

SUBJECT: REPORT OF THE PLACE SCRUTINY COMMITTEE: CALL-IN OF MEETING GYPSY, ROMA AND TRAVELLER PITCH NEEDS – LAND IDENTIFICATION

MEETING: Council

DATE: 26th October 2023

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 To provide Council the opportunity to consider the decision taken by Cabinet on 4th October concerning Meeting Gypsy, Roma and Traveller Pitch Needs - Land Identification. This follows the call-in of the decision and the subsequent recommendation of the Place Scrutiny Committee to refer the matter to full Council.

2. RECOMMENDATIONS:

- 2.1 That Council considers the discussion held at the Place Scrutiny Committee and makes a decision whether to:
- i) Accept the Cabinet Decision; or
 - ii) Refer the Decision to Cabinet for reconsideration (with reasons)

3. KEY ISSUES:

- 3.1 The Council's Constitution gives scrutiny committees the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet. This is one of the ways in which the executive can be held to account.
- 3.2 The Constitution requires that a Scrutiny meeting is held within 15 working days of the receipt of a call-in of an Executive decision to consider the call-in request. Following debate of the issue, the Committee can either:
- Accept the Cabinet decision; or
 - Refer the matter back to the Cabinet with reasons; or
 - Refer the matter to full Council for consideration with reasons.
- 3.3 On 4th October 2023, Cabinet considered a report recommending that Cabinet consider opening a public consultation to meet its statutory obligation in addressing the identified need for Gypsy, Roma and Traveller pitches, whilst facilitating the provision of homes for local families.
- 3.4 All Councils in Wales have a duty under Part 3, of The Housing (Wales) Act 2014 to undertake a Gypsy, Roma and Traveller Assessment every five years. Where unmet need for mobile home pitches is identified, the necessary pitch provision needs to be facilitated. The last Gypsy, Roma and Traveller Assessment was adopted by Cabinet on 6th January 2021. The summary conclusions identify a need for 13 pitches for families already living within Monmouthshire. This need is broken down as follows:

- An unmet need of nine pitches under the assessment period 2020 to 2025;
- Beyond 2025, a further unmet need of four pitches over the remaining length of the Replacement Local Development Plan (2026-33) to accommodate family growth as children become adults and require their own pitch;
- There is no need identified for an allocation for travelling show people or circus people;
- The Gypsy, Roma and Traveller assessment did not identify a need to provide a transit site and given the cross-border movement associated with families passing through Local Authorities, this topic is best addressed via the regional Strategic Development Plan.

3.5 The Council is required to produce a Local Development Plan which sets out the Council's vision for the development and use of land in the County. The current plan was adopted in 2014 and to ensure the Plan is kept up to date, the Council has commenced preparation of the Replacement Local Development Plan 2018 – 2033 (the RLDP). The RLDP must allocate land to meet its housing needs, including the identified need for Gypsy, Roma and Traveller pitches.

3.6 The decision resolved by Cabinet was to accept the recommendations as set out below:

3.6.1 Ratification of the proposal to remove the following sites from the site identification process as per the statement made to Cabinet on the 26th July 2023 by the then Cabinet Member for Inclusive Communities:

- Manson Heights, Monmouth
- Garrow Road, Mitchel Troy
- Rocklea, Mitchel Troy

3.6.2 Following further consideration of feedback from the People Scrutiny Committee on the 19th July 2023 and the wider Magor and Undy community, ratification of the proposal to remove Dancing Hill West, Magor from the list of potential sites, as per the reasons stated in paragraph 3.9 of the report to Cabinet dated 4th October 2023.

3.6.3 Following a review of Council owned 'candidate sites', to put forward two sites of up to 6 pitches each at the Caldicot East strategic site identified within the Replacement Local Development Plan Preferred Strategy.

3.6.4 The commencement of a public consultation exercise on the following Council owned sites (site summary profiles provided in Appendix 1), for the potential provision of up to six Gypsy, Roma and Traveller pitches each to accommodate the needs of local families already living in Monmouthshire:

- Bradbury Farm, Crick, Caldicot
- Oak Grove Farm, Crick, Caldicot
- Langley Close, Magor

3.6.5 Inclusion in the public consultation, any suitable sites brought forward through the public call for sites, that the owner is willing to sell or lease long term to the Council.

3.6.6 Further exploration of the 19th July People Scrutiny Committee's request to support households wishing to self-serve on existing sites which, subject to the necessary permissions, would reduce the number of new pitches needed.

- 3.6.7 To approve the attached FAQs (Appendix 2), an iterative document which will be displayed and regularly updated on the Council's website.
- 3.7 The decision was subsequently called in for the following reasons:
1. The process is flawed and there remain multiple concerns about the integrity of the process, perceived inconsistencies, and erroneous information.
 2. Feedback about process and site-specific feedback from residents does not seem to have been considered sufficiently - Cabinet did not take on scrutiny's recommendation to return completely to the drawing board, however, in a further show of the unsound nature of the process, Cabinet agreed to the site at Dancing Hill. Although previous reports advise that Langley Close in particular, but any site must be tested for the effects of potential contamination, air and noise pollution or other suitability/viability issues. No detail has been provided about the cost of this work. Indeed during the Cabinet meeting, the Cabinet Member stated that there would be no assessments until the point of a planning application. We believe the decision is unsound, is based on a poor and flawed process and could lead to significant cost to the authority. Further work could be extremely costly. This is out of kilter with the LDP process. This seems irresponsible and ill advised, particularly in the current financial climate".
- 3.8 The Special Place Scrutiny Committee held on 23rd October 2023 considered the call-in of this decision and the Members who called in the decision outlined their reason for doing so. The Cabinet Member for Planning and Economic Development attended and provided his response.
- 3.9 The Cabinet decision report provides full context of the key issues relating to the decision taken on 4th October 2023, outlined in section 3 together with an options appraisal provided under section 5, accessed via [Agenda for Cabinet on Wednesday, 4th October, 2023, 5.00 pm \(monmouthshire.gov.uk\)](#) .
- 3.10 Appendix 1 provides the formal minute of the call-in and a fuller account of the debate being available via [Agenda for Place Scrutiny Committee on Monday, 23rd October, 2023, 4.00 pm \(monmouthshire.gov.uk\)](#) . The Committee held the majority of its meeting in the public domain, however, they did need to exclude the press and public from part of the meeting in line with Schedule 12A, Part 4 of the Local Government Act 1972, to enable them to discuss matters that could not be discussed publicly. The grounds for the exclusion that were published on the agenda applied to any discussion relating to existing Gypsy, Roma and Traveller sites, any proposed private sites, information relating to a particular individual or family or which is likely to reveal the identity of an individual or information relating to any consultation or negotiations which relate to the financial or business affairs of any particular person.
- 3.11 Relating to the specific matters raised in the calling-in of the decision the committee highlighted:
- Members have concerns about the shortlisting process and the suitability of the sites remaining: specifically road safety and the lack of active travel routes, poor connection to public transport and a lack of access to vital public services.
 - There is a concern amongst Members that we are not properly considering the needs and wishes of the Gypsy, Roma and Travelling Community and applying guidance issued by Welsh Government and others. These documents refer to how sites are often placed in close proximity to major roads with no connection

with the natural environment. Members feel there is the opportunity to explore sites that meet the needs of the Gypsy, Roma and Travelling Community, rather than dictating where they should go.

3.12 Following the debate the committee voted by a majority of 6-3 to refer the decision to full council for the reasons outlined below:

- Members are concerned about the lack of guidance on the financial implications to the council of assessing the sites for noise pollution, air pollution and land contamination and any remedial actions that would need to be taken.

4.0 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

4.1 There are no direct considerations from this report.

5. EVALUATION CRITERIA

5.1 Not applicable.

6. REASONS:

6.1 To refer the Cabinet's decision taken on 4th October 2023 on Meeting Gypsy, Roma and Traveller Pitch Needs - Land Identification to full Council, following scrutiny undertaken by the Place Scrutiny Committee on 23rd October 2023.

7. RESOURCE IMPLICATIONS:

7.1 There are no direct resource implications arising from this report.

8. CONSULTEES:

Chief Officer People, Performance and Partnerships
Chief Executive
Deputy Monitoring Officer

9. BACKGROUND PAPERS:

Appendix 1: Draft Minutes of the Place Scrutiny Committee held on 23rd October 2023 on Meeting Gypsy, Roma and Traveller Pitch Needs - Land Identification.

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