

GRT 11

Ymgynghoriad ar ddarparu safleoedd ar gyfer cymunedau Sipsiwn, Roma a Theithwyr

Consultation on the provision of sites for Gypsy, Roma and Travellers

Ymateb gan: Cymdeithas Llywodraeth Leol Cymru

Response from: Welsh Local Government Association



WLGA Briefing

20 May 2022

Submission to the Local Government & Housing Committee at the Welsh Parliament in its inquiry into the provision of sites for Gypsy, Roma and Travellers

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The Welsh Local Government Association (WLGA); is a politically led cross party organisation that seeks to give local government a strong voice at a national level. The Association represents the interests of local government and promotes local democracy in Wales. The 22 councils in Wales are all members of the WLGA and the 3 fire and rescue authorities and 3 national park authorities are associate members.

We believe that the ideas that change people's lives, happen locally

Communities are at their best when they feel connected to their councils through local democracy. By championing, facilitating, and achieving these connections, we can build a vibrant local democracy that allows sustainable communities to thrive.

The main aim of the Association is to promote, protect, support and develop democratic local government and the interests of councils in Wales.

This means:

- Promoting the role and prominence of councillors and council leaders
- Ensuring maximum local discretion in legislation or statutory guidance
- Championing and securing long-term and sustainable funding for councils
- Promoting sector-led improvement
- Encouraging a vibrant local democracy, promoting greater diversity
- Supporting councils to effectively manage their workforce.

Context

The committee will be aware that the Local Government Elections took place on the 5th May. This has implications for this submission in that it has been conducted during

“Mae'r ddogfen yma ar gael yn Gymraeg. This document is available in Welsh.”



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the election period and the WLGA will not have any Political Spokespeople in place until our member councils determine their Leadership and the WLGA has its AGM on 24th June.

This means that this submission has not had the usual political endorsement and that the WLGA will not be able to provide a political Spokesperson to provide oral evidence on the 9th June.

It should also be noted that the WLGA plays a limited role in planning policy matters, and does not routinely get involved in operational issues within Local Planning Authorities (LPAs) and do not provide guidance or collect specific data/information on this particular issue.

Provision of sites for Gypsy, Roma and Travellers

The Welsh Government guidance on conducting Gypsy and Traveller Accommodation Assessments (GTAAAs) is generally welcomed by LPAs, however, challenges still persist in terms of making transit, and particularly residential sites more culturally appropriate to the needs to Gypsy, Roma and Travellers.

LPAs have highlighted the ‘mismatch’ that frequently exists between where Gypsy, Roma and Traveller communities would like to live, and where guidance says sites should be developed to meet Welsh Government standards. In many instances this has resulted in existing sites being oversubscribed, and a slow rate of pitch turn-over has meant that many young Gypsy, Roma and Travellers have been unable to move out of their family caravan/trailers, or that family units will need to be split up over a wider geographical area to find appropriate accommodation.

The increased use of pre-planning advice services has facilitated local authority engagement with Gypsy, Roma and Travellers communities, and has also helped many Gypsy, Roma and Travellers families across Wales make more informed decisions about how the planning system works, and where approval for planning permission may be challenging. Feedback suggests advice, advocacy and support services, both within councils and through partners such as Travelling Ahead and Gypsies Travellers Wales, is vital in supporting Gypsy, Roma and Travellers who are considering purchasing private land or submitting planning applications.

The Welsh Government, through the draft Race Equality Action Plan published in 2021 has outlined a goal to that “safe, culturally appropriate accommodation is necessary in order for individuals to flourish in other parts of their lives and to address the lack of site provision and poor quality of Gypsy and Traveller accommodation in Wales.” Through the Plan, Welsh Government recognises a need to ‘review the current funding policy for Gypsy and Traveller sites and assess its effectiveness, with a view to piloting additional or new ways of funding site provision, including support for private sites...[and]...to re-draft the Sites Guidance to ensure that the design and location needs of communities are better reflected’. This is welcome as annual compliance checks help ensure that GTAAAs are being implemented, however, the guidance could



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clarify and encourage greater consistency around the online caravan count system and definition of short and long term encampments.

The Welsh Government also commits to welcome support for local authorities, individually and regionally, around the provision of transit sites in North and South Wales. The Plan also proposes a national network of transit provision to facilitate travelling life, with consideration for negotiated stopping, as appropriate within 5 years. These proposals are welcome, however, the timetables may need to be accelerated, notably the 'network of transit provision', given the expected implications of the Police, Crime, Sentencing and Courts Bill (see below)

Impact of Covid

The Committee are aware of the impact of Covid on local authority services. The difficulty in fulfilling statutory engagement and consultation has meant that several Local Development Plans (LDPs) are paused as the plans would not be considered robust at inquiry. Whilst we have no specific evidence it seems likely that there will have been an impact in terms of the provision of sites for Gypsy, Roma, Travellers.

Engagement

As the Public Accounts Committee highlighted in their inquiry 2 years ago on the back of the Wales Audit Office report into planning services, public engagement in general with the planning system remains a challenge. Understandably there is a lack of knowledge within the wider public about the role and purpose of planning, what LDP's and Strategic Development Plans (SDP's) do, and what Future Wales means for people's lives.

While many local planning authorities have taken proactive steps to engage with Gypsy, Roma and Traveller communities, including providing pre-planning advice and support, there is also a lack of understanding of the LDP and SDP process within sections of the Gypsy, Roma and Traveller community too. Moreover, the planning and enforcement disputes that sometimes arise between local communities, planning authorities and some Gypsy, Roma and Traveller groups, can undermine relationships and can lead to feelings of distrust.

Indeed, the nature of the LDP process is that it entails a significant amount of front-loaded evidence gathering, synthesis of national policy into local circumstance and a range of statutory requirements. The production of draft policies/strategies rarely engage the wider public until it becomes apparent what the impact on their locality and their lives will be. Again, this is understandable but often breeds frustration at the ability to influence the outcome at this point in the process.

The public often focus on the impact on their community and are frustrated because the planning system is also aiming to meet wider needs/issues on a county wide basis. Different stakeholders also clearly have very different ambitions and seek different



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outcomes that the LPA must balance with the range of evidence and material considerations. Often this results in dissatisfaction that the LPA are not addressing a specific concern properly when in reality they are having to weigh a range of issues and legislative requirements.

The challenge here is to find a way to engage meaningfully with the public on issues that routinely matter a great deal to them at a point at which there is greater influence on the potential outcomes, and to do this in ways that engage all sectors of communities and not just the well-resourced and well organised interest groups. This is a challenge that will require new expertise and additional resources that is not currently available at a national and local level. There are emerging opportunities as the concept of place making makes the impact of planning real for the public and the resources that will begin to amass to deliver SDP's may encourage greater sharing of notable practice. However, it should also be noted that much of this expertise needed for SDPs at a regional level will be drawn up from LPA's further diminishing their capability.

SDPs have also been identified as the vehicle for cross boundary working on Gypsy and Traveller provision, and so perhaps it will have to wait until the key stages of that plan preparation have commenced before assessing how effective a regional approach is.

Capacity and Skills

One issue which is discussed on a regular basis within the Planning Officers Society Wales and raised often by the RTPI is one of capacity and skills. Again, the WAO report made clear that reduction in LPA resources since 2008 has been substantial. This is not something that councils have done lightly but the need to keep vital front-line services going against the backdrop of reducing overall budgets has necessitated this.

The relatively more attractive pay and conditions within the private sector has also led to an outflow of more experienced planners. It is apparent that morale within public sector planners is low due to often personal attacks on their professionalism and integrity.

The Planning Officers Society Wales (POSW) are keen to explore the potential for apprenticeships within LPA's to allow a greater flow of trained staff through the organisation, perhaps with potential to experience work across the public sector within WG, within CJC's and LPA's. A more defined career structure and progression would also allow a greater retention of expertise in the public sector. Allied to this is a need to ensure that the training framework for planners remains relevant and pertinent to Wales.

This challenge will grow as the system diverges from England over time. This would require further development to ensure that training providers are on board and that the



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funding regime through the apprenticeship levy would allow this. If not, then another source of funding would be required.

However, LPA have also highlighted the usefulness of third-party organisations, such as Travelling Ahead, or a dedicated Gypsy, Roma and Travellers liaison officer, in providing advice and support bridging the capacity and skills gap that exists when working within the Gypsy, Roma and Travellers community.

Funding Issues

The issue of funding local planning services has been a matter of debate for quite some time with Welsh Government commissioning work to determine what the concept of 'full cost recovery' would mean in terms of planning fees. It is clear from this work that whilst planning fees should not pay for the whole planning system as everyone benefits from the strategic planning element of the service, that the income from planning fees does not come close in most LPA's to pay for the costs of the development management system.

This also means that LPA's are vulnerable to economic downturns such as post 2008 where fee paying applications drop and therefore income drops meaning that any cuts are magnified. Of course, services must prove they are efficient and effective as part of this debate. It seems likely that any inefficiencies may now be the result of underfunding rather than wasteful practice.

It is the WLGA's position that until a fee structure is brought in that reflects the full costs of providing the service to applicants then there will always be problems. It is our understanding that Welsh Government are currently supportive of tackling this issue, but that primary legislation is required. This change would also have the benefit of allowing for systematic annual increases in fees in line with inflation.

The Welsh Government's Race Equality Action Plan proposes that the Welsh Government, within 3 years, will pilot additional or new ways of funding permanent site provision and explore the potential for a mobile home rental scheme run through social housing in order to improve quality and cost of rental provision in Wales.

Inspection of the draft LDP at Inquiry

A considerable check and balance in the LDP system is the independent review of the draft plan before it can be approved. As the development manual issued by Welsh Government states;

The role of the appointed Inspector is to carry out an independent assessment of the overall soundness of the plan and that it satisfies the statutory requirements for its preparation. The Inspector's role is not to improve the LDP but to make recommendations to ensure it is sound. This means dealing with the main issues which go to the heart of the LDP and not getting involved with the details of the plan unless this is necessary to conclude on the Plan's soundness.



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Consequently, this process should also be an opportunity to review the type of questions that have been raised by the committee and it may be useful to hear the Planning Inspectorates (Planning and Environment Decisions Wales (PEDW) view on how they would treat these issues at Inquiry.

On transit accommodation specifically, LPAs have highlighted that challenges remain in reviewing and coordinating transit accommodation on a regional level, as the allocation of sites remains at the LDP level. The differing periods of review within a region means that the provision of transit accommodation is difficult if one authority is not due to review their plan for many years.

The allocation of sites at a local scale may also mean that sites are located in close proximity and this wouldn't be of an advantage to the user nor a sustainable use of resources.

Police, Crime, Sentencing and Courts Act 2022

The WLGA are liaising with the LGA on this UK legislation. Clearly there are significant implications for any type of protest/gathering but also potential for it to be used in a range of other circumstances.

The new law allows senior police officers to give directions imposing conditions on those organising or taking part in either a procession or static assembly that the police decide are necessary to prevent "disorder, damage, disruption, impact or intimidation".

The aspect of defining a 'serious disruption to the life of the community' is wide ranging and has potential unintended consequences. As with any legislation until it is fully tested in the courts it is difficult to foresee the range of issues that might arise but there is potential to be relevant to this review.

However, LPA officers have suggested that the Bill, if enacted, will have significant implications for Gypsy, Roma and Travellers and will impact on local authorities' relationships with Gypsy, Roma and Travellers, particularly conducting welfare assessments and engaging with, advising and supporting occupants of unauthorised encampments which may become more challenging if people are fearful of the consequences of trespass being a criminal offence or the police and local authorities changing enforcement role. The Bill will encourage local authorities to ensure sufficient stopping places are implemented and enhance capacity for transit sites.