.

Against Outcome 1 (Residents of the Vale live in safe, healthy, prosperous and sustainable communities), 'job and finish' had concluded at the end of November 2015 which had led to a review of terms of conditions that staff within Waste Management and Cleansing had been working to since 1st December, 2015 (VS/A065). Revised zonal collection rounds were also completed and it was anticipated that these would be introduced over the summer which would ensure that service cost savings were realised and the number of vehicles used for collections was reduced, therefore reducing the carbon footprint of the Council's fleet (VS/A059).

The Council had achieved a 64.36% recycling rate during 2015/16 which exceeded the statutory target of 58%. The recycling of the Incinerator Bottom Ash (IBA) from Prosiect Gwyrdd and Trident Park since August 2015 had helped the Council maintain and improve its overall recycling performance in a quarter that historically dipped due to the reduced amounts of garden material and building waste in the off seasons of autumn and winter. This performance would contribute towards ensuring that the Council was environmentally responsible and met national targets (WMT/009b).

Slippage was reported in relation to one action under Outcome 1:

VS/A088: The implementation of the Welsh Government preferred method for recycling collection had slipped for the year. The WRAP study and collection blue print was complete but only in draft and there was a need for further analysis of the findings which it was anticipated would be ongoing throughout 2016.

Underperformance was reported in relation to two indicators aligned to Outcome 1 as below:

VS/M018: Completion of new waste treatment infrastructure projects, with respect to the new organic treatment plant was scheduled to be completed during spring 2017 and although the Inter Authority Agreement (IAA) had been signed, the Plan was still at construction stage. Commissioning was to commence in January 2017 and the project was on target to be completed and operational by 31st March, 2017.

WMT/010i: The percentage of Local Authority collected municipal waste prepared for reuse. This target had been missed as there was a lack of Community Reuse Schemes within the Vale of Glamorgan. Despite the work undertaken with local voluntary and other key organisations, there continued to be limited progress made in increasing the number of Community Reuse Schemes in the Vale.

Against Outcome 2 (The Vale is a clean, safe, well maintained and a sustainable place to live or visit), the changes outlined in the EDGE review, ensuring value for money from the Council's transport operations, had now been implemented. Since the review, the number of vehicles in the Highways department had reduced from 44 to 41 with the potential to dispose of an additional two. This had ensured that the Council's fleet management operation was fit for purpose and had contributed to the Council's priority to reduce the carbon footprint of the Council's fleet (VS/A090).

Reference was also made to the Council's Fleet Management and Vehicle Maintenance Department with the success of the Council's Pool Car System anticipated to realise a saving of £150,000 per annum. The 'Big Fill' initiative had also successfully visited numerous Wards throughout the Vale repairing and filling pot holes to reduce liability claims and improve highways.

Flood reduction and alleviation schemes for high risk areas of the Vale had been implemented in accordance with the Flood and Water Management Act and six parks within the Vale of Glamorgan had been awarded coveted Green Flag by Wales' leading environment charity, Keep Wales Tidy. Slippage was reported in relation to six actions under Outcome 2 as detailed within the report.

In referring to the development of new performance reporting arrangements, a number of Working Groups had been established in December 2015 to consider the PMF developments with titles and remits of Scrutiny Committees being approved by Full Council on 27th April, 2016. Service Plans had also been reported to Scrutiny Committees and the Cabinet in May 2016.

Members were reminded that due to the changes to Scrutiny Committee remits from 1st May, 2016, the end of year report for 2015-16 would contain some performance information relating to activity that was previously scrutinised by the Scrutiny Committee (Economy and Environment) that was no longer within the remit of the newly formed Environment and Regeneration Scrutiny Committee and vice versa. For example, the Environment and Regeneration Scrutiny Committee would receive end of year performance information relating to Leisure Services which now formed part of the remit Healthy Living and Social Care Scrutiny Committee. By presenting the end of year performance to the Environment and Regeneration Scrutiny

Committee it would ensure that the Committee with knowledge and experience of the performance of the Leisure Service during the 2015/6 year concluded this work by scrutinising its end of year performance.

The Corporate Plan would also be monitored on a quarterly basis and an overall Corporate Health Report which would be reported to the Corporate Performance and Resources Scrutiny Committee. This would be supplemented by specific quarterly performance reports for each of the four Wellbeing Outcomes structured by the Wellbeing Objective. In the coming months the Scrutiny Committee Chairman, as a Member of the Working Group would be involved in developing the format of the quarterly performance reports including the basket of key measures that would be used to demonstrate the progress being made towards achieving the Council's Wellbeing Outcomes and Objectives.

In referring to target setting for 2016/17 it was noted that the Council had a long standing commitment to continuously improve the services it provided to citizens of the Vale but accepted that the severe reductions in public sector funding would inevitably impact on the availability of resources. External factors such as the wider economic environment would also bring into question the realism of continual improvement in service performance. However, having taken these factors into account the Council still sought to establish challenging but realistic targets that were commensurate with the available level of resource. The annual target setting process for 2016 had been aligned with the new Corporate Plan Wellbeing Outcomes and Appendix 2 of the report outlined the proposed targets for the Environment and Regeneration Scrutiny Committee.

In referring to VS/A076 – Tree Management System, following a request for a further report Members were advised that the implementation of the Tree Management Strategy had been delayed but an audit had been undertaken to consider how a Tree Management Strategy would be taken forward. Accepting that the issue of tree management was already in the Committee's work programme, reference was then made to the six parks that had been awarded Green Flag status and congratulations were requested to be extended to the relevant Department. The Cabinet Member for Visible, Leisure and Regulatory Services took the opportunity to inform the Committee that the Council was currently awaiting the results in relation to awards for the current year which were imminent. Members also considered that the Council should be more proactive in promoting its successes as there were many that should be highlighted and on a regular basis.

A Member referred to his disappointment in relation to the Welsh Government's stated method of collection for waste and the pressures being placed on Local Authorities. A further query raised related to the tracking equipment that was used on Council vehicles and whether any further information could be made available to assist the Council in its management of activities. The Head of Service, in response, stated that there was an outstanding report on Transport Savings to include Vehicle Telemetry which was due to be presented to Cabinet and Committee but further consideration was required before its submission.

Having considered the report it was subsequently

RECOMMENDED -

- (1) T H A T the Directorate's performance results and the progress made towards achieving key outcomes as outlined in the Corporate Plan 2013-17, the Outcome Agreement with Welsh Government 2013-16 and the Improvement Plan Part 1 2015-16 be noted.
- (2) T H A T the progress being made on developing the Council's Performance Management Framework be noted.
- (3) T H A T the proposed targets for 2016-17 aligned to Well-being Outcome 2, 'An Environmentally Responsible and Prosperous Vale' be endorsed and Cabinet informed accordingly.

Reasons for recommendations

- (1) To ensure the Council was effectively assessing its performance in line with the requirement to secure continuous improvement outlined in the Local Government Measure (Wales) 2009.
- (2) To apprise Members of the progress being made on developing the Council's Performance Management Framework.
- (3) To ensure that the Council reports a relevant set of performance indicators against which it can demonstrate achievement of its priorities and consistently sets challenging yet realistic performance improvement targets for those priorities in line with requirements under the Local Government (Wales) Measure 2009.

99 END OF YEAR PERFORMANCE REPORT 2015/16 AND TARGET SETTING FOR 2016/17 (DEH) –

As outlined in the previous agenda item and referred to in the report, Members were informed that the Council's Performance Management Framework was a mechanism for which its key priorities and targets were monitored and realised. Overall the Department of Development Services had achieved the majority of its priorities for 2015/16 i.e. 98% (44 of Service Plan actions) had been completed at the end of the year and of the 45 actions contained within the Service Plan slippage was reported against one.

In terms of the contribution made to achieving corporate priorities, the Directorate had completed 21 of its 22 actions against the Corporate Plan, with slippage reported for one action. The one action relating to the Improvement Objectives had been completed and the Directorate had no Outcome Agreement actions for which it was responsible. Of the 39 Performance Indicators reported at end of year, 27 (69%) had met or exceeded target, 7 (18%) were within 10% of target, 2 (5%) missed the target by more than 10%. The Public Protection element of the Directorate Service Plan would be reported separately to the Homes and Safe Communities Scrutiny Committee.

In referring to progress against service outcomes against Outcome 1 (Residents of the Vale live in safe, healthy, prosperous and sustainable communities) the department continued to actively involve residents in the future of their communities through the new Local Development Strategy, with Year 1 projects under the LEADER Strand of the Rural Development Plan successfully delivered. Through its work with communities in the Vale, the department was contributing to increasing local employment and economic activity in the Vale. It was also enhancing rural life and the tourism experience of the rural Vale. A large number of groups had also already expressed interest for the new Welsh Government Rural Development Community Fund and were being supported by the Council's Creative Rural Communities Team. (DS/A068) Improvements continued to be made to the Vale's town centres' as part of the Council's adopted framework. This had contributed to increased vitality of the Vale's town centres, offering businesses, residents and visitors an improved environment. (DS/A194)

The department also continued to work with Legacy Leisure and schools to increase participation in leisure activities across the Vale. The Vale was in the top three performing Councils in the Sport Wales School Sport Survey. Similarly the active adult survey showed the Vale to be the top best performing Council in Wales, in terms of the hooked on sport criteria. The Council remained the only Council in Wales not requiring a revenue subsidy to operate its Leisure Centres. Its work to increase opportunities for the disabled to participate in physical activity earned the Vale the Bronze award for InSport from Disability Sport Wales, the highest award available at the time. (DS/A007 and DS/A008) Barry Communities First continued to meet and supersede its targets, contributing to residents in identified areas of need being appropriately supported to improve their quality of life through improved health, access to employment and access to education.

Slippage was reported in relation to one action under Outcome 1:

DS/A082: The work with partners to enhance and regenerate the Penarth Esplanade and ensure sustainable and convenient links with the Town Centre and Penarth Haven had slipped due to the volume of work in Highways. This had been carried forward into the Visible Services and Transport for 2016/17.

Underperformance was reported in relation to one indicator aligned to Outcome 1. DS/M039: The Work Programme clients completing employment related courses had missed target as the programme had been scaled down. The overall reduction in unemployment levels had prompted a reduction in the programme and no new clients were being taken on after March 2016. Whilst the reduction in unemployed individuals was a positive story, it had resulted in a lower output.

Against Outcome 2 ('Development within the Vale is sustainable and the environment is protected and enhanced for current and future generations'), 2015 saw another successful year of events, not only during the Barry Island Weekender programme but also on a wider Vale basis, establishing the Vale of Glamorgan as a 'go-to' destination for events all year round.

A number of successful projects had also been undertaken during the previous 12 months including improvement works to Victoria Gardens and a major refurbishment of the George Street Play Area.

With regard to target setting for 2016/17, of 39 indicators aligned to the outcome, 28 were proposed to be collected in 2016-17 and 11 to be deleted. Of the proposed measures for 2016-17, 11 had set targets to improve on the previous year's performance, 3 had targets that had been set to remain the same when compared with the previous year, and 9 had set targets lower than the previous year's performance. Five measures did not have a target set. Of these, two were new measures for which baseline performance would be established during 2016-17.

Members were advised that final agreement on the format of the Quarterly Well-being Outcome and Objectives Reports would be sought via Cabinet in July prior to the reporting of quarter 1 performance in September 2016. This would include the final basket of performance indicators proposed to measure performance against each Well-being Objective and their associated targets. In addition to the consideration of the report and appendices by the Committee, the Member Working Group review of performance indicators and reporting formats would be instrumental in determining the final proposals made to Cabinet. Any new performance indicators agreed as part of this process would be set to establish baseline performance during 2016-17.

Following a query about how visitor numbers at Barry Island were measured, Members were informed that the figure related to an estimate of head counts at events which was a recognised formula used by tourism departments. A number of Members again agreed that the County needed to celebrate its successes, in particular referring to the vacancy rates which were reported as quite low with a view to this information being advertised more widely.

The Cabinet Member for Regeneration and Education, following permission to speak, referred to the Barry Regeneration Forum and that the Council would shortly be receiving an annual report of its work. The Council had also recently appointed a Town Centre Manager to support Town Centres and the Cabinet Member made reference to the number of successful events that had taken place, particularly referring to the Beats and Treats event that had recently taken place on Barry Island.

Having considered the report it was subsequently

RECOMMENDED -

(1) T H A T the Directorate's performance results and the progress made towards achieving key outcomes as outlined in the Corporate Plan 2013-17, the Outcome Agreement with Welsh Government 2013-16 and the Improvement Plan Part 1 2015-16 be noted.

(2) T H A T the progress being made on developing the Council's Performance Management Framework be noted.

(3) T H A T the proposed targets for 2016-17 aligned to the Well-being Outcome, 'An Environmentally Responsible and Prosperous Vale' be endorsed and Cabinet informed accordingly.

Reasons for recommendations

(1) To ensure the Council was effectively assessing its performance in line with the requirement to secure continuous improvement outlined in the Local Government Measure (Wales) 2009.

(2) To apprise Members of the progress being made on developing the Council's Performance Management Framework.

(3) To ensure the Council reports a relevant set of performance indicators against which it can demonstrate achievement of its priorities and consistently sets challenging yet realistic performance improvement targets for those priorities in line with requirements under the Local Government (Wales) Measure 2009.

100 VALE OF GLAMORGAN GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT MAY 2016 -

The Chairman, prior to the report being presented, advised all present of the procedure that she would follow in considering the report that evening. The Chairman also advised Committee that she had received a Call-In on the matter, which she had refused on the basis that the matter had already been referred by Cabinet for consideration to the Committee and placed on the agenda. The referral from the Cabinet meeting on 6th June, 2016 had subsequently been forwarded to all Members of the Scrutiny Committee in order that the reference could be considered in conjunction with the report which had been circulated within the agenda.

The report to Cabinet had updated on matters relating to Gypsy and Traveller accommodation that had emerged as a result of the ongoing Local Development Plan process with approval being sought for a suggested way forward and for the adoption of the Vale of Glamorgan Gypsy and Traveller Accommodation Assessment (GTAA) May 2016 attached at Appendix 1 to the report. The Principal Appeals and Planning Enforcement Officer advised Committee that an assessment of Gypsy and Traveller accommodation needs, and the duty to make provision for Gypsy and Traveller sites where the Assessment identified unmet need, became statutory requirements under Section 103 of the Housing (Wales) Act 2014. Cabinet had also been apprised of the requirement to undertake a GTAA on 27th July, 2015 (Cabinet minute C2877 refers) and of the work of the GTAA Steering Group in the Vale of Glamorgan and recommended that a further Cabinet report be submitted outlining the outcome of the Assessment prior to its submission to Welsh Government.

The GTAA informed the draft Local Development Plan (LDP) for the Vale of Glamorgan. Welsh Government Guidance required Local Planning Authorities to accommodate any unmet need identified in their area within the Development Plan. The LDP was being considered at the Examination in Public and sessions were held

between January and April this year. The Council was working on Action Points arising from those sessions with a view to preparing a Matters Arising Changes (MAC) Schedule for public consultation later this year. The LDP for the Vale of Glamorgan contained a specific policy (MG5) to allocate a new Gypsy and Traveller site at Hayes Road, Sully. The allocation was proposed as a response to the unmet need identified in the 2013 GTAA.

At the LDP hearing session held on 22nd March, 2016, the Inspector was advised that a new GTAA was in the process of being prepared in accordance with section 101 of the Housing (Wales) Act 2014. This resulted in the Inspector making the following action point:

- “Action Point 2: Council to submit the updated Gypsy and Traveller Accommodation Needs Assessment (currently being prepared). The Council should also submit a Position Paper outlining the implications for the Plan, including how the needs of permanent, transit and traveling show people should be addressed within the Plan - identifying new allocations if necessary. Also include monitoring indicators within the Plan as necessary.”

The Inspector required the final version of the document, once published, together with an explanation of the implications of the result of the Assessment and how the Council proposed to address the need identified in the final version of the Assessment. The Inspector confirmed that he would give the new assessment ‘substantial weight’.

In addition to the above, due to a flooding constraint affecting the Hayes Road Site that the Inspector considered could not be overcome or mitigated, he also directed the following action point:

- “Action Point 5: In light of C2 flooding constraints, delete “Hayes Road, Sully” as a Gypsy and Traveller allocation. Council to provide an update as to how it wishes to address the resulting shortfall within the Plan (including any additional need identified under Action Point 2 above).”

The Inspector had also considered the Council's duty under section 103 of the Housing (Wales) Act 2014, which required Local Housing Authorities to meet any unmet need identified in an approved Assessment. In view of this duty, the Inspector was of the view that the Plan was unlikely to be found sound should the Plan not allocate sufficient land to accommodate any need identified in the new GTAA.

The Current Draft version of the new GTAA (attached at Appendix 1 to the report) identified a total of 19 Gypsy and Traveller families living in the Vale of Glamorgan, which included one family at Llangan, one family at Twyn Yr Odyn, Wenvoe, and 17 on the Hayes Road site in Sully. Whilst there was one vacant authorised permanent private residential pitch in the Vale of Glamorgan, it was not currently available for rent or sale. Accordingly, there were currently no authorised sites within the Vale of Glamorgan that could accommodate any of the 19 families identified.

The land at Hayes Road, Sully was owned by the Council and since January 2012 had been an unauthorised Gypsy and Traveller site, occupied by New Age Travellers

and Travelling Show People. During the consultation period for the new GTAA, discussions were undertaken with twelve occupants of the site by Tai Pawb, a specialist organisation that was set up to promote equality in housing. During the discussions the occupants made it very clear that they would not live on a Gypsy and Traveller site that met the requirements of the Welsh Government Guidance 'Designing Gypsy and Traveller Sites, May 2015'. Their requirement was for a piece of land that they could self-manage and self-design.

Chapter 5 of the Welsh Government GTAA Guidance, set out how Local Authorities should consider meeting their unmet need identified in the Assessment. Three options for meeting the need were set out in the guidance, one of which encouraged the Local Authority 'working proactively with Gypsy or Traveller households to develop a more community led approach such as a Community Land Trust (CLT)' (paragraph 240). The Guidance also stated that such an approach 'may be more attractive than living on Local Authority sites to certain communities, for example, New Travellers' (paragraph 245).

In undertaking the GTAA, regard was given to the Welsh Government GTAA Guidance, which advised at paragraph 146 as follows:

“146. Local Authorities should not include households on ‘tolerated’ sites within current residential supply unless the site has been provided with assurances that no planning enforcement action will be taken against the site within the subsequent 5 year period.”

Given, the situation that existed at Hayes Road, careful regard had been paid to the most appropriate way forward. The report was mindful of the need to progress the LDP, a key strategic document, as well as the need to provide a realistic and appropriate site for Gypsy and Travellers, which would require meaningful engagement with the travellers currently occupying the Hayes Road site. In addition, the lack of a readily alternative site meant that the prospect of success in seeking the eviction of travellers from the Hayes Road site was low. In accordance with the above guidance, the report proposed that Cabinet agree to issue the occupiers of the Hayes Road, Sully site with written assurance that no planning enforcement action would be pursued against the residential use of the site within the subsequent five years from the date of the letter. This would allow the Council the opportunity to work with the travellers to identify a new site, within the spirit of the advice contained within the Welsh Government GTAA Guidance.

Notwithstanding the above, the Council's obligation under the Welsh Government Guidance in Circular 30/2007 on 'Planning for Gypsy and Traveller Sites' would still remain, which was to accommodate the needs of Gypsies and Travellers over the Development Plan Period (i.e. beyond the five years of the draft GTAA). As such, it was proposed that the Llangan site was allocated in the LDP as the Gypsy and Traveller allocation for two pitches, formally accommodating the need identified on the Llangan site itself and the Wenvoe site (following the expiry of the temporary planning permission, and in the event that no further planning permission was either sought or obtained).

The GTAA further indicated that there was not a need for the Council to provide a transit site in the Vale of Glamorgan at this time, but recommended that it continued to monitor the number of unauthorised encampments and gave consideration to the use of short term toleration or Negotiated Stopping Arrangements to deal with short term transient stops.

In light of the included evidence and background, the report's recommendations sought to satisfy the Council's duties as Housing and Local Planning Authority in respect of Gypsy and Traveller accommodation needs in the Vale of Glamorgan and comply with the requirement of the LDP Inspector's requirements.

At its meeting on 6th June, 2016 Cabinet made the following resolutions:

- T H A T the situation in respect of the Local Development Plan (LDP) concerning the allocation of a Gypsy and Traveller site be noted.
- T H A T the suggested approach detailed in the report, that the Head of Regeneration and Planning issue a letter to the travellers currently occupying the unauthorised site at Hayes Road, Sully to provide them with the assurance that no planning enforcement action will be pursued against their residential use of the site within the subsequent five year period from the date of the letter, be endorsed.
- T H A T subject to resolution 2 above, the Council continue to work with the occupants of the unauthorised site at Hayes Road, Sully to come to a mutually agreeable resolution to find a site that will meet their needs.
- T H A T subject to resolution 2 above, the Vale of Glamorgan Gypsy and Traveller Accommodation Assessment, May 2016 attached at Appendix 1 to the report be adopted.
- T H A T the report be referred to the Homes and Safe Communities Scrutiny Committee, the Environment and Regeneration Scrutiny Committee and the Project Steering Group for consideration, and to the Planning Committee for noting.

The Principal Officer for Planning Enforcement, in outlining the report to the Scrutiny Committee, advised that the Llangan site had not been included in the previous assessment as guidance had changed since that time, during the consultation and the preparation of the new Assessment. She further advised Members that Hayes Road residents had also been consulted who had said that they would not be happy on a managed site. As a result, in light of these needs and having considered the Welsh Government guidance, the Council was proposing an alternative approach to dealing with such matters. The Council proposed to provide the occupiers of the Hayes road site with the assurance that no planning enforcement action would be pursued within five years and to work with them to meet their needs. The Planning Inspector would also want to take assurances as to what the Council proposes in the meantime and that an alternative site be found.

Councillor Penrose, who had also sought permission to speak prior to the meeting, was granted permission by the Committee and commenced by advising that in his view the Vale of Glamorgan Council had always portrayed itself as a responsible Local Authority that catered for the legislative requirements of all minority groups and individuals and adhered to Government policy. However, in his view, this had not been the case with regard to the Gypsy and Traveller community in the Vale of Glamorgan. He stated that the Travellers who had been illegally camped at Hayes Road, Sully since 1st January 2012 and previously illegally camped at the Billy Banks, Penarth for several years because the Authority had failed to meet legislative requirements in not providing a permanent Gypsy / travellers site in the Vale of Glamorgan over a period of seven years. He further advised that on 9th October, 2012 he had made a Request for Consideration on the very subject stating that the illegal travellers were occupying an unsuitable and unsafe site at Hayes Road, Sully because of the Authority's failure to establish a permanent site. When considering the LDP in 2013, the Authority then proposed that the site become a Candidate Site. However, in his view they had ignored or overlooked the fact that the site was located on a C2 Flood Plain and, as such, was not suitable for any form of residential development which he stated had been pointed out to officers by the locally Elected Members. The Planning Inspector had, at the LDP Hearing in 2016, stated the site was not acceptable for any residential development and because the Authority had no alternative acceptable site, the Council was now being requested by officers to write to the Travellers illegally occupying the Hayes Road site and inform them that the Council would not take any planning enforcement action against them for the next five years whilst officers tried to find an alternative site which was estimated could take about two years.

The reasons why Councillor Penrose considered the Council should not write a letter were noted as follows:

- The site in question had been designated unsafe by Welsh Government, Natural Resources Wales (as per the attached letter) and of course the Planning Inspector, accordingly we as an Authority have a 'duty of care' to all the occupants of this site and cannot be knowingly be seen to 'turn a blind eye' to these health and safety issues.
- Sending such a letter would also indicate a legitimisation of illegal occupation of an authority owned site.
- Why does a period of five years need to be stated if the letter was sent when our officers indicate that they need two years
- Why do our officers need to take two years when we have at least two option sites we could implement virtually immediately, namely Llangan and the Alps.
- In the interim why can't the Authority contact nearby Authorities for temporary accommodation for these Travellers.

In referring to the ORS Ltd Vale of Glamorgan Gypsy and Traveller Accommodation Assessment May 2016, he further advised that at the LDP Hearing officers had admitted that it had originally been submitted in inaccurate draft form to Welsh Government purely and simply to meet the deadline date criteria. Councillor Penrose further stated that in considering the content of this document he wished to point out several weaknesses:

- The report admitted that no contact had ever been made with the illegal Travellers at Hayes Road, Sully, mentioning vague contact via third party, and only really guesstimates the number of families as 17.
- The report stated that there were Fairground Travellers at Hayes Road.
- ORS quoted by Marcus Goldsworthy as stating they were not sure the occupants of Hayes Road site were really Travellers.
- Report stated that the Travellers at Hayes Road had formally stated through a third party that they would not move on to a permanent organised site.
- No contact had ever been made with any Gypsy / Travellers in bricks and mortar.
- At the LDP Hearing No. 16, our officers stated that the original Gypsy and Traveller Accommodation Assessment submitted to Welsh Government was an inaccurate draft submitted purely to meet deadlines?.

Councillor Penrose, in conclusion, asked the Committee to consider:

- that the Vale of Glamorgan does not write any letters to the Travellers illegally occupying the Hayes Road site;
- the Vale of Glamorgan establish that the Travellers illegally occupying the site are in fact bone-fide Travellers as defined in Legislation;
- the Vale of Glamorgan immediately establishes a safe temporary location for the Travellers on a Council owned site;
- that the Vale of Glamorgan Council accelerate its officers' efforts to establish a location of a permanent Gypsy / Traveller site and
- that via its officers, the GTAA Steering Group, Scrutiny Committee and Cabinet reanalyse the accuracy and completeness of the Vale of Glamorgan Gypsy and Traveller Accommodation Assessment draft final report May 2016.

Councillor Mahoney, not a Member of the Committee, was also then afforded the opportunity to speak and commenced by advising that both Councillor Penrose and himself had been pointing out for over four years the fact that the approach to the site was a C2 Flood Zone. He also asked why the Council would want to, under any circumstances, give anyone an unauthorised illegal site. His concern, he stated, was that the Gypsies and Travellers could hold the Council to ransom for five years if the letter was sent. He also stated that the Council had never spoken to the Travellers on the site and, in his view, if they did not wish to speak to the Authority or wish to remain on a managed site then the Council should reconsider its decision. In referring to the ORS assessment he thought that this was complete guesswork.

The Head of Service, in response to the points raised by Councillors Penrose and Mahoney, advised that the access to the site was noted as a C2 Flood Plain but that Natural Resources Wales had advised in writing that they would not seek a change in the LDP. With regard to the issue of contamination, that issue only applied when there was an application for planning permission and would be an issue for Environmental Health to consider. In relation to enforcement, the Council would also not be able to take enforcement on its own land. With regard to the issue of Gypsy and Travellers, the previous guidance prior to 2015 was not specific about particular Travellers. However, the new Legislation was quite different and this guidance had changed since the deposit of the first LDP Plan.

The Gypsy and Traveller community at Hayes Road were, and continued to be, very reluctant to speak to any official and as such the consultants that were used to undertake the GTAA Assessment had utilised other sources to talk to the Travellers. The new guidance also required the Authority to work with Traveller groups to provide favourable sites, with the Head of Service advising that it would not be appropriate for the Council to develop a site if the Travellers would then not wish to reside upon it. The Council needed to work with the Traveller Groups and was duty bound to provide a permanent site.

Following the presentation of representations, Members of the Committee subsequently considered the report in detail. It was noted that the definition of Gypsy and Travellers for the purpose of the Accommodation Assessment had been duly outlined in paragraph 3 of the report. Members also concurred with the Managing Director who stated that the issue at hand was to work within the current guidance and that the definition of New Travellers that had emerged was quite broad. Aware that the site had also been a Civic Amenity Site, Members agreed that there would have been strict conditions imposed as a result because of the licence required. The Head of Service also stated that if Natural Resources Wales had been present at the LDP hearing, a significant amount of the Planning Inspector's concerns would have been able to be addressed by them.

Members, in further discussing the report, considered that it outlined the background, the relevant issues and options and significantly detailed the GTAA Assessment that had taken place and the timetable that the Council would adopt to meet its requirements for Gypsies and Travellers in the Vale of Glamorgan over the next five years. The report also referred to establishing a multi-departmental Council Working Group to include the following representatives:

- Director
- G and T Liaison Officer or organisation
- Housing
- Planning
- Visible Services
- Project Management
- Representatives of the Hayes Road occupiers.

The timetable that the Council would need to adopt to meet the requirement was included in a table at paragraph 21 of the report detailed a conclusion date of May 2018.

All Members of Committee felt that the Council was duly considering its legal requirements in order to establish a way forward for the future. They concurred that engagement with the Travellers was important, noting that the Housing Department had undertaken a number of welfare checks and had worked with the organisation Tai Pawb in liaising with the Travellers.

With further regard to the suggestion of contaminated land, Members were informed that the site would only be an issue if it was used for agriculture.

Following a request from a Member as to the legal viewpoint on the report, the Head of Legal Services informed the Committee that she had considered the report prior to its presentation to Cabinet and had been comfortable with the recommendation that had been forward. Counsel opinion had also been sought and her view had therefore not changed.

A Member also considered that the C2 Flood Plain issue had been misleading as the Council had relied on the endorsement of Natural Resources Wales.

The Cabinet Member for Regeneration and Education, with permission to speak, stated that the matter was a hugely complicated topic and that there were many areas that needed to be joined up, namely policy guidance and statutory duties as well as the need to agree an LDP. She was also concerned that the Council's duty of care was raised as an issue when it could be noted that if the issue was not resolved the Council could be rendering several families homeless. The Cabinet Member also took the opportunity to relay the Council's commitment to work with the Gypsy / Traveller community in order to find a solution.

Prior to considering any recommendations, having carefully considered the report and acknowledging the robust Scrutiny undertaken by Members of the Committee, the Chairman, in conclusion, requested that copies of the maps relating to the area be made available to Members of the Homes and Safe Communities Scrutiny Committee for the meeting the following evening when a Call-In from Councillor Penrose and the report were to be considered. At this stage the Chairman also sought clarity in relation to the Cabinet decision that 'No Planning Enforcement action will be pursued against the residential use of the site within the subsequent five year period from the date of the letter.' Her concern related to the fact that whilst the written confirmation would seek to give occupants assurance that enforcement action would not be taken for five years, it was envisaged that the situation could be resolved within two years.

The Managing Director, in response, advised that the five year period was statutory to ensure compliance with Welsh Government GTAA Guidance but would need to make progress in identifying a suitable site as required by the Planning Inspector and as detailed in the timetable outlined at paragraph 21 of the report.

Following the above explanation from the Managing Director, there being no further questions from the Committee it was unanimously

RECOMMENDED -

- (1) T H A T the Resolutions of Cabinet be endorsed.
- (2) T H A T officers be thanked for the work that had been done to date, for their thoroughness in the report presented and for the answers to the robust scrutiny at the meeting which had instilled great confidence in the Committee in relation to the work of the Directorate.

Reasons for recommendations

- (1) Having considered the evidence presented, the representations made and following robust scrutiny.
- (2) In recognition of the work that had been undertaken to date and the responses to questions at the meeting.