

# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
Brynbuga

Dydd Mawrth, 29 Rhagfyr 2020

Dear Cyngorwyr,

## CABINET

Gofynnir i chi fynychu cyfarfod **Cabinet** a gynhelir yn **Steve Greenslade Room, County Hall, Usk** ar **Dydd Mercher, 6ed Ionawr, 2021**, am **2.00 pm**.

## AGENDA

1. Ymddiheuriadau am absenoldeb
2. Datganiadau o Fuddiant
3. I ystyried yr adroddiadau canlynol (copïau ynghlwm):
  - i. **MONITRO REFENIW A CHYFALAF 2020/21** 1 - 42  
Adrannau/Wardiau yr effeithir arnynt: Y cyfan  
  
Diben: Rhoi rhagolwg i Aelodau o sefyllfa all-dro refeniw a chyfalaf ar gyfer y flwyddyn ariannol bresennol.  
  
Rhoi diweddariad ar effaith ariannol COVID-19 ar y Cyngor.  
  
Awdur: Peter Davies, Prif Swyddog Adnoddau  
-  
Manylion Cyswllt: peterdavies@monmouthshire.gov.uk
  - i. **DEDDF RHEOLEIDDIO PWERAU YMCHWILIADOL 2000 (RIPA)** 43 - 68  
Adrannau/Wardiau yr effeithir arnynt: Y cyfan  
  
Diben: Gofynnir i'r Cabinet gymeradwyo polisi RIPA Cyngor Sir Fynwy.  
Gofynnir i'r Cabinet nodi Aroddiad Arolygu diweddar IPCO.  
  
Awdur: Matt Phillips SRO RIPA Pennaeth y Gyfraith a Swyddog Monitro  
  
Manylion Cyswllt: matthewphillips@monmouthshire.gov.uk
  - i. **ASESIAD LLETY SIPSIWN A THEITHWYR** 69 - 122  
Adrannau/Wardiau yr effeithir arnynt: Y cyfan  
  
Diben: Gofyn i'r Cabinet fabwysiadu Asesiad Llety Sipsiwn a Theithwyr

2021-2026 yn rhoi manylion anghenion llety Sipsiwn a Theithwyr yn Sir Fynwy.

Ceisio cymeradwyaeth am ei gyflwyno i Lywodraeth Cymru.

Awdur: Stephen Griffiths, Swyddog Strategaeth a Pholisi (Tai a Chymunedau)

-  
Manylion Cyswllt: [stephengriffiths@monmouthshire.gov.uk](mailto:stephengriffiths@monmouthshire.gov.uk)

Yours sincerely,

**Paul Matthews**  
**Chief Executive**

**PORTFFOLIOS CABINET**

<b>Cynghorydd Sir</b>	<b>Maes Cyfrifoldeb</b>	<b>Gwaith Partneriaeth ac Allanol</b>	<b>Ward</b>
P.A. Fox (Arweinydd)	<b>Strategaeth a Chyfeiriad Awdurdod Cyfan</b> CCR Cyd Gabinet a Datblygu Rhanbarthol; Trosolwg Sefydliad; Gweithio Rhanbarthol; Cysylltiadau Llywodraeth; Bwrdd Gwasanaethau Cyhoeddus; WLGA	Cyngor WLGA WLGA Bwrdd Cydlynu Gwasanaethau Cyhoeddus	Porthysgewin
R.J.W. Greenland (Dirprwy Arweinydd)	<b>Menter</b> Cynllunio Defnydd Tir; Datblygu Economaidd; Twristiaeth; Rheoli Datblygu; Rheoli Adeiladu; Tai a Digartrefedd; Hamdden; Ieuencid; Addysg Oedolion; Addysg Awyr Agored; Hybiau Cymunedol; Gwasanaethau Diwylliannol	Cyngor WLGA Twristiaeth Rhanbarth y Brifddinas	Devauden
P. Jordan	<b>Llywodraethiant</b> Cefnogaeth y Cyngor a Phenderfyniadau Gweithrediaeth; Craffu; Safonau Pwyllgor Rheoleiddiol; Llywodraethiant Cymunedol; Cefnogaeth Aelodaeth; Etholiadau; Hyrwyddo Democratiaeth ac Ymgysylltu: Y Gyfraith; Moeseg a Safonau; Perfformiad Awdurdod Cyfan; Cynllunio a Gwerthuso Gwasanaeth Awdurdod Cyfan; Cydlynu Corff Rheoleiddiol		Cantref
R. John	<b>Plant a Phobl Ifanc</b> Safonau Ysgolion; Gwella Ysgolion; Llywodraethiant Ysgolion; Trosolwg EAS; Blynyddoedd Cynnar; Anghenion Dysgu Ychwanegol; Cynhwysiant; Cwricwlwm Estynedig; Derbyniadau; Dalgylchoedd; Cynnig Ôl-16; Cydlynu gyda Choleg Gwent.	Cyd Grŵp Addysg (EAS) CBAC	Llanfihangel Troddi
P. Jones	<b>Gofal Cymdeithasol, Diogelu ac Iechyd</b> Plant; Oedolion; Maethu a Mabwysiadu; Gwasanaeth Troseddu Ieuencid; Cefnogi Pobl; Diogelu Awdurdod Cyfan (Plant ac Oedolion); Anableddau; Iechyd Meddwl; Iechyd Cyhoeddus; Cydlynu Iechyd.		Rhaglan
P. Murphy	<b>Adnoddau</b> Cyllid; Technoleg Gwybodaeth (SRS); Adnoddau Dynol; Hyfforddiant; Iechyd a Diogelwch; Cynllunio Argyfwng; Caffaeliad; Archwilio; Tir ac Adeiladau (yn cynnwys Stadau, Mynwentydd, Rhandiroedd, Ffermydd); Cynnal a Chadw Eiddo; Swyddfa Ddigidol; Swyddfa Fasnachol	Consortium Prynu Prosiect Gwyrdd Cymru	Caerwent

S.B. Jones	<b>Gweithrediadau Sir</b> Cynnal a Chadw Priffyrdd, Rheoli Trafnidiaeth, Traffig a Rhwydwaith, Rheolaeth Stad; Gwastraff yn cynnwys Ailgylchu; Cyfleusterau Cyhoeddus; Meysydd Parcio; Parciau a Gofodau Agored; Glanhau; Cefn Gwlad; Tirluniau a Bioamrywiaeth; Risg Llifogydd.	SEWTA Prosiect Gwyrdd	Goetre Fawr
S. Jones	<b>Cyfiawnder Cymdeithasol a Datblygu Cymunedol</b> Ymgysylltu â'r Gymuned; Amddifadedd ar Arwahanrwydd; Diogelwch y Gymuned; Cydlyniaeth Gymdeithasol; Tlodi; Cydraddoldeb; Amrywiaeth; Y Gymraeg; Cysylltiadau Cyhoeddus; Safonau Masnach; Iechyd yr Amgylchedd; Trwyddedu; Cyfathrebu		Llanofar

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Ein diben

Adeiladu Cymunedau Cynaliadwy a Chydnerth

### Amcanion y gweithiwn tuag atynt

- Rhoi'r dechrau gorau posibl mewn bywyd i bobl
- Sir lewyrchus a chysylltiedig
- Cynyddu i'r eithaf botensial yr amgylchedd naturiol ac adeiledig
- Llesiant gydol oes
- Cyngor gyda ffocws ar y dyfodol

## Ein Gwerthoedd

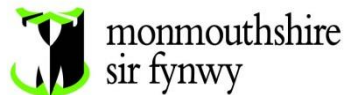
**Bod yn agored.** Rydym yn agored ac yn onest. Mae pobl yn cael cyfle i gymryd rhan mewn penderfyniadau sy'n effeithio arnynt, dweud beth sy'n bwysig iddynt a gwneud pethau drostynt eu hunain/eu cymunedau. Os na allwn wneud rhywbeth i helpu, byddwn yn dweud hynny; os bydd yn cymryd peth amser i gael yr ateb, byddwn yn esbonio pam; os na allwn ateb yn syth, byddwn yn ceisio eich cysylltu gyda'r bobl a all helpu - mae adeiladu ymddiriedaeth ac ymgysylltu yn sylfaen allweddol.

**Tegwch.** Darparwn gyfleoedd teg, i helpu pobl a chymunedau i ffynnu. Os nad yw rhywbeth yn ymddangos yn deg, byddwn yn gwrando ac yn esbonio pam. Byddwn bob amser yn ceisio trin pawb yn deg ac yn gyson. Ni allwn wneud pawb yn hapus bob amser, ond byddwn yn ymrwmo i wrando ac esbonio pam y gwnaethom weithredu fel y gwnaethom.

**Hyblygrwydd.** Byddwn yn parhau i newid a bod yn hyblyg i alluogi cyflwyno'r gwasanaethau mwyaf effeithlon ac effeithiol. Mae hyn yn golygu ymrwymiad gwirioneddol i weithio gyda phawb i groesawu ffyrdd newydd o weithio.

**Gwaith Tîm.** Byddwn yn gweithio gyda chi a'n partneriaid i gefnogi ac ysbrydoli pawb i gymryd rhan fel y gallwn gyflawni pethau gwych gyda'n gilydd. Nid ydym yn gweld ein hunain fel 'trefnwyr' neu ddatrysyr problemau, ond gwnawn y gorau o syniadau, asedau ac adnoddau sydd ar gael i wneud yn siŵr ein bod yn gwneud y pethau sy'n cael yr effaith mwyaf cadarnhaol ar ein pobl a lleoedd.

This page is intentionally left blank



<b>SUBJECT:</b>	<b>REVENUE &amp; CAPITAL MONITORING 2020/21 FORECAST OUTTURN STATEMENT – MONTH 7</b>
<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>6<sup>th</sup> January 2021</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>ALL</b>

## 1. PURPOSE:

- 1.1 To provide Members with a forecast of the revenue and capital outturn position for the current financial year.
- 1.2 To provide an update on the financial impact of COVID-19 on the Council.

## 2. RECOMMENDATIONS:

- 2.1 That Cabinet acknowledges a net revenue forecast deficit at month 7 of £6.43m, an improvement of £995k from month 5 and which comprises:
  - a) A forecast non-COVID-19 related deficit of £518k to be managed in year and that represents a reduction of £713k since month 5, of which £675k is as a direct result of the decision to capitalise eligible expenditure and fund from capital receipts under the flexible use of capital receipts directive.
  - b) A forecast deficit of £5.91m that is directly associated with the extraordinary financial pressures attached to COVID-19 and where it is assumed that Welsh Government will continue to fund all associated and eligible income losses and cost pressures. This is a marginal improvement of £282k from the position forecast at month 5.
- 2.2 That Cabinet recognises that since the budget forecasts have been produced for month 7 that Welsh Government has notified the Authority that a further sum of £1.78m will be made available to the Authority to cover income losses for quarter 2 of the financial year, and that will in turn reduce the £5.91m COVID related forecast deficit to £4.13m.
- 2.3 That Cabinet continue to make strong representations to Welsh Government to confirm full reimbursement of the £4.13m COVID related income losses and cost pressures as soon as possible and to eliminate financial risk going into the financial year-end.
- 2.4 That Cabinet notes that the £518k non-COVID related deficit will be managed through cost reduction and in taking immediate steps to curtail non-essential expenditure, recognising the risk that targeted and planned cost reductions will be challenging in the current operating environment and given that the Council will as always look to minimise impact on service delivery.

- 2.5 In taking the approach set out above, Cabinet recognises the extraordinary nature of the current year and accepts that significant services pressures will need to be incorporated into the ongoing budget setting process for financial year 2021/22 unless otherwise mitigated.
- 2.6 Cabinet notes the extent of forecast movements in Schools reserve usage contained in **appendix 1**.
- 2.7 Cabinet considers the forecast capital outturn spend of £25.3m alongside significant slippage of £37.4m, and the presumptions made around the financing consequences, as outlined in **appendix 1**.
- 2.8 Cabinet recognises that the forecast will have to be reconsidered in the event that Welsh Government falls short of expectation in fully compensating the Council for COVID related costs and income losses.
- 3. KEY ISSUES:**
- 3.1 Since entering 2020 the Council has faced significant and unprecedented challenges, notably the flood response and recovery resulting from Storms Ciara and Dennis in February 2020 and the subsequent COVID-19 pandemic and the impact of the lockdown restrictions that were put into effect on 23<sup>rd</sup> March 2020.
- 3.2 Each of these draws significantly on the Council's resources, both in terms capacity and finances and continues to place an unprecedented strain on the Council. This is exhibited below in **Table 1** and **Table 2** demonstrating an overspend forecast at year end of £6.43m.
- 3.3 This forecast comprises forecast COVID-19 income losses of £4.41m and additional costs of £1.49m alongside non-COVID-19 pressures of £518k. Non-COVID-19 pressures have in part resulted from the implementation of budget savings proposals for 20/21 being delayed.
- 3.4 It is important to note that forecast overspend of £6.43m presents a worst case scenario in that it does not take into account any of the further Welsh Government funding anticipated to meet the additional costs of the COVID-19 emergency response or further reimbursement of income losses that have equally resulted.
- 3.5 Since the budget forecasts have been produced for month 7 Welsh Government has notified the Authority that a further sum of £1.78m will be made available to the Authority to cover income losses for quarter 2 of the financial year, and that will in turn reduce the £5.9m forecast deficit to £4.13m.
- 3.6 The Council is calling for Welsh Government to reimburse all further COVID-19 related costs and income losses. As the financial year has progressed the Council is more optimistic than was the case at the first monitoring period at month 2 and since Welsh Government announced significant further funding for local authorities in August to supplement funding that had already been provided to assist with meeting income losses and additional costs brought about by the pandemic.



- 3.7 The Council tactically generated headroom of £1.8m in its Council Fund balance as part of the outturn strategy for 2019/20. Whilst this remains to assist with any under recovery in funding from Welsh Government, the increased comfort around Welsh Government funding means that this provides the Council with the flexibility to reserve this sum to respond to the financial pressures over the medium term.
- 3.8 The immediate focus for the Council whilst it awaits confirmation of full compensating funding from Welsh Government is to manage the non-COVID-19 pressures of £518k. Following the Cabinet decision at month 5, the month 7 forecast now includes the capitalisation of an additional £675k of identified eligible expenditure to be funded from capital receipts under the flexible use of capital receipts directive.
- 3.9 The remaining forecast deficit of £518k is required to be managed through cost reduction and in taking immediate steps to curtail non-essential expenditure, recognising the risk that targeted and planned cost reductions will be challenging in the current operating environment and given that the Council will as always look to minimise impact on service delivery.

### 3.10 Overall Revenue Position

**Table 1: Council Fund 2020/21 Outturn Forecast Summary Statement at Month 7**

Service Area	Original Budget 2020/21	Budget Adjustments Months 1-7	Revised Annual Budget	Forecast Outturn	Forecast (Under) / Over Spend @ M7	Forecast (Under) / Over Spend @ M5	Variance from M5 to M7
	'000's	'000's	'000's	'000's	'000's	'000's	'000's
Social Care, Health & Safeguarding	50,685	(170)	50,515	52,222	1,707	1,448	259
Children & Young People	55,539	514	56,053	56,178	125	19	106
Enterprise	24,132	(1,511)	22,621	27,238	4,617	5,113	(496)
Chief Executives Unit	4,745	4	4,749	4,811	62	144	(82)
Resources	7,746	30	7,776	7,969	193	694	(501)
Corporate Costs & Levies	22,743	229	22,972	23,014	42	66	(24)
<b>Net Cost of Services</b>	<b>165,590</b>	<b>(904)</b>	<b>164,686</b>	<b>171,432</b>	<b>6,746</b>	<b>7,484</b>	<b>(738)</b>
Appropriations	4,857	1,163	6,020	5,857	(163)	(83)	(80)
Expenditure to be Financed	170,447	259	170,706	177,289	6,583	7,401	(818)
Financing	(170,447)	(259)	(170,706)	(170,863)	(157)	20	(177)
<b>Net General Fund (Surplus) / Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,426</b>	<b>6,426</b>	<b>7,421</b>	<b>(995)</b>

**Table 2: Council Fund 2020/21 Outturn Forecast Detailed Statement at Month 7**

Service Area	Original Budget 2020/21	Budget Adjustments Months 1-7	Revised Annual Budget	Forecast Outturn	Forecast (Under) / Over Spend @ M7	Forecast (Under) / Over Spend @ M5	Variance from M5 to M7
	'000's	'000's	'000's	'000's	'000's	'000's	'000's
Adult Services	7,877	(55)	7,822	8,002	180	156	24
Children Services	14,428	(63)	14,365	15,825	1,460	1,459	1
Community Care	24,434	30	24,464	24,460	(4)	(209)	205
Commissioning	1,483	(65)	1,418	1,315	(103)	(63)	(40)
Partnerships	436	0	436	436	0	0	(0)
Public Protection	1,481	(14)	1,467	1,645	178	109	69
Resources & Performance	546	(3)	543	539	(4)	(5)	1
<b>Social Care, Health &amp; Safeguarding</b>	<b>50,685</b>	<b>(170)</b>	<b>50,515</b>	<b>52,222</b>	<b>1,707</b>	<b>1,448</b>	<b>259</b>
Individual Schools Budget	47,420	(356)	47,064	46,748	(316)	(264)	(52)
Resources	1,234	(9)	1,225	1,239	14	22	(8)
Standards	6,885	879	7,764	8,191	427	261	166
<b>Children &amp; Young People</b>	<b>55,539</b>	<b>514</b>	<b>56,053</b>	<b>56,178</b>	<b>125</b>	<b>19</b>	<b>106</b>
Business Growth and Enterprise	2,468	(168)	2,300	2,250	(50)	29	(79)
Facilities & Fleet Management	5,665	(1,266)	4,399	5,621	1,222	1,097	125
Neighbourhood Services	10,483	(26)	10,457	11,240	783	1,153	(370)
Planning, Housing, Highways Development & Flooding	1,951	(133)	1,818	2,811	993	1,067	(74)
Countryside & Culture (MonLife)	1,348	(8)	1,340	1,422	82	40	42
Finance & Business Development (MonLife)	1,507	116	1,623	1,516	(107)	(150)	43
Leisure, Youth & Outdoor Adventure (MonLife)	710	(26)	684	2,378	1,694	1,877	(183)
<b>Enterprise</b>	<b>24,132</b>	<b>(1,511)</b>	<b>22,621</b>	<b>27,238</b>	<b>4,617</b>	<b>5,113</b>	<b>(496)</b>
Legal & Land Charges	839	(6)	833	873	40	92	(52)

Service Area	Original Budget 2020/21	Budget Adjustments Months 1-7	Revised Annual Budget	Forecast Outturn	Forecast (Under) / Over Spend @ M7	Forecast (Under) / Over Spend @ M5	Variance from M5 to M7
Governance, Democracy & Support	3,906	10	3,916	3,938	22	52	(30)
<b>Chief Executives Unit</b>	<b>4,745</b>	<b>4</b>	<b>4,749</b>	<b>4,811</b>	<b>62</b>	<b>144</b>	<b>(82)</b>
Finance	2,597	(63)	2,534	2,707	173	189	(16)
Information, Communication Technology	2,803	135	2,938	2,507	(431)	(128)	(303)
People	1,725	50	1,775	1,707	(68)	6	(74)
Future Monmouthshire	(46)	(25)	(71)	11	82	112	(30)
Commercial & Corporate Landlord	667	(67)	600	1,037	437	515	(78)
<b>Resources</b>	<b>7,746</b>	<b>30</b>	<b>7,776</b>	<b>7,969</b>	<b>193</b>	<b>694</b>	<b>(501)</b>
Precepts & Levies	20,379	1	20,380	20,382	2	2	(0)
Coroner's	117	0	117	140	23	23	(0)
Archives	182	0	182	182	0	0	(0)
Corporate Management	293	0	293	101	(192)	(114)	(78)
Non Distributed Costs (NDC)	492	0	492	707	215	108	107
Strategic Initiatives	(167)	228	61	0	(61)	0	(61)
Insurance	1,447	0	1,447	1,502	55	46	9
<b>Corporate Costs &amp; Levies</b>	<b>22,743</b>	<b>229</b>	<b>22,972</b>	<b>23,014</b>	<b>42</b>	<b>66</b>	<b>(24)</b>
<b>Net Cost of Services</b>	<b>165,590</b>	<b>(904)</b>	<b>164,686</b>	<b>171,432</b>	<b>6,746</b>	<b>7,484</b>	<b>(738)</b>
Fixed Asset Disposal Costs	20	45	65	71	6	25	(19)
Interest & Investment Income	(252)	0	(252)	(90)	162	181	(19)
Interest Payable & Similar Charges	4,020	27	4,047	3,817	(230)	(164)	(66)
Charges Required under Regulation	6,251	(108)	6,143	6,061	(82)	(113)	31
Other Investment Income	(1,153)	1,153	0	(14)	(14)	(12)	(2)
Borrowing Cost Recoupment	(3,425)	50	(3,375)	(3,380)	(5)	(0)	(5)

Service Area	Original Budget 2020/21	Budget Adjustments Months 1-7	Revised Annual Budget	Forecast Outturn	Forecast (Under) / Over Spend @ M7	Forecast (Under) / Over Spend @ M5	Variance from M5 to M7
Contributions to Reserves	143	0	143	143	0	0	0
Contributions from reserves	(747)	(4)	(751)	(751)	0	0	0
<b>Appropriations</b>	<b>4,857</b>	<b>1,163</b>	<b>6,020</b>	<b>5,857</b>	<b>(163)</b>	<b>(83)</b>	<b>(80)</b>
<b>Expenditure to be Financed</b>	<b>170,447</b>	<b>259</b>	<b>170,706</b>	<b>177,289</b>	<b>6,583</b>	<b>7,401</b>	<b>(818)</b>
General Government Grants	(64,823)	0	(64,823)	(64,823)	0	0	0
Non Domestic Rates	(32,937)	0	(32,937)	(32,937)	0	0	0
Council tax	(79,572)	(259)	(79,831)	(80,216)	(385)	(305)	(80)
Council Tax Benefit Support	6,885	0	6,885	7,113	228	324	(96)
<b>Financing</b>	<b>(170,447)</b>	<b>(259)</b>	<b>(170,706)</b>	<b>(170,863)</b>	<b>(157)</b>	<b>20</b>	<b>(177)</b>
<b>Net General Fund (Surplus) / Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,426</b>	<b>6,426</b>	<b>7,421</b>	<b>(995)</b>

3.11 As the Council continues to transition from the response phase of the pandemic it is important that Cabinet is kept informed as impacts are being assessed.

3.12 Putting the Council's finances into context, pre COVID-19 pandemic, the Council had:

- Brought forward budget savings proposals for 2020/21 of £8.5m to manage budget pressures of £9.5m and alongside a disappointing Welsh Government settlement where the extent of pressures on services were not recognised;
- Benefitted from a significant one-off VAT receipt and flexible use of capital receipts to arrest a £3.76m net over spend against services in 2019/20; and
- Finalised its draft accounts for 19/20 with useable capital receipts of only £3.2m, a Council Fund balance of £8.5m and useable earmarked reserves of £6.4m (of which there is planned use that will reduce earmarked reserves to £5.5m at the end of 2020/21).

3.13 The Council was already facing financial challenges pre-COVID-19. The pandemic has accentuated the challenge:

- Services and existing capacity has been redirected and redeployed to ensure that the Council met its core purpose of protecting life. This has seen additional unbudgeted costs being incurred.

- Many income generating services have had to stop in order to comply with UK and Welsh Government guidance. The income loss and shortfall is significant and ongoing.
- There is delay in the implementation of some budget savings proposals for 2020/21 as a result of staff resources being diverted to respond to the pandemic.

3.14 This report provides a 'point in time' assessment and forecast for 2020/21. The revenue and capital annual forecast at month 7 is shown in **appendix 1**. The forecasts have been prepared on assumptions that remain uncertain. The forecasts have been supplemented by an analysis of pressures including those that are thought without suitable mitigation to impact on 2021/22. This is shown in **appendix 2** and will inform the budget setting process for 2021/22.

3.15 The table below provides a high level analysis of how the £6.43m reasonable worst case forecast outturn is broken down. This shows that whilst there are significant in-year pressures resulting from the COVID-19 pandemic there is also a set of significant in-year pressures that are unrelated or that result from a delay in budget savings proposals being implemented.

	Overall M7 Forecast	Variance to M5	M7 Due to Covid 19 Expenditure Increase	Variance to M5	M7 Due to Covid 19 Income Loss	Variance to M5	M7 Due to Non Covid 19	Variance to M5
<b>Social Care, Health &amp; Safeguarding</b>	1,706	259	0	0	177	9	1,529	250
<b>Children &amp; Young People</b>	125	106	(50)	(53)	70	0	100	159
<b>Enterprise</b>	4,617	(499)	964	(70)	3,602	11	51	(440)
<b>Chief Executives Unit</b>	61	(84)	29	(2)	50	(13)	(18)	(69)
<b>Resources</b>	192	(499)	320	34	512	(103)	(640)	(430)
<b>Corporate Costs &amp; Levies</b>	44	(23)	0	0	0	0	44	(23)
<b>Appropriations</b>	(163)	(80)	0	0	0	0	(163)	(80)
<b>Financing</b>	(156)	(175)	229	229	0	(324)	(385)	(80)
<b>Total</b>	<b>6,426</b>	<b>(995)</b>	<b>1,492</b>	<b>138</b>	<b>4,411</b>	<b>(420)</b>	<b>518</b>	<b>(713)</b>

3.16 The principal in-year non Covid-19 pressures are:

- A significant pressure within Children's Services relating to a continued increase in the number of looked after children (LAC) cases carrying over from 2019/20 and after the budget was approved.

- The 2.75% pay award being much higher than the original 1% budget assumption built into the budget and where it had been expected that Welsh Government funding would be forthcoming.
- Pressures remaining within the Passenger Transport Unit (PTU) and that continue to be worked on as part of the PTU review and where implementation has been impacted by the pandemic.
- Pressures in waste & recycling as a result of delays in the rollout of waste reconfiguration and changes.
- Income pressures relating to Civil parking enforcement where savings targets cannot be met.
- A shortfall against additional commercial income targets as a consequence of the impact of COVID-19 and the current level of market and economic uncertainty which may not be funded by Welsh Government.
- As result of the late receipt of the final settlement from Welsh Government and the disappointment of there being no funding floor introduced, the remaining efficiency savings that were left to be identified during the financial year.

- 3.17 As the financial year has progressed significant forecast budget savings have been identified and added to the budget forecast to mitigate some of those pressures outlined above. **Appendix 2** provides an analysis of both the significant forecast pressures and savings, the assumptions upon which they are based as well as the risks and sensitivities that apply.
- 3.18 It is important to note that the majority of the savings identified during year to assist the in-year budget recovery are one-off savings and will not bring any further benefit to future year's budgets. Conversely, the majority of those pressures highlighted above are recurrent pressures and will need to be considered as part of the wider budget process for 2021/22 and beyond.
- 3.19 The key risk and uncertainty continues to be the amount of compensatory Welsh Government funding that the Council will receive. Announcements by both Welsh Government and UK Government have been made and have confirmed levels of commitment to support local authorities.
- 3.20 We are grateful to Welsh Government for the funding that has been provided to Welsh Councils to cover costs to date and that we anticipate could potentially meet the income shortfalls forecast for the remainder of the year.
- 3.21 However, we urge Welsh Government to confirm full reimbursement of the £4.13m COVID related income losses and cost pressures as soon as possible and to eliminate financial risk going into the financial year-end.

3.22 Beyond Welsh Government funding of in year pressures, assessment will also need to be undertaken of reserve balances and available capital receipts. Clearly this will require a review of the Council's existing reserve strategy and regard will not only need to be given to the current year situation but also to the medium and long term. Reserve balances are finite and act as only a limited buffer to fund one-off costs.

#### 4. OPTIONS APPRAISAL

4.1 This report provides an update on the current financial situation and the challenges facing the Council now and over the medium term. It has been prepared at a time of great uncertainty as the Council still transitions from the emergency response phase of the COVID-19 pandemic towards a period of recovery.

4.2 The outturn forecast that has been prepared for consideration is predicated on assumptions that have been independently assessed by budget holders and subsequently reviewed as part of the budget monitoring process. These assumptions don't look to represent a policy position that Cabinet is looking to take on when services are re-opening. Rather they represent a reasoned assessment of the impact on services in year based on known information, anticipated future changes and estimates.

4.3 **Appendix 2** provides an analysis of the significant forecast pressures and summarises the assumptions upon which they are based as well as the risks and sensitivities that apply. This has been produced to aid understanding of the forecast and assumptions upon which it has been based.

4.4 By far the greatest uncertainty that exists is the level of Welsh Government funding to be received to offset additional costs incurred in responding to the COVID-19 emergency response and the significant income losses that have resulted where services have ceased as a result of the lockdown restrictions in place. However, this risk has diminished as a result of funding received to date and the significant amount of further funding still available to local authorities in Wales via Welsh Government's COVID Hardship Fund.

4.5 Options will be considered when determining the appropriate response to addressing the budget shortfalls contained in the report as we move throughout the year.

#### 5. EVALUATION CRITERIA

5.1 This forecast outturn report represents an assessment of the forecast for the 2020/21 financial year based on seven months of data. More so than ever the combination of the impact of the COVID-19 pandemic and the fact that it is only part way through the financial year, and combined with the uncertainties on the level of Welsh Government funding support, means that a level of risk uncertainty should be attributed to the forecast.

5.2 There is an increasing level of comfort that Welsh Government funding will meet additional costs and losses of income brought about by the response to and the impact of the pandemic. However, this continues to represent a risk that will only be mitigated by monthly and quarterly submissions to Welsh Government being agreed. And furthermore

and beyond those impacts resulting from COVID-19 there exists a number of significant cost pressures that would need to be managed regardless.

- 5.3 The Council has recently maintained formal reporting to Cabinet at month 2 (period 1), month 5 (period 2) and outturn, with more frequent budget monitoring information being undertaken at a departmental level and reported to management and the Strategic Leadership Team. Only where circumstances necessitate it is more frequent formal reporting to Cabinet required.
- 5.4 As a result of the significant financial challenges facing the Council there will be a more frequent reporting of the in-year revenue and capital outturn forecast. Formal reporting will take place at months 2, 5, 7, 9 and outturn. There will be no formal reporting of the month 11 outturn forecast as the financial year-end will have already taken place by the time the report has been prepared.
- 5.5 The update of the Medium Term Financial Plan (MTFP) and the development of the budget proposals for 2021/22 and the medium term will again be challenging. Welsh Government has now confirmed that local authorities provisional funding settlement will be announced on the 22<sup>nd</sup> December 2020 with the final settlement being announced on 2<sup>nd</sup> March 2021. As a result of the late notification of funding draft budget proposals for 2021/22 will now not be released for consultation purposes until Cabinet has considered them at its meeting on the 20<sup>th</sup> January 2021.
- 5.6 There is also further uncertainty given that the UK Government has only undertaken a one-year Comprehensive Spending Review which consequently does not enable Welsh Government to provide any additional certainty around indicative budget settlements for Welsh local authorities in future years.

## **6. REASONS:**

- 6.1 To ensure that the gravity of the financial challenges facing the Council are understood and that reasonable actions are being taken to safeguard the ongoing financial sustainability of the Council.
- 6.2 To provide a timely update on the current financial circumstances and challenges resulting from the COVID-19 pandemic and that will in turn lead to the Council needing to plan and plot a revised course to ensure it remains financially sustainable into the future.

## **7. RESOURCE IMPLICATIONS:**

- 7.1 The resource implications of the current in-year forecast outturn are contained in this report and the attached appendices. At its worst the forecast outturn exhibits an over spend of £6.43m. However, Welsh Government funding will mitigate part of this though it remains unclear as to how far that will extend though levels of confidence have increased.
- 7.2 The financial challenges facing the Council and resulting from the COVID-19 pandemic are significant in the current year and over the next 4 years of the MTFP. Not just for this Council but all councils across Wales and the UK. The Council is having to incur significant costs in its response effort and this will continue as it transitions towards recovery. Furthermore and resulting from the restrictions that UK Government and Welsh Government have had to put in place to contain the spread of the virus we are suffering



significant shortfalls in our income levels. Some of these will return more quickly than others as services are able to be safely turned back on.

- 7.3 In terms of how the Council will respond to the challenges faced in the current year and over the medium term this will very much depend on the level of compensating funding received from Welsh Government and the flexibilities afforded to Welsh local authorities to spread the impact over more than one financial year. We are grateful to Welsh Government for the funding that has been provided to Welsh Councils to cover costs to date and that we anticipate could potentially meet the income shortfalls forecast for the remainder of the year.
- 7.4 The Council is working on the basis that it will be fully funded by Welsh Government. However, there is clearly a risk that this will not happen and beyond this there are £518k of non COVID-19 pressures to be managed. Options to mitigate these risks are limited with recourse to draw on the Council Fund, specific earmarked reserves and useable capital receipts. However each of these are at historically low levels and only just above prudent minimum levels.
- 7.5 The more immediate steps have been to curtail non-essential expenditure. Going forward more targeted and planned cost reductions will be challenging and the Council will as always look to minimise impact on service delivery. Though this cannot be guaranteed and is expected if Welsh Government funding falls short of expectations.
- 7.6 There are resultant consequences for the MTFP and the budget process for 2021/22 and these will be developed in parallel in the coming months and to feed into the normal budget cycle and process.

## **8. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):**

- 8.1 This report provides Members with information on the revenue and capital outturn position of the Authority and carries no decisions. There are therefore no equality of future generations' implications directly arising from this report.
- 8.2 Any such impacts will be fully considered subsequently when Council receives the budget recovery plan and revised budget proposals.

## **9. CONSULTEES:**

Senior Leadership Team  
Cabinet

## **10. BACKGROUND PAPERS:**

**Appendix 1** – Revenue and capital forecast Outturn report – month 7  
**Appendix 2** – Pressure analysis – assumptions, sensitivities and risks

11. **AUTHOR:** Peter Davies, Chief Officer for Resources

**12. CONTACT DETAILS:**

**Tel:** 01633 644294 / 07398 954828

**E-mail:** [peterdavies@monmouthshire.gov.uk](mailto:peterdavies@monmouthshire.gov.uk)

## Overall Revenue Position

Table 1: Council Fund 2020/21 Outturn Forecast Summary Statement at Month 7

Service Area	Original Budget 2020/21	Budget Adjustments Months 1-7	Revised Annual Budget	Forecast Outturn	Forecast (Under) / Over Spend @ M7	Forecast (Under) / Over Spend @ M5	Variance from M5 to M7
	'000's	'000's	'000's	'000's	'000's	'000's	'000's
Social Care, Health & Safeguarding	50,685	(170)	50,515	52,222	1,707	1,448	259
Children & Young People	55,539	514	56,053	56,178	125	19	106
Enterprise	24,132	(1,511)	22,621	27,238	4,617	5,113	(496)
Chief Executives Unit	4,745	4	4,749	4,811	62	144	(82)
Resources	7,746	30	7,776	7,969	193	694	(501)
Corporate Costs & Levies	22,743	229	22,972	23,014	42	66	(24)
<b>Net Cost of Services</b>	<b>165,590</b>	<b>(904)</b>	<b>164,686</b>	<b>171,432</b>	<b>6,746</b>	<b>7,484</b>	<b>(738)</b>
Appropriations	4,857	1,163	6,020	5,857	(163)	(83)	(80)
Expenditure to be Financed	170,447	259	170,706	177,289	6,583	7,401	(818)
Financing	(170,447)	(259)	(170,706)	(170,863)	(157)	20	(177)
<b>Net General Fund (Surplus) / Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,426</b>	<b>6,426</b>	<b>7,421</b>	<b>(995)</b>

Table 2: Council Fund 2020/21 Outturn Forecast Detailed Statement at Month 7

Service Area	Original Budget 2020/21	Budget Adjustments Months 1-7	Revised Annual Budget	Forecast Outturn	Forecast (Under) / Over Spend @ M7	Forecast (Under) / Over Spend @ M5	Variance from M5 to M7
	'000's	'000's	'000's	'000's	'000's	'000's	'000's
Adult Services	7,877	(55)	7,822	8,002	180	156	24
Children Services	14,428	(63)	14,365	15,825	1,460	1,459	1
Community Care	24,434	30	24,464	24,460	(4)	(209)	205
Commissioning	1,483	(65)	1,418	1,315	(103)	(63)	(40)
Partnerships	436	0	436	436	0	0	(0)
Public Protection	1,481	(14)	1,467	1,645	178	109	69
Resources & Performance	546	(3)	543	539	(4)	(5)	1
<b>Social Care, Health &amp; Safeguarding</b>	<b>50,685</b>	<b>(170)</b>	<b>50,515</b>	<b>52,222</b>	<b>1,707</b>	<b>1,448</b>	<b>259</b>
Individual Schools Budget	47,420	(356)	47,064	46,748	(316)	(264)	(52)
Resources	1,234	(9)	1,225	1,239	14	22	(8)
Standards	6,885	879	7,764	8,191	427	261	166
<b>Children &amp; Young People</b>	<b>55,539</b>	<b>514</b>	<b>56,053</b>	<b>56,178</b>	<b>125</b>	<b>19</b>	<b>106</b>
Business Growth and Enterprise	2,468	(168)	2,300	2,250	(50)	29	(79)
Facilities & Fleet Management	5,665	(1,266)	4,399	5,621	1,222	1,097	125
Neighbourhood Services	10,483	(26)	10,457	11,240	783	1,153	(370)
Planning, Housing, Highways Development & Flooding	1,951	(133)	1,818	2,811	993	1,067	(74)
Countryside & Culture (MonLife)	1,348	(8)	1,340	1,422	82	40	42
Finance & Business Development (MonLife)	1,507	116	1,623	1,516	(107)	(150)	43
Leisure, Youth & Outdoor Adventure (MonLife)	710	(26)	684	2,378	1,694	1,877	(183)

Service Area	Original Budget 2020/21	Budget Adjustments Months 1-7	Revised Annual Budget	Forecast Outturn	Forecast (Under) / Over Spend @ M7	Forecast (Under) / Over Spend @ M5	Variance from M5 to M7
<b>Enterprise</b>	<b>24,132</b>	<b>(1,511)</b>	<b>22,621</b>	<b>27,238</b>	<b>4,617</b>	<b>5,113</b>	<b>(496)</b>
Legal & Land Charges	839	(6)	833	873	40	92	(52)
Governance, Democracy & Support	3,906	10	3,916	3,938	22	52	(30)
<b>Chief Executives Unit</b>	<b>4,745</b>	<b>4</b>	<b>4,749</b>	<b>4,811</b>	<b>62</b>	<b>144</b>	<b>(82)</b>
Finance	2,597	(63)	2,534	2,707	173	189	(16)
Information, Communication Technology	2,803	135	2,938	2,507	(431)	(128)	(303)
People	1,725	50	1,775	1,707	(68)	6	(74)
Future Monmouthshire	(46)	(25)	(71)	11	82	112	(30)
Commercial & Corporate Landlord	667	(67)	600	1,037	437	515	(78)
<b>Resources</b>	<b>7,746</b>	<b>30</b>	<b>7,776</b>	<b>7,969</b>	<b>193</b>	<b>694</b>	<b>(501)</b>
Precepts & Levies	20,379	1	20,380	20,382	2	2	(0)
Coroner's	117	0	117	140	23	23	(0)
Archives	182	0	182	182	0	0	(0)
Corporate Management	293	0	293	101	(192)	(114)	(78)
Non Distributed Costs (NDC)	492	0	492	707	215	108	107
Strategic Initiatives	(167)	228	61	0	(61)	0	(61)
Insurance	1,447	0	1,447	1,502	55	46	9
<b>Corporate Costs &amp; Levies</b>	<b>22,743</b>	<b>229</b>	<b>22,972</b>	<b>23,014</b>	<b>42</b>	<b>66</b>	<b>(24)</b>
<b>Net Cost of Services</b>	<b>165,590</b>	<b>(904)</b>	<b>164,686</b>	<b>171,432</b>	<b>6,746</b>	<b>7,484</b>	<b>(738)</b>
Fixed Asset Disposal Costs	20	45	65	71	6	25	(19)
Interest & Investment Income	(252)	0	(252)	(90)	162	181	(19)
Interest Payable & Similar Charges	4,020	27	4,047	3,817	(230)	(164)	(66)
Charges Required under Regulation	6,251	(108)	6,143	6,061	(82)	(113)	31

Service Area	Original Budget 2020/21	Budget Adjustments Months 1-7	Revised Annual Budget	Forecast Outturn	Forecast (Under) / Over Spend @ M7	Forecast (Under) / Over Spend @ M5	Variance from M5 to M7
Other Investment Income	(1,153)	1,153	0	(14)	(14)	(12)	(2)
Borrowing Cost Recoupment	(3,425)	50	(3,375)	(3,380)	(5)	(0)	(5)
Contributions to Reserves	143	0	143	143	0	0	0
Contributions from reserves	(747)	(4)	(751)	(751)	0	0	0
<b>Appropriations</b>	<b>4,857</b>	<b>1,163</b>	<b>6,020</b>	<b>5,857</b>	<b>(163)</b>	<b>(83)</b>	<b>(80)</b>
<b>Expenditure to be Financed</b>	<b>170,447</b>	<b>259</b>	<b>170,706</b>	<b>177,289</b>	<b>6,583</b>	<b>7,401</b>	<b>(818)</b>
General Government Grants	(64,823)	0	(64,823)	(64,823)	0	0	0
Non Domestic Rates	(32,937)	0	(32,937)	(32,937)	0	0	0
Council tax	(79,572)	(259)	(79,831)	(80,216)	(385)	(305)	(80)
Council Tax Benefit Support	6,885	0	6,885	7,113	228	324	(96)
<b>Financing</b>	<b>(170,447)</b>	<b>(259)</b>	<b>(170,706)</b>	<b>(170,863)</b>	<b>(157)</b>	<b>20</b>	<b>(177)</b>
<b>Net General Fund (Surplus) / Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,426</b>	<b>6,426</b>	<b>7,421</b>	<b>(995)</b>

## DIRECTORATE – DIVISION VARIANCE COMMENTS

SOCIAL CARE, HEALTH & SAFEGUARDING	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	1,630	1,448	1,707		

### SOCIAL CARE, HEALTH & SAFEGUARDING DIRECTOR'S COMMENTARY:

The month 7 directorate forecast outturn for 2020/21 shows an overspend of £1.707m, a marginal increase since M5 of £259k, after accounting for the Social Care Workforce and Sustainability Grant from Welsh Government of £984k. At M7, our Children Looked After numbers stand at 222 (remaining at the same overall number since month 5) and significant income has been lost in Registrars resulting from the COVID-19 pandemic and cancelled appointments. The Welsh Government has yet to commit to their level of funding to cover the loss of pre booking wedding ceremonies. Of the overall over spend; £346k is because of the pressure from the additional 1.75% unfunded staff pay award and £242k from the 2% staff efficiency saving being deemed unachievable.

The **Adult Services** division is forecasting an overspend of £69k mainly due to the increase in care packages in Monmouth and spend in our own care at home service, partially offset by reduced activity resulting from COVID-19 with the closure of day centres and our in house respite facilities. This area of the directorate has benefitted in year from the Social Care Workforce and Sustainability Grant (SCWS) and Intermediate Care Funding (ICF), with the ICF having a planned termination date of 31<sup>st</sup> March 2022. The SCWS grant of circa £1m is expected to continue into 2021/22, however as it sits outside of core Welsh Government funding it is important to highlight as a budgetary risk moving forward given that the amount could vary, additional grant terms could be applied or it may cease.

**Children's Services** has a predicted overspend of £1.460m, which remains unchanged since the reported M5 forecast. This element of the directorate received a significant injection as part of the 2020/21 budget allocation; however, this was based on CLA numbers at that time being 197. Since the budget for 2020/21 was set, the service had a further influx of children to 219 at the end of 2019/20, and present count CLA stands at 222 and legal costs still remain at a predicted over spend of £238k.

**Public Protection** continues to strive to remain within its budget allocation, but the COVID 19 pandemic has hit this small service hard and is estimating an overspend of £178K. This is due to the indication that income loss in Registrars may not be fully funded by Welsh Government resulting from cancelled marriages and people not pre booking ceremonies because of COVID-19. Welsh Government have indicated that they will review the overall position towards the end of the financial year and assess if they consider Local Authorities losses to only be delayed or indeed lost.

### ADULT SERVICES

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	24	156	180		

Due to the additional pay award, not achieving the 2% staff efficiency saving and additional spend in the care at home service.

### CHILDREN SERVICES

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	1,575	1,459	1,460		

£1m overspend in providing care and placements for our 222 Looked After Children, £238k overspend in legal costs and the remaining overspend as a result of continued use of agency staffing which currently stands at 6 being employed plus the increased staff pay award.

### COMMUNITY CARE

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	(63)	(209)	(4)		

Mainly on budget but this is being held up by a circa £1m SCWS grant which ends this financial year.

### COMMISSIONING

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'s	(118)	(63)	(103)		

Ongoing vacant Commissioning Officer post and realignment of Service Level Agreements and Contracts, but reduced by increased staff pay award.

### PUBLIC PROTECTION

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'s	211	109	178		

Due to the indication that income loss in Registrars may not be fully funded by Welsh Government resulting from cancelled marriages and people not pre booking ceremonies because of COVID-19. Welsh Government have indicated that they will review the overall position towards the end of the financial year and assess if they consider Local Authorities losses to only be delayed or indeed lost.

### RESOURCES & PERFORMANCE

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	1	(5)	(4)		

As a result of previous vacant posts within the Finance team, diluted slightly by the increased staff pay award.

CHILDREN & YOUNG PEOPLE	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	84	19	125		

### CHILDREN & YOUNG PEOPLE DIRECTOR'S COMMENTARY:

The Directorate's Month 7 position is an over spend of £125k, which is largely due to the overspend on ALN. However, this has been partially offset by the surplus balance following the closure of Mounton House, which has been transferred to the central CYP budgets to support the wider education budgets.

### INDIVIDUAL SCHOOLS BUDGET

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	0	(264)	(316)		



Increase in underspend of £52k is due to the Post 16 Teacher Pay Award being funded.

## RESOURCES

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	37	22	14		

Additional IT Licence costs reported at month 5, are now due to materialise in 2021-22.

## STANDARDS

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	47	261	426		

- Recoupment increased by (income received from other LA's) (£241,000)
- Independent placement costs overspent by £115,000
- Other LA placement costs overspent by £130,000
- Additional support for pupils attending our schools overspent by £495,000
- Underspend on early years (rising 3's) due to school closure (£150,000)
- Overspend on breakfast clubs £88,000

Within the overspend of £495,000 relating to the additional support for pupils attending our own schools, £200,000 relates to additional funding for the additional learning needs units in Overmonnow (£100k) and Monmouth Comprehensive (£100k). Both these units are able to accommodate more MCC pupils, resulting in less pupils needing to be educated either in independent or other LA schools. While this has resulted in an overspend, the fees paid for the other schools would have resulted in the overspend being higher.

Included in the independent placement costs is £108,000 relating to the three remaining pupils at Mounon House, the funding has been transferred from Mounon House to support this.

Breakfast clubs have seen a reduction in numbers since re-opening following the Summer Term lockdown, which has led to a reduction in income.

ENTERPRISE	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	5,950	5,113	4,617		

### ENTERPRISE DIRECTOR'S COMMENTARY:

The Enterprise and MonLife Directorate is forecasting an outturn position of £4.617m adverse at month 7. The impact of COVID-19 has been significant across all of the services with both a loss of income and additional costs incurred to operate critical front line services during the pandemic. In addition to the direct impacts of the pandemic service areas have identified pressures where budget savings have not been implemented or ongoing pressures continue to affect services.

Each service area sets out the detail behind these projections in the next sections of this report and the key financial issues and implications that have arisen since COVID-19 and lockdown commenced. The loss of income for MonLife, grounds maintenance, private hire in home to school transport, car parking and trade waste is significant. It is not anticipated that these income streams will be restored fully within this financial year and assumptions have been built into the forecast to account for when the services reopen and recommenced.

Due to the school closure's there has been a direct impact upon the income within schools catering, home to school transport and outdoor education and with ongoing social distancing, bubble and COVID-19 requirements this will have a long term impact on these services. There are also significant increased costs across the directorate, for example, there are additional resource requirements to operate services whilst complying with social distancing within building cleaning, highways, waste services and grounds maintenance as examples.

Across all Services, we are looking to ensure that all eligible additional costs and income losses will be claimed against any Welsh Government funding being made available.

## BUSINESS GROWTH & ENTERPRISE

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	46	29	(50)		

Business Growth & Enterprise is forecasting a £50k underspend, this can be split down to the following:

**Abergavenny Borough Theatre** – Break-even, the theatre was expecting a £56k overspend but have benefitted from an Arts Council for Wales grant to help fund running costs during Covid-19 lockdown. This is the reason for the positive swing from Month 5.

- **Communications** - £4k underspend due to improved income.
- **Community & Partnership Development** - £21k underspend, this is mainly due to staff savings as we have been able to passport core costs to grant funding.
- **Enterprise Management** - £17k overspend due to unfunded pay award.
- **Strategic Projects** - £42k underspend mainly due to staff savings as we have moved costs relating to collaboration to capital as part of capitalisation directive.

## FACILITIES & FLEET MANAGEMENT

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	1,339	1,097	1,222		

Facilities & Fleet Management is forecasting to overspend by £1,222k – the services within this area are being heavily impacted by the Covid-19 outbreak.

- **Catering** - £409k overspend. The service is anticipating a £596k shortfall in school meal income due to the effect of Covid-19. Schools were closed until mid-July and we are only forecasting meal uptake to be 40% of normal levels for the rest of the year now that pupils have returned. This has been part offset by a reduction in supplies and services due to the reduced meal numbers and staff furlough credits. In addition we are also experiencing pressure on our free school meal budget, the number of pupils entitled to Free School Meals (FSM) have risen from 1,390 to 1,640. There is no additional budget provision for this so if we have 100% uptake between now and year end our income from paid meals will reduce further. We are anticipating that all income losses will be funded by the WG income loss grant.

- **Building Cleaning** - £22k underspend. Forecasted income levels remain similar to last year so we are anticipating an under spend against budget. The level of cleaning within our buildings and schools has increased due to Covid-19 requirements and the extra cleaning hours are funded by the WG hardship fund, so the additional cost has not been included in the forecast. In addition, the service has received a schools cleaning grant which has helped cover the increased costs linked to the more expensive chemicals needed to kill COVID-19.

- **Passenger Transport** - £631k overspend, due in the main to:-

- Private Hire & Service 65 - £259k loss of private hire income, as we anticipate no private hires, school trips etc. for the rest of the year.

- School Transport Operations - £402k overspent, combination of historic staff pressure c/fwd from 2019-20 and estimated additional hours required to cover new Covid-19 transport arrangements and additional staffing required to cover recent contract hand backs.
- Commissioning - £29k underspend, due to :-
  - Staff vacancies.
  - A 25% reduction in contractor payments for Apr-Aug during Covid-19 lockdown.
    - Offset by, the cost of covering contract hand backs - due to the low number of available operators within the surrounding area we are finding that replacing contracts are coming at price premium, due to Covid-19 contracts have had to be split and additional vehicles put on to cover.
- **Fleet Maintenance** - £204k overspend, due to:-
  - The unit is incurring additional vehicle maintenance costs due to the authority's fleet increasing in number due in the main to Covid-19 requirements.
  - Increased depot maintenance.
  - A reduction in members of the Green Car scheme has hit savings (£6k).

## NEIGHBOURHOOD SERVICES

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	1,456	1,153	783		

Neighbourhood services is forecasting to overspend by £783k – the services within this area have been heavily impacted by the Covid-19 outbreak.

- **Highways & Street Lighting** - Forecasting a £72k underspend. This is due to a saving in Street Lighting as electricity price increases were less than budgeted and due to Kwh savings from energy efficient lamp replacement, there is a one-off saving, as we will only see a part year financing loan repayment in 2020-21. Highways Operations and Swtra are currently forecasting to break-even.
- **Waste & Street Scene** - £854k overspend – This can be broken down into 2 main areas:-
  - Waste Services - £698k overspend due to:-
    - Staff Costs overspending by £231k due to the need to bring in more resource to cope with the impact of Covid-19. This forecast assumes social distancing measures will continue until financial year-end.
    - Vehicle Hire & running costs increasing by £61k – extra vehicles have been brought in to help with social distancing of workforce, as above we expect this to continue until year-end.
    - External Income reducing by £56k – The lockdown has meant that trade income and re-use shop income will not hit budget.
    - Non-Covid related pressures - £350k – due to abeyance of Usk CA site closure (£30k), pressure caused by no budget increase for contracts and fuel inflation and the delayed roll out of polyprop bags. In addition the volatility in the recycling market due to Brexit and Covid continue to impact negatively on treatment and disposal costs for recycling and waste materials. This has been part offset by savings in project staff vacancies. In addition we have moved £101k of revenue spend relating to service transformation to capital as part of the capitalisation directive, this is one of the reasons for the improvement from Month 5.
  - Grounds Maintenance – £157k overspend – the service has been greatly affected by the Covid-19 outbreak, grounds staff and vehicles were initially redeployed to help in the waste service so external income generation has been affected.

Both services have benefitted in quarter 1 from WG Covid-19 funding to cover lost income and additional spend and we are hopeful that this will continue for the remainder of the year. The forecast above assumes no further grant so if we do receive more the position will improve.

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	1,011	1,067	993		

Planning & Housing is forecasting to overspend by £993k.

- **Planning & Building Control** - £199k net overspend mainly due to shortfalls in planning income and building control fees because of Covid-19 lockdown.
- **Planning Policy** - £175k underspend, due to £128k of RLDP costs being moved to the capitalisation directive and an underspend of £47k of professional and specialist fees costs due to delays in the LDP.
- **Housing** is forecasting a £567k overspend, main areas include :-
  - A £527k overspend relating to housing our homeless in line with WG policy:-
    - B&B costs are expected to overspend by £223k.
    - We are estimating Emergency hostel increases of £260k due to additional security measures.
    - Increased private rental costs of £44k, as more accommodation is required as a result of homelessness issue.
    - It is anticipated that all of the above will be covered by the WG Covid-19 Hardship fund.
  - Reduced income in Renovation grants as Covid-19 lockdown has affected fees (£50k).
  - £5k overspend in software costs.
- **Car Parking, Highways Development & Flooding** - £402k overspend. Main areas:-
  - Car Parks overspending by £592k – Pay & Display and Parking Enforcement income has been affected by the Covid-19 lockdown and we are anticipating a £525k shortfall on our income budget, in addition, we have increased costs in rates, transport and supplies and services of £67k. We are anticipating that the income shortfall will be funded by WG grant.
  - Highways Development & Flooding underspending by £189k – this is mainly due to staff vacancies across the department where the decision has been made to freeze vacant posts to help with recovery of car park overspend.

### (MONLIFE) Countryside & Culture

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	42	40	81		

**Countryside & Culture** is forecasting a £81k overspend. This is predominately down to lost income from event cancellations, postponement of workshops and shop closures in Museums and Learning due to the impact of closing sites due to Covid-19

### (MONLIFE) Finance & Business Development

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	(118)	(150)	(106)		

Finance & Business Development is forecasting to underspend by £106k. There has been lost income due to Covid-19 closures at Tintern Station and Caldicot Castle of £70k, but this has been offset by staff underspends across the services as posts have been purposely held vacant.

### (MONLIFE) Leisure, Youth & Outdoor Adventure

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	2,173	1,877	1,694		

**Leisure, Youth & Outdoor Adventure** is forecasting a £1,694k overspend.

**Leisure Centres** are reporting a combined overspend of £1,573k. Even though our 4 centres re-opened earlier than expected, we have not been able to fully open all facilities and because of social distancing, have introduced restrictions on numbers. Significant numbers of people (3,000) are continuing to freeze their memberships but we have seen a large number of cancellations (2,000 to date) resulting in a big hit on income generation. Outdoor Adventure is forecasting a £177k overspend. Both sites have been closed since March and we do not expect them to re-open for residential accommodation visits until January with anticipated income at a fraction of original budget. The overspend has reduced from M5 as we have received qtr1 income loss grant from WG.

The **Youth & Community Team** is reporting a £55k underspend due to staff vacancies.

The department has benefitted in quarter 1 from WG Covid-19 funding to cover lost income and additional spend and we are hopeful that this will continue for the remainder of the year. The forecast above assumes no further grant so if we do receive more then the position will improve.

CHIEF EXECUTIVES UNIT	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	187	144	62		

#### LEGAL & LAND CHARGES

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	78	92	40		

Land Charges is forecasting to overspend by £50k due to a reduction in income as a result of the impact Covid-19 has had on the Housing market. This is a £13k improvement from month 5 as income activity has been higher than previously anticipated.

Legal is forecasting to underspend by £11k; this is mainly due to savings in employee costs as it has been decided not to fill the employment lawyers post, this saving has been offset by decreased fee income. This is a £39k improvement from month 5 mainly due to the decision not to fill the post in the structure.

#### GOVERNANCE, DEMOCRACY & SUPPORT

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	109	52	23		

Community Hubs are forecasting to overspend by £10k this is due to over spends in Usk PO, as this budget area is not being completely funded and therefore running at a loss, also there is insufficient budget provision for Gilvern Library. This is offset in part by savings across some of the other hubs due to a decrease in spend on supplies and services. The £7k adverse variance from Month 5 is due to the requirement to purchase more books, it was thought at month 5 that this would not be needed due to the Hubs being closed for a period of time.

The Contact Centre is reporting a £29k overspend, this is down to staff costs exceeding budget as restructure savings are put on hold whilst we deal with Covid-19 issues.

The Corporate Section is forecasting to overspend by £12k, this is due to an overspend relating to supplies and services and a copyright licencing fee.

The Democratic Services Section is forecasting to underspend by £48,000, this is due to underspends in supplies and services mainly due to Members working from home. The £34k improvement from month 5 is due to further reductions in supplies and services.

Policy and Partnerships is forecasting to overspend by £19k, this is mainly due to an increase in Welsh Language Translation costs.

<b>RESOURCES</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	782	694	193		

#### **RESOURCES DIRECTORS COMMENTARY:**

Whilst the COVID-19 pandemic has adversely impacted front line services the directorate has equally suffered significantly but in different ways. The forecast over spend of £193k is in part offset by vacancy savings and notably where senior finance posts and property posts are not being filled. This is not a sustainable position and will not be a permanent feature.

There is a significant pressure of £429k that centres itself on forecast increases in housing benefit claims, and that includes B&B claims for homeless people, and which doesn't attract full subsidy from DWP. Funding is being sought from Welsh Government's COVID-19 Hardship Fund to meet this pressure.

The directorate is also suffering income shortfalls as a consequence of the COVID-19 pandemic, with shortfalls in summons income, in Raglan training centre, Markets and with shortfalls in budgeted commercial income.

The positive variance identified since month 5 can largely be attributed to the capitalisation of eligible costs as part of the increase in capitalisation directive that was approved at month 5. £309k of Digital programme office costs, £66k of transformational costs and £36k of collaborative costs have been capitalised since month 5.

This remains an evolving and dynamic situation that is under constant review and every effort is being made to curtail non-essential spend in recognition of the directorate and whole authority forecast over spend.

#### **FINANCE**

<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	137	189	173		

**Finance** - £262k underspend - as a result of senior Finance staff vacancies and maternity leave. This forecast currently assumes these posts will remain vacant for rest of year.

**Audit** - £36k underspend due to staff savings as we have funded collaboration costs through capital as part of capitalisation directive.

**Revenues** - £533k overspend. The outturn has been heavily impacted by Covid-19:

- Benefits is forecasting a £429k overspend. The Covid-19 pandemic continues to put this budget under considerable pressure. Welsh Government guidance requires councils to ensure that no one is sleeping rough. As a consequence the number of B&B claims for housing benefit continue to rise (although we are starting to see some levelling off) Not all this expenditure qualifies for housing benefit subsidy, which is resulting in a budget pressure which will likely continue beyond this financial year.

- Council Tax is forecasting a £125k overspend, £86k of this relates to an anticipated shortfall in summons income, following the closure of courts and the decision to temporarily halt recovery for unpaid council tax and business rates, as a result of COVID-19. The remaining balance relates to a

staffing overspend as budget has been moved as part of the Resources restructure, this has been offset by underspends within Finance as detailed above.

- Debtors is underspending by £18k due to a staff vacancy saving, due to the financial impact of Covid-19, a decision has been made not to fill this post.

**Systems & Cashiers** - £62k underspend – main reasons relate to software and system development savings and security carrier costs as activity is down due to Covid-19 shutdown.

## INFORMATION, COMMUNICATION & TECHNOLOGY

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / <b>(Surplus)</b> £'000s	40	(128)	(431)		

The ICT section is forecasting a £431k underspend. This is due to :-

- Savings within SRS, they are currently predicting a £52k underspend on our contribution for 2020-21 and are also holding MCC specific reserves totalling £70k - we have requested that these be passed back to us this year.
- A £309,000 saving within our digital programme office as we have passported staff costs that relate to digital transformation to capital as part of the capitalisation directive.

The improvement from month 5 relates to the movement of digital programme office staff costs to capital; this was not included at Month 5.

## PEOPLE

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / <b>(Surplus)</b> £'000s	(2)	6	(68)		

The department is forecasting to break-even this year but there are variations amongst sections, the main being:-

- **People Services** - £8k overspend, this is due to a shortfall in training income due to Covid-19 of £37k part offset by staff savings within HR of £29k due to staff savings, as posts have only been filled part way through the year.
- **Organisational Development** - £62k underspend, this is mainly due to staff savings as we are transferring staff costs involved with service transformation to capital as part of the capitalisation directive.
- **Customer Relations** - £14k underspend due to a reduction in professional fees.

The improvement from Month 5 of £74k is mainly down to the decision to move staff costs within organisational development to capital.

## FUTURE MONMOUTHSHIRE

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / <b>(Surplus)</b> £'000s	112	112	82		

**Future Monmouthshire** is forecasting to overspend by £82k. £112k of Corporate Agency and travel savings have been built into the budget for 2020-21 – currently these are deemed unachievable or are being achieved within directorate budgets and are thus contained in their respective forecasts. This has been offset by staff savings, as we are covering secondment costs of a member of staff from WG. This was not factored in at month 5 and so is the reason for the improvement.

## COMMERCIAL & CORPORATE LANDLORD

Outturn Forecast	Month 2	Month 5	Month 7	Month 9	Outturn
Deficit / (Surplus) £'000s	495	515	437		

**Commercial & Corporate Landlord** is forecasting a £437k overspend:-

• **Investment Properties** is forecasting a combined overspend of £393k, this can be split into 2 areas:-

- Investment Assets other - £200k overspend, our MTFP for 2020-21 included a £200k saving to reflect additional income from the purchase of more investment properties. Currently (and in part due to Covid-19) there are no further purchases in the pipeline this year so this saving is unachievable.
- Castlegate and Newport Leisure Park's (NLP) combined surplus for 2020-21 is estimated to be £417k, although we are more than covering costs this is short on our budgeted target of £609k and we are forecasting a £193k overspend for this year. This is mainly down to a rental income reduction at our NLP site of £265k as we have seen another unit closure and are anticipating a hit on rentals due to the impact Covid-19 is having on the Leisure & Retail sector. Castlegate is forecasting to underspend by £73k, we have benefitted from a one-off windfall of £117k as Alder King have paid over tenant loan repayments that they were holding on our behalf, this has been offset by a £40k anticipated overspend on consultant and maintenance costs.

• **Estates** - £133k over spend. This is mainly due to income not reaching budgeted levels due to 3 issues:

- 1) vacant office space in the Magor means that rental income is down,
- 2) the budget assumed income from the creation of a development company, this has not happened yet,
- 3) our service charge income is down as we are yet to come to an agreement with our tenant BAM.

All 3 total a shortfall of £244k. This is currently being offset by net staffing savings of £111k due to vacant posts only being filled part way through the year.

• **Solar Farm** - £66k underspend - even though we have seen ROC unit prices fall due to the drop-off in demand due to Covid-19 lockdown, the solar farm is still generating a surplus, this is a £17k improvement from month 5 mainly due to maintenance costs reducing.

• **County Farms** - £7k overspend, mainly due to rates increases.

• **Cemeteries** - £38k overspend mainly due to increased maintenance work on trees and boundary walls. We have seen less burials due to COVID-19 rules but we are confident that income will remain at 2019/20 levels.

• **Markets** - £160k overspend. This is mainly due to income loss as turnover has been affected by the Covid-19 shutdown and an increase in waste collection charges, but this is offset by staff savings of £20k due to the delayed appointment of the Deputy Markets manager.

• **Industrial units** - £13k overspend mainly due to the cost of EPC surveys and a reduction in rental income.

• **Property Services & Facilities Mgt** is forecasting a £212k underspend, made up as follows:-

- Property & Office Services are forecasting a combined underspend of £102k, this is mainly due to staff savings as some vacant posts will not be filled until later than originally anticipated or frozen until start of next year and a reduction in supplies & Services.



- Property Accommodation is forecasting to underspend by £100k. The main reason for this is due to savings in maintenance and utilities costs as offices have been closed or in limited operation due to Covid-19.
- Telephony is forecasting to underspend by £10k as contracted call charges are expected to come in below budget.

<b>CORPORATE COSTS &amp; LEVIES</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	1,480	66	42		
<b>PRECEPTS &amp; LEVIES</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	2	2	2		
Small overspend on National parks levy of £2k due to notification of levy late in the budget process.					
<b>CORONERS SERVICES</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	23	23	23		
An increase in workload and staffing requirements along with DDA compliance works will lead to a forecast £23k overspend against budget.					
<b>CORPORATE MANAGEMENT</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	0	(114)	(191)		
Primarily due to the forecast receipt receivable on the final dissolution of Capita Gwent Consultancy alongside rate refunds on Authority owned premises, which were not known about at month 5.					
<b>NON DISTRIBUTED COSTS</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	108	108	215		
Additional pension strain costs relating to redundancies. Strain costs relate to staff who retire before their normal pension age and where the employer is required to top up the pension fund to cover the shortfall in contributions. The majority of these costs would not have been known about at budget setting stage due to the uncertainty over the timing, value and individual pension implications of redundancies. A further increase over and above the month 5 figure is now reported due to further notification of some significant early retirements.					
<b>STRATEGIC INITIATIVES</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	1,300	0	(61)		
The budgets held for incremental pay pressure (£420k pressure) and cross directorate efficiency savings (£359k saving) are to remain centrally and not be distributed to service budgets.					
<b>INSURANCE</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	47	46	56		

An overspend is currently forecast against the premium budget based on the results of the Insurance renewal and the increase in costs for the period Oct 2020 to April 2021 due to the worsening of claims experience. The flooding events led to a significant property claim at Monmouth LC and Covid-19 has led to significant travel claims relating to cancelled school trips. It should be noted that 2021/22 will see a full year impact of these events, which will need to be taken account of in budget setting.

<b>APPROPRIATIONS</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	(77)	(83)	(163)		
<b>FIXED ASSET DISPOSAL COSTS</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	0	25	6		
Costs forecast over and above the current budget due to unforeseen surveys and studies relating to disposal sites. Clarification since month 5 of some costs that were classified as capital in nature and subsequently moved.					
<b>INTEREST &amp; INVESTMENT INCOME</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	163	181	162		
The forecast rate of return achievable following the Covid-19 pandemic has reduced significantly from budgeted levels as the UK Government refines its economic response. This has also impacted forecast returns on Property and combined funds. Since month 5 income returns on pooled funds have recovered to a level not predicted at month 5 and consequently have improved the forecast.					
<b>INTEREST PAYABLE &amp; SIMILAR CHARGES</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	(126)	(164)	(230)		
In October 2019, the PWLB took the unprecedented step of increasing its borrowing margin across the board by 1% in reaction to increased levels of borrowing by Local Authorities to fund commercial investments. This has resulted in PWLB borrowing being uneconomic when compared to short term borrowing sourced from other public bodies and consequently the Authority's approach has been modified resulting in lower borrowing costs in the short term. PWLB has since reversed this decision but longer-term rates continue to remain unattractive in the near term until capital-spending plans are firmed up.					
<b>CHARGES REQUIRED UNDER REGULATION</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	(113)	(113)	(82)		
A high level of slippage in the capital programme has resulted in some assets not being operational by 31/03/2020 and consequently the MRP charge for those assets being deferred by at least one year. Since month 5, a more detailed piece of work has been undertaken on this large budget and the forecast has been refined.					
<b>OTHER INVESTMENT INCOME</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	(1)	(12)	(14)		

Unexpected recoupment following the final winding up of Heritable bank, which had previously defaulted.

<b>FINANCING</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	336	20	<b>(157)</b>		
<b>COUNCIL TAX BENEFIT SUPPORT</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	336	324	<b>229</b>		
<p>This budget continues to be under particular pressure, as a direct result of Covid-19. Since the beginning of the year, caseload has increased and now stands at around 6,050 cases (caseload at the end of March 2019 was 5,721). Cases are slowly beginning to level off. In addition, since the month 5 forecast was prepared the Welsh Government funding for quarter one has come through, which amounted to £76,000 for Monmouthshire. Welsh Government have recently announced that a second tranche of funding for CTRS will be released shortly. Again, we await confirmation of MCC's share of this funding.</p>					
<b>COUNCIL TAX</b>					
<b>Outturn Forecast</b>	<b>Month 2</b>	<b>Month 5</b>	<b>Month 7</b>	<b>Month 9</b>	<b>Outturn</b>
<b>Deficit / (Surplus) £'000s</b>	0	<b>(305)</b>	<b>(385)</b>		
<p>This year's collection rate is still down by 2.2% compared to the same time last year. Recovery action has started and we now have a court date scheduled for January 2021 for formal recovery action to start again. On the plus side the council tax base continues to look healthy, with an additional 330 properties added to the base since it was prepared last October. As a result, forecast to collect an additional £385,000 income this year.</p>					

## 2. SCHOOLS

- 2.1. A Board of Governors who are responsible for managing the school's finances directly governs each of the Authority's Schools. However, the Authority also holds a key responsibility for monitoring the overall financial performance of schools. Below is a table showing the outturn forecast Schools' balances position based on month 5 projections for each Educational Cluster.
- 2.2. The monitoring earlier in the year at month 2 included a surplus balance of £206,518 for Mounton House. As the school has closed this has been transferred centrally. £107,000 has been used to support the placement costs for the 3 remaining MCC pupils and the remaining £100,000 has been used to offset the overspend in CYP. Included in the table below are the total balances excluding Mounton House for comparison.

<b>Draft Council Fund Outturn 2020/21 – School Balances Summary outturn position at Month 7</b>	<b>(A) Opening Reserves (Surplus) / Deficit Position 2020/21 £000's</b>	<b>(B) Forecast Movement from / (to) School Balances @ Month 5 £'000</b>	<b>(C) Forecast Movement from / (to) School Balances @ Month 7 £'000</b>	<b>(A+C) Forecast Reserve Balances at 2020/21 Outturn £'000</b>
<b>Cluster</b>				
Abergavenny	<b>(118)</b>	<b>(316)</b>	<b>(299)</b>	<b>(417)</b>

Caldicot	160	81	18	<b>178</b>
Chepstow	24	235	205	<b>229</b>
Monmouth	518	(98)	(129)	<b>389</b>
Special	(149)	180	193	<b>44</b>
<b>Total</b>	<b>435</b>	<b>82</b>	<b>(13)</b>	<b>422</b>
<b>Total Excl Mounon House</b>	<b>607</b>	<b>(91)</b>	<b>(185)</b>	<b>422</b>

2.3. Collective School Balances at the beginning of the financial year amounted to a £435,000 deficit. The Schools month 2 forecast draw on reserves was £374,000 which resulted in a forecast deficit balance of £809,000. At month 5, the forecast deficit balance had improved by £293,000 taking the forecast deficit to £517,000. At month 7, the forecast deficit balance has improved by a further £95,000 taking the forecast deficit to £422,000. It should be noted that King Henry VIII Comprehensive School have requested a Local Authority loan of £250,000 which has been approved by the Governing Body.

2.4. The movement of individual schools forecasting to be in deficit during the financial year is shown below:

Start of year	Month 2	Month 5	Month 7
<b>Total: 17</b>	<b>Total: 14</b>	<b>Total: 12</b>	<b>Total: 13</b>
Caldicot Comprehensive	Caldicot Comprehensive	Caldicot Comprehensive	Caldicot Comprehensive
Chepstow Comprehensive	Chepstow Comprehensive	Chepstow Comprehensive	Chepstow Comprehensive
King Henry VIII Comprehensive	King Henry VIII Comprehensive	**	
Monmouth Comprehensive	Monmouth Comprehensive	Monmouth Comprehensive	Monmouth Comprehensive
Llandogo Primary	Llandogo Primary	Llandogo Primary	Llandogo Primary
Llantilio Pertholey CIW Primary			
Magor CIW Primary			
Osbaston CiW Primary	Osbaston CiW Primary	Osbaston CiW Primary	Osbaston CiW Primary
Overmonnow Primary			Overmonnow Primary
Pupil Referral Service	Pupil Referral Service	Pupil Referral Service	Pupil Referral Service
Raglan CiW Primary	Raglan CiW Primary		
Rogiet Primary			
St Mary's RC Primary	St Mary's RC Primary	St Mary's RC Primary	St Mary's RC Primary
	The Dell Primary School	The Dell Primary School	The Dell Primary School
Thornwell Primary	Thornwell Primary	Thornwell Primary	Thornwell Primary
Undy Primary	Undy Primary	Undy Primary	Undy Primary
Ysgol Gymraeg Y Fenni	Ysgol Gymraeg Y Fenni	Ysgol Gymraeg Y Fenni	Ysgol Gymraeg Y Fenni
Ysgol Gymraeg Y Ffin	Ysgol Gymraeg Y Ffin	Ysgol Gymraeg Y Ffin	Ysgol Gymraeg Y Ffin

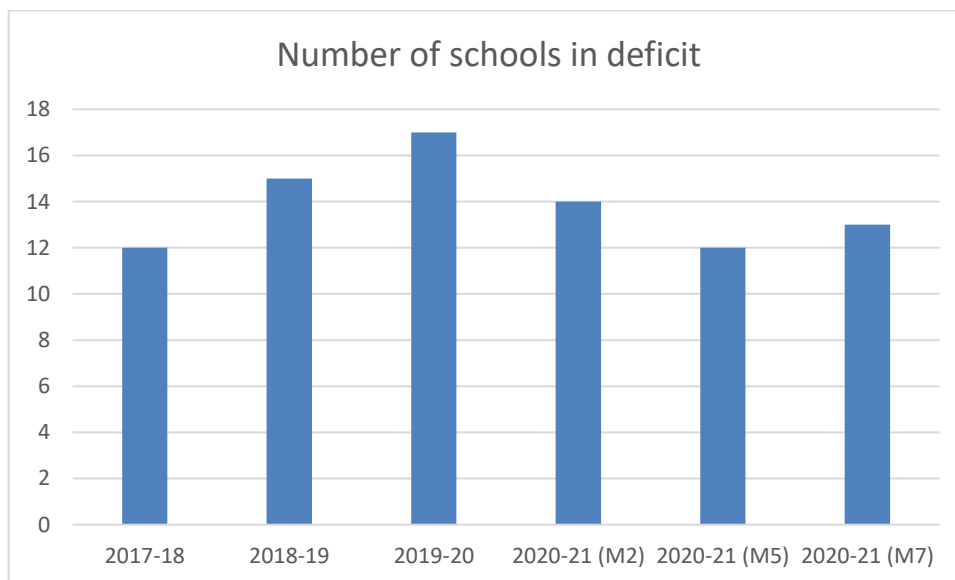
\*\* King Henry VIII Comprehensive School forecast balance at month 5 onwards includes a Local Authority loan of £250,000 which is estimated to result in a surplus year end balance.

2.5. All schools in a deficit budget have, or are in the process of agreeing recovery plans. These recovery plans will be confirmed with both the Local Education Authority and each School's Governing Body. Once finalised the schools with significant deficits will be monitored by the Cabinet member for Children and Young People and Resources on a termly basis.

2.6. Total schools balances are exhibiting a fluctuating trend with some schools showing a continuing reduction in schools balances which is of concern and others a more balanced trend.

Financial Year-end	Net level of School Balances
2014-15	(1,140)
2015-16	(1,156)
2016-17	(269)
2017-18	(175)
2018-19	232
2019-20	435
2020-21 (Forecast)	422

2.7. However, set against this and as referenced above the number of schools in deficit is forecasting to reduce as the financial year progresses illustrated by the following table. This provides some overall comfort that recovery plans are taking effect.



2.8. There has been a significant reliance on reserve balances to supplement school spending plans in the last 4 years across individual schools with a certain amount of replenishment. As a rough guide, prior to 2010, Welsh Government advocated that school balance levels equated to no more than £50,000 for a primary school and £100,000 for a secondary school. Members may wish to seek a comfort that balances are not being used to subsidise and sustain core costs such as staffing.

### 3 CAPITAL OUTTURN

3.1 The summary forecast Capital position at Month 7 is as follows:

#### Forecast Capital Outturn Position 2020/21 at Month 7

Select Portfolio	Slippage B/F	Original Budget	Budget movements	Forecast Slippage	Revised Budget 2020/21	Forecast at M7	Variance M7	Variance at M5
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
<b>Expenditure</b>								
Children & Young People	1,245	14,423	655	(12,483)	3,840	3,840	0	0
Economic & Development	17,496	3,068	30	(18,012)	2,582	2,582	0	0
Adult	300	5,678	0	(5,978)	0	0	0	0
Strong Communities	5,801	10,139	3,817	(897)	18,860	18,860	0	0
<b>Total Expenditure</b>	<b>24,842</b>	<b>33,308</b>	<b>4,502</b>	<b>(37,370)</b>	<b>25,282</b>	<b>25,282</b>	<b>0</b>	<b>0</b>
<b>Financing</b>								
Supported Borrowing	0	(2,417)	0	0	(2,417)	(2,417)	0	0
General Capital Grant	0	(2,423)	0	0	(2,423)	(2,423)	0	0
Grants and Contributions	(393)	(18,229)	(3,797)	15,628	(6,791)	(6,791)	0	0
S106 Contributions	(1,052)	0	0	78	(974)	(974)	0	0
Unsupported Borrowing	(22,546)	(5,275)	0	20,464	(7,357)	(7,357)	0	0
Reserve & Revenue Funding	(239)	(2)	0	0	(241)	(241)	0	0
Capital Receipts	(612)	(3,462)	(705)	1,200	(3,579)	(3,579)	0	0
Leasing	0	(1,500)	0	0	(1,500)	(1,500)	0	0
<b>Total Financing</b>	<b>(24,842)</b>	<b>(33,308)</b>	<b>(4,502)</b>	<b>37,370</b>	<b>(25,282)</b>	<b>(25,282)</b>	<b>0</b>	<b>0</b>

3.2 The capital expenditure forecast outturn at month 7 shows no variance due to a forecasted full spend against the revised budget net of forecast slippage.

3.3 The outbreak of the COVID-19 pandemic has caused significant disruption to the progress of budgeted capital schemes with forecast slippage at month 7 totalling £37.4m (£25.2m at month 5). The impact is felt in both internally and externally managed projects, with disruption to external supply chains, increased contract risk and potential inflationary cost pressures sitting alongside internal resourcing pressures.

3.4 The forecast slippage is broken down as follows:

<b>Scheme</b>	<b>Forecast Slippage M2 (000's)</b>	<b>Forecast Slippage M5 (000's)</b>	<b>Forecast Slippage M7 (000's)</b>
Asset Investment fund		18,142	18,142
Tranche 'B' King Henry Future Schools			12,484
Crick Road Care Home	5,978	5,978	5,978
County Hall 'J' block		544	544
IT upgrade and refurbishment for the Council Chamber		200	200
Section 106 schemes		131	78
Property schemes		229	74

### 3.5 Useable Capital Receipts Available

3.6 In the table below, the effect of the changes to the forecast capital receipts at Month 7 on the useable capital receipts balances available to meet future capital commitments are illustrated. There is also a comparison to the balances forecast within the 2020/24 MTFP capital budget proposals.

	<b>2020/21 £000</b>	<b>2021/22 £000</b>	<b>2022/23 £000</b>	<b>2023/24 £000</b>	<b>2024/25 £000</b>
Balance as at 1st April	3,207	5,120	8,253	8,698	7,944
Capital receipts used for financing	(1,488)	(2,059)	(859)	(859)	(859)
Capital receipts used to support capitalisation direction	(2,091)	0	0	0	0
Capital receipts Received or Forecast	5,492	5,192	1,304	104	104
<b>Forecast Balance as at 31st March</b>	<b>5,120</b>	<b>8,253</b>	<b>8,698</b>	<b>7,944</b>	<b>7,189</b>
Forecast Balance 2020/24 MTFP	9,904	10,245	10,791	10,136	10,136
<b>Variance compared to 2020/24 MTFP</b>	<b>(4,784)</b>	<b>(1,992)</b>	<b>(2,093)</b>	<b>(2,192)</b>	<b>(2,947)</b>

3.7 Forecasted capital receipts of £4.1m are delayed from 2020/21 to 2021/22 in regard to sales of land at Rockfield Farm, Undy, Chepstow Road, Raglan and Penarth Farm due to the delay in receiving offers because of the Covid-19 pandemic and site constraints concerning Penarth Farm.

3.8 Forecasted balances held at the end of each financial year are lower than forecasted in the 2020/24 MTFP. Ignoring timing differences in the realisation of capital receipts, this is largely attributable to the use of unbudgeted receipts under the capitalisation direction in 2019-20 and 2020-21 and if this trend of utilisation is maintained, this will be reflected in a greatly reduced balance being carried forward in subsequent years to fund future capital schemes.

This page is intentionally left blank



Social Care, Health & Safeguarding	Non Covid-19 Pressures	COVID- 19 Specific			
DIVISION	Net Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Total
Adult Services	181	0	0	0	181
Children Services	1,460	0	0	0	1,460
Community Care	(4)	0	0	0	(4)
Commissioning	(104)	0	0	0	(104)
Partnerships	0	0	0	0	0
Public Protection	0	0	177	0	177
Resources & Performance	(4)	0	0	0	(4)
	1,529	0	177	0	1,706

Social Care, Health & Safeguarding	Non Covid-19 Pressures	COVID- 19 Specific PRESSURES			HEADLINE PRESSURE ANALYSIS			20-21 Sensitivity			MTFP Risk 21-22		
	Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Core assumptions used to calculate forecast pressure*	Factors that are attributable to can alter forecast pressure figure / Sensitivity Value (£0,000) ~	Risk Factor (%) / Future Impact Pressures on Service where no value offered /Other factors	Worst £000	Medium £000	Best £000	Pressure £000	Risk High/Med/Low	Notes
<b>Adult Services</b>													
Not achieving income target and the 2% staff efficiency saving, coupled with the increased staff pay award	588				Pay award additional cost is £346K and cost centres that cannot meet the 2% staff efficiency saving as front line services totals £242K			588			588		
Capitalisation	(114)												
Reduced capacity to offer services (C19)	(293)												
<b>Total Adult Services</b>	<b>181</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>588</b>	<b>0</b>	<b>0</b>	<b>588</b>		
<b>Children Services</b>													
Placement costs for LAC and non LAC population	872				2020/21 M7 forecast						872		
Legal costs	238				2020/21 M7 forecast						238		
Agency staffing	350				2020/21 M7 forecast			350			350		
<b>Total Children's Services</b>	<b>1,460</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>350</b>	<b>0</b>	<b>0</b>	<b>1,460</b>		
<b>Community Care</b>													
Increase in care packages	260												
TWUD SCWS Grant	(440)												
DOLS Capitalised	(100)												
Other	26												
Increase in care packages (Radis Usk)	250				Reintegration of Radis USK contract						250		
<b>Total Community Care</b>	<b>(4)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>250</b>		
<b>Commissioning</b>													
Vacancy	(72)												
Service level contracts not being able to be run	(32)												
<b>Total Commissioning</b>	<b>(104)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Partnerships</b>													
<b>Total Partnerships</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Public Protection</b>													
Lost income for Registrars mainly due to cancelled/reduced weddings and ceremonies			177										
<b>Total Public Protection</b>	<b>0</b>	<b>0</b>	<b>177</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Resources &amp; Performance</b>													
Other	(4)										0		
<b>Total Resources &amp; Performance</b>	<b>(4)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Total Social Care, Health &amp; Safeguarding</b>	<b>1,529</b>	<b>0</b>	<b>177</b>	<b>0</b>				<b>938</b>	<b>0</b>	<b>0</b>	<b>2,298</b>		

Children & Young People	Non Covid-19 Pressures	COVID- 19 Specific			Total
		Net Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	
Individual Schools Budgets	(316)	0	0	0	(316)
Resources	10	0	0	5	15
Standards	406	(50)	70	0	426
	100	(50)	70	5	125

Children & Young People	Non Covid-19 Pressures	COVID- 19 Specific PRESSURES			HEADLINE PRESSURE ANALYSIS			20-21 Sensitivity			MTFP Risk 21-22			
		Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Core assumptions used to calculate forecast pressure*	Factors that are attributable / can alter forecast pressure figure / Sensitivity Value (£0,000) ~	Risk Factor (%)/ Future Impact Pressures on Service where no value offered /Other factors	Worst £000	Medium £000	Best £000	Pressure £000	Risk High/Med /Low	Notes
Individual Schools Budgets														
Post 16 funding	(56)													
Mounton House transfer	(260)													
<b>Total Individual Schools Budgets</b>	<b>(316)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Resources														
Finance	9	0	0	5	Salary costs relating to a mutual supply compensation scheme	0	No risk going forward	5					Low	
ICT	14				Total costs for the year to ensure all the essential upgrades are completed.			14					Low	
Other	(13)													
<b>Total Resources</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>5</b>				<b>19</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Standards														
Loss of income for breakfast club for the summer term	18		70		This is the loss of income from breakfast clubs for the summer term and the initial two weeks at the start of September. The loss of income is £90,000 with a cost saving of £20,000. It is anticipated that this can be reclaimed from Welsh Government	£4,000 per week	50% - currently lower numbers attending breakfast club	156	104	70	0		Low	The risk for 21-22 is that no breakfast clubs operate during the 20-21 academic year
Early Years	(100)	(50)			Savings due to rising 3's not being admitted into schools in the summer term due to covid									
ALN	478										431			
Other	10													
<b>Total Standards</b>	<b>406</b>	<b>(50)</b>	<b>70</b>	<b>0</b>				<b>156</b>	<b>104</b>	<b>70</b>	<b>431</b>			
<b>CYP</b>	<b>100</b>	<b>(50)</b>	<b>70</b>	<b>5</b>				<b>175</b>	<b>104</b>	<b>70</b>	<b>431</b>			

ENTERPRISE	Non Covid-19 Pressures		COVID-19 Specific PRESSURES		Total
	Net Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid-19 (£000)	Shortfall/ Loss of income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	
<b>Business Growth &amp; Enterprise</b>	501	0	0	0	501
<b>Facilities &amp; Fleet</b>	490	0	0	0	490
<b>Neighbourhood Services</b>	274	292	212	0	782
<b>Planning &amp; Housing</b>	162	0	869	527	994
<b>MonLife</b>	119	0	1,851	0	1,970
<b>TOTAL</b>	<b>1,546</b>	<b>292</b>	<b>2,932</b>	<b>527</b>	<b>4,802</b>

ENTERPRISE	Non Covid-19 Pressures		COVID-19 Specific PRESSURES		HEADLINE PRESSURE ANALYSIS			20-21 Sensitivity			MPP Risk 21-22		
	Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid-19 (£000)	Shortfall/ Loss of income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Core assumptions used to calculate forecast pressure*	Factors that are attributable / sensitive to forecast pressure**	Risk Factor (D) Future Impact Pressures on Service where no value offered / Other factors	Worst £000	Medium £000	Best £000	Pressure £000	Risk High/Med/Low	Notes
<b>Business Growth &amp; Enterprise</b>													
Community & Pupil Dev - staff costs covered by grant funding	123												
Communications - improved income	10												
Strategic Projects - staff saving, transferring staff collaboration costs to capital	123												
Integrating - Pay award budget shortfall	17												
<b>Total Business Growth &amp; Enterprise</b>	<b>483</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Facilities &amp; Fleet</b>													
Schools Catering - Loss of income/PM increase	0	0	405	0						314	Med	Loss of income due to increase in PM entitlement (£144), Loss of general meal uptake (£204)	
Building Cleaning - Covid cleaning grant, incomes school cleaning funded by grant	123	0	0	0									
PTU - Staffing Pressure	401	0	0	0						401	Med	Recurring pressure	
PTU - New Software Package - Moved to Capitalisation	0	0	0	0									
PTU - Loss of Private Hire income due to Covid			343							243	Med	Impacted by Covid, guidelines might impact ability to generate external income next year	
PTU - Service 85 income loss due to Covid			16										
PTU - Grass Routes	0	0	0	0									
PTU Commissioning - Contract savings offset by increased covid costs	1100	79											
Transport - Green Car scheme loss, increased repair costs for additional vehicles taken on for Covid	130	66											
<b>Total Facilities &amp; Fleet</b>	<b>490</b>	<b>145</b>	<b>668</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>938</b>		
<b>Neighbourhood Services</b>													
Highways & Streetlighting - Streetlighting energy saving	123												
Waste - Increased Staff Costs due to Covid social distancing requirements		231		0									
Waste - Increased vehicle hire & running Costs due to Covid social distancing requirements		61		0									
Waste - External Trade Income			16										
Waste - Existing budget Pressures	310									310	High	Recurring pressure	
Grounds Maintenance - Reduction in external trade income as a result of Covid	0	0	136	0									
<b>Total Neighbourhood Services</b>	<b>274</b>	<b>292</b>	<b>212</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>350</b>		
<b>Planning &amp; Housing</b>													
Planning - Reduction in planning & Building Control Fees	191	0	294	0						200	High	Income projections from planning applications are expected to be down next year but will pick back up once new LDP is agreed	
LDP - Consultant Upward (£128k to capitalisation)	175												
Car Parking Enforcement - Income Pressure	67		288										
Car Parking Income down due to Covid Restrictions	0	0	397	0									
Car Parking - Season Tickets & Permits			40										
Highway Div & Flooding	1100												
Housing - Renovation grants - Loss of fee income due to Covid restrictions	0		50								0		
Housing - Customer Costs													
Housing Misc	114												
Homelessness - Increase in BB8 costs, security costs and meals due to Covid	162	0	869	527						527	High	Costs will remain if alternative provision isn't found, no guaranteed any further WG funding next year	
<b>Total Planning &amp; Housing</b>	<b>162</b>	<b>0</b>	<b>869</b>	<b>527</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>929</b>		
<b>MONLIFE</b>													
Loss of Culture Centre income due to sites being closed for Covid	0	0	1,875	0						1,345		Restrictions and site closures through covid, loss of consumer confidence 50% loss. This assumes that sites are fully open but with reduced membership and general usage	
Outdoor Education - Loss of income as centres closed due to Covid	0	0	126	0						161		Restrictions and site closures through covid, loss of consumer confidence 50% loss. Potentially no bookings until 2022/23 academic year - Spring / Summer being highest income generating period	
Countryside & Culture - income loss due to event cancellation			48							26		Restrictions and site closures through covid, loss of consumer confidence - estimated impact 25% of income	
Countryside & Culture - Software Depend & Match funding requirement	33												
Active Travel	0												
Youth & Community - staff saving	105												
Museums & Attractions - Loss of income as sites closed due to Covid - Staff savings	114	0	56	0						89		However - Potential Movement of Monmouth Museum to Shortall Venue is used for walking, meetings, parties and other general bookings such as work classes etc. This income is likely to be lost	
<b>TOTAL MONLIFE</b>	<b>185</b>	<b>0</b>	<b>1,851</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>1,485</b>			
<b>TOTAL ENTERPRISE &amp; MONLIFE</b>	<b>51</b>	<b>437</b>	<b>3,402</b>	<b>527</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>3,438</b>		

Chief Executive	Non Covid-19 Pressures	COVID- 19 Specific PRESSURES			
DIVISION	Net Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Total
Legal & Land Charges	(11)	0	50	0	39
Governance, Democracy & Support	(7)	0	0	29	22
	(18)	0	50	29	61

Chief Executive	Non Covid-19 Pressures	COVID- 19 Specific PRESSURES			HEADLINE PRESSURE ANALYSIS			20-21 Sensitivity			MTFP Risk 21-22		
	Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Core assumptions used to calculate forecast pressure*	Factors that are attributable / can alter forecast pressure figure / Sensitivity Value (£0,000) ~	Risk Factor (%) / Future Impact Pressures on Service where no value offered /Other factors	Worst £000	Medium £000	Best £000	Pressure £000	Risk High/Med/Low	Notes
<b>Legal &amp; Land Charges</b>													
Reduction in Land Charges Income due to impact of Covid on Housing market.	0	0	50								50	Med	Dependant on how housing market reacts to impact of Covid.
Legal - Staff savings as not filling employment lawyer post.	(11)												
<b>Total Legal &amp; Land Charges</b>	<b>(11)</b>	<b>0</b>	<b>50</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>50</b>		
<b>Governance, Democracy &amp; Support</b>													
Community Education - Loss of income due to closures of sites due to Covid.	1	0	0	0									
Contact Centre - Overspend as restructuring has been put on hold during Covid.		0	0	29							29	Med	Current climate means restructure cannot be implemented so staff savings are not forthcoming.
Corporate - unbudgeted licensing cost, supplies & Serv	11												
Democratic Services - underspend in Supplies & Services.	(48)												
Policy & Pships - Welsh Translation Costs	19												
Community Hubs - Usk PO, increased book purchase.	10												
<b>Total Governance, Democracy &amp; Support</b>	<b>(7)</b>	<b>0</b>	<b>0</b>	<b>29</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>29</b>		
<b>TOTAL CEO's</b>	<b>(18)</b>	<b>0</b>	<b>50</b>	<b>29</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>79</b>		

RESOURCES	Non Covid-19 Pressures	COVID- 19 Specific PRESSURES			Total
		Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	
Commercial, Corporate & landlord Services	(38)	0	475	0	437
Finance	(148)	320	0	0	172
Future Monmouthshire	82	0	0	0	82
Information Communication Technology	(431)	0	0	0	(431)
People	(105)	0	37	0	(68)
	(640)	320	512	0	192

RESOURCES	Non Covid-19 Pressures	COVID- 19 Specific PRESSURES			HEADLINE PRESSURE ANALYSIS			20-21 Sensitivity			MTFP Risk 21-22		
		Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Core assumptions used to calculate forecast pressure*	Factors that are attributable / can alter forecast pressure figure / Sensitivity Value (£0,000)	Risk Factor (%) / Future Impact Pressures on Service where no value offered /Other factors	Worst £000	Medium £000	Best £000	Pressure £000	Risk High/Med /Low
<b>Commercial, Corporate &amp; landlord Services</b>													
Estates - Income Pressure - Rental loss from Magor, development company not yet set up (budget assumed income stream).	55	0	79	0							179	High	Depending on Covid situation we might not be able to rent out the spare office accommodation at Magor, ongoing issue of development company.
Sustainability & Solar Farm	(97)		0										
Commercial investments	(73)		266										
Investment Income Pressure	200	0	0	0							200	High	There is a high possibility that we will not enter into any additional investment purchases in 21-22.
MCC Markets - Income Loss	30		130										
Industrial Units	13												
Cemeteries	38										38	High	Cemetery income has been down for a number of years and analysis indicates that it will remain below budget going forward.
County Farms	8												
Property & Office Services	(112)												
Property Accommodation	(100)												
<b>Total Commercial, Corporate &amp; landlord Services</b>	<b>(38)</b>	<b>0</b>	<b>475</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>417</b>		
<b>Finance</b>													
Benefits - B&B HB claims increasing due to Covid, not all can be claimed against Housing benefit subsidy so pressure on budget.	109	320	0	0							429	Med	Housing benefit may struggle next year if local economy struggles with impact of covid. The shortfall caused from housing the Homeless will continue unless additional funding is forthcoming.
Council Tax & NNDR - Shortfall in Summons income due to courts being closed and decision to halt recovery of Unpaid Council Tax & Business Rates. Salary overspend as budget moved as part of restructure that has not taken place yet.	121	0	0	0							50	Med	Summon income may still be impacted by Covid closures.
Audit - capitalisation of salary	(36)												
Debtors - Vacant post	(18)												
Finance & Imp - Senior staff vacancy saving	(262)												
Systems & Exchequer - Security carrier savings, system dev postponement savings.	(62)												
<b>Total Finance</b>	<b>(148)</b>	<b>320</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>479</b>		
<b>Future Monmouthshire</b>													
Future Monmouthshire - Unachievable 20-21 Savings relating to Authority Wide Agency (£80k) and Fuel reductions (£34k). Offset by staff secondment savings (£30k)	82	0	0	0							82	High	Recurring pressure - crosscutting savings yet to be finalised.
<b>Total Future Monmouthshire</b>	<b>82</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>82</b>		
<b>ICT</b>													
ICT - SRS savings & reserve	(122)												
DPO - Capitalisation of salaries	(309)												
<b>Total ICT</b>	<b>(431)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>			
<b>People</b>													
Corporate Training - Reduced Income	0	0	37	0							37	Med	Recurring income pressure, turnover has also been hit further by Covid lockdown so can't see it recovering next year.
Customer Relations - Reduction in Professional fees	(14)												
Innovation - Staff costs to Capitalisation Directive	(62)												
People Services - Staff Savings in HR	(29)												
<b>Total People</b>	<b>(105)</b>	<b>0</b>	<b>37</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>37</b>		
<b>TOTAL RESOURCES</b>	<b>(640)</b>	<b>320</b>	<b>512</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>1,015</b>		

Corporate	Non Covid-19 Pressures	COVID- 19 Specific			Total
		Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	
DIVISION	Net Service Pressures not related to Covid-19 (£000)				
Precepts & Levies	2	0	0	0	2
Coroner's	23	0	0	0	23
Corporate Management	(191)	0	0	0	(191)
Non Distributed Costs (NDC)	215	0	0	0	215
Strategic Initiatives	(61)	0	0	0	(61)
Insurance	56	0	0	0	56
	44	0	0	0	44

	Non Covid-19 Pressures	COVID- 19 Specific PRESSURES			HEADLINE PRESSURE ANALYSIS			20-21 Sensitivity			MTFP Risk 21-22			
		Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Core assumptions used to calculate forecast pressure*	Factors that are attributable / can alter forecast pressure figure / Sensitivity Value (£0,000) ~	Risk Factor (%) / Future Impact Pressures on Service where no value offered /Other factors	Worst £000	Medium £000	Best £000	Pressure £000	Risk High/Med /Low	Notes
Precepts & Levies														
National parks levy	2													
<b>Total</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Coroner's														
Coroner Fee	23													
<b>Total</b>	<b>23</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Corporate Management														
Capita Gwent	(109)													
Rate rebates	(101)													
Other	19													
<b>Total</b>	<b>(191)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Non Distributed Costs (NDC)														
Strain costs	215													
<b>Total</b>	<b>215</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Strategic Initiatives														
Other	(61)													
<b>Total</b>	<b>(61)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			
Insurance														
Premium	56											131	High	
<b>Total</b>	<b>56</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>131</b>			
<b>Total</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>131</b>			

Appropriations	Non Covid-19 Pressures	COVID- 19 Specific			
DIVISION	Net Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Total
Fixed Asset Disposal Costs	6	0	0	0	6
Interest & Investment Income	162	0	0	0	162
Interest Payable & Similar Charges	(230)	0	0	0	(230)
Charges Required under Regulation	(82)	0	0	0	(82)
Other Investment Income	(14)	0	0	0	(14)
Borrowing Cost Recoupment	(5)	0	0	0	(5)
	(163)	0	0	0	(163)

	Non Covid-19 Pressures	COVID- 19 Specific PRESSURES			HEADLINE PRESSURE ANALYSIS			20-21 Sensitivity			MTFP Risk 21-22		
	Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Core assumptions used to calculate forecast pressure*	Factors that are attributable / can alter forecast pressure figure / Sensitivity Value (£0,000) ~	Risk Factor (%)/ Future Impact Pressures on Service where no value offered /Other factors	Worst £000	Medium £000	Best £000	Pressure £000	Risk High/Med /Low	Notes
<b>Fixed Asset Disposal Costs</b>													
Other	6												
<b>Total</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Interest &amp; Investment Income</b>													
Interest Receivable	162												
<b>Total</b>	<b>162</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Interest Payable &amp; Similar Charges</b>													
Interest payable	(230)												
<b>Total</b>	<b>(230)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Charges Required under Regulation</b>													
MRP	(82)												
<b>Total</b>	<b>(82)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Other Investment Income</b>													
Other	(14)												
<b>Total</b>	<b>(14)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Borrowing Cost Recoupment</b>													
Other	(5)												
<b>Total</b>	<b>(5)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Total</b>	<b>(163)</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		

Financing	Non Covid-19 Pressures	COVID- 19 Specific			Total
	Net Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	
<b>Council Tax</b>	(385)	0	0	0	(385)
<b>Council Tax Reduction Scheme</b>	0	229	0	0	229
	(385)	229	0	0	(156)

	Non Covid-19 Pressures	COVID- 19 Specific PRESSURES			HEADLINE PRESSURE ANALYSIS			20-21 Sensitivity			MTFP Risk 21-22		
	Service Pressures not related to Covid-19 (£000)	Expenditure directly attributable to Covid- 19 (£000)	Shortfall /Loss of Income due to Covid-19 (£000)	Costs incurred due to changes in service delivery (£000)	Core assumptions used to calculate forecast pressure*	Factors that are attributable / can alter forecast pressure figure / Sensitivity Value (£0,000) ~	Risk Factor (%)/ Future Impact Pressures on Service where no value offered /Other factors	Worst £000	Medium £000	Best £000	Pressure £000	Risk High/Med /Low	Notes
<b>Council Tax</b>													
CT Income	(385)												
<b>Total</b>	(385)	0	0	0				0	0	0	0		
<b>Council Tax Reduction Scheme</b>													
CTRS		229											
<b>Total</b>	0	229	0	0				0	0	0	0		
<b>Total</b>	(385)	229	0	0				0	0	0	0		





<b>SUBJECT:</b>	<b>Regulation of Investigatory Powers Act 2000 (RIPA)</b>
<b>MEETING:</b>	<b>Cabinet</b>
<b>DATE OF REPORT:</b>	<b>6 Jan 21</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All</b>

## 1. PURPOSE

- 1.1 To consider the updated MCC RIPA policy and recent IPCO inspection outcome.

## 2. RECOMMENDATIONS

- 2.1 Cabinet is requested to approve the MCC RIPA Policy.
- 2.2 Cabinet is requested to note the recent IPCO Inspection Report.

## 3. KEY ISSUES

- 3.1 MCC is legally permitted to carry out a range of activities as part of its duties that fall under the Regulation of Investigatory Powers Act 2000. While such activity is rare, it is a requirement that the Council have an up to date policy that governs it, and the Council is also subjected to inspections by the Investigatory Powers Commissioner's Officer (IPCO) periodically.
- 3.2 Cabinet is the appropriate body to approve the policy and also receive the outcome of any inspection; Audit Committee will also receive a report from the Senior Responsible Officer (SRO) annually.
- 3.3 The policy as at Appendix One and was considered at inspection with the following comment in the report from The Rt Hon Sir Brian Leveson (IPC):

*"I am aware that the revised RIPA policy is very soon to be presented to the Council Cabinet for approval and that my Inspectors, having reviewed the document, are satisfied that it is comprehensive in detail and addresses the key areas in RIPA. They are content that it will be meaningful to staff and should serve to ensure your authority remains compliant with the legislation and codes of practice."*

- 3.4 The Inspection letter is at Appendix 2. As it is classified Official-Sensitive by IPCO it has not been published with this report but is available to all Members. The inspection discharged all previously made formal recommendations and made no further such recommendations. It also identified elements of good practice.

## 4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING)

- 4.1 Given the nature of this report no implications have been identified.

## 5. OPTIONS APPRAISAL

- 5.1 Any proposed amendments to the policy can be made as required where they are within the Home Office guidance.

**6. RESOURCE IMPLICATIONS**

6.1 Nil

**7. CONSULTEES**

7.1 As per above, the policy has been considered by the IPCO and approved.  
SLT.  
RIPA Authorising Officers – Head of People and Head of Public Protection.

**8. AUTHOR**

Matt Phillips  
SRO RIPA  
Head of Law and Monitoring Officer

[matthewphillips@monmouthshire.gov.uk](mailto:matthewphillips@monmouthshire.gov.uk)



monmouthshire  
sir fynwy

**REGULATION OF INVESTIGATORY  
POWERS ACT 2000**

**Directed Surveillance, Use of Covert Human  
Intelligence Sources and Obtaining  
Communications Data**

## CONTENTS

PART I - INTRODUCTION .....	2
AIM .....	3
THE LAW .....	4
ROLES AND RESPONSIBILITIES .....	4
REFERENCE .....	5
PART II – SURVEILLANCE .....	6
WHAT IS SURVEILLANCE? .....	6
COVERT SURVEILLANCE .....	6
DIRECTED SURVEILLANCE .....	7
INTRUSIVE SURVEILLANCE AND CONFIDENTIAL INFORMATION .....	8
INTERFERENCE WITH PROPERTY .....	8
PART III – COVERT HUMAN INTELLIGENCE SOURCE .....	8
USING A CHIS .....	9
JUVENILES AND VULNERABLE PERSONS AS CHIS .....	10
CHIS RECORD KEEPING .....	11
PART IV – COMMUNICATIONS DATA AND NON-RIPA SURVEILLANCE .....	11
COMMUNICATIONS DATA .....	11
EMPLOYEES .....	12
NON-RIPA SURVEILLANCE .....	12
CCTV .....	12
PART V – SOCIAL MEDIA .....	12
PART VI – SAFEGUARDS, ERRORS, COMPLAINTS AND DATA RETENTION .....	13
SERIOUS ERRORS .....	16
BREACH OF RIPA .....	17
COMPLAINTS .....	17
DATA RETENTION .....	17
PART VII – AUTHORISATION PROCESS .....	18
DIRECTED SURVEILLANCE .....	18
JUDICIAL APPROVAL .....	19
TIMELINE OF AN AUTHORISATION .....	20
CHIS .....	22

### PART I - INTRODUCTION

1. Parliament creates laws within which society in all its guises operates. Those laws apply to local authorities (LAs), some of which enable functions, some of which bound functions, and some of which are delegated to them to enact and enforce.
2. The Regulation of Investigatory Powers Act 2000 (as amended) is designed to create the correct tension between allowing LAs to operate in an effective way on behalf of their citizens, and limit that operation with respect to Human Rights (HR), legality and fairness.

3. RIPA covers the acquisition and disclosure of communications data (Part I of RIPA); the carrying out of surveillance and use of covert human intelligence sources (CHIS) (Part II); and the investigation of electronic data protected by encryption (Part III).
4. In accordance with sections 28 and 29 of the Act, Monmouthshire County Council (MCC) is empowered to make use of the practices set out in Part II. It would potentially do so as part of its duty to tackle illegal practice. Examples of which may include fly-tipping, selling counterfeit or dangerous goods, animal cruelty, fraud, underage sales of alcohol – the list is non-exhaustive. MMC is permitted to:
  - a. carry out directed surveillance. This is the planned, covert ‘watching’ of someone or somewhere that is likely to result in the obtaining of information about a person;
  - b. carry out CHIS activity. This is the establishment of a relationship that is used covertly to obtain or disclose information.
5. In fulfilling its functions, MCC must comply with a framework of legislation that includes:
  - a. Human Rights Act 1998;
  - b. Regulation of Investigatory Powers Act 2000;
  - c. Protection of Freedoms Act 2012;
  - d. Investigatory Powers Act 2016;
  - e. Data Protection Act 2018;and the broad sweep of criminal legislation and common law.
6. This policy talks to the use of surveillance and covert human intelligence sources (CHIS) MCC is not permitted to carry out:
  - a. intrusive surveillance;
  - b. entry onto or interference with property;
  - c. interception of communications;
  - d. any other surveillance-related activity not covered by Part II of RIPA.

## **AIM**

7. This policy sets out to:
  - a. explain what RIPA is and how MCC interacts with it;
  - b. explain what MCC can and can't do;
  - c. explain the legislative framework within which MCC must operate;
  - d. signpost the reader to the correct guidance relating to RIPA;
  - e. signpost the reader to the most up-to-date resources, templates and materials to be used whenever RIPA applies;
  - f. set out who within MCC may make use of the practices that RIPA bounds;
  - g. establish a resource and framework so that the whole authority is informed about RIPA;

- h. prevent inadvertent use of techniques or practices that should fall under RIPA;
- i. ensure that MCC operates legally.

And it should be read in conjunction with the RIPA Authorisation, Training and Review plan that is maintained by the SRO in the RIPA [site](#). This subservient document is a 'live' document that sets out who is suitably trained and experienced to carry out activities covered by this policy, a training schedule and a programme of review and consultation.

## THE LAW

8. MCC has a duty across myriad different areas of operation and legislation to apply and uphold the law. This could be the protection of children, animals, the consumer, visitors, vulnerable people – in short, everyone.
9. Some of this duty is exercised under the prescription of the law. So it may be that a criminal law requires MCC to take an individual to Court, family law requires MCC to intervene in the case of a neglected child, licensing law requires MCC to consider the suitability of an individual to drive a taxi – again, this is very broad.
10. And then there is the use of the law in establishing information that will ultimately determine what the outcome of the above will be. It may be witnesses appearing in Court to explain how an animal came to be injured, it may be that access to an establishment is approved in order to assess the hygiene of food preparation – you are hopefully getting a feel for how this works.
11. But these duties and powers are bounded. Each in turn will have systems and processes that prevent misuse or abuse. And there are the overarching facets of Human Rights legislation that always apply:
  - a. Article 6 ensures that when a legal process is pursued that the individual has a fair trial with all that this entails regarding the obtaining of evidence and opportunity to challenge it;
  - b. Article 8 establishes the individual's right to a private life, and so limits the extent the State, in any guise, may impinge on that and creates a just tension between the exercise of MCC's duties with consideration for the individual;
  - c. Article 14 ensures that in the pursuit of MCC's duties that it does it in a non-discriminatory way.
12. And this is where RIPA, IPA and the framework of Commissioners, training, guidance and inspection come in: to ensure that MCC is capable of carrying out its functions and duties, but that it does it in a bounded and legal way.
13. The essence of finding the right balance between these different pieces of legislation is acting in a way that is **necessary** and **proportionate**. Those 2 watchwords must sit at the heart of how the reader of this policy acts, embellished by correct training, knowledge and communication.

## ROLES AND RESPONSIBILITIES

14. Elected Members. Cabinet is responsible for any RIPA policy and Audit and Governance Committee will be presented annually with an update regarding RIPA within the organisation. This is not just to monitor when it has been used but also to ensure that there is no inadvertent activity relating to RIPA powers.
15. Senior Responsible Officer (SRO). The SRO is the Head of Law and Monitoring Officer. The SRO is responsible for:
  - a. the integrity of the RIPA framework and process within MCC;

- b. compliance with Chapter 2 of RIPA and with the relevant codes;
  - c. engagement with the Commissioners and inspectors when they conduct their inspections, and where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner;
  - d. overseeing and co-ordinating the:
    - i. submission of annual reports detailing RIPA activity and oversight to the Audit and Governance Committee;
    - ii. the identification of issues in the oversight process, to enable analysis of issues, evidencing results, and ensuring subsequent feedback into the RIPA training, to ensure these matters are corporately addressed;
    - iii. training needs of the organisation;
    - iv. dissemination of guidance and information as required.
16. Authorising Officers (AO's). The current AOs are the Head of Public Protection and Head of People. They are responsible for:
- a. receiving and assessing **all** applications to carry out RIPA activity;
  - b. applying the criminal threshold established by the 2012 Act when considering such applications;
  - c. the application of all legislative and Home Office guidance tests and best practice in support of assessing what is reasonable and proportionate in all the circumstances;
  - d. providing guidance and oversight to professional applicants in all RIPA related matters;
  - e. working with the SRO to establish training requirements and carry out reviews as required;
  - f. as with applications, applying the same rigour and standards to the tracking and completion of all reviews, renewals and cancellations.
17. Gatekeepers. These are suitably experienced and senior line managers capable of assisting professional applicants in the drafting of applications such that the AO can be satisfied that due diligence has taken place.
18. Professional Applicant. This is the Officer with the most knowledge of any particular matter who is best placed to complete the application and subsequent review, renewal or cancellation paperwork for submission to the AO and the Court when required.
17. Magistrates' Court. Judicial approval for the use of LA powers is required in accordance with the legislation.
18. Investigatory Powers Commissioner's Office. The team overseen by the independent Commissioner dedicated to fulfilling the duties placed upon them by the 2016 Act. For the purposes of MCC this is the organisation that will inspect and recommend best practice, collate statistical data and, when required, take action relating to bad practice.

## REFERENCE

19. Various pieces of legislation are listed above. **Page 49** There is also a considerable amount of guidance and best practice available, as well as training materials accumulated over time, past inspection reports, template documents and the central record of authorisations.

20. All of these documents can be found at the MCC RIPA [site](#) for those granted access. It is imperative that full use of the information and documentation available in this resource is made every time an operation is considered, or when it is suspected that there may be activity underway that may classify as RIPA activity inadvertently.
21. No one should be carrying out any RIPA activity without first making use of the 2018 Home Office Codes of Practice dealing with CHIS and Covert Surveillance and Property Interference.

## **PART II – SURVEILLANCE**

22. Chapter 2 of RIPA sets out a regulatory framework for the use of covert investigatory techniques by LAs.

### **WHAT IS SURVEILLANCE?**

23. Surveillance is:
  - a. monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications;
  - b. recording anything monitored, observed or listened to in the course of surveillance;
  - c. by or with the assistance of appropriate surveillance device(s).

It can be overt or covert.

24. Overt Surveillance. This is generally how MCC will carry out investigations. There will be nothing secretive or clandestine and, in many ways, Officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), or will be going about Council business openly (e.g. a market inspector walking through markets).
25. Similarly, surveillance will be overt if the subject has been told it will happen (e.g. where a noisemaker is warned (preferably in writing) that noise will be recorded if the noise continues, or where an entertainment licence is issued subject to conditions, and the licensee is told that Officers may visit without notice or identifying themselves to the owner/proprietor to check that the conditions are being met).

### **COVERT SURVEILLANCE**

26. Covert Surveillance is defined in s26(9)(a) RIPA:

*“Surveillance is covert if, and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place”.*

27. General observation forms part of the duties of many enforcement officers. Such observation may involve the use of equipment or merely reinforce normal sensory perceptions, such as binoculars or the use of cameras, where this does not involve systematic surveillance of an individual. It forms part of the everyday functions of law enforcement or other public bodies. This low level activity will not usually be regulated under the provisions of RIPA.
28. The installation of CCTV cameras for the purpose of generally observing activity in a particular area is not surveillance which requires authorisation. Members of the public are aware that such systems are in use, for their own protection and to prevent crime.

29. However, an authorisation may be required if a CCTV camera is to be used for surveillance as part of a specific investigation or operation otherwise than as an immediate reaction to events.



In such circumstances either the Council or the police may give the necessary authorisation. If an authorisation is given by the police then a record of the authorisation will be kept to ensure any surveillance is within its terms.

30. Part II of RIPA applies to the following conduct:
  - a. directed surveillance;
  - b. intrusive surveillance; and
  - c. the conduct and use of covert human intelligence sources (CHIS).

## **DIRECTED SURVEILLANCE**

31. Directed Surveillance is defined in s26(2) RIPA:

*“...surveillance is directed for the purposes of this Part if it is covert but not intrusive and is undertaken:*

- (a) for the purposes of a specific investigation or a specific operation;*
- (b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and*
- (c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of the surveillance.”*

32. Where it is anticipated that mobile surveillance will be an integral part of any directed surveillance operation Authorising Officers must be satisfied that it is necessary and the need is proportionate to the investigation being undertaken. Mobile surveillance is a specialist skill and should, at all times, be assessed for risks to health and safety of operatives engaged in this activity. At no times should road traffic laws or regulations be ignored by officers engaged in mobile surveillance. Due regard should be afforded to the driving and surveillance skills of operatives engaged in such activity. Under no circumstances will officers engage in high-speed pursuit of vehicles involved in Directed Surveillance operations.
33. Where surveillance using airborne crafts or devices, for example helicopters or unmanned aircraft (colloquially known as ‘drones’), is planned, this could amount to direct (or even intrusive) surveillance and there will be a requirement to determine whether a surveillance authorisation is appropriate. In considering whether the surveillance should be regarded as covert, account should be taken of the reduced visibility of a craft or device at altitude.
34. The general observation duties of many law enforcement officers and other public authorities do not require authorisation under the 2000 Act, whether covert or overt. Such general observation duties frequently form part of the legislative functions of public authorities, as opposed to the pre-planned surveillance of a specific person or group of people.
35. Private information includes any information relating to a person’s private or family life. Private information should be taken generally to include any aspect of a person’s private or personal relationship with others, including family and professional or business relationships.
36. Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person’s activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a public authority of that person’s activities for future consideration and analysis.

## INTRUSIVE SURVEILLANCE AND CONFIDENTIAL INFORMATION

37. Intrusive Surveillance is defined in s26(3) RIPA:

*“Subject to subsections (4) to (6), surveillance is intrusive for the purposes of this Part if, and only if, it is covert surveillance that—*

*(a) is carried out in relation to anything taking place on any residential premises or in any private vehicle; and*

*(b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.”*

38. MCC cannot, by law, conduct intrusive surveillance. It also cannot obtain information of a confidential nature such as a client speaking to their lawyer, journalistic material and relevant personal information.

## INTERFERENCE WITH PROPERTY

39. This is covered by other legislation and MCC is not permitted to undertake this activity.

## PART III – COVERT HUMAN INTELLIGENCE SOURCE

40. This is defined in s26(8) of RIPA:

*“...a person is a covert human intelligence source if –*

*(a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);*

*(b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or*

*(c) he covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.”*

41. The concept of “covertness” is very similar to that used in relation to directed surveillance. Here, however, it is used at 2 stages, both of which must be met for an authorisation to be required:

a. the covert purpose of the relationship;

b. the covert actions of obtaining or providing access to information and of disclosing such information.

42. If a person has a relationship with another person which is not established or maintained for a covert purpose, the fact that he or she does in fact covertly disclose information to the local authority will not require an authorisation and that person will not be a CHIS.

43. There is no use of CHIS merely because a person offers information to the local authority that may be material to the investigation of an offence, but there would be if the authority asks the person to obtain further information. It is important that what starts out as a member of the public offering information does not evolve into a CHIS relationship by MCC seeking to develop a relationship to gather more information.

44. A CHIS is somebody who is concealing or misrepresenting their true identity or purpose in order to covertly gather or provide access to information from the target. Examples of a CHIS include a private investigator pretending to live in a house to gather evidence of drug dealing or an informant who gives information to Trading Standards about illegal business practices in a factory or shop.

## USING A CHIS

45. Section 29(5) sets out a number of definitive requirements:
- a. there will at all times be an officer within the local authority who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source's security and welfare;
  - b. there will at all times be another officer within the local authority who will have general oversight of the use made of the source;
  - c. there will at all times be an officer within the local authority who has responsibility for maintaining a record of the use made of the source;
  - d. the records relating to the source maintained by the local authority will always contain particulars of all matters specified by the Secretary of State in Regulations. (The current regulations are The Regulation of Investigatory Powers (Source Records) Regulations 2000). These particulars are:
    - i. the identity of the source;
    - ii. the identity, where known, used by the source;
    - iii. any relevant investigating authority other than the authority maintaining the records;
    - iv. the means by which the source is referred to within each relevant investigating authority;
    - v. any other significant information connected with the security and welfare of the source;
    - vi. any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph iv. has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
    - vii. the date when, and the circumstances in which, the source was recruited;
    - viii. the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) of the Act (see bullet points above) or in any order made by the Secretary of State under section 29(2)(c);
    - ix. the periods during which those persons have discharged those responsibilities;
    - x. the tasks given to the source and the demands made of him in relation to his activities as a source;
    - xi. all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
    - xii. the information obtained by each relevant investigating authority by the conduct or use of the source;
    - xiii. any dissemination by that authority of information obtained in that way; and

- xiv. in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority;
  - e. that records maintained by the local authority that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.
- 46. These requirements make it very unlikely that an investigation could involve the use of a CHIS without there having been prior planning within the investigating department/section. It is important to realise that it may well be a member of staff of the department and, indeed, an investigator him or herself, who becomes the source, depending on the manner of working used. It is not only persons outside the employ of the local authority who may be used as a source.
- 47. MCC will not carry out any operations involving a CHIS without specific and up to date training of those officers involved with any of the duties set out at para 45.
- 48. No CHIS is to engage in any criminal activity in the course of their operation.

#### **JUVENILES AND VULNERABLE PERSONS AS CHIS**

- 49. This is governed by the Regulation of Investigatory Powers (Juveniles) Order 2000. A person under 16 cannot be used as a CHIS if the relationship that would be covertly used is between the juvenile and his/her parent or person with parental responsibility for him/her. (Whether or not a person who is not a parent has parental responsibility for a child may only be determined by having sight of documentation, e.g. a court order providing for that person to have parental responsibility. Further, a person may have parental responsibility for a juvenile, even though they no longer live together).
- 50. The Regulations also provide in the case of a source under 16 that there is at all times a person within the local authority responsible for ensuring that an appropriate adult (parent or guardian, any other person who has assumed responsibility for the juvenile's welfare, or where there are no such persons, any responsible person over 18 who is not a member or employee of the local authority – therefore a local authority social worker is not eligible to act as appropriate adult) is present at meetings between the juvenile source and any person representing the investigating authority.
- 51. Where the source is under 18, authorisation may not be granted or renewed unless there has been made or updated a risk assessment sufficient to demonstrate that the nature and magnitude of any risk of physical injury or psychological distress to the juvenile arising out of his or her use as a source has been identified and evaluated.
- 52. The Authorising Officer must have considered the risk assessment and satisfied him/herself that the risks are justified and have been properly explained to and understood by the source. The Authorising Officer must also be clear whether or not the covert relationship is between the juvenile and any relative, guardian or person who has assumed responsibility for his/her welfare and, if it is, has given particular consideration to whether the authorisation is justified ("necessary" and "proportionate") in the light of that fact.
- 53. A vulnerable person is or may be in need of community care services by reason of mental or other disability, age, illness or is unable to take care of themselves or unable to protect themselves against significant harm or exploitation.
- 54. Any such individual should only be used as a source in the most exceptional circumstances and the SRO must be involved in any decision relating to this category of person.

## CHIS RECORD KEEPING

55. Records should be kept as prescribed by the Code of Practice. Where a source wearing or carrying a surveillance device is invited into residential premises or a private vehicle and records activity taking place inside those premises or vehicle, authorisation for use of that covert source should be obtained in the usual way.
56. The source should not use an invitation into residential premises or private vehicle as a means of installing equipment. If equipment is to be used other than in the presence of the covert source, an intrusive surveillance authorisation is necessary which cannot be granted by the local authority.

## PART IV – COMMUNICATIONS DATA AND NON-RIPA SURVEILLANCE

### COMMUNICATIONS DATA

57. MCC is permitted to acquire information defined as “communications data”. This includes subscriber data and service data but not “traffic data” as defined by the Act. MCC is a member of the National Anti Fraud Network (NAFN).
58. Communications data is “*information held by communication service providers (e.g. telecom, internet and postal companies) relating to the communication made by their customers*”. This includes information relating to the use of a communications service but does not include the contents of the communication itself.
59. Communication data is broadly split into 3 categories:
  - a. s21(4)(a) - “traffic data”; This is usually data generated by the Communications Service Provider (CSP) in the process of delivering a communication. (Not included in Local Authority authorisation);
  - b. s21(4)(b) - server use or billing information - the use made of the service by any person i.e. itemised telephone records; e.g. numbers called, itemised connection records, itemised timing and duration of services, connection, disconnection and reconnection information; provision and use of forwarding/redirecting services; conference calls call messages call waiting & call barring information;
  - c. s21(4)(c) - postal records including records of registered, recorded or special delivery postal items.
60. In the context of telephone data, it would include the telephone numbers of the phone from which the call was made and the number of the phone receiving the call. It also includes the date, time, duration and place of the call. It does not include the actual content of the telephone call.
61. In respect of e-mail and the internet, it would include details of the subscriber account. It would also include dates and times when e-mails have been sent or received. The content of the e-mails are excluded from communications data. The websites are included but not the actual web pages that have been viewed.
62. In the context of a letter, it would include the information on the envelope but not the contents of the letter. The information will therefore include the name and address of the recipient and the postmark showing when and where the letter was sent. It might also contain details of the address of the sender if recorded on the envelope.
63. MCC is not permitted to carry out the interception of any communications data. There may be situations where either the caller or receiver is permitted to the recording of the telephone conversation and, in such circumstances a warrant is not required. This type of surveillance will require authorisation, either as directed covert surveillance, or, if it is a CHIS making or

receiving the telephone conversation (usually an officer working “undercover”), as a CHIS authorisation.

64. Where as part of an already authorised directed covert surveillance or CHIS a telephone conversation is to be recorded by the officer or the CHIS then no special or additional authorisation is required.
65. The recording of telephone conversations for purposes not connected with investigatory powers does not fall within the RIPA legislative framework.

## **EMPLOYEES**

66. s1 of RIPA does not apply to Local Authorities except where the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 - SI2000/2699 applies. The legislative framework permits the Council without further authorisation to lawfully intercept its employees’ e-mail or telephone communications and monitor their internet access for the purposes of prevention or detection of crime or the detection of unauthorised use of these systems.

## **NON-RIPA SURVEILLANCE**

67. MCC may occasionally wish to undertake covert surveillance which is not regulated by RIPA. This would be an activity not considered a ‘core’ function, and instead a ‘normal’ function, ie. something common to all organisations such as the investigation of an employee moonlighting. The [2018 Guidance](#) relating to non-core functions should be consulted in this situation.
68. Similar mechanisms for activity which cannot be protected by the 2000 Act is encouraged. The human rights aspects must still be considered alongside legislation such as the Data Protection Act 2018 and guidance issued by the ICO.
69. An authorisation process provides a useful audit of decisions and actions. The process reflects that of directed surveillance, save for the Judicial approval.
70. Authorisation under RIPA affords a public authority a defence under s27 i.e. the activity is lawful for all purposes, provided an authorisation is in place, and the conduct of the officers is in accordance with the legislation. However, failure to obtain an authorisation does not make covert surveillance unlawful.
71. Section 80 of RIPA contains a general saving for lawful conduct. RIPA is a shield not a sword.

## **CCTV**

72. Normal use of CCTV is governed by the [MCC CCTV Strategy](#) and associated documents.
73. CCTV only falls under the umbrella of RIPA when it is used in such a way to satisfy the tests set out in the introduction, ie. a pre-planned use of directed surveillance for the purpose of obtaining private information.

## **PART V – SOCIAL MEDIA**

74. It is important to be aware that use of social media in an investigation could, depending on how it is used and the type of information likely to be obtained, constitute covert activity that requires authorisation under RIPA.

75. Generally, researching ‘open source’ material would not require authorisation, but return visits in order to build up a profile could change the position – this may constitute directed surveillance

depending on the circumstances. Examples of 'open source' material, are materials you could view on social media without becoming a friend, subscriber or follower.

76. The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed.
77. Where it is intended to access a social media or other online account to which the Council has been given access with the consent of the owner, the Council will still need to consider whether the account(s) may contain information about others who have not given their consent. If there is a likelihood of obtaining private information about others, the need for a directed surveillance authorisation should be considered, particularly (though not exclusively) where it is intended to monitor the account going forward.
78. Officers should not use false personae (eg. a false Facebook profile or Twitter handle) to disguise their online activities. False personae should not be used for a covert purpose without authorisation.
79. In order to determine whether an authorisation should be sought for accessing information on a website as part of a covert investigation or operation, it is necessary to look at the intended purpose and scope of the online activity it is proposed to undertake. The guidance at paras 3.10-3.17<sup>1</sup> and 4.11-4.17<sup>2</sup> in the Home Office Codes of Practice should be consulted. Factors that should be considered in establishing whether a directed surveillance authorisation is required include whether:
  - a. the investigation or research is directed towards an individual or organisation;
  - b. it is likely to result in obtaining private information about a person or group of people;
  - c. it is likely to involve visiting internet sites to build up an intelligence picture or profile;
  - d. the information obtained will be recorded and retained;
  - e. the information is likely to provide an observer with a pattern of lifestyle;
  - f. the information is being combined with other sources of information or intelligence, which amounts to information relating to a person's private life;
  - g. the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject(s);
  - h. it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and therefore constitute collateral intrusion into the privacy of these third parties.

## **PART VI – SAFEGUARDS, ERRORS, COMPLAINTS AND DATA RETENTION**

### **SAFEGUARDS**

80. Material obtained through surveillance may include private information, legally privileged information, or other confidential material including journalistic material and constituency business of Members of Parliament.

<sup>1</sup> Home Office Code of Practice on Covert Surveillance and Property Interference, August 2018

<sup>2</sup> Home Office Code of Practice on Covert Human Intelligence Sources, August 2018

81. Dissemination, copying and retention of material must be limited to the minimum necessary for authorised purposes. Something is necessary for the authorised purposes where the material:
- a. is (or is likely to become) necessary for the surveillance purposes set out in the legislation;
  - b. is necessary for facilitating the carrying out of the functions of the Council under the surveillance legislation;
  - c. is necessary for facilitating the carrying out of any functions of the Commissioner or Investigatory Powers Tribunal;
  - d. is necessary for the purposes of legal proceedings;
  - e. is necessary for the performance of the functions of any person by or under any enactment.
82. When information obtained under a surveillance authorisation is used evidentially, the Council should be able to demonstrate how the evidence has been obtained, to the extent required by the relevant rules of evidence and disclosure.
83. Regular reviews of all authorisations should be undertaken during their lifetime to assess the necessity and proportionality of the conduct. Particular attention should be given to the need to review authorisations frequently where they involve a high level of intrusion into private life or significant collateral intrusion, or particularly sensitive information is likely to be obtained.
84. The Council will likely need to share information obtained through surveillance within the Council and between the Council and other public bodies where legally necessary. This must be limited to the minimum necessary. If a summary of the information will be sufficient to meet necessity, no more than that should be disclosed.
85. When sharing this type of information MCC will ensure that it has appropriate safeguards and agreements in place to ensure compliance.
86. Information and material obtained through surveillance must only be copied to the extent necessary. Copying includes direct copies as well as summaries and extracts.
87. All information and material obtained through surveillance and all copies, extracts or summaries must be stored securely to minimise the risk of theft or loss. Only those with appropriate legal authority and security clearance should be able to access the information.
88. Confidential personal information is information held in confidence concerning an individual (whether living or dead) who can be identified from it, and relates to his or her physical or mental health or to spiritual counselling. Such information is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or any legal obligation of confidentiality. For example, confidential personal information might include consultations between a health professional and a patient, or information from a patient's medical records.
89. Confidential constituent information is information relating to communications between a Member of Parliament and a constituent in respect of constituency business. Again, such information is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation.
90. The reasons for acquiring information of this type must be clearly documented and the specific necessity and proportionality of doing so must be carefully considered.
91. Material which has been identified as confidential personal or confidential constituent information should be retained only where it is necessary and proportionate to do so in



accordance with the authorised purpose or where otherwise required by law. It should be securely destroyed when its retention is no longer needed for those purposes.

92. Where confidential personal or constituent information is retained or disseminated to an outside body, reasonable steps should be taken to mark the information as confidential. Where there is any doubt as to the lawfulness of the proposed handling or dissemination of confidential information, advice should be sought from the SRO.
93. Any case where confidential personal or constituent information is retained, other than for the purpose of destruction, and disseminated should be reported to the Investigatory Powers Commissioner as soon as reasonably practicable, and any material which has been retained should be made available to the Commissioner on request so that the Commissioner can consider whether the correct procedures and considerations have been applied.
94. There is a strong public interest in protecting a free press and freedom of expression in a democratic society, including the willingness of sources to provide information to journalists in confidence.
95. Confidential journalistic material includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking. Confidentiality can continue to attach to confidential journalistic material when it is sent to or held by a person who is neither the journalist nor the source (for example, a news editor who has been sent some notes by a journalist).
96. An application for authorisation where the purpose, or one of the purposes, of the authorisation is to authorise the acquisition of material of this type must contain a statement in those terms. The person to whom the application is made may issue the authorisation only if they consider that appropriate safeguards relating to the handling, retention, use and disclosure of the material are in place.
97. When this type of material is retained and disseminated to an outside body, reasonable steps should be taken to mark it as confidential. Where there is any doubt as to the lawfulness of the proposed handling or dissemination of such information, advice should be sought from a legal adviser to the Council before any further dissemination of the content takes place.
98. Where this type of information has been obtained and retained, other than for the purposes of destruction, the matter should be reported to the Commissioner as soon as reasonably practicable.
99. The acquisition of material subject to legal privilege is particularly sensitive and is therefore subject to additional safeguards which provide for three different circumstances where legally privileged items will or may be obtained. They are:
  - a. where privileged material is intentionally sought;
  - b. where privileged material is likely to be obtained;
  - c. where the purpose or one of the purposes is to obtain items that, if they were not generated or held with the intention of furthering a criminal purpose, would be subject to privilege.
100. The 2010 Legal Consultations Order provides that surveillance that is carried out in relation to anything taking place on so much of any premises specified in article 3(2) of the Order as is, at any time during the surveillance, used for the purposes of 'legal consultations', shall be treated for the purposes of Part II of RIPA as intrusive surveillance. As a result, such authorisations are not available to the Council.
101. Where a lawyer, acting in this professional capacity, is the subject of surveillance, it is possible that a substantial proportion of any material which will or could be acquired will be subject to legal privilege. In addition to considering the applicability of the 2010 Legal

Consultations Order, the Council will need to consider which of the three circumstances that apply when items subject to legal privilege will or may be obtained is relevant, and what processes should therefore be followed.

102. Any case involving lawyers' material should also be notified to the Commissioner during their next inspection, and any material which has been retained should be made available to the Commissioner on request.

## **ERRORS**

103. Regular reviews of errors will be undertaken with a written record made of each review.
104. An error must be reported if it is a "relevant error", which is defined under section 231(9) of the IPA as being any error by MCC in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by public authorities with Part II of RIPA. Examples of relevant errors occurring would include circumstances where:
  - a. surveillance or Covert Human Intelligence Source activity has taken place without lawful authority;
  - b. there has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Codes.
105. All relevant errors made by the Council of which it is aware must be reported to the IPC as soon as reasonably practicable, and no later than 10 working days (or as agreed with the Commissioner). Where the full facts of the error cannot be ascertained within that time, an initial notification must be sent with an estimated timescale for the error being reported in full and an explanation of the steps being undertaken to establish the full facts of the error.
106. From the point at which the Council identifies that a relevant error may have occurred, it must take steps to confirm the fact of an error as quickly as it is reasonably practicable to do so. Where it is subsequently confirmed that an error has occurred and that error is notified to the Commissioner, the Council must also inform the Commissioner of when it was initially identified that an error may have taken place.
107. The report should include information on the cause of the error; the amount of surveillance conducted and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence.
108. The IPC may issue guidance as necessary, including guidance on the format of error reports. The Council must have regard to any guidance on errors issued by the IPC.

## **SERIOUS ERRORS**

109. If the IPC considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of the error, they must inform them. An error is a serious error where it is considered to have caused significant prejudice or harm to the person concerned.
110. In deciding whether it is in the public interest for the person concerned to be informed of the error, the Commissioner must in particular consider:
  - a. the seriousness of the error and its effect on the person concerned;
  - b. the extent to which disclosing the error would be contrary to the public interest or prejudicial to:
    - i. national security;

- ii. the prevention or detection of serious crime;
  - iii. the economic well-being of the United Kingdom;
  - iv. the continued discharge of the functions of any of the security and intelligence services.
111. Before making a decision, the Commissioner will ask MCC to make submissions on the matters concerned, and the Council must take all such steps as notified to help identify the subject of a serious error.
112. When informing a person of a serious error, the Commissioner must inform the person of any rights that the person may have to apply to the Investigatory Powers Tribunal, and provide such details of the error as the Commissioner considers to be necessary for the exercise of those rights.

### **BREACH OF RIPA**

113. Evidence gathered where RIPA has not been complied with may not be admissible in Court and could lead to a challenge under Article 8 of the Human Rights Act.
114. Any perceived breach of this policy or the RIPA procedures should be reported to the Monitoring Officer in order to notify the Investigatory Powers Commissioner immediately.

### **COMPLAINTS**

115. The Council will maintain the standards set out in this guidance and the current Codes of Practice. The Investigatory Powers Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by the legislation.
116. Contravention of the RIPA or the IPA (and associated legislation) may be reported to MCC via the normal corporate complaints policy here: <https://www.monmouthshire.gov.uk/feedback/>
117. Alternatively, you may contact the IPC directly at:
- Investigatory Powers Commissioner's Office  
PO Box 29105  
London  
SW1V 1ZU
- Email: [info@ipco.org.uk](mailto:info@ipco.org.uk)  
Telephone: 0207 389 8999
118. Contravention of the Data Protection Act 2018 and/or GDPR may also be reported to the Information Commissioner.

### **DATA RETENTION**

119. Information obtained as the result of any RIPA activity will be retained dependant on the nature of the information.
120. Any information obtained in error, that is collateral and unrelated to the aim, that accidentally goes beyond the scope of the authorisation given or is in breach of law will be destroyed immediately.

121. All other information will be retained for a period of 6 years either from a decision to not pursue any action, or the completion of any related evidential process (eg. a criminal Court case.)
122. This is in accordance with the MCC retention schedule at this [intranet link](#). It complies with the Limitation Act 1980 and aligned with the statute of limitation relating to any subsequent cases relating to a Tort and MCC's policy relating to casefiles.

## **PART VII – AUTHORISATION PROCESS**

123. There is complexity and nuance throughout the process, both leading up to, during, and after any operation that involves RIPA. As such, this section is intended as the starting point for anyone involved in the process, but no one should act in isolation of the Home Office guidance and training materials contained in the MCC RIPA [site](#), and full use of the gatekeepers and Litigation Solicitor should be made.
124. All of the forms required for the different processes are available at the resource above, linked to the latest version online, and are not replicated here. A record of all activity will be maintained in the Central Record of Authorisations (CRA) that is held in the MCC RIPA [site](#). This will record the key details associated with each application but will not contain any personal information. The applications themselves will be retained by the applicant, and any information obtained from any operation will be retained as per the retention schedule set out in this document.

## **DIRECTED SURVEILLANCE**

125. The Protection of Freedoms Act 2012 amended RIPA 2000 to the effect that authorisation of the use of certain covert powers, including the use of directed surveillance, will only have effect once an order approving the authorisation has been granted by a Magistrates' Court.
126. The assessment of necessity and proportionality throughout is key, and should be evident through the completion of all application/other forms, the consideration given by the AO and the presentation to the Court.
127. All applications for authorisation of Directed Surveillance must be in writing and record:
  - a. the grounds on which authorisation is sought. For MCC this will be for the prevention and detection of crime and disorder only
  - b. an assessment of the Directed Surveillance Crime Threshold. Directed surveillance can only be authorised under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or where the investigation is in regard to the underage sale of alcohol or tobacco (see below);
  - c. consideration of why the Directed Surveillance is proportionate to what it seeks to achieve;
  - d. what other options for the gathering of information have been considered and that Directed Surveillance is necessary;
  - e. the nature of the surveillance;
  - f. the identity or identities, where known, of those to be the subject of Directed Surveillance;
  - g. the action to be authorised and level of authority required;
  - h. an account of the investigation or operation;

- i. an explanation of the information which it is desired to obtain as a result of the authorisation;
  - j. any potential for collateral intrusion and why such intrusion is justified;
  - k. the likelihood of acquiring any confidential or privileged material, and the details of such material;
  - l. where the purposes include obtaining information subject to legal privilege, as an explanation as to why there are exceptional and compelling circumstances that make this necessary.
128. Where, at any point in an operation, the parameters of the original authorisation are likely to be exceeded, they must inform the applicant and the AO immediately, for example if the operation/investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation in some other way. Where the original authorisation is not sufficient separate authorisation is required.
129. The AO must satisfy themselves that the authorisation is necessary on particular grounds and that the surveillance is proportionate to what it seeks to achieve. It is important that sufficient weight is attached to considering whether the surveillance required is proportionate by:
- a. balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
  - b. explaining how and why the methods adopted will cause the least possible intrusion on the subject and others;
  - c. considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
  - d. evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.
130. The AO must be able to produce evidence that the relevant issues have been considered for monitoring purposes, for example a note of the documents and information available to the officer at the time the authorisation is given, together with a note of the date and time authorisation was given. It is essential that the AO considers each request for an authorisation on its merits and a rubber stamping approach must never be used.
131. Particular consideration should be given to collateral intrusion on or interference with the privacy of persons other than the subject(s) of surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.

## **JUDICIAL APPROVAL**

132. Where an Authorising Officer has granted an authorisation (for Directed Surveillance), the authorisation is not to take effect until a Magistrates' Court has made an order approving the grant of the authorisation.
133. The Court will only give approval to the granting of an authorisation for Directed Surveillance if they are satisfied that:
- a. at the time the AO granted the authorisation, there were reasonable grounds for believing that the authorisation was necessary and that the surveillance being authorised was proportionate;
  - b. the AO was a designated person for the purposes of s28 of RIPA;

- c. the grant of the authorisation was not in breach of any restrictions imposed by virtue of s30(3) of RIPA;
  - d. any other conditions provided for by any Order were satisfied;
  - e. there remain reasonable grounds for believing that the necessary and proportionate tests are satisfied.
134. If a Magistrates' Court refuses to approve the grant of the authorisation, then it may make an order to quash that authorisation.
135. No activity permitted by the authorisation granted by the Authorising Officer may be undertaken until the approval of the Magistrates' Court of that authorisation has been obtained.
136. AOs must, as early in the process as possible, inform the SRO or Litigation Solicitor in order that arrangements for an application to be made by the Council's lawyers or an appropriate officer to the Magistrates Court for an order to approve the authorisation can be made.
137. The Court does not need to consider cancellations or internal reviews.
138. As a minimum, the Court is to be provided with a copy of the original RIPA authorisation form and the supporting documents setting out the case. This forms the basis of the application and should contain all information that is relied upon. Further, a partially completed judicial application/order form is required.

## **TIMELINE OF AN AUTHORISATION**

139. A written authorisation for Directed Surveillance will cease to have effect at the end of a period of 3 months beginning with the day on which it took effect.
140. If at any time before an authorisation would cease to have effect, the AO considers it necessary for the authorisation to continue for the purpose for which it was given, he/she may approve a renewal in writing for a further period of 3 months, beginning with the day when the authorisation would have expired but for the renewal.
141. Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation.
142. All requests for the renewal of an authorisation for Directed Surveillance must record:
- a. whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
  - b. the information required in the original request for an authorisation plus:
    - i. any significant changes to the information in the previous authorisation;
    - ii. why it is necessary to continue with the surveillance;
    - iii. the content and value to the investigation or operation of the information so far obtained by the surveillance;
    - iv. an estimate of the length of time the surveillance will continue to be necessary.
143. Renewals of authorisations will also be subject to approval by the Magistrates' Court. The AO must therefore advise the SRO immediately when they are minded to grant a renewal.

144. Applications for renewals should not be made until shortly before the original authorisation period is due to expire but officers must take account of factors which may delay the renewal process (eg. intervening weekends or the availability of the AO).
145. The AO must cancel an authorisation if he/she is satisfied that the Directed Surveillance or the conduct of the CHIS no longer meets the criteria for authorisation. When cancelling an authorisation, an Authorising Officer must ensure that proper arrangements have been made for the activity's discontinuance, including the removal of technical equipment, and directions for the management of the product. Further, where necessary and practicable, the safety and welfare of the CHIS should continue to be taken into account after the authorisation has been cancelled, and risk assessments maintained. In the context of CHIS the AO will want to satisfy themselves that all welfare matters are addressed, and should make appropriate comment in their written commentary.
146. Authorisations for Directed Surveillance, and any subsequent renewals and cancellations, are subject to review by the Government appointed Investigatory Powers Commissioner.
147. AOs will review all Directed Surveillance and CHIS applications and authorisations that they have granted regularly to assess whether they remain necessary and proportionate. The results of a review should be recorded on the appropriate form, and kept in the central record of authorisations. The AO should determine how often the review should take place. This should be done as frequently as is considered necessary and practicable, but not later than once a month following the date of authorisation; sooner where the surveillance provides access to confidential material or involves collateral intrusion.
148. Reviews must record:
  - a. whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
  - b. any significant changes to the information in the previous authorisation;
  - c. why it is necessary to continue with the surveillance;
  - d. the content and value to the investigation or operation of the information so far obtained by the surveillance;
  - e. an estimate of the length of time the surveillance will continue to be necessary.
149. All documentation regarding Directed Surveillance should be treated as confidential and should be kept accordingly.
150. Each Service Department undertaking Directed Surveillance must ensure that adequate arrangements are in place for the secure handling, storage and destruction of material obtained through the use of covert surveillance.
151. There is nothing in the 2000 Act which prevents results obtained through the proper use of the authorisation procedures from being used on other Council Department Investigations. However, the disclosure outside of surveillance results obtained by means of covert surveillance and its use for other purposes should be authorised only in the most exceptional circumstances. Before doing so the AO must be satisfied that the release of material outside of the Council, complies with and meets Human Rights Act requirements.
152. Quarterly review meetings will be held between the SRO, AOs and Gatekeepers at which document retention will be discussed.
153. All refusals to grant authority to undertake Directed Surveillance must be recorded and retained for inspection.

## CHIS

154. Much of the above process is applicable to CHIS applications as well. The following should be read in conjunction with the process for DS accordingly.
155. The standards of necessity and proportionality are the same, taking into account the added human complexity and increased chance of collateral intrusion in a CHIS operation. A risk assessment for collateral inclusion is therefore required.
156. The approach taken by the AO is the same, as is the need for a Magistrate's Court to approve any operation.
157. The AO must be satisfied that arrangements exist for the proper oversight and management of the source that satisfy the requirements of s29(5) of the Act and such other requirements as may be imposed by order made by the Secretary of State.
158. There are important welfare provisions attached to any CHIS authorisation. They should fall broadly into line with the approach that MCC takes for the welfare of its staff, recognising the duty of care to covert sources and the importance of a risk with regard to the welfare of the source. The risks to the source may not only be physical but also psychological.
159. The source is not to engage in criminal activity (excluding activity that would be criminal but rendered lawful by authority under the Act – eg. the lawful interception of communications).
160. Conduct of the CHIS:
  - a. any conduct that is comprised in any such activities as are specified or described in the authorisation; and
  - b. any conduct by or in relation to the source specified or described in the authorisation; and
  - c. which is carried out for the purposes of or in connection with the investigation or operation that is specified or described.
161. Court approval is required as per above. Approval of an authorisation for use of a CHIS will only be forthcoming if the Court is satisfied that:
  - a. at the time the AO granted the authorisation, there were reasonable grounds for believing that the authorisation was necessary;
  - b. the activity being authorised was proportionate;
  - c. arrangements existed that satisfied section s29(5);
  - d. the AO was a designated person for the purposes of s29;
  - e. the grant of the authorisation was not in breach of any restrictions imposed by virtue of section 29(7)(a) or 30(3);
  - f. any other conditions provided for by any Order were satisfied; and
  - g. there remain reasonable grounds for believing that the necessary and proportionate tests are satisfied and that any other requirements provided for by Order are satisfied.
162. Records should be kept as prescribed by the Code of Practice. Where a source wearing or carrying a surveillance device is invited into residential premises or a private vehicle and records activity taking place inside those premises or vehicle, authorisation for use of that covert source should be obtained in the usual way.



163. The source should not use an invitation into residential premises or private vehicle as a means of installing equipment. If equipment is to be used other than in the presence of the covert source, an intrusive surveillance authorisation is necessary which cannot be granted by a local authority.
164. Regular reviews of authorisations should be undertaken by the AO to assess whether it remains necessary and proportionate to use a CHIS and whether the authorisation remains justified. The review should include:
- a. the use made of the CHIS during the period authorised;
  - b. the tasks given to the CHIS;
  - c. the information obtained from the CHIS;
  - d. if appropriate to the AO's remit, the reasons why executive action is not possible at this stage.
165. In each case, unless specified by the Secretary of State or Investigatory Powers Commissioner, the AO should determine how often a review should take place. This should be as frequently as is considered necessary and proportionate, but should not prevent reviews being conducted in response to changing circumstances.
166. In the event that there are any significant and substantive changes to the nature of the operation during the currency of the authorisation, the AO should consider whether it is necessary to apply for a new authorisation.
167. CHIS authorisations can be renewed on more than one occasion if necessary and provided that they continue to meet the criteria for authorisation. Before an authorising officer renews an authorisation, they must be satisfied that a review has been carried out of the use of a CHIS and that the results have been considered.
168. All renewals are subject to authorisation by the Court in the established way.
169. When deciding if the relevant source is authorised as part of the 'same investigation or operation' in calculating the period of total or accrued deployment or cumulative authorisation periods, the following should be considered:
- a. common subject or subjects of the investigation or operation;
  - b. the nature and details of relationships established in previous or corresponding relevant investigations or operations;
  - c. whether or not the current investigation is a development of or recommencement to previous periods of authorisation, which may include a focus on the same crime group or individuals;
  - d. previous activity by the relevant source that has a bearing by way of subject, locality, environment or other consistent factors should be considered in calculating the period;
  - e. the career history of the relevant source.
170. All applications for the renewal of an authorisation should record:
- a. whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
  - b. any significant changes to the information in the initial application;
  - c. the reasons why it is necessary for the authorisation to continue;

- d. the use made of the CHIS in the period since the grant or, as the case may be, latest renewal of the authorisation;
  - e. the tasks given to the CHIS during that period and the information obtained from the use or conduct of the CHIS; and
  - f. the results of regular reviews of the use of the CHIS.
171. The AO who granted or renewed the authorisation must cancel it satisfied that the use or conduct of the CHIS no longer satisfies the criteria for authorisation, or that arrangements for the CHIS's case no longer satisfy the requirements described in s29.
172. Where the AO is no longer available, this duty will fall to the person who has taken over the role that AO has been assigned to.
173. Where necessary and practicable, the safety and welfare of the CHIS should continue to be taken into account after the authorisation has been cancelled, and risk assessments should be maintained. The AO will wish to satisfy themselves that all welfare matters are addressed, and should make appropriate comment in their written commentary.
174. An authorisation for a CHIS will cease to have effect at the end of a period of 12 months beginning with the day it took effect. However, an authorisation concerning a juvenile CHIS will cease to have effect after 4 months from the date it took effect.



<b>SUBJECT:</b>	<b>Gypsy and Traveller Accommodation Assessment</b>
<b>MEETING:</b>	<b>Cabinet</b>
<b>DATE:</b>	<b>6<sup>th</sup> January 2021</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All</b>

## 1. **PURPOSE:**

- 1.1 To seek Cabinet Adoption of the Gypsy and Traveller Accommodation Assessment 2021 - 2026 detailing the accommodation needs for Gypsy and Travellers in Monmouthshire.
- 1.2 To seek approval for its submission to Welsh Government.

## 2. **RECOMMENDATIONS:**

- 2.1 That Cabinet adopts the Gypsy, Traveller and Showpersons Accommodation Assessment (GTAA) 2021 – 2026) and to submit it to the Welsh Government.

## 3. **KEY ISSUES:**

- 3.1 Opinion Research Services Ltd. (ORS) assisted the Housing and Communities Department at Monmouthshire with the preparation of this assessment as part of a wider commission to support the preparation of new GTAA's for Blaenau Gwent, Monmouthshire and Torfaen.
- 3.2 Summary
  - 3.2.1 The report identifies a need for 13 pitches by 2033 comprising 8 pitches in current need, 1 newly arising 2020-2025 (child growing up) and 4 newly arising 2026-2033 (children growing up).
  - 3.2.1 The current need for 8 pitches comprises 5 pitches on an unauthorised site at Llanccayo, 1 on an unauthorised site at Llanvetherine, 1 overcrowded in Portskewett and 1 overcrowded dealt with via recent planning permission in Crick.
- 3.3 Under Part 3 of the Housing (Wales) Act 2014, all local authorities must undertake a Gypsy & Traveller Accommodation Assessment every five years and to make provision where assessments identify an unmet need for mobile home pitches
- 3.4 The Council conducted a previous assessment in 2015 covering the period 2016 – 2021. This is the Council's second assessment and it will run concurrently with the Replacement Local Development Plan (LDP) 2018 – 2033, providing a robust and up to date evidence base.
- 3.5 The process of undertaking the Assessment followed the guidance contained in the Welsh Government's document, 'Undertaking Gypsy & Traveller Accommodation Assessments' published in May 2015.
- 3.6 The following paragraphs provides a brief summary of the Assessment process and its findings. For detailed information, please refer to the Assessment report.

### 3.7 Process:

3.7.1 Steering Group: Due to the time constraints involved in meeting the LDP timeframe, the small number of Gypsy, Traveller and Showpeople households in the county and the COVID 19 pandemic it was agreed that the steering group convened for the 2016 assessment would reconvene as a “virtual group” for the present assessment. Its responsibilities remained the same, that is:

- Helping to identify households living within the community to contact;
- To help scrutinise and provide feedback on the results;
- To sign off the report to be submitted for scrutiny and adoption by the Council and its subsequent submission to Welsh Government for approval.

3.7.2 Household Questionnaire: Gypsy and Traveller households identified through the forum completed the standard questionnaire as per the 2015 Guidance during October, November and December 2019.

3.7.3 The “Pitch Need” Calculation:

3.7.3.1 Welsh Government GTAA Guidance requires an assessment of current and future pitch needs and sets out a prescribed framework for undertaking a GTAA assessment. This GTAA follows the proscribed framework contained in Guidance.

3.7.3.2 As with any assessment of housing need the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue for residential pitches is to compare the supply that is available for occupation with the current and future needs of the households. The “need” for Gypsy and Traveller pitches consists of the following components:

1) Current Residential Supply:

- Occupied local authority pitches - there are no public sites in Monmouthshire;
- Occupied authorised private pitches - there are three in Monmouthshire;
- Vacant local authority pitches and available private pitches - there are no vacant local authority pitches and five unimplemented private pitches;
- Vacant pitches expected in the near future – there are no vacant pitches expected in the future in Monmouthshire;
- New local authority pitches and private pitches with planning permission - there is one pitch with planning permission.

2) Current Residential Demand: Assessing current need by the following method

- Households on unauthorised encampments;
- Households on unauthorised developments;
- Concealed /over-crowded/doubled-up households;
- Conventional housing – movement from bricks and mortar;
- New households to arrive from waiting lists/in-migration.

3) Future Demand: The formation of new households during the study period.

3.7.3.3 Normally, the household growth rate used for an assessment of future needs is informed by local demographic evidence which is used to adjust the national growth rate of 1.50% up or down based on the proportion of those aged under 18 (by travelling status).

3.7.3.4 The approach taken for this GTAA is to treat need as:

- Only those households on unauthorised and tolerated sites that are already in the planning system (i.e. sites/pitches for which a planning application has been made or is likely to be made);
- Those otherwise known to the Council as being resident in the area;
- Those identified through the household survey as requiring pitches.

3.8. Findings:

3.8.1 The assessment identified thirteen households in total as being from the Gypsy, Traveller and Showpeople community in Monmouthshire. Seven households completed the questionnaire. Four household had their applications completed by proxy that is, using household composition details from previous planning applications. Two households declined to participate in the Assessment.

3.8.2 There is an estimated unmet need for nine pitches to 2025, with a further unmet need of four pitches from 2026 to the end of the Replacement LDP Plan period in 2033;

3.8.3 There is not a need for a permanent transit / stopping pitch in Monmouthshire.

3.8.4 No additional households who wanted or needed to live in Monmouthshire have been drawn to the attention of the Council from other Welsh authorities.

#### 4 SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

4.1 The Gypsy and Traveller communities are recognised in law as an ethnic minority and the Council is required by law to address identified housing need. The communities are often subject to prejudice and statistically have lower outcomes in health and education than the settled community. Not having a safe and authorised place to call home reduces the likelihood of those outcomes being positive. This report seeks to positively address this issue by identifying the level of accommodation need to 2033. In terms of sustainable development, this would be considered via land use planning decisions. The Equalities Impact and Sustainable development assessments are attached (See Appendix 2).

#### 5. OPTIONS APPRAISAL:

5.1

	Benefit	Risk	Comment
<b>Option 1:</b> The <u>recommended option</u> is to agree the contents and findings of the GTAA.	<p>The Council has to be able to meet the accommodation needs of the Gypsy and Traveller and Showpeople.</p> <p>The GTAA is an up-to-date assessment of the accommodation needs of Gypsy and Traveller and Showpeople households in Monmouthshire. It will inform the Replacement Local Development Plan (RLDP).</p>	There are no risks to this option.	It is a statutory duty that the Council conduct a GTAA every 5 years. It has followed the methodology recommended by Welsh Government Guidance to produce an accurate and robust evidence base of the accommodation needs of Gypsy and Traveller and Showpeople

			households in Monmouthshire.
<b>Option 2:</b> Not to accept contents and findings of the GTAA.	There are no benefits to this option.	The risk of this option is that the Council will not be able to meet the accommodation needs of Gypsy and Traveller and Showpeople and will be in breach of its statutory duty.	

## 6. RESOURCE IMPLICATIONS:

### 6.1. Financial

Should the Council decide to develop site provision there could be a capital cost including land acquisition and provision of services. It is worth noting that the Council can bid for financial assistance from Welsh Government to assist in meeting the costs of site delivery; but the funds are limited, cannot be used for land purchase, and are subject to a bidding process.

## 7. CONSULTEES:

Enterprise DMT  
Head of Placemaking, Housing, Highways and Flooding  
Head of Planning  
Housing and Communities Manager  
Planning Policy Manager  
MCC Gypsy and Traveller Accommodation Assessment Steering Group  
Select Committee

7.1 The Committee supported the Recommendations. Councillor Brown proposed a multi-disciplinary approach, in which the Housing, Planning, Environmental Health and Licensing colleagues provide combined advice to applicants. Officers agreed that joint working is a good idea. Joint guidance would be considered but, as they are separate regulatory systems, the suggestion that this is a shared policy is not permissible legally.

## 8. BACKGROUND PAPERS:

Undertaking Gypsy & Traveller Accommodation Assessments' (May 2015)  
Part 3 Housing (Wales) Act 2014  
Gypsy and Traveller Assessment Report

9. **AUTHOR:** Stephen Griffiths, Strategy & Policy Officer (Housing & Communities)

## 10. CONTACT DETAILS:

**Tel:** 01633 644455  
**E-mail:** stephengriffiths@monmouthshire.gov.uk



MONMOUTHSHIRE COUNTY COUNCIL  
GYPSY AND TRAVELLER ACCOMMODATION  
ASSESSMENT  
2020 - 2025

## Contents

1.0	Executive Summary	3
2.0	Background	4
3.0.	Previous Assessment Findings and Analysis of Existing Data	7
4.0	Methodology	9
5.0.	Survey Findings	11
6.0	Assessing Accommodation Needs	14
7.0	Transit Need / Temporary Stopping Need	15
8.0.	Need for Gypsies and Travellers	15
9.0	Overall Need for Monmouthshire	19
10.0	Transit/Emergency Stopping Site Provision	20
11.0	Need for Travelling Showpeople Plots	21
10.0	Conclusions	21
11.0	Next Step	21
<b>Appendices</b>		
Appendix 1:	Part 3, Housing (Wales) Act 2014	23
Appendix 2:	Part 5, S56, Mobile Homes (Wales) Act 2013	26
Appendix 3:	Policy H8, Gypsy, Traveller and Travelling Showpeople Sites Monmouthshire LDP, adopted 2014	27
Appendix 4:	Definition of Key Terms and Concepts	33
Appendix 5:	GTAA Questionnaire	34
Appendix 6:	ORS Technical Note on Gypsy and Traveller Household Formation and Growth Rates (2020)	35
<b>List of Tables</b>		
Table 1:	Welsh Government Checklist	10
Table 2:	Total number of authorised sites in Monmouthshire as at March 2020	16
Table 3:	Additional Pitches Needed in Monmouthshire from 2020-2033	19
<b>List of Figures</b>		
Figure 1:	Unauthorised Encampments: Number of Occurrences by Month and Year	8
Figure 2:	Unauthorised Encampments: Number of caravans by Month and Year 2013 - 2019	8
Figure 3:	Accommodation at Time of Questionnaire	12



Figure 4:	Household Composition	13
Figure 5:	Household Ethnicity	13
Figure 6:	Respondent by Age Profile	13
Figure 7:	Suitability of Current Accommodation	14

DRAFT

## **1.0 Executive Summary:**

- 1.0.1 Opinion Research Services Ltd. (ORS) assisted the Housing and Communities Department at Monmouthshire with the preparation of this assessment as part of a wider commission to support the preparation of new GTAA's for Blaenau Gwent, Monmouthshire and Torfaen.
- 1.0.2 Part three of the Housing (Wales) Act 2014, requires all Local Authorities in Wales to undertake a Gypsy & Traveller Accommodation Assessment (GTAA) and, where the Assessment identifies an unmet need for pitches, to make provision to meet that need.
- 1.0.3 Under the Act, the Council has to undertake assessments every five years. The Council undertook its first assessment in 2015 covering the period 2016 – 2021. This is the Council's second assessment and it will run concurrently with the Replacement Local Development Plan (RLDP) 2018 – 2033, providing a robust and up-to-date evidence base for the new LDP.
- 1.0.4 The assessment process followed the Welsh Government guidance document, 'Undertaking Gypsy & Traveller Accommodation Assessments' published in May 2015. Due to the time constraints involved in meeting the RLDP timeframe and the small number of Gypsy, Traveller and Showpeople households in the county it was agreed that the steering group that was convened for the 2016 assessment would not be reconvened for the present assessment until a draft became available.
- 1.0.5 However members of the steering Group provided information of known Gypsy & Travellers and where applicable, informed households that an Assessment was being conducted and invited households to participate.
- 1.0.6 Officers from Housing & Communities Service conducted the interviews with the assistance of a family advocate for one of the households. The completion of questionnaires by Gypsy, Traveller and Showpeople households inform the conclusions and recommendations of the Assessment. Households identified by members of the steering group completed the questionnaires during October, November and December 2019.
- 1.0.7 The baseline date for all other data and information is that of the 31<sup>st</sup> March 2020.
- 1.0.8 To the knowledge of the Council, only two known Monmouthshire Gypsy, Traveller and Showpeople households declined to participate in the Assessment.

### **1.1.0 The Summary Conclusions of the Assessment:**

- 1.1.1 The assessment finds that there is an unmet need of nine pitches under the assessment period 2020 to 2025.
- 1.1.2 Beyond 2025, there is a further unmet need of four pitches over the remaining length of the Replacement Local Development Plan (2026 – 2033).
- 1.1.3 There is not a need for a permanent transit / stopping pitch in Monmouthshire.
- 1.1.4 The Council should consider the use of short-term toleration or negotiated stopping arrangements to deal with short-term encampments.

### **1.2.0 Next Steps:**

- 1.2.1 The Council will seek to make provision for appropriate sites to meet identified unmet need by working proactively with the Gypsy and Traveller households to establish their preference for site provision, that is, private or public sites.
- 1.2.2 The findings of the GTAA process suggest there is an aspiration within much of the Gypsy Traveller community for private site provision in Monmouthshire. The Council will therefore work with and support Gypsy Traveller households to identify and develop viable private sites to address the identified unmet need in accordance with the RLDP policy framework.
- 1.2.3 The identification and allocation of local authority Gypsy Traveller site(s) would need to be considered through the RLDP review process, should the need for a public site become apparent because the Community's preference for private sites cannot be achieved.
- 1.2.4 The identified need for temporary stopping places will be considered on a regional basis as part of the emerging Strategic Development Plan (SDP) process.

## **2.0 Background:**

- 2.0.1 Part three of the Housing (Wales) Act 2014 placed a number of statutory duties on local authorities to determine the accommodation needs of their Gypsy & Traveller community. S101 of the Act requires local authorities to conduct a review every five years. During the review period, local authorities must carry out an assessment and report its findings to Welsh Ministers for approval. The report must contain a summary of the consultation process; the responses received and any accommodation need identified by the assessment (Appendix 1).
- 2.0.2 Should a need be identified, s103 of the Act places a duty on the local authority to exercise its powers under Part five of the Mobile Homes (Wales) Act 2013 to provide sites on which mobile homes may be stationed (Appendix 2).
- 2.0.3 Under S104 of the Act, if the Welsh Ministers are satisfied that a local housing authority has failed to comply with their duty under s103, they can direct the authority to exercise those powers under Part five of the Mobile Homes (Wales) Act 2013 to meet the needs identified in the assessment.
- 2.0.4 As a housing authority Monmouthshire County Council's administrative area for includes both the Monmouthshire planning area and part of the Brecon Beacons National Park (BBNP) area of planning jurisdiction. The GTAA will therefore provide evidence to inform the Annual Monitoring Reports (AMRs) and LDP review processes of both Monmouthshire County Council and the BBNP Authority<sup>1</sup>. Where appropriate, Monmouthshire County Council and the BBNP Authority will work collaboratively to address any unmet need identified in the GTAA.

## **2.1 Purpose:**

- 2.1.1 The purpose of a GTAA is for the Council to understand the current and future accommodation needs of Gypsy, Traveller and Showpeople in the County. This in turn will inform the Council's and the BBNP's LDP Annual Monitoring Reports (AMRs) and their

---

<sup>1</sup> Paragraph 54, Undertaking Gypsy and Traveller Accommodation Assessments, Welsh Government

Replacement LDPs. It will also provide any evidence of whether transit sites or emergency stopping places are required.

2.1.2 The Assessment findings will also provide a complementary supplement for future Monmouthshire Local Housing Market Assessments.

## **2.2 Planning Considerations and Guidance Documents:**

2.2.1 The primary piece of guidance for producing a GTAA is “Undertaking Gypsy & Traveller Accommodation Assessments (2015)”.

2.2.2 The guidance includes a universal questionnaire that all local authorities are to use to ensure commonality for comparability purposes across all local authority areas in Wales (See Appendix 3).

2.2.3 The questionnaire comprises of five sections. Sections A to D concern themselves mostly with accommodation needs arising in the area in which the assessment is undertaken. Section E is concerned with the provision of transit sites not only in the area where the assessment is undertaken but also in other local authorities in Wales. The following sub sections give a brief description of the questionnaire:

- Section A – deals with the current accommodation arrangements of community members who partook in the assessment.
- Section B – looks at the family structure.
- Section C – enquires about aspirations and plans.
- Section D – informs the local authority of anticipated family growth and need that is likely to occur within the next five years so that they are able to understand future demand and plan accordingly.
- Section E – is concerned with the need for transit sites and their availability or non-availability throughout Wales.

2.2.4 To avoid any issues of literacy and low participation the guidance recommends that the completion of the questionnaire be on a face-to-face basis rather than using mailshot.

2.2.5 There have been a number of Circular provisions produced by Welsh Government and before devolution by the Welsh Office<sup>2</sup> that provide guidance for local authorities on planning aspects of providing sites, assessing the accommodation needs of Gypsy and Traveller families and to have policies for the provision of Gypsy and Traveller sites in their development plans. The introduction of a circular in 2018 superseded and cancelled the above-mentioned circulars<sup>3</sup>.

2.2.6 Other guidance available to local authorities are “Designing Gypsy and Traveller Sites”, and “Managing Gypsy and Traveller Sites in Wales”, published by Welsh Government in 2015.

---

<sup>2</sup> Circular 30/2007 “Planning for Gypsy and Traveller Caravan Sites”, WAG 2007; Circular 78/91 “Travelling Showpeople”, Welsh Office 1991 ; Circular 76/94

“Gypsy Sites Policy and Unauthorised Camping” Welsh Office 1994

<sup>3</sup> Circular 005/2018 Planning for Gypsy, Traveller Showpeople Sites, WAG 2018

<sup>4</sup> Planning Policy Wales Edition 10 paragraph 4.2.35

- 2.2.7 Planning Policy Wales (PPW) advises that local authorities are required to assess the accommodation needs of Gypsy and Traveller families and to have policies for the provision of Gypsy and Traveller sites in their development plans<sup>4</sup>.
- 2.2.8 Monmouthshire County Council adopted its Local Development Plan (LDP) in February 2014. The LDP sets out the Council's policies for future development and use of land in its area (excluding that part within the Brecon Beacons National Park). The framework for assessing proposals to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople through the provision of sites, whether for permanent, transit or emergency use can be found in Policy H8 of the LDP (See Appendix 4).
- 2.2.9 The Brecon Beacons National Park Authority adopted its LDP in December 2013. The Plan allocates land adjacent to Brecon Enterprise Park for the provision of a permanent Gypsy and Traveller Site and sets out policy criteria against which all Gypsy and Traveller caravan sites will be considered.
- 2.2.10 In addition to planning consideration and guidance circulars it is pertinent to mention that should a need be identified and a site be required there is a site capital grant available to local authorities to cover the costs involved with site construction. However, the grant cannot cover all costs associated with site construction, such land acquisition, pre planning applications work and feasibility studies.

## **2.3 Definition of Key Terms:**

### **2.3.1 Gypsy, Travellers and Showpeople**

- This assessment adopts the definition found within Section 108 of the Housing (Wales) Act 2014
  - (a) Persons of a nomadic habit of life, whatever their race or origin, including
    - (i) 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, and
    - (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such), and
  - (b) All other persons with a cultural tradition of nomadism or of living in a mobile home.
- This definition is sufficiently broad so that not only groups such as Romani Gypsies and Irish Travellers are included but also covers those other groups that follow a nomadic life style such as Travelling Showpeople and New Travellers.
- It is also broad enough to cover those who no longer pursue a nomadic lifestyle and live in bricks and mortar accommodation but due to a cultural aversion would like to return to living in a mobile home if sites became available in the future.

- 2.3.2 Further information is available from the Welsh Government's Guidance for undertaking Gypsy and Traveller Accommodation Assessments.

<https://gov.wales/sites/default/files/publications/2019-03/undertaking-gypsy-and-traveller-accommodation-assessments.pdf>

2.3.3 Refer to Appendix 5 for a description of all other key terms and concepts used within Assessment.

### **3.0 Previous Assessment Findings and Analysis of Existing Data:**

3.0.1 The Council has conducted two previous assessments the first in 2009 and the second in 2015.

3.0.2 The Council commissioned Roger Tym & Partners and Opinion Research Services to provide a Gypsy and Traveller Accommodation Needs and Sites Study in 2009. The study concluded that no additional needs were identified other than those needs known to the Council through an existing private site (one pitch) and a planning application for four pitches that was initially refused but was subsequently granted planning permission on appeal for a revised scheme comprising of two pitches.

3.0.3 Also, given that no other specific need was identified, the study concluded that no other new provision needed to be found through LDP site allocations and that proposals for additional sites could be considered through the LDP criteria based policy H8 Gypsy and Traveller and Showpeople Sites.

3.0.4 The second assessment undertaken 2015 was completed in house. It concluded that:

- There was an identified need for eight pitches to 2021, based on overcrowding, unauthorised occupation and the likelihood of cultural aversion to conventional housing
- An amendment of a lifetime occupation condition attached to the planning permission granted for an existing private site would address one of the unmet need for eight pitches.
- There was not an identified need for a transit site due to the low number of unauthorised encampments in the County (paragraphs 2.18 and 5.20);
- There was not an identified need for a travelling Showpeople yard.

### **3.1 Analysis of Existing Data - Population Data:**

3.1.1 The number of households in Monmouthshire describing themselves as being of Gypsy & Irish Traveller ethnicity is very low. The 2011 census shows that six households identified themselves as Gypsy and Irish Traveller, 0.006% of the population.

3.1.2 It is argued that this figure under-represents the true number of households in Monmouthshire as the census relies on individuals self-classifying their ethnicity. Nationally, there is recognition that there is a reluctance within the Gypsy and Traveller community for households to reveal their ethnicity for fear of hostility or racially abuse behaviour directed at them.

3.1.3 The 2015 Assessment identified eleven households living in Monmouthshire who described themselves as being of Gypsy and Traveller ethnicity, an increase of almost 84% on the 2011 census figure.

### **3.2 Unauthorised Encampments and Current Accommodation Provision:**

3.2.1 A key data source relating to Gypsy and Traveller communities is the All Caravan Count System which is a web-based data collection tool. The system requires Local Authorities to provide details of all Gypsy and Traveller sites in their area, including unauthorised

encampments as they occur. This supersedes the previous caravan count method, which was a count of caravans rather than households. In addition, because the previous count method took place on a designated date it did not record any unauthorised encampments outside this date.

3.2.2 There have been sixteen unauthorised encampments on Council owed land by the travelling community when travelling through the County between the years 2013 - 2020. The following graphs show the number of occurrences by month and year (figure 1) and the total number of caravans per year (figure 2).

Figure 1: Unauthorised Encampments – Number of Occurrences by Month and Year

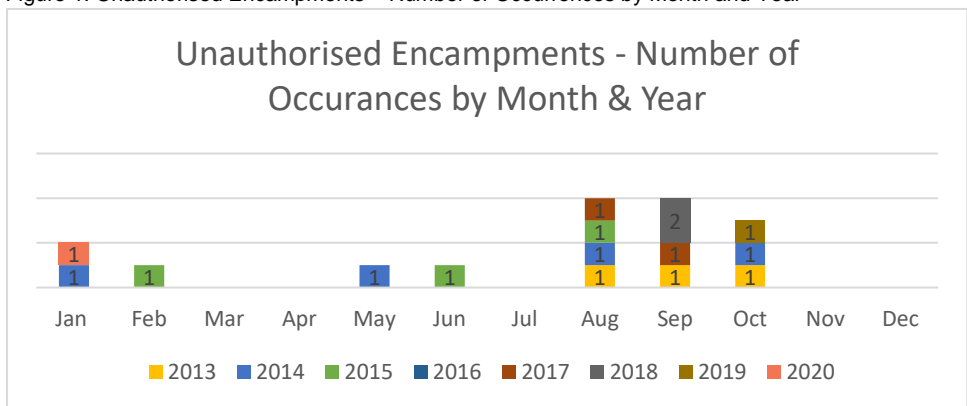
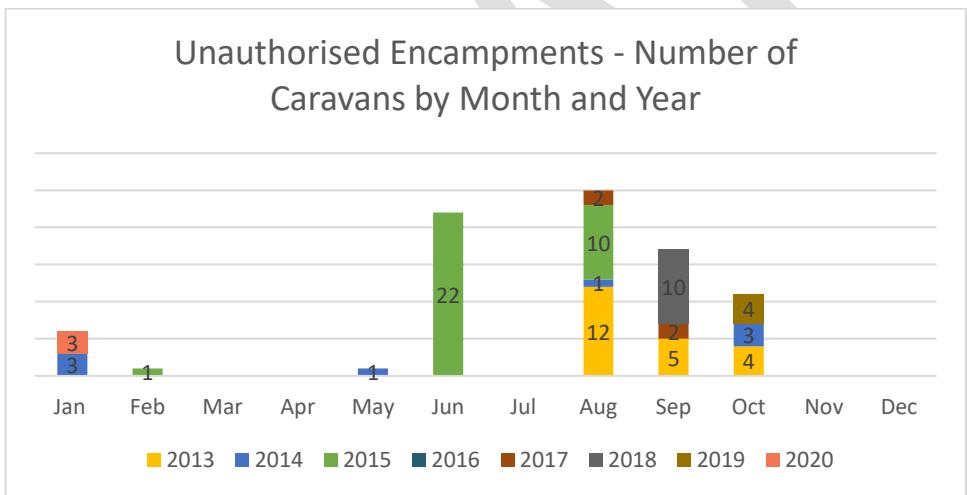


Figure 2: Unauthorised Encampments – Number of Caravans by Month and Year



\* Incomplete data for May & August 2014. This figure is a nominal and is likely to be a under estimation of the true figure.

3.2.3. It is evident from the above graphs that in comparison with other authorities Monmouthshire has a very low Gypsy and Traveller population.

3.2.4 Even though the frequency and number of caravans is low, evidence from the GTAA questionnaire and from discussions with families that have stopped in Monmouthshire suggests there and is a need for a transit / temporary stopping site along the M4 corridor or on a main route going North /South through the County.

3.2.5 Monmouthshire currently has no local authority run sites, either residential or transit.

3.2.6 At March 2020, Monmouthshire has three authorised privately owned sites.

3.2.7 There have been three planning applications since the previous GTAA in 2015 on land owned and occupied by Gypsy and Traveller households. One application has been approved. The other two applications were unsuccessful and enforcement notices served on the households to vacate the land. At the time of writing, both unsuccessful applications were going through the appeals procedure.

3.2.8 At the time of writing there are no temporary planning permissions in place.

## **4.0 Methodology**

### **4.0.1 Project Steering Group**

4.02 In 2016, a project steering group had the responsibility of taking ownership of the Assessment.

4.03 Its key responsibilities were to:

- Identify other relevant agencies who should be asked to participate in the steering group
- To positively promote the Assessment and encourage participation
- Provide local knowledge;
- Help to identify households living within the community
- Publicise the assessment study within their own fields and to households within the respective networks
- To help raise awareness of the Gypsy & Traveller culture and the potential barriers typically experienced
- To help scrutinise and provide feedback on the results:
- To sign off the report to be submitted to Welsh Government.

4.04 The group consisted of representations from the following agencies:

- MCC Elected Members
- SE Wales Regional Equality Council
- Equalities Officer (MCC)
- Adult Social Services (MCC)
- Rural Programmes Manager (MCC)
- Specialist Environmental Health Officer (MCC)
- Monmouthshire Housing Association
- Melin Homes
- Planning Policy Department (MCC)
- Housing Options Team (MCC)
- Children's Services - Safe Guarding in Education (MCC)
- Principal Inclusion Officer - Children and Young People (MCC)
- Deputy Head of Gwent Education Minority Ethnic Service (GEMS)
- Senior Commissioning Officer, Supporting People (MCC)
- Housing & Communities Manager (MCC)
- Project Officer, Monmouthshire Voices
- Waste & Street Services (MCC)
- Regional Community Cohesion Co-ordinator East Gwent



- Gwalia
- Public Health Wales
- Police
- Member of the local Gypsy & Traveller community (x 4)
- Officer from adjoining local authorities.

4.0.5 Members of the Steering Group provided information of known Gypsy & Travellers and where applicable, informed households that the Assessment was being conducted and invited households to participate.

#### 4.1. Study Methodology:

4.1.1 As per the Guidance, the completion of the questionnaire was to be by face-to-face interviews. However, in one instance an advocate for a family, who were out of County at the time the interviewing process occurred, completed the questionnaire.

4.1.2 The interviewing of households that agreed to take part in questionnaire took place during October to December 2019.

4.1.3 Due consideration was given to the engagement checklist contained in the WG Guidance document. Table 1 sets out the Guidance checklist and provides comments concerning the Council's application of the checklist. This has to be considered within the context that the Council does not have any local authority run sites in the County:

Table 1: Welsh Government Checklist

1.	<p><b>Visit every Gypsy and Traveller household identified through the data analysis process up to 3 times, if necessary.</b></p> <ul style="list-style-type: none"> <li>• The Council was unable to engage with three household despite repeated visits and leaving promotional material, letters and emails.</li> </ul>
2.	<p><b>Publish details of the GTAA process</b>, including contact details to allow Community members to request an interview, on the Local Authority website, Travellers' Times.</p> <p>The following methods were used to promote MCC's undertaking of the assessment.</p> <ul style="list-style-type: none"> <li>• Promotional Flyer that was used in the following ways <ul style="list-style-type: none"> <li>o Press release</li> <li>o Council web site and social media platforms</li> <li>o Traveller Times &amp; Showpeople Guild web site and social media platforms</li> <li>o Travelling Ahead web site and social media platforms</li> <li>o RSL Web sites</li> </ul> </li> </ul>
3.	<p><b>Consult relevant community support organisations.</b></p> <ul style="list-style-type: none"> <li>• The Council engaged with Travelling Ahead – A Welsh project working with young people and families from Gypsy, Roma and Traveller communities.</li> </ul>

4.	<p><b>Develop a Local Authority waiting list for both pitches and housing, which is accessible and communicated to community members.</b></p> <ul style="list-style-type: none"> <li>Households who engaged in the process were given the opportunity to apply to the Council's Housing Register and the Gypsy and Traveller pitch waiting list.</li> </ul>
5.	<p><b>Endeavour to include Gypsies and Travellers on the GTAA project steering group.</b></p> <ul style="list-style-type: none"> <li>Due to the low numbers of Gypsy and Traveller and Showpeople households in Monmouthshire we were able to discuss directly with individual households outside the formal mechanism of the Steering Group.</li> </ul>
6.	<p><b>Ensure contact details provided to the Local Authority by community members through the survey process are followed up and needs assessed.</b></p> <ul style="list-style-type: none"> <li>All interviews provided the opportunity for other community members to be interviewed through the process.</li> </ul>
7.	<p><b>Consider holding on-site (or nearby) GTAA information events to explain why community members should participate and encourage site residents to bring others who may not be known to the Local Authority.</b></p> <ul style="list-style-type: none"> <li>This wasn't considered appropriate for Monmouthshire due to there being no Council managed sites the County and the low number of Gypsy, Traveller and Showpeople households.</li> </ul>

4.1.4 Raising awareness of the survey internally within the Council and externally has been a priority of the methodology. The following range of mechanisms has been utilised to communicate the implementation of the assessment:

- Press release October 2019;
- The distribution of a Monmouthshire County Council flyer to Gypsy & Traveller households identified through the Steering Group;
- Assessment details published on the Council's website and the social media outlets of the Traveller Times, Travelling Ahead and Showman's Guild.
- Travelling Ahead provided an awareness briefing session to members on the 27<sup>th</sup> November 2019.
- The Assessment was considered and scrutinised by the Council's Adult Select Committee on 10<sup>th</sup> December 2020;
- The Assessment Report was adopted by Cabinet on ??? 2021.

## 5.0. Survey Findings:

### 5.0.1 Households Interviews

5.0.2 The Identification of Gypsy, Traveller and Showpeople households came through the following means and identified thirteen households.

- The housing register.
- From members of the steering group.
- Existing households known to the Council.

5.0.3 Officers from the Council contacted nine of the households of which

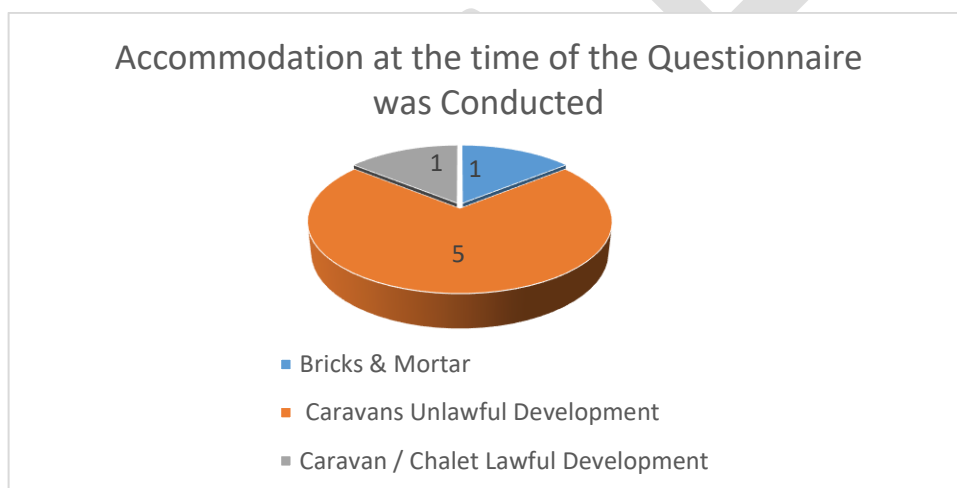
- Seven households completed the questionnaire
- Two households declined to take part in the process

5.0.4 Despite numerous efforts, Council officers were not able to make contact with four of the identified households. However details of the household composition was garnered from their planning application.

### 5.1 Current Accommodation:

5.1.1 The following chart show the type of accommodation the respondent households were residing at the time the questionnaire was completed.

Figure 3: -- Accommodation at the Time of Questionnaire



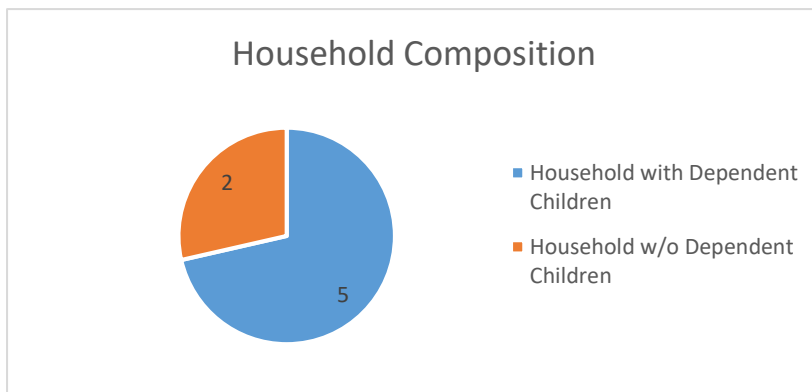
5.1.2 The number of Gypsy, Traveller and Showpeople households that took part in the 2019 Assessment is down on the 2015 figure. This is attributable to the time of the year the assessment took place. For the 2015 assessment, the completion of the questionnaire took place during the summer months when Gypsy & Traveller households visit the County for a religious festival.

5.1.3 For the 2019 assessment, the interviews took place during late autumn when traditionally Gypsy & Traveller households do not travel.

### 5.2. Household Composition Profile:

5.2.1 Five out of the seven respondent households have dependent children. See figure 5, below for a detailed breakdown.

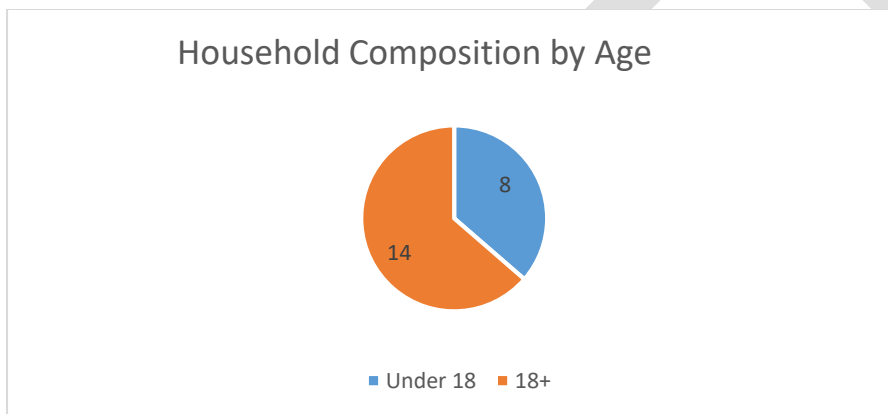
**Figure 4: Household Composition**



### 5.3. Household Age Profile:

5.3.1 The chart below represents the age category of household members.

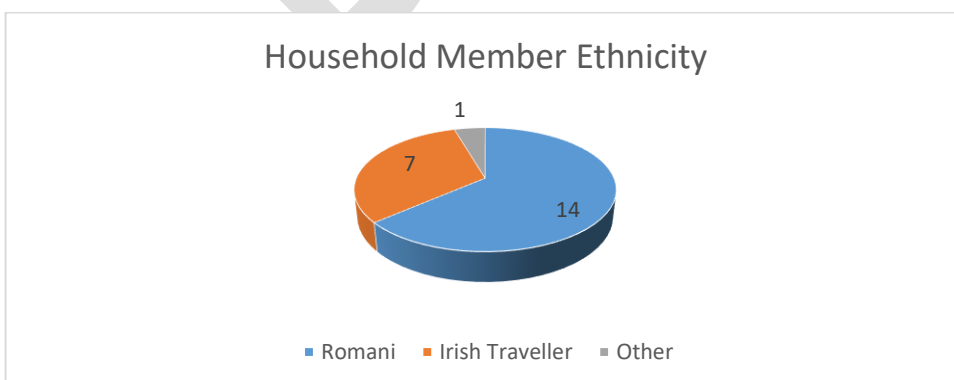
Figure 5: Household composition by Age



### 5.4 Household Ethnicity Profile:

5.4.1. Fourteen household members identified their ethnicity as Romani, while seven household members identified themselves as Irish Traveller. One household member identified themselves as 'other'.

Figure 6: Household Ethnicity



### 5.5 Suitability of Current Accommodation:

5.5.1 Six of the seven household respondents when asked if they were happy with their current accommodation, responded positively despite the fact that four of the households were under threat of eviction from their unlawful encampment.

Figure 7 – Suitability of Current Accommodation



5.5.2. One household responded negatively because they were living in bricks and mortar accommodation when their preference was to live in a caravan.

## 6.0 Assessing Accommodation Needs:

### 6.0.1 Understanding 'Need' and 'Preferences'

6.0.2. When it comes to pitch provision and choice, Gypsy and Traveller households are limited as to where they can choose to live. In contrast, non-travelling households have much wider choices due to the availability of social housing estates in all local authorities, whereas Gypsy and Traveller households encounter local authorities, where there are no authorised public sites at all.

6.0.3. As a result, Gypsy and Traveller households have no choice but to occupy sites in nearby local authorities where sites are available even though their 'preference' or 'need' is to live in the neighbouring local authority.

6.0.4 This can deprive a local Gypsy and Traveller household of a pitch. It can also mean that Gypsy and Traveller households move into bricks and mortar accommodation in their preferred local authority area. For some Gypsy and Traveller households this is an acceptable option choice but for others it is a non-acceptable option choice because there are no other suitable alternative options available to them.

6.0.5. This presents a challenge to a local authority when undertaking the assessments as it will want to distinguish between a need and a preference, this is because it is 'needs' that determine whether the local authority has to provide sites and pitches.

6.0.6. The definition of 'need' for the purpose of the assessment will take the following form:

- Households that have no authorised site on which to reside
- Households that are overcrowded
- Households that have a cultural aversion to living in conventional bricks and mortar housing.

- 6.0.7 Cultural aversion is a condition that many Gypsy and Traveller households in conventional housing may experience. For many Gypsy and Traveller households living in conventional housing can have a detrimental effect on the health and wellbeing of a household member.
- 6.0.8. However, there is not an expectation for local authorities to do an in-depth investigation into an individual's assertion that they are suffering cultural aversion for purposes of an assessment; any in depth investigation should be part of the authority's homelessness or pitch allocation policies. This is because the assessment process aims to give a broad estimation of the likelihood of need in their area. (Paragraph 176 – 178 of the WG Guidance).

## **7.0 Assessing Accommodation Needs in Monmouthshire:**

- 7.0.1 This section focuses on the pitch provision need for Monmouthshire County Council for a short-term period of 5 years and the full Replacement Local Development Plan period to 2033. This includes both current unmet need and future need. This period allows for robust forecasts for future provision, based upon the evidence contained within this study and from secondary data sources.
- 7.0.2 The evidence is a combination of information sources including household interviews, planning records, Steering Group members, and other stakeholders. In many cases, the survey data is not used in isolation, but instead is used to validate information from planning records or other sources.
- 7.0.3 This section concentrates on both the total additional provision of need and whether there is a need for any transit sites and/or emergency stopping place provision.
- 7.0.4 Welsh Government GTAA Guidance requires an assessment of current and future pitch needs and sets out a prescribed framework for undertaking a GTAA assessment. This GTAA follows the proscribed framework contained in Guidance.
- 7.0.5 As with any assessment of housing need the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue for residential pitches is to compare the supply that is available for occupation with the current and future needs of the households. The key factors in each of these elements are set out in the sections below.

## **8.0 Need for Gypsies and Traveller Pitches:**

- 8.0.1 The need for Gypsy and Traveller pitches is made up of the following components:

### **1) Current Residential Supply**

- Occupied local authority pitches.
- Occupied authorised private pitches.
- Vacant local authority pitches and available private pitches.
- Vacant pitches expected in the near future.
- New local authority pitches and private pitches with planning permission.

### **2) Current Residential Demand**

- Households on unauthorised encampments.
- Households on unauthorised developments.

- Concealed /over-crowded/doubled-up households<sup>4</sup>.
- Conventional housing – movement from bricks and mortar<sup>5</sup>.
- New households to arrive from waiting lists/in-migration.

### 3) Future Demand

- Total future demand is a result of the formation of new households during the study period. Information from the interviews provides details of the gross number of new households expected to form within the first 5 years of the study (although it is important to *net* this off against identifiable supply during the first 5 years of the study). The use of demographic evidence from the interviews informs the *net* compound household formation rate used for years 6-13 of the study.

## 8.1 Current Authorised Residential Supply:

- 8.1.1 To assess the current Gypsy and Traveller provision it is important to understand the total number of existing pitches and their planning status. There are no authorised public sites and three small private sites in Monmouthshire. There is no public or private transit provision and there are no Travelling Showpeople yards.

Table 2: Total number of authorised sites in Monmouthshire as at March 2020

Category	Sites	Pitches	Occupied Pitches
Private sites with permanent planning permission	3	9	3
Private sites with temporary planning permission	0	0	0
Public sites (Council and Registered Providers)	0	0	0
Public transit provision	0	0	0
Private transit provision	0	0	0

- 8.1.2 The next stage of the process is to assess how much space is, or will become, available on existing sites in order to determine the supply of available pitches. The main ways of finding this is through:

- **Current vacant pitches** – There are no vacant pitches in Monmouthshire.
- **Pitches expected to become vacant** – There are no public sites in Monmouthshire.
- **Pitches currently with planning permission** – There are 6 unimplemented pitches with planning permission in Monmouthshire. These are at Craig-yr-Leir, Llangeview (5) and at Sunnybank, Crick (1)

- 8.1.3 This gives a figure for **overall supply of 6 pitches**.

## 8.2 Current Residential Demand:

<sup>4</sup> Following the guidance set out in Paragraphs 195-201 of the GTAA Guidance

<sup>5</sup> Following the guidance set out in Paragraphs 172-183 of the GTAA Guidance

8.2.1 The next stage of the process is to assess current need and determine how many households are currently seeking pitches in the area.

### **8.3 Current Unauthorised and Tolerated Sites:**

8.3.1 A problem with many Gypsy and Traveller Accommodation Assessments is that they often count all caravans on unauthorised developments and encampments as requiring a pitch in the area, when in practice; many households are simply visiting or passing through. Some households may be on tolerated sites for planning purposes. In order to remedy this, the approach taken for this GTAA is

- To treat need as only those households on unauthorised and tolerated sites that are already in the planning system (i.e. sites/pitches for which a planning application has been made or is likely to be made).
- Those otherwise known to the Council as being resident in the area, or
- Those identified through the household survey as requiring pitches.

8.3.2 The study has identified that there are no sites with temporary planning permission; no sites tolerated sites for planning purposes and two unauthorised sites in Monmouthshire. These are at Land Adjacent to Ty Coedwr, Llanvetherine (1 pitch) and at Land opposite Llancayo House, Llancayo (4 pitches). Both sites have had planning applications refused and appeals dismissed, with those decisions being challenged through the Courts as at March 2020

### **8.4 Over-Crowded Pitches:**

8.4.1 The site interviews sought to identify concealed or doubled-up households or single adults on authorised and unauthorised sites that require a pitch immediately.

8.4.2 A concealed household or adult is one living in a multi-family household in addition to the primary family. Examples can include, a young couple living in a mobile home with parents, who need their own separate family accommodation, but are unable to obtain it because of a lack of space on public or private sites; or a single family member or individual living within an existing family unit in need of separate accommodation.

8.4.3 A doubled-up family or single adult is one living in a separate caravan (usually a touring caravan) on a site or pitch where there are more than the permitted number of caravans.

8.4.4 The information collected during the site interviews identified two concealed or doubled-up adults on two sites in Monmouthshire – one at The Old Telephone Exchange and one at Land opposite Llancayo House.

### **8.5 Conventional Housing:**

8.5.1 An issue frequently highlighted when identifying the number of Gypsy and Traveller households in bricks and mortar is their accuracy. The 2011 UK Census of Population identified six households in Monmouthshire that were living in a house or bungalow.

8.5.2 As noted earlier, the assessment sought to identify Gypsies and Travellers living in bricks and mortar to interview. This process resulted in an interview with one household living in bricks and mortar in Monmouthshire having planning consent for a new site at Sunnybank, Crick. The interview identified a concealed adult living in the household, however



accommodating this concealed adult would occur through planning permission if implemented.

## **8.6 New Households to Arrive:**

8.6.1 There is no public site in Monmouthshire. The assessment has also considered in-migration (households requiring accommodation who move into the study area from outside) and out-migration (households moving away from the study area). Site surveys typically identify only small numbers of in-migrant and out-migrant households and the data is not normally robust enough to extrapolate long-term trends. At the national level, there is zero net migration of Gypsies and Travellers across the UK, but this assessment has taken into account local migration effects based on the best local evidence available.

8.6.2 On considering the evidence drawn from household interviews and the desk-based research in Monmouthshire, the GTAA has identified that the proposed households that are seeking to occupy the five unimplemented pitches at Craig-yr-Leir, Llangeview are all currently living on a public site in Cardiff. There were no households identified that were seeking to move away from Monmouthshire.

8.6.3 Beyond this, rather than identify any other in-migrant households seeking to develop new sites in Monmouthshire, the GTAA recommends that the Council continue to follow its existing criteria-based planning policies for any potential new windfall sites that do arise. In addition, none of the other local authorities within Wales has contacted to advise of any Gypsy and Traveller households that may seek to reside or resort to Monmouthshire.

## **8.7 Additional Pitch Provision: Future Need:**

8.7.1 The next stage of the process is to assess future need and determine how many households are likely to be seeking pitches in the area in the future during the first 5 years of the assessment and for the longer 13-year Replacement Local Development Plan period to 2033.

## **8.8 Population and Household Growth:**

8.8.1 Nationally, there is a common assumption of household formation and growth rate of 3.00% net per annum. This has been widely used in local Gypsy and Traveller Accommodation Assessments even though there is no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for additional pitches unrealistically. In this context, ORS has prepared a *Technical Note on Household Formation and Growth Rates*. The main conclusions are set out in the following paragraphs. For the full Technical Note see Appendix 6.

8.8.2 Those seeking to provide evidence of high annual net household growth rates for Gypsies and Travellers have sometimes sought to rely on increases in the number of caravans, as reflected in the Caravan Counts. However, Caravan Count Data is unreliable and erratic – so the only proper way to project future population and household growth is through detailed demographic analysis.

8.8.3 The research undertaken by ORS has identified that in fact, the growth in the national Gypsy and Traveller population may be as low as 1.50% per annum – much less than the 3.00% per annum often assumed, but still greater than in the settled community. Even using extreme

and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2.00% per annum nationally.

- 8.8.4 The site and bricks and mortar interviews identified **1 new household** as a result of family growth over the first 5 years of the assessment – 1 teenager living on a private site and no pitch turnover.
- 8.8.5 Normally, the household growth rate used for an assessment of future needs is informed by local demographic evidence which is used to adjust the national growth rate of 1.50% up or down based on the proportion of those aged under 18 (by travelling status).
- 8.8.6 However, in Monmouthshire there were only 12 children identified aged under 18 and in these circumstances it is not appropriate to apply a percentage rate for new household formation but to take a more pragmatic approach on likely new household formation based on the age and gender of the children identified in the Assessment. This approach assumes that 50% of likely households to form will stay in the area. Previous evidence from other GTAA's that ORS have completed across England and Wales over the years have informed this approach.
- 8.8.7 This has identified new household formation of two for the period from 2025-2029 and new household formation of two for the period 2030-2033.

## 9.0 Overall Need for Monmouthshire:

- 9.0.1 After examining each element of the calculation for the need, the next stage of the assessment is to balance current and future need against supply to provide an overall need for Monmouthshire following the approach that is set out in the Welsh Government GTAA Guidance.
- 9.0.2 The Welsh Government Guidance requires two assessments of need – for the first 5 years of the plan period and for the full 13-year Replacement Local Development Plan period. Following this approach, the expected need in Monmouthshire for the first 5 years is for **nine (9) pitches**. The expected need for the remainder of the Replacement Local Development Plan period (years 6-13) is for **four (4) pitches**. This equates to **thirteen (13) pitches** for the 13-year Replacement Local Development Plan period. This will address the needs of all identifiable Gypsy and Traveller households from the expected growth in household numbers due to new household formation.
- 9.0.3 The table below sets out how this is calculated.

Table 3: Additional Pitches Needed in Monmouthshire from 2020-2033

Current Residential Supply	Number of Pitches	Notes
<b>A. Occupied Local Authority Pitches</b>	0	No public sites in Monmouthshire
<b>B. Occupied authorised private pitches/tolerated pitches</b>	3	3 occupied private pitches (Old Telephone Exchange (1) and Llangeview (2) Para 8.1.1)
<b>Total</b>	<b>3</b>	
Planned Residential Supply	Number of Pitches	Notes
<b>C. Vacant Local Authority pitches and available vacant pitches</b>	0	No public sites

<b>D. Pitches expected to become vacant in near future</b>	0	No public sites
<b>E. New Local Authority and private pitches with planning permission</b>	6	6 unimplemented pitches on 2 private sites (Crick (1) and Llangeview (5) Para 8.1.2)
<b>Total</b>	<b>6</b>	
<b>Current Residential Demand</b>	<b>Pitch Demand</b>	<b>Notes</b>
<b>F. Unauthorised encampments</b>	0	No encampments
<b>G. Unauthorised development</b>	5	5 unauthorised pitches on 2 private sites (Llancayo (4) and Llanvetherine (1) Para 8.3.2)
<b>H. Overcrowded pitches/Unsuitable accommodation</b>	2	2 doubled-up adults - 1 on a private site (Old Telephone Exchange) and 1 on an unauthorised site (Llancayo). (Para 8.4.4)
<b>I. Conventional housing</b>	2	1 household and 1 adult child in bricks and mortar <sup>6</sup> (Para 8.5.2)
<b>J. New households to arrive</b>	5	Identified in-migration for 5 households <sup>7</sup> (Para 8.6.2)
<b>Total</b>	<b>14</b>	
<b>Current Households</b>	<b>Future Households (at year 5)</b>	<b>Future Households (years 6 to 13)</b>
<b>K. 17</b>	<b>18</b>	<b>22</b>
<b>L. Additional household pitch need<sup>8</sup></b>	<b>1</b>	<b>4</b>
<b>Unmet Need</b>	<b>Need Arising</b>	<b>Need Accommodated</b>
<b>M. Current residential demand (Rows F to J)</b>	<b>14</b>	
<b>N. Future residential demand (year 5)</b>	<b>1</b>	
<b>O. Future residential demand (years 6 to 15)</b>	<b>4</b>	
<b>P. Planned residential supply (Row E)</b>		<b>6</b>
<b>Q. Unmet need (5 year) (Rows M+N-P)</b>	<b>9</b>	
<b>R. Unmet need (Replacement Local Development Plan period) (Rows M+N+O-P)</b>	<b>13</b>	

## 10. Transit/Emergency Stopping Site Provision:

10.0.1 Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through. A transit site typically has a restriction on the length of stay of around 13 weeks and can have a range of facilities such as water supply, electricity and amenity blocks. An alternative to a transit site is an Emergency Stopping Place. These also have restrictions on the length of time for which a Traveller can stay on it but have more limited facilities with typically only a source of water and chemical toilets provided. Some Local Authorities also operate an accepted or negotiated stopping

<sup>6</sup> These households are seeking to move to one of the unimplemented pitches referred to in line E.

<sup>7</sup> These households are seeking to move 5 of the unimplemented pitches referred to in line E.

<sup>8</sup> 1 teenager in years 0-5 and new household formation of 4 in years 6-13.

policy where households are provided with access to lighting, drinking water, refuse collection and hiring of portable toilets at a cost to the Travellers.

- 10.0.2 The Criminal Justice and Public Order Act 1994 is particularly important with regard to the issue of Gypsy and Traveller transit site provision. Section 62A of the Act allows the Police to direct trespassers to remove themselves, their vehicles and their property from any land where a suitable pitch on a relevant caravan site is available within the same Local Authority area (or within the county in two-tier Local Authority areas). A suitable pitch on a relevant caravan site is one which is situated in the same Local Authority area as the land on which the trespass has occurred, and which is managed by a Local Authority, a Registered Provider or other person or body as specified by order by the Secretary of State. Case law has confirmed that a suitable pitch must be somewhere where the household can occupy their caravan. Bricks and mortar housing is not a suitable alternative to a pitch.
- 10.0.3 Therefore, transit arrangements provide a place for households in transit to an area and a mechanism for greater enforcement action against inappropriate unauthorised encampments.
- 10.0.4 Analysis of the frequency of unlawful stopping in paragraph 3.2.4 above, show instances of unauthorised caravans on two unauthorised sites. In addition, discussions with Officers from the Council have identified that there a few instances of unauthorised encampments on land not owned by Travellers and these are from families passing through the county.
- 10.0.5 As such, the Assessment recommends that there is not a need for the Council to provide a permanent transit site in Monmouthshire. However, the Council should continue to monitor the number of unauthorised encampments and continue to use their current approaches when dealing with encampments. The Council could also consider the use of short-term toleration or Negotiated Stopping Arrangements to deal with short-term encampments.

## **11. Need for Travelling Showpeople Plots:**

- 11.0.1 One Household identified as Travelling Showpeople but declined to take part in the Assessment therefore there is no current or future need for a “plot” in Monmouthshire.

## **12. Conclusions:**

- 12.0.1 The key conclusions that came out of the assessment process can be summarised as follows:
- The assessment finds that there is an unmet need of nine pitches under the assessment period 2020 to 2025.
  - There is a further unmet need of four pitches over the remaining length of the Replacement Local Development Plan (2026 – 2033).
  - There is not a need for a permanent transit / stopping pitch.
  - The Council should consider the use of short-term toleration or negotiated stopping arrangements to deal with short-term encampments.

## **13. Next Steps:**

- 13.0.1 The Council seek to make provision for appropriate sites to meet identified unmet need by working proactively with the Gypsy and Traveller households to establish their preference for site provision, that is, private or public sites.

- 13.0.2 The findings of the GTAA process suggest there is an aspiration within much of the Gypsy Traveller community for private site provision in Monmouthshire. The Council will therefore work with and support Gypsy Traveller households to identify and develop viable private sites to address the identified unmet need in accordance with the LDP policy framework. To date, no candidate sites have been submitted by the Gypsy and Traveller community for pitches to be allocated in the Replacement LDP.
- 13.0.3 The identification and allocation of local authority Gypsy Traveller site(s) would need to be considered through the LDP review process, should the need for a public site become apparent because the Community's preference for private sites cannot be achieved.
- 13.0.4 The identified need for temporary stopping places will be considered on a regional basis as part of the emerging Strategic Development Plan (SDP) process.

DRAFT

*Housing (Wales) Act 2014 (anaw 7) 72***PART 3****GYPsIES AND TRAVELLERS***Meeting accommodation needs***101 Assessment of accommodation needs**

- (1) A local housing authority must, in each review period, carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area.
- (2) In carrying out an assessment under subsection (1) a local housing authority must consult such persons as it considers appropriate.
- (3) In subsection (1), “review period” means—
  - (a) The period of 1 year beginning with the coming into force of this section, and
  - (b) Each subsequent period of 5 years.
- (4) The Welsh Ministers may amend subsection (3) (b) by order.

**102 Report following assessment**

- (1) After carrying out an assessment a local housing authority must prepare a report which—
  - (a) Details how the assessment was carried out;
  - (b) contains a summary of—
    - (i) the consultation it carried out in connection with the assessment, and
    - (ii) the responses (if any) it received to that consultation;
  - (c) details the accommodation needs identified by the assessment.
- (2) A local housing authority must submit the report to the Welsh Ministers for approval of the authority’s assessment.
- (3) The Welsh Ministers may—
  - (a) approve the assessment as submitted;
  - (b) approve the assessment with modifications;
  - (c) reject the assessment.
- (4) If the Welsh Ministers reject the assessment, the local housing authority must—
  - (a) revise and resubmit its assessment for approval by the Welsh Ministers under subsection (3), or
  - (b) conduct another assessment (in which case section 101(2) and this section apply again, as if the assessment were carried out under section 101(1)).
- (5) A local housing authority must publish an assessment approved by the Welsh Ministers under this section.

**103 Duty to meet assessed needs**

- (1) If a local housing authority’s approved assessment identifies needs within the authority’s area with respect to the provision of sites on which mobile homes may be stationed the authority must exercise its powers in section 56 of the Mobile Homes (Wales) Act 2013 (power of authorities to provide sites for mobile homes) so far as may be necessary to meet those needs.
- (2) But subsection (1) does not require a local housing authority to provide, in or in connection with sites for the stationing of mobile homes, working space and facilities for the carrying on of activities normally carried out by Gypsies and Travellers.
- (3) The reference in subsection (1) to an authority’s approved assessment is a reference to the authority’s most recent assessment of accommodation needs approved by the Welsh Ministers under section 102(3).

**104 Failure to comply with duty under section 103**

- (1) If the Welsh Ministers are satisfied that a local housing authority has failed to comply with the duty imposed by section 103 they may direct the authority to exercise its powers under section 56 of the Mobile Homes (Wales) Act 2013 so far as may be necessary to meet the needs identified in the authority’s approved assessment.
- (2) Before giving a direction the Welsh Ministers must consult the local housing authority to which the direction would relate.
- (3) A local housing authority must comply with a direction given to it.
- (4) A direction given under this section—

- (a) must be in writing;
- (b) may be varied or revoked by a subsequent direction;
- (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

**105 Provision of information upon request**

- (1) A local housing authority must provide the Welsh Ministers with such information (and at such times) as they may require in connection with the exercise of their functions under this Part.
- (2) The Welsh Ministers may exercise their powers under this section generally or in relation to a particular case.

**106 Guidance**

- (1) In exercising its functions under this Part, a local housing authority must have regard to any guidance given by the Welsh Ministers.
- (2) The Welsh Ministers may—
  - (a) give guidance either generally or to specified descriptions of authorities;
  - (b) revise the guidance by giving further guidance under this section;
  - (c) withdraw the guidance by giving further guidance under this section or by notice.
- (3) The Welsh Ministers must publish any guidance or notice under this section.

**107 Duties in relation to housing strategies**

- (1) This section applies where a local housing authority is required under section 87 of the Local Government Act 2003 to have a strategy in respect of meeting the accommodation needs of Gypsies and Travellers residing in or resorting to its area.
- (2) The local housing authority must—
  - (a) have regard to any guidance given by the Welsh Ministers in preparing its strategy;
  - (b) take the strategy into account in exercising its functions (including functions exercisable other than as a local housing authority).

*General*

**108 Interpretation**

In this Part—

“accommodation needs” (*“anghenion llety”*) includes, but is not limited to, needs with respect to the provision of sites on which mobile homes may be stationed;

“Gypsies and Travellers” (*“Sipsiwn a Theithwyr”*) means—

- (a) persons of a nomadic habit of life, whatever their race or origin, including—
  - (i) 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, and
  - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such), and
- (b) all other persons with a cultural tradition of nomadism or of living in a mobile home;

“mobile home” (*“cartref symudol”*) has the meaning given by section 60 of the Mobile Homes (Wales) Act 2013.

**109 Power to amend definition of Gypsies and Travellers**

- (1) The Welsh Ministers may by order amend the definition of Gypsies and Travellers in section 108 by—
  - (a) adding a description of persons;
  - (b) modifying a description of persons;
  - (c) removing a description of persons.
- (2) An order under this section may also make such amendments of the Mobile Homes (Wales) Act 2013 as the Welsh Ministers consider necessary or appropriate in consequence of a change to the definition mentioned in subsection (1).

**110 Consequential amendments**

Part 2 of Schedule 3 makes consequential amendments relating to this Part.

DRAFT



## Mobile Homes (Wales) Act 2013

### PART 5

#### POWERS OF LOCAL AUTHORITIES

##### 56 Power to provide sites for mobile homes

(1) A local authority may within its area provide sites where mobile homes may be brought, whether for holidays or other temporary purposes or for use as permanent residences, and may manage the sites or lease them to another person.

(2) A local authority has power to do anything appearing to it desirable in connection with the provision of such sites and the things which it has power to do include (but are not limited to)—

(a) acquiring land which is in use as a mobile home site or which has been laid out as a mobile home site,

(b) providing for the use of those occupying mobile home sites any services for their health or convenience, and

(c) providing, in or in connection with sites for the accommodation of Gypsies and Travellers, working space and facilities for the carrying on of activities normally carried on by them.

(3) In exercising its powers under this section a local authority must have regard to any standards specified by the Welsh Ministers under section 10.

(4) Before exercising the power under subsection (1) to provide a site the local authority must consult the fire and rescue authority—

(a) as to measures to be taken for preventing and detecting the outbreak of fire on the site, and

(b) as to the provision and maintenance of means of fighting fire on it.

(5) A local authority must make in respect of sites managed by it, and of any services or facilities provided or made available under this section, such reasonable charges as it may determine.

(6) A local authority may make available the services and facilities provided under this section for persons whether or not they normally reside in its area.

(7) A local authority may, where it appears to it that—

(a) a mobile home site or an additional mobile home site is needed in its area, or

(b) that land which is in use as a mobile home site should in the interests of the users of mobile homes be taken over by the local authority, acquire land, or any interest in land, compulsorily.

(8) The power conferred by subsection (7) is exercisable in any particular case only if the local authority is authorised by the Welsh Ministers to exercise it.

(9) The Acquisition of Land Act 1981 has effect in relation to the acquisition of land, or an interest in land, under subsection (7).

(10) A local authority does not have power under this section to provide mobile homes.

Questionnaire

**SECTION A – YOUR HOME**

**A1 Where do you live now?**

Local Authority (“Council”) residential site	
Council transit site	
Private site with planning permission	
Private site currently without planning permission	
Unauthorised encampment	
Bricks and Mortar – Socially Rented	
Bricks and Mortar – Privately Rented	
Bricks and Mortar – Owner Occupied	

**A2 Are you satisfied with your current accommodation?**

Yes	
No	
Prefer not to say	

If ‘no’ please explain what could be improved:

**A3 Can you tell me why you live here?**

Local connections (family or work)	
No alternative authorised pitch	
Can't find a house to move into	
Health or age reasons	
Prefer houses to caravans	
Other:	

**A4 How long have you lived here?**

Less than 1 month	1–6 months	7 – 12 months	1 - 2 years	2-5 years	Over 5 years

**A5 If you have moved within the last year, was your last home in this Local Authority?**

**YES / NO**

Please give details below:

Type of accommodation	Did it have planning permission?	Which Local Authority was it in?	Why did you leave?

**A6 How long do you think you'll stay here?**

1 or 2 days	3 – 28 days	1 – 3 months	3 months – 2 years	2 – 5 years	Over 5 years	Do not intend to move	Don't know

**A7 Would you stay longer if changes or improvements were made to your current accommodation?**

*(Note: The Local Authority may not be able to make these improvements but understanding the problems with your accommodation may help)*

**YES**

**NO**

Reason	Tick
Repairs needed	
Site made bigger	
Accommodation made safer	
Planning permission granted	
Adaptations needed (please state below)	

Other:

Reason	Tick
Just passing through	
Want authorised pitch in other area	
Want to move into housing	
Relationships broken down	
Prefer living in caravan	

**SECTION B – YOUR FAMILY**

	Relationship to respondent (eg. Spouse, son/daughter etc)	Age	Gender	Romani / Irish Traveller / New Traveller / Showperson / Roma / Other (Self-ascribed)	Are there any reasons why you cannot continue to live in this accommodation? (give details)
Respondent					
Person 2					

Person 3					
----------	--	--	--	--	--

If not living in caravans proceed to B4.

**B2 If living in caravans, are there enough sleeping areas for all residents?**

**YES / NO**

**B3 Is there room on the pitch for additional trailers to prevent overcrowding?**

*(Note: guidance suggests that there should be 6 metre gap between trailers and 3 metre gap to boundaries to be safely accommodated on pitch)*

**YES / NO**

**If yes, how many additional sleeping areas can be added?**

**B4 Would anyone in your family like to join the Local Authority waiting list for pitches or housing?**

**YES / NO**

**Please provide address for application pack to be posted to below:**

*Please state if already on a waiting list and which.*

### SECTION C – YOUR PLANS

**C1 Are you planning to move into other accommodation?**

Yes	<i>Go to C2</i>
No	<i>Go to D1</i>
Prefer not to say	<i>Go to D1</i>

**C2 Where are you planning to move to?**

Within the Local Authority	
Another Local Authority in Wales – please state which:	
Somewhere else in the UK	

**C3 Why are you planning to move?**

Need more space	
Need different facilities	
Local connection (family or work)	

Need to be closer to services – schools etc (Please give details below)	
Employment opportunities	
Other (Please specify below)	

Services:

Other:

--	--

**C4 What type of accommodation are you planning to move to?**

1. Site	
Council / Social rented	
Private site owned by self	
Private site owned by other	

2. Bricks and Mortar	
Owner / occupied	
Rent from Council / Housing Association	
Rent from private landlord	

**C5 Do you own land in the Local Authority, which you would like to be considered as a possible future site?**

*(Note: Interviewer to explain that there is no guarantee that the site will be allocated or developed but planning officers may contact respondent to discuss their situation and offer support)*

Yes	<b>Give details below</b>
No	<b>Go to C6</b>
Prefer not to say	<b>Go to C6</b>

If you like the Local Authority to discuss these plans with you, provide contact details below:

--

		YES	NO
<b>C6</b>	<b>If you are looking for an authorised pitch, would you live on a site managed by the Local Authority if offered one?</b>		
<b>C7</b>	<b>If an authorised pitch was available in another Local Authority, would you consider moving there? If 'yes', which Local Authorities?</b>		

**SECTION D - FAMILY GROWTH**

**D1 Is anyone in your household likely to want to move to their own home in the next 5 years?**

Yes	<b>Go to D2</b>	
-----	-----------------	--

No	<i>Go to D4</i>	
Don't know	<i>Go to D4</i>	
Prefer not to say	<i>Go to D4</i>	

**D2 Will this be in this Local Authority?**

Yes	<i>Go to D3</i>	
No	<i>Go to D4</i>	
Prefer not to say	<i>Go to D4</i>	

**D3 How many new households will there be and when will these be needed?**

	Type of accommodation (LA site; private site; B&M housing)	No. of people	Now	Within a year	1-2 years	2-5 years
Household 1						
Household 2						
Household 3						
Household 4						

**D4 Do you have family members living outside this area who camp in this Local Authority regularly?**

Yes	<i>Go to D5</i>	
No	<i>Go to E1</i>	
Don't know	<i>Go to E1</i>	
Prefer not to say	<i>Go to E1</i>	

**D5 If they would like to be interviewed about the need for pitches, provide their contact details and Local Authority where they currently live below:**

**SECTION E - TRANSIT SITES**

**E1 Have you camped by the roadside / on an unauthorised encampment / on a transit site in Wales while travelling in the past year?**

*(Prompt: this information is only to be used to understand if more transit sites are needed)*

Yes	<i>Go to E2</i>	
No	<i>Go to E4</i>	
Prefer not to say	<i>Go to E4</i>	

**E2 In which Local Authority areas have you camped?**

Prefer not to say	

**E3 How long would you usually stay in one place whilst travelling?**

1 – 2 days	3 days – 1 week	1 – 2 weeks	2 weeks – 1 month	1 – 3 months

**E4 Do you think there is a need for more transit sites in Wales?**

Yes	<b>Go to E5</b>	
No	<b>Questionnaire ends</b>	
Prefer not to say	<b>Questionnaire ends</b>	

**E5 Where are they needed?**

*(Probe for Local Authorities and specific locations)*

Prefer not to say	

**Questionnaire ends.**

**Local Development Plan, Policy H8, Gypsy, Traveller and Travelling Showpeople Sites****Policy H8 – Gypsy, Traveller and Travelling Showpeople Sites**

Where a need is identified for transit or permanent pitches/ plots for the accommodation needs of Gypsies, Travellers and Travelling Showpeople, they will be permitted provided they:

- a) Would enable the established need to be met at a location that is accessible to schools, shops and health care, by public transport, on foot or by cycle;
- b) Have a safe and convenient access to the highway network and will not cause traffic congestion or safety problems;
- c) Are of a suitable size to allow for the planned number of caravans, amenity blocks, a play area (for children on sites housing multiple families), the access road and include sufficient space for the parking and safe circulation of all vehicles associated with occupiers within the site curtilage;
- d) Do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment. Where necessary the proposal will include mitigating measures to reduce the impact, and assimilate the proposal into its surroundings e.g. screening and landscaping;
- e) Avoid areas at high risk of flooding and proximity to uses with potential sources of pollution or emissions;
- f) Are of an appropriate scale to their location and do not have an unacceptable impact on the amenities of neighbouring land uses;
- g) Are served, or can be served, by adequate on-site services for water supply, power, drainage, sewage disposal and waste disposal (storage and collection), and for Travelling Showpeople that there is a level area for outdoor storage and maintenance of equipment.

Proposals for the use of land for emergency pitches<sup>1</sup> to meet proven need for use by gypsies and travellers will provide basic facilities, meet criteria b, d, e and f of this policy, and the location should be within reasonable travelling distance of a settlement with services and community facilities, including health and education.



## Definition of Key Terms and Concepts\*

\*Source - Welsh Government's 'Undertaking Gypsy and Traveller Accommodation Assessments' Guidance Booklet (May 2015)

**Residential site** - A permanent residential site can be privately owned or owned by the Local Authority. This site will be designated for use as a Gypsy and Traveller site indefinitely. Residents on these sites can expect to occupy their pitches for as long as they abide by the terms of their pitch agreements, under the Mobile Homes (Wales) Act 2013. Working space may also be provided on, or near, sites for activities carried out by community members.

**Temporary residential site** - These sites are residential sites which only have planning permission or a site licence for a limited period. Residents on these sites can expect to occupy their pitches for the duration of the planning permission or site licence (or as long as they abide by the terms of their pitch agreements, under the Mobile Homes (Wales) Act 2013 – whichever is sooner).

**Transit site** - Transit sites are permanent facilities designed for temporary use by occupiers. These sites must be designated as such and provide a route for Gypsies and Travellers to maintain a nomadic way of life. Individual occupiers are permitted to reside on the site for a maximum of 3 months at a time. Specific terms under the Mobile Homes (Wales) Act 2013 apply on these sites. Working space may also be provided on, or near, sites for activities carried out by community members.

**Temporary Stopping Place** - Also known as a 'stopping place', 'Atchin Tan', or 'green lane', amongst other names. These are intended to be short-term in nature to assist Local Authorities where a need for pitches is accepted, however, none are currently available. Pro-actively identified temporary stopping places can be used to relocate inappropriately located encampments, whilst alternative sites are progressed. Temporary stopping places must make provision for waste disposal, water supply and sanitation at a minimum.

**Residential pitch** - Land on a mobile home site where occupiers are entitled to station their mobile homes indefinitely (unless stated in their pitch agreement). Typically includes an amenity block, space for a static caravan and touring caravan and parking.

**Transit pitch** - Land on a mobile home site where occupiers are entitled to station their mobile homes for a maximum of 3 months. Transit pitches can exist on permanent residential sites, however, this is not recommended.

**Unauthorised encampment** - Land occupied without the permission of the owner or without the correct land use planning permission. Encampments may be tolerated by the Local Authority, whilst alternative sites are developed.

**Unauthorised development** - Land occupied by the owner without the necessary land use planning permission.

**Current residential supply** - The number of authorised pitches which are available and occupied within the Local Authority or partnership area. This includes pitches on Local Authority or private sites.

**Current residential demand** - Those with a need for authorised pitches for a range of reasons, including:

- An inability to secure an authorised pitch leading to occupation of unauthorised encampments;
- An inability to secure correct planning permission for an unauthorised development;
- Households living in overcrowded conditions and want a pitch;
- Households in conventional housing demonstrating cultural aversion;
- New households expected to arrive from elsewhere.
- Future residential demand - The expected level of new household formation which will generate additional demand within the 5 year period of the accommodation assessment and longer LDP period.

**Overall residential pitch need** - The ultimate calculation of unmet accommodation need, which must be identified through the Gypsy and Traveller accommodation assessment process. This figure can be found by adding the immediate residential need to the future residential demand. The overall residential need will capture the needs across the 5 year period within which the accommodation assessment is considered to be robust.

**Planned residential pitch supply** - The number of authorised pitches which are vacant and available to rent on Local Authority or private sites. It also includes pitches which will be vacated in the near future by households moving to conventional housing or in other circumstances. Additional pitches which are due to open or private sites likely to achieve planning permission shortly should be included as planned residential supply.

Household In this guidance this refers to individuals from the same family who live together on a single pitch / house / encampment.

**Concealed or 'doubled up' household** - This refers to households which are unable to achieve their own authorised accommodation and are instead living within authorised accommodation (houses or pitches) assigned to another household. This may include adult children who have been unable to move home or different households occupying a single pitch.

**Household growth** - In this guidance household growth is defined by the number of new households arising from households which are already accommodated in the area.



**Technical Note**

**Gypsy and Traveller Household  
Formation and Growth Rates**

June 2020

**Opinion Research Services**



As with all our studies, this research is subject to Opinion Research Services' Standard Terms and Conditions of Contract.

Any press release or publication of this research requires the advance approval of ORS. Such approval will only be refused on the grounds of inaccuracy or misrepresentation.

© Copyright June 2020

# Contents

Contents.....	36
Household Growth Rates.....	37
Abstract and Conclusions.....	37
Introduction.....	37
Modelling Population and Household Growth Rates.....	37
Migration Effects.....	37
Population Profile.....	37
Birth and Fertility Rates.....	38
Death Rates.....	39
Modelling Outputs.....	39
Household Growth.....	39
Summary Conclusions.....	41

# Household Growth Rates

## Abstract and Conclusions

1. National and local household formation and growth rates are important components of Gypsy and Traveller accommodation assessments, but until 2013 little detailed work had been done to assess their likely scale. ORS undertook work in 2013 to assess the likely rate of demographic growth for the Gypsy and Traveller population and concluded that the figure could be as low 1.25% per annum, but that best available evidence supports a national net household growth rate of 1.50% per annum.
2. This analysis was produced as a separate document in 2013 and then updated in 2015 ([www.opinionresearch.co.uk/formation2015](http://www.opinionresearch.co.uk/formation2015)) in light of comments from academics, planning agents and local authorities. The 2015 document was complex because there was still serious dispute as to the level of demographic growth for Gypsies and Travellers in 2015. However, ORS now consider these disputes have largely been resolved at Planning Appeals and Local Plan Examinations, so we consider that much of the supporting evidence is now no longer required to be in the document.
3. This current document represents a shortened re-statement to our findings in 2015 to allow for easier comprehension of the issues involved. It contains no new research and if reader wishes to see further details of the supporting information, they should review the more detailed 2015 report.

## Introduction

<sup>4</sup> Compared with the general population, the relative youthfulness of many Gypsy and Traveller populations means that their birth rates are likely to generate higher-than-average population growth, and proportionately higher *gross* household formation rates. However, while their *gross* rate of household growth might be high, Gypsy and Traveller communities' future accommodation needs are, in practice, affected by any reduction in the number of households due to dissolution and/or by movements in/out of the area and/or by transfers into other forms of housing. Therefore, the *net* rate of household growth is the *gross* rate of formation *minus* any reductions in households due to such factors.

## Modelling Population and Household Growth Rates

<sup>5</sup> The basic equation for calculating the rate of Gypsy and Traveller population growth seems simple: start with the base population and then calculate the average increase/decrease by allowing for births, deaths, in-/outmigration and household dissolution. Nevertheless, deriving satisfactory estimates is difficult because the evidence is often tenuous – so, in this context in 2013, ORS modelled the growth of the national Gypsy and Traveller population based on the most likely birth and death rates, and by using PopGroup (the leading software for population and household forecasting). To do so, we supplemented the available national statistical sources with data derived from our own surveys.

## Migration Effects

<sup>6</sup> Population growth is affected by national net migration and local migration (as Gypsies and Travellers move from one area to another). In terms of national migration, the population of Gypsies and Travellers is relatively fixed, with little international migration. It is in principle possible for Irish Travellers (based in Ireland) to move to the UK, but there is no evidence of this happening to a significant extent and the vast majority of Irish Travellers were born in the UK or are long-term residents.

## Population Profile

<sup>7</sup> The main source for the rate of Gypsy and Traveller population growth is the UK 2011 Census. The ethnicity question in the 2011 Census included for the first time 'Gypsy and Irish Traveller' as a specific

category. While non-response bias probably means that the size of the population was underestimated, the age profile the Census provides is not necessarily distorted and matches the profile derived from ORS’s extensive household surveys.

Table 1 - Age Profile for the Gypsy and Traveller Community in England (Source: UK Census of Population 2011)

Age Group	Number of People	Cumulative Percentage
Age 0 to 4	5,725	10.4
Age 5 to 7	3,219	16.3
Age 8 to 9	2,006	19.9
Age 10 to 14	5,431	29.8
Age 15	1,089	31.8
Age 16 to 17	2,145	35.7
Age 18 to 19	1,750	38.9
Age 20 to 24	4,464	47.1
Age 25 to 29	4,189	54.7
Age 30 to 34	3,833	61.7
Age 35 to 39	3,779	68.5
Age 40 to 44	3,828	75.5
Age 45 to 49	3,547	82.0
Age 50 to 54	2,811	87.1
Age 55 to 59	2,074	90.9
Age 60 to 64	1,758	94.1
Age 65 to 69	1,215	96.3
Age 70 to 74	905	97.9
Age 75 to 79	594	99.0
Age 80 to 84	303	99.6
Age 85 and over	230	100.0

### Birth and Fertility Rates

8. The table above provides a way of understanding the rate of population growth through births. The table shows that surviving children aged 0-4 years comprise 10.4% of the Gypsy and Traveller population – which means that, on average, 2.1% of the total population was born each year (over the last 5 years). The same estimate is confirmed if we consider that those aged 0-14 comprise 29.8% of the Gypsy and Traveller population – which also means that almost exactly 2% of the population was born each year.
9. The total fertility rate (TFR) for the whole UK population is just below 2 – which means that on average each woman can be expected to have just less than two children who reach adulthood. We know of only one estimate of fertility rates of the UK Gypsy and Traveller community, in *‘Ethnic identity and inequalities in Britain: The dynamics of diversity’* by Dr Stephen Jivraj and Professor Ludi Simpson (published May 2015). The authors use the 2011 Census data to estimate the TFR for the Gypsy and Traveller community as 2.75.
10. ORS used our own multiple survey data to investigate the fertility rates of Gypsy and Traveller women. The ORS data shows that on average Gypsy and Traveller women aged 32 years have 2.5 children (but,

because the children of mothers above this age point tend to leave home progressively, full TFRs were not completed). On this basis it is reasonable to infer an average of 3 children per woman during her lifetime, which is broadly consistent with the estimate of 2.75 children per woman derived from the 2011 Census.

### Death Rates

11. Although the above data imply an annual growth rate through births of about 2%, the death rate has also to be taken into account. Whereas the average life expectancy across the whole population of the UK is currently just over 80 years, a Sheffield University study found that Gypsy and Traveller life expectancy is about 10-12 years less than average (Parry et al (2004) *'The Health Status of Gypsies and Travellers: Report of Department of Health Inequalities in Health Research Initiative'*, University of Sheffield).
12. Therefore, in our population growth modelling we used a conservative estimate of average life expectancy as 72 years – which is entirely consistent with the lower-than-average number of Gypsies and Travellers aged over 70 years in the 2011 Census (and also in ORS's own survey data).

### Modelling Outputs

13. If we assume a TFR of 3 and an average life expectancy of 72 years for Gypsies and Travellers, then the modelling, undertaken in PopGroup, projects the population to increase by 66% over the next 40 years – implying a population compound growth rate of 1.25% per annum. If we assume that Gypsy and Traveller life expectancy increases to 77 years by 2050, then the projected population growth rate rises to nearly 1.50% per annum. To generate an 'upper range' rate of population growth, we assumed an implausible TFR of 4 and an average life expectancy rising to 77 over the next 40 years – which then yields an 'upper range' growth rate of 1.90% per annum.

### Household Growth

14. In addition to population growth influencing the number of households, the size of households also affects the number. Hence, population and household growth rates do not necessarily match directly, mainly due to the current tendency for people to live in smaller childless or single person households.
15. Because the Gypsy and Traveller population is relatively young and has many single parent households, a 1.25%-1.50% annual population growth could yield higher-than-average household growth rates, particularly if average household sizes fall or if younger-than-average households form. However, while there is evidence that Gypsy and Traveller households already form at an earlier age than in the general population, the scope for a more rapid rate of growth, through even earlier household formation, is limited.
16. Based on the 2011 Census, the table below compares the age of household representatives in English households with those in Gypsy and Traveller households – showing that the latter has many more household representatives aged under-25 years. In the general English population 3.60% of household representatives are aged 16-24, compared with 8.70% in the Gypsy and Traveller population. ORS's survey data shows that about 10% of Gypsy and Traveller households have household representatives aged under-25 years.

Table 2 - Age of Head of Household (Source: UK Census of Population 2011)

Age of household representative	All households in England		Gypsy and Traveller households in England	
	Number of households	Percentage of households	Number of households	Percentage households
Age 24 and under	790,974	3.6%	1,698	8.7%

Age 25 to 34	3,158,258	14.3%	4,232	21.7%
Age 35 to 49	6,563,651	29.7%	6,899	35.5%
Age 50 to 64	5,828,761	26.4%	4,310	22.2%
Age 65 to 74	2,764,474	12.5%	1,473	7.6%
Age 75 to 84	2,097,807	9.5%	682	3.5%
Age 85 and over	859,443	3.9%	164	0.8%
<b>Total</b>	<b>22,063,368</b>	<b>100%</b>	<b>19,458</b>	<b>100%</b>

<sup>17</sup> The following table shows that the proportion of single person Gypsy and Traveller households is not dissimilar to the wider population of England; but there are more lone parents, fewer couples without children, and fewer households with non-dependent children amongst Gypsies and Travellers

**Table 3 - Household Type (Source: UK Census of Population 2011)**

Household Type	All households in England		Gypsy and Traveller households in England	
	Number of households	Percentage of households	Number of households	Percentage households
Single person	6,666,493	30.3%	5,741	29.5%
Couple with no children	5,681,847	25.7%	2345	12.1%
Couple with dependent children	4,266,670	19.3%	3683	18.9%
Couple with non-dependent children	1,342,841	6.1%	822	4.2%
Lone parent: Dependent children	1,573,255	7.1%	3,949	20.3%
Lone parent: All children nondependent	766,569	3.5%	795	4.1%
Other households	1,765,693	8.0%	2,123	10.9%
<b>Total</b>	<b>22,063,368</b>	<b>100%</b>	<b>19,458</b>	<b>100%</b>

<sup>18</sup> The key point, though, is that since 20% of Gypsy and Traveller households are lone parents with dependent children, and up to 30% are single persons, there is limited potential for further reductions in average household size to increase current household formation rates significantly – and there is no reason to think that earlier household formations or increasing divorce rates will in the medium term affect household formation rates. While there are differences with the general population, a 1.25%-

1.50% per annum Gypsy and Traveller population growth rate is likely to lead to a household growth rate of 1.25%-1.50% per annum

### Summary Conclusions

19. The best available evidence suggests that the net annual Gypsy and Traveller household growth rate is 1.50% per annum. Some local authorities might allow for a household growth rate of up to 2.50% per annum, to provide a 'margin' if their populations are relatively youthful; but in areas where on-site surveys indicate that there are fewer children in the Gypsy and Traveller population, lower estimates should be used.
20. The outcomes of this Technical Note can be used to provide an estimate of local new household formation rates by adjusting the upper national growth rate of 1.50% based on local demographic characteristics.
21. In addition, in certain circumstances where the numbers of households and children are higher or lower than national data has identified, or the population age structure is skewed by certain age groups, it may not be appropriate to apply a percentage rate for new household formation. In these cases, a judgement should be made on likely new household formation based on the age and gender of the children identified in local household interviews. This should be based on the assumption that 50% of households likely to form will stay in any given area and that 50% will pair up and move to another area, while still considering the impact of dissolution. This is based on evidence from over 140 GTAAAs that ORS have completed across England and Wales involving over 4,300 household interviews.





monmouthshire  
sir fynwy

## Equality and Future Generations Evaluation

<p><b>Name of the Officer</b> completing the evaluation: Stephen Griffiths</p> <p><b>Phone no:</b> 01633 644455 <b>E-mail:</b> stephengriffiths@monmouthshire.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal:</b> To provide sufficient suitable sites to unmet the identified need of Gypsies and Travellers and Travelling Showpeople in Monmouthshire.</p>
<p><b>Name of Service area:</b> housing &amp; Communities</p>	<p><b>Date:</b> 25<sup>th</sup> November 2020</p>

Page 115  
 19. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Although this proposal does not impact disability directly, it will be addressed in the next stage of the process, that is, the identification of suitable land and its development.		
Disability	Although this proposal does not impact disability directly, it will be addressed in the next stage of the process, that is, the identification of suitable land and its development.		
Gender reassignment	A neutral Impact		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Marriage or civil partnership	A neutral impact		
Pregnancy or maternity	A neutral Impact		
Race	The provision of Gypsy and Traveller sites is likely to have a positive impact by seeking to reduce inequalities in the provision of appropriate accommodation in sustainable locations, and access to facilities, for Gypsy and Traveller communities.		
Religion or Belief	A neutral Impact		
Sex	A neutral impact		
Sexual Orientation	A neutral Impact		
Welsh Language	A neutral Impact		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Poverty	The provision of Gypsy and Traveller sites is likely to have a positive impact on poverty by seeking to provide better access to services such as education and health, while at the same time through greater intergration within the wider community can lead to better work opportunites.		




2. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!



Page 117

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs	The provision of Gypsy and Traveller sites is likely to have a positive impact by seeking to provide better access to services such as education and health, while at the same time through greater intergration within the wider community can lead to better work opportunites.	
<b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	Not applicable at this stage	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A healthier Wales</b> People’s physical and mental wellbeing is maximized and health impacts are understood</p>	<p>The provision of Gypsy and Traveller sites is likely to have a positive impact by seeking to provide better access to services such as education and health, while at the same time through greater intergration within the wider community can lead to better work opportunities.</p>	
<p><b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected</p>	<p>The provision of Gypsy and Traveller sites is likely to have a positive impact by seeking to reduce inequalities in the provision of appropriate accommodation in sustainable locations, and access to facilities, for Gypsy and Traveller communities.</p>	
<p><b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>		
<p><b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p>N/A</p>	
<p><b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances</p>	<p>The provision of Gypsy and Traveller and Showpeople (GTAA) sites is likely to have a positive impact by seeking to reduce inequalities in the provision of appropriate accommodation in sustainable locations, and access to facilities, for Gypsy and Traveller communities.</p>	

### 3. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>The proposal meets this objective because it is a statutory requirement that a Gypsy and Traveller and Showpeople Accommodation Assessment (GTAA) is conducted every every 5 years.I addition meeting this need would be considered via land use planning decisions.</p>	
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>Not applicable at this stage</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>For the purposes of conducting the GTAA members of the Gypsy and Traveller community and organisations with experience of Gypsy and Traveller related issues were consulted through a forum group. For future work such as use of potential land to develop the wider community will be brought into the consultation process.</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p><b>Prevention</b></p> <p>Putting resources into preventing problems occurring or getting worse</p>	No resources are required at this stage	
 <p><b>Integration</b></p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	Not applicable at this stage	

**4. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Social Justice, Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?**

	Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Social Justice	The provision of Gypsy and Traveller sites is likely to have a positive impact by seeking to provide better access to services such as education and health, while at the same time through greater intergration within the wider community can lead to better work opportunites.		

Safeguarding	The proposal is not going to affect the Council's Safeguarding responsibilities		
Corporate Parenting	The proposal is not going to affect the Council's Safeguarding responsibilities		

**5. What evidence and data has informed the development of your proposal?**

- The Gypsy and Traveller and Showpeople Accommodation Assessment (GTAA)  
Gypsy and Traveller and Showpeople Forum

Page 12

**SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

The provision of Gypsy and Traveller sites is likely to have a positive impact by seeking to provide better access to services such as education and health, while at the same time through greater intergration within the wider community can lead to better work opportunites.

**7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

What are you going to do	When are you going to do it?	Who is responsible

--	--	--

**8. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.**

<b>Version No.</b>	<b>Decision making stage</b>	<b>Date considered</b>	<b>Brief description of any amendments made following consideration</b>
	DMT	30 <sup>th</sup> November 2020	