

Pecyn Dogfennau Cyhoeddus

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG

Ty Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7PG



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Madia Afzal
(Rhif Ffôn: 07738 263933 Ebst: afzalm@caerphilly.gov.uk)

Dyddiad: Dydd Mercher, 6 Gorffennaf 2022

I bwy bynnag a fynno wybod,

Bydd cyfarfod aml-leoliad o'r **Cabinet** yn cael ei gynnal yn yn Nhŷ Penallta a thrwy Microsoft Teams ar **Dydd Mercher, 13eg Gorffennaf, 2022 am 1.00 pm**. i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd gwasanaeth cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Gall aelodau'r Cyhoedd neu'r Wasg fynychu'n bersonol yn Nhŷ Penallta neu gallant weld y cyfarfod yn fyw drwy'r ddolen ganlynol: <https://civico.net/caerphilly>.

Bydd y cyfarfod hwn yn cael ei ffrydio'n fyw ac yn cael ei recordio a bydd ar gael i'w weld ar wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n siarad ar gael yn gyhoeddus i bawb trwy'r recordiad ar wefan y Cyngor: www.caerffili.gov.uk

Yr eiddoch yn gywir,

Christina Harrhy
PRIF WEITHREDWR

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach



Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

3	Cynhaliwyd y Cabinet ar 29fed Mehefin 2022.	1 - 6
Nodi Rhaglen Gwaith i'r Dyfodol y Cabinet.		
4	Blaenraglen Waith y Cabinet.	7 - 8
I dderbyn ac ystyried yr adroddiad(au) canlynol y mae angen penderfyniadau gweithredol arnynt:-		
5	Ffioedd Priodasau a Phartneriaethau Sifil – Gwasanaeth Cofrestru.	9 - 14
6	Asesiad o Lety i Sipsiwn a Theithwyr 2022-27.	15 - 72
7	Adolygu Polisi Rhent y Cyfrif Refeniw Tai.	73 - 96
8	Gweithdrefn Gorfodi a Chydymffurfio Safonau Gofynnol Effeithlonrwydd Ynni (MEES) mewn Eiddo Domestig Rhent Preifat.	97 - 110

Cylchrediad:

Cynghorwyr

C. Andrews, S. Cook, Miss E. Forehead, N. George, Ms P. Leonard, S. Morgan, C. Morgan, J. Pritchard, J. Simmonds a Mrs E. Stenner,

A Swyddogion Priodol.

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk. ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio grifff2@caerffili.gov.uk neu ffoniwch 01443 863028.



CABINET

COFNODION Y CYFARFOD AMLSAFLE A GYNHALIWYD YN NHŶ PENALLTA A THRWY MICROSOFT TEAMS DYDD MERCHER, 13 GORFFENNAF 2022 AM 1.00PM

YN BRESENNOL:

Y Cyngorydd S. Morgan – Cadeirydd

Y Cynghorwyr:

J. Pritchard (Yr Aelod Cabinet dros Ffyniant, Adfywio a Newid yn yr Hinsawdd), N. George (Yr Aelod Cabinet dros y Gwasanaethau Corfforaethol ac Eiddo), Mrs E. Stenner (Yr Aelod Cabinet dros Gyllid a Pherfformiad), S. Cook (Yr Aelod Cabinet dros Dai), E. Forehead (Yr Aelod Cabinet dros Ofal Cymdeithasol), P. Leonard (Yr Aelod Cabinet dros Gynllunio a Diogelu'r Cyhoedd) a C. Morgan (Yr Aelod Cabinet dros Wastraff, Hamdden a Mannau Gwyrdd).

Ynghyd â:

D. Street (Cyfarwyddwr Corfforaethol – Y Gwasanaethau Cymdeithasol a Thai), M. S. Williams (Cyfarwyddwr Corfforaethol – Yr Economi a'r Amgylchedd) a R. Edmunds (Cyfarwyddwr Corfforaethol – Addysg a Gwasanaethau Corfforaethol).

Hefyd yn bresennol:

L. Lane (Pennaeth y Gwasanaethau Democrataidd a Dirprwy Swyddog Monitro), N. T. Williams (Pennaeth Tai), J. Morgan (Rheolwr Safonau Masnach, Trwyddedu a Chofrestryddion), F. Wilkes (Rheolwr y Gwasanaethau Tai), M. Jennings (Prif Swyddog Strategaeth Tai), R. M. Evans (Prif Swyddog Tai), S. Isaacs (Rheolwr Rhenti), L. Allen (Prif Gyfrifydd Grŵp – Tai) a M. Afzal (Swyddog y Gwasanaethau Pwyllgorau).

TREFNIADAU RECORDIO A PHLEIDLEISIO

Atgoffodd yr Arweinydd y rhai sy'n bresennol fod y cyfarfod yn cael ei ffrydio'n fyw a byddai recordiad ar gael ar wefan y Cyngor, oni bai am drafodaethau sy'n cynnwys eitemau cyfrinachol neu'r rhai sydd wedi'u heithrio. [Cliciwch yma i wylio.](#)

1. YMDDIHEURIADAU AM ABSENOLDEB

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cyngorydd J. Simmonds (Yr Aelod Cabinet dros Briffyrd a Thrafnidiaeth), C. Harry (Prif Weithredwr), R. Tranter (Pennaeth y Gwasanaethau Cyfreithiol a Swyddog Monitro) a S. Harris (Pennaeth y Gwasanaethau Ariannol a'r Swyddog A151).

2. DATGAN BUDDIANNAU

Datganodd y Cynghorydd C. Andrews fuddiant personol a rhagfarnllyd mewn perthynas ag **Eitem Rhif 7 ar yr Agenda - Adolygiad o Bolisi Rhent y Cyfrif Refeniw Tai** gan fod ei thad yn denant y Cyngor ac felly byddai hi'n gadael y cyfarfod pan fydd yr eitem yn cael ei hystyried ac ni fydd hi'n cymryd rhan yn y drafodaeth na'r bleidlais.

Datganodd y Cynghorydd J. Pritchard fuddiant personol a rhagfarnllyd mewn perthynas ag **Eitem Rhif 7 ar yr Agenda - Adolygiad o Bolisi Rhent y Cyfrif Refeniw Tai** gan fod ei dad-cu a'i fam-gu'n denantiaid y Cyngor ac felly byddai e'n gadael y cyfarfod pan fydd yr eitem yn cael ei hystyried ac ni fydd e'n cymryd rhan yn y drafodaeth na'r bleidlais.

Datganodd y Cynghorydd S. Morgan fuddiant personol a rhagfarnllyd mewn perthynas ag **Eitem Rhif 8 ar yr Agenda - Gorfodi a Chydymffurfio â Gweithdrefn Isafswm Safonau Effeithlonrwydd Ynni mewn Eiddo Domestig ar Rent Preifat** gan ei fod e'n landlord yn y sector preifat ac felly byddai e'n gadael y cyfarfod pan fydd yr eitem yn cael ei hystyried ac ni fydd e'n cymryd rhan yn y drafodaeth na'r bleidlais.

Datganodd y Cynghorydd E. Forehead fuddiant personol a rhagfarnllyd mewn perthynas ag **Eitem Rhif 8 ar yr Agenda - Gorfodi a Chydymffurfio â Gweithdrefn Isafswm Safonau Effeithlonrwydd Ynni mewn Eiddo Domestig ar Rent Preifat** gan fod ei phartner yn landlord yn y sector preifat ac felly byddai hi'n gadael y cyfarfod pan fydd yr eitem yn cael ei hystyried ac ni fydd hi'n cymryd rhan yn y drafodaeth na'r bleidlais.

Datganodd y Cynghorydd E. Stenner fuddiant personol a rhagfarnllyd mewn perthynas ag **Eitem Rhif 8 ar yr Agenda - Gorfodi a Chydymffurfio â Gweithdrefn Isafswm Safonau Effeithlonrwydd Ynni mewn Eiddo Domestig ar Rent Preifat** gan ei bod hi'n landlord yn y sector preifat ac felly byddai hi'n gadael y cyfarfod pan fydd yr eitem yn cael ei hystyried ac ni fydd hi'n cymryd rhan yn y drafodaeth na'r bleidlais.

Datganodd y Cynghorydd S. Williams (Cyfarwyddwr Corfforaethol – Yr Economi a'r Amgylchedd) fuddiant personol a rhagfarnllyd mewn perthynas ag **Eitem Rhif 8 ar yr Agenda - Gorfodi a Chydymffurfio â Gweithdrefn Isafswm Safonau Effeithlonrwydd Ynni mewn Eiddo Domestig ar Rent Preifat** gan ei fod yn landlord yn y sector preifat ac felly byddai'n gadael y cyfarfod pan fydd yr eitem yn cael ei hystyried ac ni fydd yn cymryd rhan yn y drafodaeth na'r bleidlais.

3. **CABINET - 29 MEHEFIN 2022**

PENDERFYNWYD cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 29 Mehefin 2022 fel cofnod cywir.

4. **BLAENRAGLEN WAITH Y CABINET – I'W NODI**

Rhodddwyd Blaenraglen Waith y Cabinet i'r Cabinet, sy'n manylu ar yr adroddiadau sydd wedi'u trefnu tan 27 Gorffennaf 2022.

Rhodddwyd gwybod i'r Aelodau bod tair eitem arall (Cynnydd Ychwanegol mewn Ffioedd Darparwyr Cartrefi Preswyl Bach ar gyfer 2022/2023, Ymateb i'r Cynnydd mewn Costau Tanwydd ar gyfer Staff yn y Gymuned sy'n cael eu Cyflogi gan Ddarparwyr y Sector Annibynnol a Thynnu yn ôl o Dŷ Pontygwindy) wedi'u hychwanegu at agenda'r Cabinet ar gyfer 27 Gorffennaf 2022.

Atgoffwyd yr Aelodau bod Blaenraglen Waith y Cabinet yn ddogfen weithio ac felly gallai newid.

Yn dilyn ystyriaeth a thrafodaeth, cynigiwyd ac eiliwyd bod y Flaenraglen Waith yn cael ei nodi. Cafodd hyn ei gytuno'n unfrydol drwy ddangos dwylo.

5. FFOEDD PRIODI A PHARTNERIAETH SIFIL - GWASANAETH COFRESTRU

Rhodddwyd ystyriaeth i'r adroddiad a oedd yn ceisio pennu'r ffioedd i'w codi ar weinyddu priodasau a seremonïau partneriaeth sifil gan y Gwasanaeth Cofrestru ar gyfer y ddwy flynedd nesaf.

Rhodddwyd gwybod i'r Cabinet bod yr Awdurdod wedi cynnig cynnydd rhesymol, yn enwedig o gymharu ag awdurdodau eraill a bod y newidiadau'n hanfodol i osgoi cynnydd sylweddol mewn ffioedd seremoni yn y blynyddoedd i ddod. Ceisiodd aelod gadarnhad ar y tebygolrwydd o refferniw ychwanegol yn sgil y cynnydd mewn ffioedd. Dywedwyd wrth y Cabinet y gallai'r cynnydd greu £6,900 yn ychwanegol bob blwyddyn ar amcangyfrif. Fodd bynnag, byddai'r enillion yn cael eu defnyddio i dalu am ddarparu'r gwasanaeth fel rhan o raglen adfer costau'r Cyngor. Rhodddwyd sicrwydd i'r Aelodau na fyddai'r Awdurdod yn elwa ar y cynnydd arfaethedig.

Yn dilyn ystyriaeth a thrafodaeth, cynigiwyd ac eiliwyd bod yr argymhelliad yn yr adroddiad yn cael ei gymeradwyo. Cafodd hyn ei gytuno'n unfrydol drwy bleidlais electronig.

PENDERFYNWYD, am resymau sydd wedi'u cynnwys yn adroddiad y Swyddog: -

- 1) Ystyried cynnwys yr adroddiad a'r argymhellion a wnaed gan y Pwyllgor Craffu ar yr Amgylchedd a Chynaliadwyedd ar 28 Mehefin 2022 fel y manylir yn adran 11 a chymeradwyo'r cynnydd arfaethedig mewn ffioedd seremoni, o 1 Medi 2022.
- 2) Cymeradwyo cylch adolygu ffioedd seremonïau bob dwy flynedd yn amodol ar unrhyw newid sylweddol mewn amgylchiadau. Hefyd, ystyried ffioedd seremonïau yn flynyddol yn dilyn unrhyw gynnydd cyffredinol mewn chwyddiant nad yw'n cynnwys cyflog (ffioedd a thaliadau) i'w cymeradwyo gan y Cyngor llawn wrth ystyried cynigion y gyllideb bob blwyddyn.

6. ASESIAD O LETY SIPSIWN A THEITHWYR 2022-27

Ystyriwyd yr adroddiad a oedd yn ceisio cymeradwyaeth y Cabinet ar yr Asesiad o Lety Sipsiwn a Theithwyr 2022-27 (ALSTh). Roedd yr adroddiad hefyd yn ceisio cymeradwyaeth i gyflwyno'r asesiad i Lywodraeth Cymru i graffu arno, yn unol â'r gofyniad statudol. Rhodddwyd gwybod i'r Aelodau bod yr adroddiad wedi derbyn cefnogaeth drawsbleidiol ym Mhwyllgor Craffu Tai ac Adfywio ar 25 Mehefin 2022.

Ceisiwyd cadarnhad ynghylch yr ALSTh, gydag un Aelod yn holi a oedd anghenion ychwanegol megis addysg wedi eu hystyried yn rhan o'r Asesiad. Rhodddwyd gwybod i'r Cabinet yr oedd yr Asesiad yn canolbwyntio ar anghenion llety Sipsiwn a Theithwyr sy'n byw neu'n teithio drwy'r Fwrdeistref Sirol. Fodd bynnag, roedd hi'n bosibl deall anghenion addysgol a gofal iechyd drwy asesiad lles drwy Dîm Iechyd yr Amgylchedd.

Yn dilyn ystyriaeth a thrafodaeth, cynigiwyd ac eiliwyd bod yr argymhelliad yn yr adroddiad yn cael ei gymeradwyo. Cafodd hyn ei gytuno'n unfrydol drwy bleidlais electronig.

PENDERFYNWYD, am y rhesymau sydd wedi'u cynnwys yn adroddiad y Swyddog: -

- 1) Cymeradwyo canfyddiadau'r Asesiad o Lety Sipsiwn a Theithwyr 2022-27.

- 2) Cytuno y gall swyddogion gyflwyno'r Aseiad o Lety Sipsiwn a Theithwyr 2022-27 i Lywodraeth Cymru ar gyfer craffu.

7. ADOLYGIAD O BOLISI RHENT Y CYFRIF REFENIWTAI

Ar ôl datgan buddiannau personol a rhagfarnllyd gadawodd y Cynghorwyr C. Andrews a J. Pritchard y cyfarfod.

Ystyriwyd yr adroddiad a oedd yn ceisio barn y Cabinet ar y Polisi Rhent newydd ar ôl ei gyflwyno i'r Pwyllgor Craffu Tai ac Adfywio ar 9 Mehefin 2022.

Ceisiwyd rhagor o wybodaeth am y Polisi Rhent, gydag un Aelod yn holi pa ganran o breswylwyr sy'n derbyn gostyngiad rhent. Dywedwyd bod y niferoedd wedi cynyddu yn y misoedd diwethaf, a bod 78% o drigolion bellach yn derbyn rhyw fath o ostyngiad, gan fod mwy o drigolion yn dod yn gymwys i gael cymorth ac oherwydd y gwaith y mae'r Awdurdod wedi'i wneud i hysbysu trigolion o'u hawliau.

Gyda'r potensial o greu refeniw ychwanegol o'r cynnydd mewn rhent, ceisiwyd eglurhad ynghylch y goblygiadau i'r gwasanaeth. Dywedwyd wrth y Cabinet y byddai adroddiad ar wahân yn ymwneud â'r goblygiadau ar gyfer y cynnydd blynyddol mewn rhent a rhoddwyd sicrwydd i'r Pwyllgor y byddai effeithiau unrhyw gynnydd yn amodol ar archwiliad cynhwysfawr. Os caiff ei weithredu, gobeithiwyd y byddai'r cynnydd yn cael effaith gadarnhaol drwy yrru mentrau fel Rhaglen Cartrefi Newydd yr Awdurdod - Cartrefi Caerffili -, ail gam Safonau Ansawdd Tai Cymru a'r Ddeddf Rhentu Cartrefi Cymru sydd ar ddod, newid polisi fyddai angen refeniw ychwanegol i'w weithredu. Rhoddwyd sicrwydd i'r Cabinet y byddai unrhyw refeniw sy'n cael ei greu drwy gynyddu rhent yn cael goblygiadau cadarnhaol i'r defnyddwyr gwasanaeth.

Gofynnodd Aelod sut roedd cynnydd rhent yr Awdurdod yn cymharu â chynghorau eraill ledled Cymru. Cyfeiriwyd yr Aelod at lefelau rhent y blynyddoedd blaenorol gan fod y wybodaeth ddiweddaraf yn cael ei chyhoeddi yn y misoedd i ddod. Roedd ffigurau'r blynyddoedd blaenorol yn dangos yr oedd rhenti, a chyfraddau'r cynnydd ledled y Fwrdeistref, ar y pen isaf er gwaethaf y ffaith bod yr Awdurdod yn meddu ar ganran uwch o stoc tai Cyngor. Rhoddwyd gwybod i'r Cabinet y byddai'r ffigurau diweddaraf yn cael eu cadarnhau ar ôl i Lywodraeth Cymru ryddhau'r wybodaeth.

Yn dilyn ystyriaeth a thrafodaeth, cynigiwyd ac eiliwyd bod yr argymhellid yn yr adroddiad yn cael ei gymeradwyo. Cafodd hyn ei gytuno'n unfrydol drwy bleidlais electronig.

PENDERFYNWYD, am y rhesymau sydd wedi'u cynnwys yn adroddiad y Swyddog: -

- 1) Cynnwys model Rhent Byw JRF yn rhan o'r polisi rhent presennol, gan ddefnyddio model JRF i feincnodi bob dwy flynedd o leiaf yn erbyn y polisi rhent presennol i sicrhau y gellir dangos lefelau fforddiadwyedd.
- 2) Adrodd unrhyw amrywiaethau y tu allan i feincnod y model Rhent Byw i aelodau yn rhan o adroddiad cynnydd blynyddol mewn rhent gydag argymhellion priodol.
- 3) Mabwysiadu dull enillion aelwyd gyfartalog i fodel JRF yn hytrach nag yn seiliedig ar enillion dros 24 o Ardaloedd Cynnyrch Ehangach Haen Ganol ym Mwrdeistref Sirol Caerffili. Byddai hyn yn cynnal y 14 o fathau rhent eiddo sylfaenol presennol yn hytrach na 336 o fathau rhent eiddo sylfaenol.

8. GWEITHDREFN GORFODI A CHYDYMFFURFIO AG ISAFSWM SAFONAU YNNI EFFEITHLON MEWN EIDDO DOMESTIG AR RENT PREIFAT

Ar ôl datgan buddiannau personol a rhagfarnllyd, gadawodd y Cyngorwyr S. Morgan, E. Forehead a E. Stenner a M. S. Williams (Cyfarwyddwr Corfforaethol – Yr Economi a'r Amgylchedd) y cyfarfod. Rhoddwyd gwybod i'r Cabinet y byddai'r Dirprwy Arweinydd, y Cyngorydd J. Pritchard yn cymryd dros y trafodaethau.

Ystyriwyd yr adroddiad a oedd yn gofyn i Aelodau ystyried a rhoi barn ar fabwysiadu'r dull a'r protocol gorfodi a nodwyd yn Atodiad 1 i fodloni'r gofynion dan Reoliadau Effeithlonrwydd Ynni (Eiddo ar Rent Preifat) (Cymru a Lloegr) 2015, fel y'i diwygiwyd, ynghylch eiddo rhent domestig, ar ôl ei gyflwyno i'r Pwyllgor Craffu Tai ac Adfywio ar 9 Mehefin 2022.

Gofynnwyd i'r Swyddog ymhelaethu ar effaith y cyllid a oedd wedi'i sicrhau yn dilyn cais llwyddiannus i gystadleuaeth cydymffurfio a gorfodi a drefnwyd gan yr Adran Strategaeth Busnes, Menter a Diwydiannol.

Cadarnhawyd bod yr Awdurdod wedi llwyddo i gael y grant £60,000 a bod yr arian wedi'i ddefnyddio i recriwtio Swyddog Cydymffurfiaeth Ynni a Swyddog Cymorth Gweinyddol. Rhoddwyd gwybod i Aelodau bod gwaith hyrwyddo mewn perthynas â'r gofyniad deddfwriaethol wedi cael ei gynnal hefyd, a diweddarwyd staff ym mhob rhan o'r Gwasanaeth Tai ar Rent Preifat ynghylch y gofynion o dan Reoliadau Effeithlonrwydd Ynni (Eiddo ar Rent Preifat) (Cymru a Lloegr) 2015 drwy sesiynau hyfforddiant.

Yn ogystal, cynhaliwyd gwaith cydymffurfiaeth mewn partneriaeth â Rhentu Doeth Cymru i nodi tai rhent yn y sector preifat sy'n mynd yn groes i'r ddeddfwriaeth. Dywedwyd wrth Aelodau bod 125 allan o 130 bellach yn cydymffurfio a bod gwaith yn mynd rhagddo i sicrhau bod y 5 arall yn dod i gydymffurfio â'r safonau gyffwrdd.

Tynnwyd sylw at y ffaith bod yr arian wedi'i ddefnyddio i gynnal ymchwil i oblygiadau'r gwelliannau. Rhoddwyd gwybod i'r Cabinet bod y 100 eiddo cyntaf oedd wedi bod yn destun gwelliannau gan yr Awdurdod wedi arbed cyfanswm o £111,000 y flwyddyn mewn biliau ynni.

Yn dilyn ystyriaeth a thrafodaeth, cynigiwyd ac eiliwyd bod yr argymhelliad yn yr adroddiad yn cael ei gymeradwyo. Cafodd hyn ei gytuno'n unfrydol drwy bleidlais electronig.

PENDERFYNWYD, am y rhesymau sydd wedi'u cynnwys yn adroddiad y Swyddog: -

1) Cytuno a mabwysiadu'r Protocol Gorfodi yn Atodiad 1 fel dull y Cyngor i ddelio ag eiddo nad ydyn nhw'n cydymffurfio, gan gynnwys defnyddio Hysbysiadau Cydymffurfio a Hysbysiadau Cosb lle bo'n briodol.

2) Adolygu a diweddarau'r Weithdrefn Gorfodi a Chydymffurfio ag Isafswm Safonau Effeithlonrwydd Ynni mewn Eiddo Domestig ar Rent Preifat yn rheolaidd yn unol â Deddfwriaeth Llywodraeth Cymru i adlewyrchu'r gwerthoedd mwyaf o gosb a ganiateir a'r Sgôr Perfformiad Ynni isaf sydd ei angen yn unol â'r rheoliad.

Daeth y cyfarfod i ben am 1.57pm.

Cymeradwywyd a llofnodwyd fel cofnod cywir yn amodol ar unrhyw gywiriadau a wneir yn y cyfarfod ar 27 Gorffennaf 2022.

CADEIRYDD

Gadewir y dudalen hon yn wag yn fwriadol

13/07/2022 13:00	Registrars (Ceremony) Fees	To consider proposed increases to locally set statutory ceremony fees in the Registration Service for 2022/23 on a cost recovery basis.	Hartshorn, Robert;	Cllr. Philippa Leonard;
13/07/2022 13:00	The Gypsy and Traveller Accommodation Assessment (decision)	Local Authorities in discharging their duties under Part 3 of the Housing (Wales) Act 2014 are required to produce a Gypsy and Traveller Accommodation Assessment and to make provision for sites where the assessment identifies an unmet need for accommodation / mobile home pitches The report will outline the findings of the GTAA that was undertaken during the latter part of 2021/22 before it is submitted to Welsh Government.	Roberts-Waite, Jane;	Cllr. Cook, Shayne;
13/07/2022 13:00	Rent Policy Report	To offer recommendations to Cabinet for reviewing the current rent policy to reflect an appropriate affordability model (to evidence to WG that our rents are affordable to tenants).	Taylor-Williams, Nick/Allen, Lesley;	Cllr. Cook, Shayne;
13/07/2022 13:00	Compliance with the minimum energy efficiency standards fixed penalty notice proposal	For Cabinet to agree and adopt an Enforcement Protocol as the Council’s approach to dealing with identified non-compliances with the MEES Regulations, including the use of Compliance Notices and Penalty Notices where appropriate. The Protocol will improve the energy efficiency of private rented sector housing whilst ensuring landlords comply with their legal obligation under the MEES regulation.	Taylor-Williams, Nick;	Cllr. Cook, Shayne;

<p>27/07/2022 13:00</p>	<p>Shared Ambitions Strategy 2019 – 2022.</p>	<p>To provide Cabinet with an update on the Shared Ambitions Strategy 2019-2022. As part of the Council’s self-evaluation, a review of the impact of the Shared Ambitions Strategy has been completed. Recommendations are included in the new Strategy to be launched in September 2022.</p>	<p>Cole, Ceri;</p>	<p>Cllr. Andrews, Carol;</p>
<p>27/07/2022 13:00</p>	<p>Childcare Sufficiency Assessment</p>	<p>Childcare Sufficiency Assessment 2022-2027 and subsequent action plan has been completed and now needs consultation and approval to submit final report to WG.</p>	<p>Mutch, Sarah;</p>	<p>Cllr. Andrews, Carol;</p>
<p>27/07/2022 13:00</p>	<p>Proposed construction of a multi-purpose Cadet and Sports Pavilion at Morgan Jones Park, Caerphilly</p>	<p>To seek the views of Cabinet in relation to a joint project with the Ministry of Defence (MOD) to construct a multi-functional cadet and sports pavilion at Morgan Jones Park, Caerphilly and to seek capital funding.</p>	<p>Headington, Mike;</p>	<p>Cllr. Morgan, Chris;</p>



CABINET – 13TH JULY 2022

**SUBJECT: MARRIAGE AND CIVIL PARTNERSHIP FEES –
REGISTRATION SERVICE**

**REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND
ENVIRONMENT**

1. PURPOSE OF REPORT

- 1.1 To determine the fees charged for the administering of wedding and civil partnership ceremonies by the Registration Service for the next two years.

2. SUMMARY

- 2.1 Ceremony fees are set on a cost recovery basis and have not been reviewed since 2019/20. A recent assessment of the cost of providing the service indicated a need to increase fees and proposals are presented within the report. It is also proposed that in future ceremony fees are routinely reviewed every 2 years, or sooner should there be a significant change in circumstances, to ensure that a reasonable level of costs is recovered.

3. RECOMMENDATIONS

- 3.1 That Cabinet consider the content of this report and recommendations made by the meeting of the Environment & Sustainability Scrutiny Committee on the 28th June 2022 as detailed in section 11 and approve the proposed increases in ceremony fees effective from 1st September 2022.
- 3.2 That Cabinet approve a two-year ceremony fee review cycle subject to any significant change in circumstances. Also, that ceremony fees will be considered annually in the light of any generic increase in non-pay inflation (fees and charges) approved by full Council when considering budget proposals each year.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To recover a reasonable level of costs incurred in administering wedding and civil partnership ceremonies by the Registration Service.

5. THE REPORT

- 5.1 Marriage and Civil Partnership fees are set nationally at £46 where a “commissioned” ceremony room is used. Every local authority has to offer a ceremony in a statutory room at this fee. However, this national fee does not cover the costs of the statutory attendance levels of Registration Officers. Consequently, many Registration Services, including Caerphilly, also offer ceremonies in de-commissioned rooms where the chargeable fees are discretionary. Craig Penallta is Caerphilly’s de-commissioned ceremony room. Additionally, where marriage and civil partnerships are conducted at approved premises across the county borough the chargeable fee is again discretionary.
- 5.2 Ceremony fees have not been reviewed since 2019/20. The Authority compares its fees with the cost of providing the service and with those charged by other authorities in Wales. Analysis indicates that the Registration Service is not recovering the whole cost incurred in providing the service. It is therefore proposed that fees for 2022/23 are set as per the table below and be effective from 1st September 2022.

Craig Penallta

	Current Fees	Proposed Fees	Increase	Percentage
Mon – Friday	£221	£228	£7	3.2%
Saturday	£300	£320	£20	6.6%
Sunday/BH	£300	£320	£20	6.6%

Approved Premises

	Current Fees	Proposed Fees	Increase	Percentage
Mon – Friday	£286	£297	£11	3.8%
Saturday	£410	£435	£25	6.1%
Sunday/BH	£410	£435	£25	6.1%

- 5.3 As the Authority takes provisional bookings for ceremonies up to three years in advance it is currently not possible to inform couples at the time of booking what the actual fee for a future ceremony will be. Couples are told the current fee, that it is subject to change, and that exact fee information will be confirmed in writing nearer to the time.
- 5.4 Some Registration Districts in Wales have different pricing structures depending on the day of the week, size of the room, number of guests attending etc. so it is not always possible to make direct comparisons or collate the average fee. The table

below summarises the highest and lowest fees charged across Wales and those proposed for CCBC. The table indicates that CCBC fees even with the proposed increases are very reasonable and in the lower levels of fees charged.

5.5 All Wales Ceremony Fee Comparison

Decommissioned Room

Monday – Friday	Lowest	£136
	Highest	£495
	CCBC Proposed	£228
	Median	£229
Saturday	Lowest	£148
	Highest	£495
	CCBC Proposed	£320
	Median	£268
Sunday	Lowest	£214
	Highest	£550
	CCBC Proposed	£320
	Median	£356
Bank Holiday	Lowest	£300
	Highest	£697
	CCBC Proposed	£320
	Median	£356

Approved Premises

Monday – Friday	Lowest	£297
	Highest	£524
	CCBC Proposed	£297
	Median	£430
Saturday	Lowest	£376
	Highest	£595
	CCBC Proposed	£435
	Median	£465
Sunday	Lowest	£410
	Highest	£756

	CCBC Proposed	£435
	Median	£522
Bank Holiday	Lowest	£410
	Highest	£765
	CCBC Proposed	£435
	Median	£525

6. CONCLUSION

- 6.1 Ceremony fees are determined on a cost recovery basis and current fees do not meet the cost of delivering the service. Fees have not been increased since 2019/20 and any delay in implementing an increase now will lead to higher increases in future years. The proposed increases are modest and still leave the authority reasonable and competitively priced when compared with other districts. It is also proposed that in future ceremony fees are routinely reviewed every 2 years, or sooner should there be a significant change in circumstances, to ensure that a reasonable level of costs are recovered.
- 6.2 Members of the Environment & Sustainability Scrutiny Committee considered the proposed increases at a meeting on the 28th of June and supported the proposed increase in ceremony fees and the proposal that ceremony fees be reviewed routinely every 2 years. Cabinet is asked to note the comments and recommendations from Scrutiny and approve the proposed increases in ceremony fees for the administering of wedding and civil partnership ceremonies by the Registration Service.

7. ASSUMPTIONS

- 7.1 No assumptions have been made within this report.

8. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 8.1 The Integrated Impact Assessment (IIA) has identified mainly neutral impacts as the proposed fee increases apply equally to everyone. Ceremony fees are overdue for a review, any further delays in increasing fees will lead to higher increases in future years. The proposed increases are based on cost recovery and are reasonable when compared with other Welsh Districts. Not increasing fees leads to a higher burden on CCBC rate payers. The link to the IIA is detailed below.

Link to IIA

9. FINANCIAL IMPLICATIONS

- 9.1 If the proposed increases are implemented it is estimated that there will be an increased income of £6,900 per annum based on current ceremony numbers.

Fees are determined on a cost recovery basis and current fees do not meet the cost of delivering the service. Fees have not been increased since 2019/20 and any delay in implementing an increase now will lead to higher increases in future years.

- 9.2 Ceremony fees will also be considered annually in the light of any generic increase in non-pay inflation (fees and charges) approved by full Council when considering budget proposals each year. It is also proposed that in future ceremony fees are routinely reviewed every 2 years, or sooner should there be a significant change in circumstances, to ensure that a reasonable level of costs are recovered.

10. PERSONNEL IMPLICATIONS

- 10.1 There are no personnel implications associated with this report.

11. CONSULTATIONS

- 11.1 The views of the listed consultees have been reflected within this report.
- 11.2 Members of the Environment & Sustainability Scrutiny Committee considered the report and proposed fees at a meeting on the 28th of June. Members enquired why the fees were to be reviewed every two years rather than every year, particularly in view of rising costs. The committee was advised that the fees are set on a cost recovery basis and cover costs such as salaries and electricity. It was felt that a 2 year review would be a reasonable approach, however if Members felt that it should be done annually this could be taken into account. Members were informed that there is also an annual increase built into the budget report which takes into account inflation. The scrutiny committee supported the proposed increase in ceremony fees and the proposal that ceremony fees be reviewed routinely every 2 years.

12. STATUTORY POWER

- 12.1 Local Government Act 2000.

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Consultees: Councillor Philippa Leonard, Cabinet Member for Planning & Public Protection
Councillor D.T Davies, Chair Environment & Sustainability Scrutiny
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Background Papers: N/A

Appendices: N/A



CABINET – 13TH JULY 2022

SUBJECT: GYPSY & TRAVELLER ACCOMMODATION ASSESSMENT 2022-27

REPORT BY: CORPORATE DIRECTOR OF SOCIAL SERVICES & HOUSING

1. PURPOSE OF REPORT

1.1 The purpose of this report is to seek the approval of Cabinet for the Gypsy & Traveller Accommodation Assessment 2022-27 (GTAA) and request permission to submit the assessment to Welsh Government for scrutinization, as per the statutory requirement.

2. SUMMARY

2.1 Part 3 of the Housing (Wales) Act 2014 requires local authorities to undertake an assessment of the accommodation needs of Gypsies and Travellers residing in or travelling through their area, and to make provision for sites where the assessment identifies an unmet need for mobile home pitches.

2.2 Statutory guidance has been produced by Welsh Government to enable local authorities to discharge the first part of this duty.

2.3 Local authorities must submit their completed GTAA to Welsh Ministers for scrutinization. Ministers will decide whether to approve or reject a GTAA. Approved GTAA reports must be published by local authorities.

2.4 The first GTAA undertaken by the Council (2016-21), showed that there was no requirement for either permanent or transit provision in the county borough.

2.5 A similar process used to undertake the first GTAA was used to undertake the 2022-27 GTAA. The 2022-27 GTAA was undertaken in-house by officers, with the field work being carried out between July and October 2021.

2.6 The GTAA process requires an analysis of quantitative and qualitative information, which includes interviews with member of the Gypsy and Traveller community. In total, 9 interviews were completed for the 2022-27 GTAA, which is more than the 2016-21 GTAA.

2.7 Tailored information was produced by the Council to raise awareness amongst member of the Gypsy and Traveller community on the undertaking of the 2022-27 GTAA.

2.8 The 2022-27 GTAA identifies an unmet need for a total of 11 mobile home pitches, raising

to 12 within the next 5 years and to 14 over the lifetime of the Local Development Plan. No requirement was identified for transit site provision or for specific provision for Travelling Showpeople.

3. RECOMMENDATIONS

- 3.1 That Cabinet approve the findings of the 2022-27 Gypsy & Traveller Accommodation Assessment.
- 3.2 That Cabinet agree for officers to submit the 2022-27 Gypsy & Traveller Accommodation Assessment to Welsh Government for scrutinization.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure that the Council's complies with the legislative duty under Part 3 of the Housing (Wales) Act 2014.

5. THE REPORT

National Context

- 5.1 Part 3 of the Housing (Wales) Act 2014 requires local authorities to undertake an assessment of the accommodation needs of Gypsies and Travellers residing in or travelling through their area, and to make provision for sites where the assessment identifies an unmet need for mobile home pitches. Statutory guidance has been produced by Welsh Government to enable local authorities to discharge this duty.
- 5.2 For the purposes of undertaking an accommodation assessment the term Gypsies and Travellers covers:
 - a) Persons of a nomadic habit of life, whatever their race or origin, including:
 - 1. 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
 - 2. members of an organized 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.
- 5.3 The purpose of the GTAA process is to allow local authorities to assess the accommodation requirement of Gypsies and Travellers. The process was introduced by Welsh Government in 2015, with the first round of assessments taking place in 2016. GTAA must be redone at least every 5 years. In 2020, Welsh Government informed local authorities not to undertake new assessments due to restrictions put in place to protect public health during the Covid-19 pandemic. Local authorities are now required to submit their new GTAA to Welsh Government by February 2022. To satisfy this requirement a draft report has been submitted to Welsh Government pending approval of the final report by Cabinet.
- 5.4 Local authorities must submit their completed GTAA to Welsh Ministers for scrutinization.

Ministers will decide whether to approve or reject a GTAA. Approved GTAA reports must be published by local authorities.

Local Context

- 5.5 The Council undertook its first GTAA in 2015, with a report being presented to Cabinet on 17th February 2016. The GTAA was approved by Welsh Ministers on submission. It showed there to be no requirement for either permanent or transit provision in the county borough.
- 5.6 A similar process used to undertake the 2016-21 GTAA was used to undertake the 2022-27 GTAA. The 2022-27 GTAA was undertaken in-house by officers, in accordance with the statutory guidance.
- 5.7 Information from the 2022-27 GTAA will provide an evidence base for the development of the Council's new replacement Local Development Plan.

Methodology Overview

- 5.8 A project steering group oversaw the GTAA process. This group was originally set up for the undertaking of the 2016-21 GTAA and have met on a biannual basis since to monitor any changes in the local situation. The group consists of representatives from Housing & Social Services, Regeneration and Planning, Public Protection, ICT and Customer Services, and two west Gwent community cohesion officers. Prior to the commencement of the GTAA the Council also met with a representative from Travelling Ahead, a Welsh project working with young people and families from Gypsy, Roma and Traveller communities, and a representative of the Gypsy and Traveller community to discuss the Council's methodology for undertaking the GTAA.
- 5.9 Due to regulations imposed by Welsh Government to protect public health during the pandemic no members of the Gypsy and Traveller community were invited to take part in project group meetings. In addition, public engagement during the field work stage was restricted in-line with the regulations at the time.
- 5.10 All field work was undertaken between July and October 2021. Face to face interviews were only completed once restrictions had been relaxed sufficiently to allow them to go ahead.
- 5.11 Advice was sought from the corporate Communications team in relation to raising awareness of the undertaking of the GTAA. An A4, colour poster was produced by the Graphic Design team and displayed at various locations throughout the borough. A dedicated web page on the Council's website was updated with information on the GTAA process. The Council's social media accounts were also used to carry information on the undertaking of the GTAA. The Council also wrote to a range of national and regional Gypsy and Traveller support organisations asking them for assistance in promoting the undertaking of the GTAA amongst their service users.
- 5.12 3 private residential caravan / park homes sites were visited and leaflets left with the occupants. Residents of the 3 unauthorised developments were also visited.
- 5.13 The assessment requires an analysis of quantitative and qualitative data. However, there is currently a dearth in secondary data, with many Gypsies and Travellers known to be reluctant to self-ascribe on public surveys, and due to the 2011 Census data now being out of date. Data from the 2021 Census was not available to use at the time of undertaking the GTAA.

- 5.14 Primary data was collected through interviews carried out with willing members of the Gypsy and Traveller community using a Welsh Government prescribed form. Members of the Gypsy and Traveller community at one of the unauthorised developments declined to take part in the interviews. Results of the interviews are shown in summary in the subsection below and in detail in the report.

Key Findings

- 5.15 Since the inception of the Council in 1996 there has been no local authority owned, Gypsy and Traveller designated site provision in the county borough, either permanent or transit. In addition, there are currently no privately owned sites in the county borough, which are designated solely for Gypsy and Traveller use.
- 5.16 Analysis of data provided by the Environmental Health team showed that over the last 10 years on average there were 1 or 2 instances of unauthorised encampments per year taking place on public owned land. Encampments taking place during this period typically lasted less than 1 week and consisted of 2-3 caravans. These encampments would have been managed by the Environmental Health team in accordance with the Council's protocol for managing such encampments.
- 5.17 There are currently 3 unauthorised developments (occupying land without the necessary land use permission) at separate locations in the county borough. Each unauthorised development is occupied by members of the Gypsy and Traveller community, who have separately submitted retrospective planning permissions to regularise their status. One application was refused planning approval and an appeal has been submitted, one is due to be presented to planning committee and the third is awaiting validation. Should any of these applications receive approval then the level of need for mobile homes pitches identified by the GTAA would reduce. Information provided through the interview process shows that each site has capacity to accommodate any natural growth from existing residents over the next 5 years.
- 5.18 The statutory guidance requires the Council to consider the requirement for mobile home pitches from families living on all unauthorised developments. Therefore, the total requirement for mobile home pitches shown in the report takes into consideration the requirement arising from each of the 3 locations. In the event that planning permission is refused at either of these locations then the statutory duty arising from the Housing (Wales) Act 2014 places a requirement on the Council to make provision for sites where the assessment identifies an unmet need for mobile home pitches. Provision could be made either on public or privately owned land.
- 5.19 The 2011 Census shows that 31 people, or just 0.02% of the population in the county borough described their ethnicity as 'Gypsy or Irish Traveller'. Due to the relatively small number identified by the Census, the Office of National Statistics would have used data swapping techniques to protect people's identity. Care needs to be taken, therefore, when analysing this data or drawing any conclusions from it. The main report attached provides a breakdown of this data focusing on age groups, gender, employment, qualifications, health and household composition.
- 5.20 No requests were received by the Council from members of the Gypsy and Traveller community currently living in bricks and mortar accommodation to complete a survey. Therefore, no interviews were carried out with members of the Gypsy and Traveller community currently living in bricks and mortar accommodation.
- 5.21 9 interviews in total were completed with members of the Gypsy and Traveller community. Interviews were carried out using a Welsh Government template survey. Below is a

summary of responses:

- Each respondent described their ethnicity as Roma.
- The age range of respondents was 19-64.
- 5 respondents described their gender as female and 4 male.
- The number of people per respondent household ranged from 1-5.
- All respondents lived on a private site without planning permission (unauthorised development).
- All respondents said they were happy with where they currently lived.
- 5 respondents had lived at their current location between 1-6 months and 4 respondents between 2-5 years.
- When asked how long they would stay there, all respondents said they did not intend to move.
- All respondents said they were not planning to move into other accommodation.
- 1 respondents said that someone in their household was likely to move into their own home in the next 5 years, which they indicated would be in the county borough.
- None of the respondents had camped by the roadside / on an unauthorised encampment / on a transit site on Wales while travelling in the past year.
- 5 of the respondents said they think there should be more transit sites provided in Wales and 4 said they didn't think there should.
- When asked where the transit sites should be provided the 5 respondents said in every local authority area in Wales.

5.22 The GTAA identified an unmet need for a total of 11 mobile home pitches, which is expected to increase to 12 within the next 5 years and to 14 over the lifetime of the Local Development Plan. No requirement was identified for transit site provision or for specific provision for Travelling Showpeople.

Next Steps

5.23 Subject to a Cabinet decision the approved GTAA will be submitted to Welsh Ministers for scrutiny.

5.24 The Council will keep the findings of the GTAA under review to ensure that any emerging needs and aspirations of Gypsies and Travellers living in or passing through the county borough, including those people living at the 3 unauthorised developments, are taken into consideration. This will be achieved by the continuation of the Gypsy and Traveller accommodation working group, which will continue to meet biannually.

5.25 There is a lack of transit site provision throughout Wales, which is known to inhibit the nomadic lifestyle of many Gypsies and Travellers. The Council is currently in discussions with local authorities in SE Wales regarding the requirement for a regional transit site. Future transit site provision would potentially address the lack of current provision and reduce the number of unauthorised encampments occurring throughout the region. Any significant developments on this matter will be reported to the relevant committee.

6. ASSUMPTIONS

6.1 The GTAA is based on an analysis of quantitative and qualitative data. The unmet need for mobile home pitches is based on information sourced from interviews with members of the Gypsy and Traveller community.

- 6.2 It is not the role of the GTAA to determine or report how any unmet need identified through this process will be met.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 An Integrated Impact Assessment has been completed and can be accessed at:
Link to IIA
- 7.2 The Housing (Wales) Act 2014 conveys a statutory duty on Welsh local authorities to undertake GTAAs. The 2022-27 GTTA has been undertaken in accordance with this guidance. The GTAA is an assessment of the accommodation needs of Gypsies and Travellers living or travelling through the county borough at the time of its undertaking. The GTTA does not contain any proposals or makes any recommendations; it simply reports on the requirement for mobile home pitches to identified unmet needs over a 15 year period.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no personnel implications arising directly from the report.
- 8.2 Financial implications may arise in the future should a requirement ever emerge for the Council to provide a publicly owned and managed Gypsy and Traveller site(s). The GTAA has identified an unmet need for mobile homes pitches at 3 unauthorised developments in the county borough, which are all subject of separate planning applications. Should any of these planning applications fail to receive approval then the Council has a statutory duty to make provision for sites, which could be either privately or publicly owned. There is currently no budget provision for providing GTAA sites, other than to fund the first part of the statutory requirement from Part 3 of the Housing (Wales) Act 2014 by undertaking the assessment of the accommodation needs every 5 years.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising directly from the report.
- 9.2 Personnel implications may arise in the future should a requirement ever emerge for the Council to provide a publicly owned and managed Gypsy and Traveller site(s). The GTAA has identified an unmet need for mobile homes pitches at 3 unauthorised developments in the county borough, which are all subject of separate planning applications. Should any of these planning applications fail to receive approval then the Council has a statutory duty to make provision for sites, which could be either privately or publicly owned.

10. CONSULTATIONS

- 10.1 Engagement has taken place throughout the GTAA process with members of the Gypsy and Traveller community and organisations that support the community, as detailed in the GTAA report.
- 10.2 A report on the 2022-27 GTAA was presented to Housing & Regeneration Scrutiny Committee on 21st June 2022, with the motion to approve overwhelmingly carried.

10.3 Any comments received from consultee's are reflected in this report.

11. STATUTORY POWER

11.1 Local Government Act 2014, Part 3 of the Housing (Wales) Act 2014

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Consultees: Cllr Shayne Cook, Cabinet Member for Housing
Cllr Andrew Whitcombe, Chair – Housing & Regeneration Scrutiny
Cllr Patricia Cook, Vice Chair – Housing & Regeneration Scrutiny
Christina Harray, Chief Executive
Dave Street, Corporate Director for Social Services & Housing
Nick Taylor-Williams, Head of Housing
Rob Tranter, Head of Legal Services & Monitoring Officer
Stephen Harris, Head of Financial Services & Section 151 Officer
Lesley Allen, Principal Group Accountant (Housing)
Anwen Cullinane, Senior Policy Officer – Equalities, Welsh Language &
Consultation
Victoria Morgan, Principal Planner / Statistician
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Elizabeth Sharma, Consultation & Public Engagement Officer
Kelsey Watkins, Communication & Tenant Engagement Officer
Rachel Hawker, Service Development Officer
Shelly Jones, Supporting People Manager
Tina McMahon, Community Regeneration Manager

Appendices:

Appendix 1 Draft Gypsy & Traveller Accommodation Assessment 2022-2027

Gadewir y dudalen hon yn wag yn fwriadol

Caerphilly County Borough Council Gypsy and Traveller Accommodation Assessment

**Draft Report
February 2022**

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Chapter One – Policy Context

1.0 Introduction

- 1.0.1 This report outlines the findings of the 2022 Gypsy Traveller Accommodation Assessment (GTAA) undertaken by Caerphilly County Borough Council. In coming to its findings the report considers a range of quantitative and qualitative data based on existing data sources and interviews carried out with members of the Gypsy and Traveller community.
- 1.0.2 The GTAA was undertaken in-house by the Council in accordance with [guidance](#) issued to local authorities by Welsh Government. It was completed between April 2021 and December 2021.
- 1.0.3 The term ‘Gypsy and Traveller’ in this report conforms to the definition contained within section 108 of the Housing (Wales) Act 2014 and includes travelling showpeople and New Travellers, whether or not they can demonstrate a continued nomadic lifestyle.
- 1.0.4 The production of the GTAA was delayed 12 months due to Covid-19 pandemic on the instruction of Welsh Government. Work on this GTAA was only recommenced once notification was received by the Council from Welsh Government.
- 1.0.5 The GTAA covers the period March 2022 to February 2027. Its status is currently draft pending the approval of Cabinet.

1.1 Purpose of the GTAA

- 1.1.1 The purpose of the GTAA is to provide the Council with an indication of the accommodation requirements of Gypsies and Travellers living in or travelling through the county borough, and to make provision for permanent sites where the GTAA identifies an unmet need for mobile home pitches. In addition, the GTAA should also provide evidence, where applicable, of the requirement for transit provision and/or legal stopping place(s).
- 1.1.2 The main aims of the GTAA are to:
1. ensure compliance with the local authority duties under part 3 of the Housing (Wales) Act 2014;
 2. understand the accommodation needs of Gypsies and Travellers living or travelling through the county borough; and
 3. provide an evidence base to underpin the Council’s 2nd Replacement Local Development Plan.
- 1.1.3 The GTAA drew on a range of data sources including:
- a review of secondary sources;

- discussions with organisations involved with Gypsy and Traveller issues; and
- face-to-face surveys of Gypsies and Travellers living in or travelling through the county borough.

1.2 Report Structure

1.2.1 The GTAA report is structured into a series of chapters in accordance with the template structure provided by Welsh Government:

- Chapter one covers the legislative requirements placed on local authorities in Wales for assessing the accommodation needs of the Gypsy Traveller community and statutory guidance;
- Chapter two provides an analysis of existing data sources including the 2011 Census, Council records and the caravan count;
- Chapter three sets out the methodology undertaken to complete the primary survey of Gypsies and Travellers living in or travelling through the county borough;
- Chapter four provides a summary of the survey findings including household interviews, population profile, accommodation requirements and household growth;
- Chapter five considers the assessment of accommodation needs both in terms of permanent residential pitches and transit sites; and
- Chapter six is the concluding chapter and includes any recommendations emanating from the undertaking of the GTAA and sets out any next steps.

1.3 Legislation & Guidance

1.3.1 The following section provides a summary of the key pieces of legislation and guidance which local authorities should have regard to when assessing or meeting the accommodation needs of Gypsies and Travellers.

Housing (Wales) Act 2014 duties

1.3.2 [Part 3 of the Housing \(Wales\) Act 2014](#) places a duty on local authorities in Wales to assess the accommodation needs of Gypsies and Travellers either living in or resorting to their area and, where identified, meet the assessed needs. Section 101 provides the duty to assess and section 103 provides the duty to meet assessed needs.

1.3.3 Section 104 of the Act provides that the Welsh minister may direct the local authority to exercise its powers under section 56 of the [Mobile Homes Wales](#)

[Act 2013](#) if they fail to comply with section 103 of the Housing (Wales) Act 2014.

- 1.3.4 All local authorities in Wales were to undertake their first accommodation assessments within 12 months of commencement the Housing (Wales) Act 2014. The Council's 2016 GTAA, covering the period 2016-21, was approved by Welsh Government in December 2017.
- 1.3.5 Local authorities are also required to submit accommodation assessments for approval of Welsh ministers, which identify the needs within the specific local authority area. The duty to undertake GTAAs, under Part 3 of the Housing (Wales) Act 2014, rest with individual local authorities.

Mobile Homes (Wales) Act 2013

- 1.3.6 Section 56 of the Mobile Homes (Wales) Act 2013 provides the power for local authorities to provide sites for mobile homes where the GTAA identifies a need. Section 56 does not provide a local authority with the power to provide mobile homes.
- 1.3.7 In exercising its powers under section 56, to provide sites for mobile homes, a local authority must have regard to any standards specified by the Welsh ministers under section 10, in respect of site layout and the provision of facilities, services and equipment.

Welsh Government Planning for Gypsy, Traveller and Showpeople Sites (Circular 005/2018)

- 1.3.8 [Welsh Government Planning Circular 005/2018](#) supersedes advice contained in Circular 30/2007 "Planning for gypsy and traveller caravan sites", Circular 78/91 "Travelling Showpeople" and Circular 76/94 "Gypsy Sites Policy and Unauthorised Camping". It provides updated guidance on the planning aspects of identifying sustainable sites for Gypsies and Travellers. It also outlines how local planning authorities and Gypsies and Travellers can work together to achieve this aim.

Welsh Government Designing Gypsy and Traveller Sites Guidance

- 1.3.9 Local authorities should have regard to Welsh Government guidance (2015) on [Designing Gypsy and Traveller Sites](#) when developing sites for mobile homes to ensure that such sites are designed and managed in culturally-appropriate ways and provide a good standard of living.

Caerphilly County Borough Local Development Plan Up to 2021 (adopted 2010)

- 1.3.10 The evidence base for the [adopted LDP](#) indicated that there was no identified need for a Gypsy and Traveller site and, therefore, no permanent or transit sites were allocated in the LDP.

- 1.3.11 The plan does, however, set out a criteria-based policy on Locational Constraints – Gypsy and Traveller Caravan Sites (Policy CW21), against which any planning applications for permanent and transit Gypsy and Traveller caravan sites would be assessed should they come forward in the plan period.
- 1.3.12 The Council has commenced preparation of a 2nd Replacement Local Development Plan (2RLDP) for the plan period 2020-2035. The GTAA will form an important part of the evidence base by identifying any unmet need for additional accommodation for Gypsies and Travellers within the county borough. In line with the 2018 Circular, the 2RLDP will continue to include a criteria-based policy to guide the determination of planning applications for Gypsy and Traveller sites.

1.4 Definition of Key Terms

- 1.4.1 A list of key terms used in this report is provided in Appendix 1.

Chapter Two – Background and analysis of existing data

2.0 Previous findings of the 2016 Gypsy and Traveller Accommodation Assessment

- 2.0.1 In 2016 the Council published its first GTAA. The GTAA was undertaken in-house and produced in accordance with Welsh Government guidance. The GTAA was approved by Welsh Government in December 2017.
- 2.0.2 The GTAA consisted of an analysis of primary research and a range of secondary data. The extent of the primary research was limited due to the relatively low number of surveys undertaken.
- 2.0.3 The GTAA showed no requirement for either permanent or transit site provision.
- 2.0.4 As part of a series of recommendations emanating from the undertaking of the GTAA, the Council has now amended its Managing Unauthorised Encampments Policy to allow for criteria on the use of temporary stopping places.

2.1 Population Data

- 2.1.1 The analysis provided below is based on outputs from the [2011 Census](#), as compiled by the Office of National Statistics. Although the 2021 Census has now been completed, at the time of writing this report the information collected has yet to be made public.
- 2.1.2 The 2011 Census showed that 31 people, or just 0.02% of the total population in the county borough, described their ethnicity as 'Gypsy or Irish Traveller'. Due to the relatively small number of people who self-ascribed as Gypsy or Irish Traveller in the 2011 Census the Office of National Statistics would have used data swapping techniques to protect people's identity. Both from a perspective that the information is out of date and the low number of surveys completed, care needs to be taken when analysing the data presented below or drawing any conclusions from it.
- 2.1.3 Provided for reference in Appendix 6 is a breakdown of the cross tabular information extracted from the 2011 Census for Caerphilly county borough, together with comparison information for a number of other local authorities in the South East Wales region.
- 2.1.4 Table 2.1 below provides a breakdown of residents by age group. It shows that all the Gypsy or Irish Travellers living within the county borough as at the 2011 Census were aged under 65 years. The majority were in the 40-64 age group, which accounted for 58.1% of all Gypsy or Irish Traveller residents, compared with 34% of the population of the county borough as a whole. A smaller

proportion of Gypsy or Irish Travellers were aged 0-17 years than in the county borough as a whole (16.1% compared with 22.2%).

Table 2.1: Breakdown of resident by age group for Caerphilly county borough

	Count of all residents	% of all residents	Count of Gypsy/Irish Travellers	% of Gypsy/Irish Travellers
All usual residents	178,806		31	
Aged 0-17 years	39,691	22.2	5	16.1
Aged 18-39 years	48,800	27.3	8	25.8
Aged 40-64 years	60,750	34.0	18	58.1
Aged 65 years and over	29,565	16.5	0	0.0

Source: 2011 Census, ONS

2.1.5 Table 2.2 below provides a breakdown of residents by age and gender (male). It shows that just over half of Gypsy or Irish Traveller residents were males. 75% of these were in the 40-64 age group (compared with 34.3% of the county borough as a whole), with the remainder equally split over the 0-17 and 18-39 age groups.

Table 2.2: Breakdown of resident by age group and gender (male) for Caerphilly county borough

	Count of all residents	% of all residents	Count of Gypsy/Irish Travellers	% of Gypsy/Irish Travellers
Male usual residents	87,701		16	
Males aged 0-17 years	20,338	23.2	2	12.5
Males aged 18-39 years	24,062	27.4	2	12.5
Males aged 40-64 years	30,060	34.3	12	75.0
Males aged 65 years & over	13,241	15.1	0	0.0

Source: 2011 Census, ONS

2.1.6 Table 2.3 provides a breakdown of residents by age group and gender (female). It shows that just under half of Gypsy and Irish Travellers were females. Two fifths of these were in the 18-39 age group (compared with 27.2% of the county borough as a whole), two fifths were in the 40-64 age group (33.7% of the county borough as a whole), with the remainder in the 0-17 age group.

Table 2.3: Breakdown of resident by age group and gender (female) for Caerphilly county borough

	Count of all residents	% of all residents	Count of Gypsy/Irish Travellers	% of Gypsy/Irish Travellers
Female usual residents	91,105		15	
Females aged 0-17 years	19,353	21.2	3	20.0
Females aged 18-39 years	24,738	27.2	6	40.0
Females aged 40-64 years	30,690	33.7	6	40.0
Females aged 65 years & over	16,324	17.9	0	0.0

Source: 2011 Census, ONS

2.1.7 Table 2.4 below provides a breakdown of residents aged 16+ by economic activity. It shows that 83.8% of the Gypsy and Irish Traveller residents were aged 16+. Of these, 30.8% were economically active compared with 59% of all residents. All of the economically active Gypsy or Irish Travellers were in some form of employment. For males this was either full-time or self-employment, and for females this was part-time or full-time employment.

Table 2.4: Breakdown of residents aged 16+ by economic activity for Caerphilly county borough

	Count of all residents	% of all residents	Count of Gypsy/Irish Traveller	% of Gypsy/Irish Traveller
All usual residents aged 16+	143,825		26	
Economically active residents aged 16+	85,212	59.3	8	30.8
% of economically active residents aged 16+ who are:				
Employed part-time	17,378	12.1	1	3.9
Employed full-time	50,275	35.0	5	19.2
Self employed	7,966	5.5	2	7.7
Full-time students	2,852	2.0	0	0.0
Unemployed	6,741	4.7	0	0.0

Source: 2011 Census, ONS

2.1.8 Table 2.5 below provides a breakdown of residents aged 16+ by economic inactivity reason. It shows that 69.2% of Gypsy and Irish Travellers aged 16+ were economically inactive compared with 40.7% of all residents. A much lower proportion was retired, and much higher proportions were looking after the home/family or were long term sick/disabled. The majority of males were long-term sick/disabled, and this was also the most common category for females, followed by the looking after the home/family category.

2.1.9 In terms of the industry of employment, whilst the numbers were very small, the most popular categories for Gypsy and Irish Travellers were wholesale & retail

trade; repair of motor vehicles/motorcycles and public administration & defence;
compulsory social security.

Table 2.5: Breakdown of residents aged 16+ by economic inactivity reason

	Count of all residents	% of all residents	Count of Gypsy/Irish Travellers	% of Gypsy/Irish Travellers
Economically inactive residents aged 16+	58,613	40.7	18	69.2
% of economically inactive residents aged 16+ who are:				
Retired	32,775	22.8	1	3.8
Students	5,901	4.1	0	0.00
Looking after home or family	5,681	3.9	4	15.4
Long term sick or disabled	11,130	17.7	11	42.3
Other	3,126	2.2	2	7.7

Source: 2011 Census, ONS

2.1.10 Table 2.6 below provides a breakdown of residents aged 16+ by highest level of qualification. It shows that 61.5% of Gypsy or Irish Travellers have no qualifications compared with 31.4% of all residents. Conversely, 23.1% of Gypsy or Irish Travellers hold a Level 4 qualification (degree, higher degree, NVQ Level 4-5, HNC/D, professional qualifications e.g. teacher, doctor) compared with 18.7% of all residents.

Table 2.6: Breakdown of resident aged 16+ by highest level of qualification for Caerphilly county borough

	Count of all residents	% of all residents	Count of Gypsy/Irish Travellers	% of Gypsy/Irish Travellers
All usual residents aged 16+ and highest level of qualification:	143,825		26	
No qualifications	45,102	31.4	16	61.5
Level 1 qualifications	21,459	14.9	0	0.0
Level 2 qualifications	23,361	16.2	0	0.0
Apprenticeship	5,595	3.9	1	3.9
Level 3 qualifications	16,154	11.2	3	11.5
Level 4 qualifications & above	26,843	18.7	6	23.1
Other qualifications	5,311	3.7	0	0.0

Source: 2011 Census, ONS

2.1.11 Table 2.7 below provides a breakdown of residents by general health. It shows that 45.2% of Gypsy and Irish Travellers stated that their general health was very good or good, significantly lower than the figure of 74.8% for all residents.

32.2% of Gypsy and Irish Travellers stated that their general health was bad or very bad, significantly higher than the figure of 9.3% for all residents.

Table 2.7: Breakdown of residents by general health for Caerphilly county borough

	Count of all residents	% of all residents	Count of Gypsy/Irish Travellers	% of Gypsy/Irish Travellers
All usual residents & general health:	178,806		31	
Very good or good	133,654	74.8	14	45.2
Fair	28,488	15.9	7	22.6
Bad or very bad	16,664	9.3	10	32.2

Source: 2011 Census, ONS

2.1.12 Table 2.8 below provides a breakdown of residents by household composition.

It shows there to be 14 Gypsy or Irish Traveller households resident in the county borough. Of these households, 57.1% were single person aged under 65 years, compared with a figure of 14.8% for all residents. 14.3% of Gypsy or Irish Traveller households were married/same-sex civil partnership couple with all children non-dependent compared with a figure of 7.6% for all residents.

Table 2.8: Breakdown of residents by household composition for Caerphilly county borough

	Count of all residents	% of all residents	Count of Gypsy/Irish Traveller	% of Gypsy/Irish Travellers
Household composition	74,479		14	
Single person aged 65+ households	9,143	12.3	0	0.0
Households containing only residents aged 65+ (more than one)	6,161	8.3	0	0.0
Single person households	11,053	14.8	8	57.1
Married/same-sex civil partnership couple households with:				
no children	9,737	13.1	1	7.1
dependent children	11,025	14.8	1	7.1
all children non-dependent	5,687	7.6	2	14.3
Cohabiting couple households with:				
no children	3,435	4.6	1	7.2
dependent children	4,282	5.8	0	0.0
all children non-dependent	495	0.7	0	0.0

Lone parent households with:				
dependent children	6,533	8.8	1	7.2
all children non-dependent	3,141	4.2	0	0.0
Other households	3,787	5.1	0	0.0

Source: 2011 Census, ONS

Local Authority Housing and Planning records

2.1.13 The Council collects data on the requirement for permanent and transit site provision in the county borough through the Common Housing Register. Any requests for site provision are verified by the assessment team. There were no requests recorded at the beginning of July 2021. There were two applicants that indicated their ethnicity as Gypsy or Irish Traveller. However, neither applicant asked to complete a survey.

2.1.14 A review of homelessness returns by the Council on Stats Wales shows that over the last 3 years there has been a nil return on the number of households for which decisions taken, by ethnic group of applicant (Gypsy or Irish Traveller).

2.1.15 There have been 3 unauthorised developments on privately owned sites during the adopted LDP plan period. In all three cases, planning applications were submitted to retain the sites as Gypsy and Traveller sites. As of December 2021, two planning applications were awaiting determination. The third application was refused planning permission in December 2019. The applicants submitted an appeal, but Covid-19 restrictions have meant that the hearing has been delayed.

Traveller Education Services

2.1.16 Due to the relatively low number of Gypsies and Travellers living in the county borough the Council does not provide a separate traveller education service. Instead this service is provided under a service level agreement by the [Gwent Education Minority-Ethnic Service](#), which is based in Newport.

2.1.17 At the beginning of each year all maintained schools in the county borough, including nursery, primary, middle, secondary and special, are required to provide Welsh Government with pupil and school level data. The Pupil Level Annual School Census (PLASC) is mandatory requirement and all pupils on school roll at the time of the census must be included in the return. Data taken from [Stats Wales](#) (on 22/12/2021) showed that at the time of the 2020/21 PLASC, out of a total of 22,420 pupils in the county borough (primary and secondary), 5 recorded as Traveller, less than 5 as Gypsy and nil as Roma.

Gwent Police

- 2.1.18 The Council works closely with Gwent Police in dealing with unauthorised encampments throughout the county borough and has collaborated on the development of a regional managing unauthorised encampments policy put together by Gwent Police. No instances of unauthorised encampments were reported to the Council by Gwent Police during the undertaking of the fieldwork for this GTAA.
- 2.1.19 The lead officer for Gypsy Travellers at Gwent Police was made aware of the undertaking of this GTAA. In addition to using Welsh Government's template survey form the Council also agreed to ask some supplementary questions requested by Gwent Police. The questions concerned the services Gwent Police provide to victims of crime. The responses to these questions are confidential and, therefore, an analysis of responses is not included in this report.

Knowledge from specialist officers or voluntary organisations

- 2.1.20 Save the Children, via the [Travelling Ahead project](#), has set up a number of local fora across Wales. It was confirmed by Save the Children that a forum was not set up in the county borough because of the low numbers of Gypsy or Traveller children living here, which appears to correspond with information provided by the PLASC data (see paragraph 2.1.17).
- 2.1.21 Historically, there has not been a need for the Council to directly or indirectly employ a specialist officer to work with the Gypsy Traveller community, such as a liaison officer. There is no Gypsy or Traveller designated permanent site(s) within the county borough so, consequently, there are no site wardens either.
- 2.1.22 As part of this GTAA the Council has communicated with a number of voluntary organisations working specifically in the county borough, regionally or on a national basis. This included those relevant organisations listed in Appendix 1 of the Welsh Government guidance (2015). A variety of methods was used to communicate with these organisations including telephone, email, letter or virtual meeting. The reason for communicating was to raise awareness of the assessment, provide a point of contact for voluntary organisations to refer Gypsies and Travellers using their services and to try to establish the numbers of Gypsies and Travellers living in the county borough that used their services.
- 2.1.23 A meeting was held with Gypsies & Travellers Wales and a member of the Gypsy Traveller community in early 2020 to discuss the Council's approach to undertaking of the GTAA. Following the meeting a draft project plan was established.
- 2.1.24 In 2021 the Council appointed Gypsies and Travellers Wales to undertake a project to identify the housing related support needs of Gypsies and Travellers living on sites within the county borough. The purpose of the project was to

provide the Council with a greater understanding on the support needs of Gypsies and Travellers living in the county borough to feed into wider support strategies. It identified that there were varying housing related support needs, particularly around planning and accommodation issues.

2.2 Caravan Count

2.2.1 Local authorities in Wales were required to carry out a biannual caravan count. The count set out the number of Gypsy and Traveller caravans on authorised and unauthorised sites in Wales, and the status of pitches on local authority sites. The count was voluntary and are carried out in January and July every year. The count was deemed by Welsh Government to be an ineffective way of recording information and was ended in 2020.

2.2.2 Table 2.9 below shows the results of the caravan count in the county borough over the last 10 years. The information has been taken from Stats Wales website. The table shows that at the time of the counts there were no Gypsy and Traveller caravans on authorised and unauthorised sites in county borough.

Table 2.9: Gypsy Traveller Caravan Count for Caerphilly county borough

Date	Count of caravans	Date	Count of caravans
January 2011	0	July 2011	0
January 2012	0	July 2012	0
January 2013	0	July 2013	0
January 2014	0	July 2014	0
January 2015	0	July 2015	0
January 2016	0	July 2016	0
January 2017	0	July 2017	0
January 2018	0	July 2018	0
January 2019	0	July 2019	0
January 2020	6	-	-

Source: Stats Wales (November 2021)

2.2.3 Information on authorised sites, unauthorised encampments and unauthorised developments is now maintained by each local authority on the Caravan Count System website, which was introduced by Welsh Government in 2016. This system is web based and the recording will take place in real time so to provide a constant picture throughout Wales.

2.2.4 The table below shows a breakdown of unauthorised encampments in the county borough since the implementation of the Caravan Count System:

Table 2.10: Summary of Unauthorised Encampments for Caerphilly county borough

Commenced	Ended	Number of Caravans	Location
26/06/2017	30/06/2017	8	Caerphilly Train Station Park & Ride
03/09/2018	07/09/2018	3	Pontygwindy Ind Estate, Caerphilly
29/11/2020	6/12/2020	4	Caerphilly Train Station Park & Ride
12/05/2021	14/05/2021	4	Caerphilly Train Station Park & Ride

Source: Welsh Government (November 2021)

2.3 Current Accommodation Provision

- 2.3.1 There are currently no local authority owned sites in the county borough, either permanent or transit. There has been no site provision within the county borough since the inception of the Council in 1996.
- 2.3.2 There are no privately owned authorised sites (permanent) in the county borough, which are designated solely for Gypsy or Traveller use. There are, however, 3 privately owned residential caravan sites in the county borough.
- 2.3.3 There are currently no privately owned Gypsy and Traveller sites with temporary permission in the county borough.
- 2.3.4 There are currently 3 unauthorised developments in the county borough, all of which have submitted a planning application for retrospective permission. The location of the 3 sites have not been disclosed to protect the identities of the people living at these sites.
- 2.3.5 The table provided in Appendix 7 provides an analysis of unauthorised encampments that have occurred in the county borough in 5 years preceding the undertaking of the 2016 GTAA. When compared with Table 2.10 you can see that in the last 4 years there has been a significant drop in the instances of unauthorised encampments taking place.

Chapter Three - Methodology

3.0 Project Steering Group Composition

3.0.1 All aspects of the GTAA were overseen by a project steering group, a group set up by officers to oversee the undertaking of the 2016 GTAA and have met on a biannual basis since then to monitor any changes in the situation since to 2016 GTAA was undertaken.

3.0.2 The composition of the group reflects the local situation. Points taken into consideration included the low number of people who self-ascribed as Gypsy or Traveller in the 2011 Census, there was no permanent site provision in the county borough, the numbers of unauthorised encampments per annum was very low and the pressure placed on statutory and third sector organisations through participating in GTAA which are being carried out simultaneously in other local authority areas in Wales.

3.0.3 Although the project steering group is small, it is able to draw on resources from other Council departments and organisations that could have an input into the process. Therefore, the group comprised of representatives from the following service areas within the Council:

- Social Service & Housing (supporting people, Caerphilly Cares, public sector housing and housing strategy & development);
- ICT & Customer Services (corporate communications);
- Public Protection (environmental health);
- Corporate Policy (corporate policy and equalities);
- Regeneration & Planning; and
- the community cohesion team for West Gwent.

Although not part of the project steering group, discussions about the GTAA have taken place with the education department.

3.0.4 Given that the Covid-19 pandemic was still current during the undertaking of this GTAA, and in the interests of public health, meetings have been limited and those meetings which have taken place were conducted virtually. Advice issued by the Council was not to carry out any face-to-face meetings with the public due to the potential health risk, therefore, no members of the Gypsy Traveller community were involved in the steering group process. Although, discussions were held with an officer of the Travelling Ahead Project and a member of the Gypsy Traveller community (non-resident) prior to the commencement of this GTAA.

3.1 Study Methodology

3.1.1 The GTAA was undertaken in accordance with guidance issued by Welsh Government (2015). It consisted of a review of secondary data sources, as outlined in Chapter 2, and a primary survey with members of the Gypsy

Traveller community, as outlined in Chapter 4. The study was undertaken by members of the project steering group (see paragraph 3.0.3).

3.1.2 The Council used a wide range of engagement methods to encourage participation of the Gypsy Traveller community in the GTAA. Where Covid-19 pandemic regulations allowed the consultation stage of the GTAA was undertaken in accordance with the engagement checklist specified by Welsh Government below:

1. Visit every Gypsy and Traveller household identified through the data analysis process up to 3 times, if necessary.
2. Publish details of the GTAA process, including contact details to allow community members to request an interview.
3. Consult relevant community support organisations, such as those outlined in Annex 1 of the Welsh Government guidance (2015).
4. Develop a local authority waiting list for both pitches and housing, which is accessible and communicated to community members.
5. Endeavour to include Gypsies and Travellers on the GTAA project steering group.
6. Ensure contact details provided to the local authority by community members through the survey process are followed up and needs assessed.
7. 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.

3.1.3 Local authorities were not permitted to recommence work on their GTAA until after they had received notification from Welsh Government, which was received in May 2021. Although, face to face work did not start until after a change in Welsh Government Covid-19 guidance in August 2021. The primary survey was undertaken between August and October 2021. The consultation period was set to commence before the start and end after the school summer holidays, to capture any members of the community that may be travelling during the summer months.

3.1.4 To raise awareness of the undertaking of the 2021 GTAA the Council placed specially designed posters in strategic positions around the county borough including libraries, leisure centres and Council offices that were open to the public. The poster was produced bilingually in accordance with the Council's Welsh language policy. A copy of the poster is included in Appendix 2.

3.1.5 The Council also used its corporate website and social media platforms to widely promote the undertaking of the GTAA. A dedicated [web page](#) has been set up on the Council's main website to provide information on the GTAA. The web page also contained a link to the Welsh Government guidance on undertaking GTAA.

3.1.6 The specifically designed posters were given to the regional community cohesion coordinator to disseminate in their area of work including Caerphilly, Torfaen and Blaenau Gwent local authorities.

- 3.1.7 The Council also sent a copy of the poster to a range of Gypsy and Traveller support organisations, asking for assistance in raising awareness of the GTAA amongst their service users.
- 3.1.8 As part of the household survey undertaken in the summer of 2021 for the 2022 Local Housing Market Assessment, respondents were asked whether they were a Gypsy or Traveller. Of the 316 responses received none of the respondents said they were a Gypsy or a Traveller. Although, those that did would have been asked if they would like to have been interviewed for this GTAA.
- 3.1.9 A list of the organisations consulted as part of the GTAA is provided in Appendix 4. A variety of methods was used to communicate with these organisations including telephone, email, letter or meeting in person as discussed in Chapter 2.
- 3.1.10 Members of the project steering group visited the 3 private caravan sites in the county borough to speak with residents about the GTAA. All residents that were at home during the visit were spoken to and provided with information on the GTAA. Information was left for those people not at home. None of these sites are designated specifically by the Council for Gypsy or Traveller use.
- 3.1.11 Members of the project steering group also visited the 3 unauthorised developments within the county borough. The purpose of the first visit was purely to raise awareness of the undertaking of the GTAA and not to complete the survey. Covid-19 regulations were still in place and it was decided that interviews would not be carried out until restrictions were relaxed. A poster we left with the people living on each site providing information on the GTAA. It was clearly explained to the people that the GTAA had no bearing on their respective planning applications.
- 3.1.12 Members of the project steering group revisited the sites between September and October 2021 to carry out the surveys. One family subsequently declined to take place in the survey. Surveys were completed at the other 2 sites.
- 3.1.13 The universal questionnaire contained within the Welsh Government guidance (2015) was used for all surveys undertaken as part of the GTAA. No alterations were made by the Council to the questionnaire. In addition, some supplementary questions were asked on behalf of Gwent Police, the details of which are not considered by this GTAA.

Chapter Four - Survey Findings

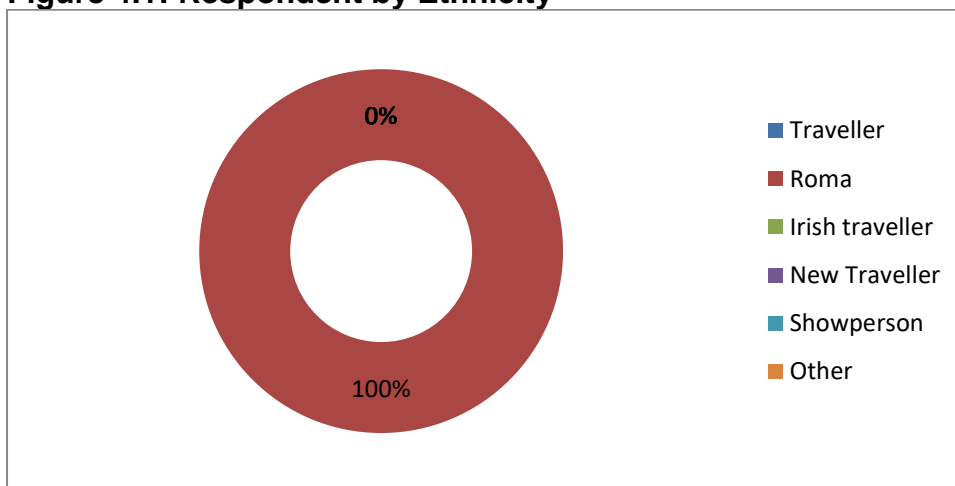
4.0 Households interviews

- 4.0.1 In total, 9 surveys were undertaken during the GTAA. The analysis contained in the following paragraphs is, therefore, based on the information provided during the undertaking of these surveys.
- 4.0.2 Residents at all of the 3 unauthorised developments were asked to take part in the survey. Only residents living at 2 of the 3 unauthorised developments agreed complete a survey.
- 4.0.3 As outlined in the previous chapters, there are no designated Gypsy or Traveller sites and the number of people self-ascribing in the 2011 is very low. Although, the Council attempted to raise awareness of the undertaking of the GTAA in reality it received very few enquiries from the community about the process.
- 4.0.4 A copy of the interview log used by the steering group to record the assessment process is provided in Appendix 5. The log has been edited to protect the identities of those people the Council has engaged with as part of the survey.

4.1 Demographic Profile of Population

- 4.1.1 Figure 4.1 below provides a breakdown of the ethnicity of each respondents. It shows that all respondents self-ascribed Roma.

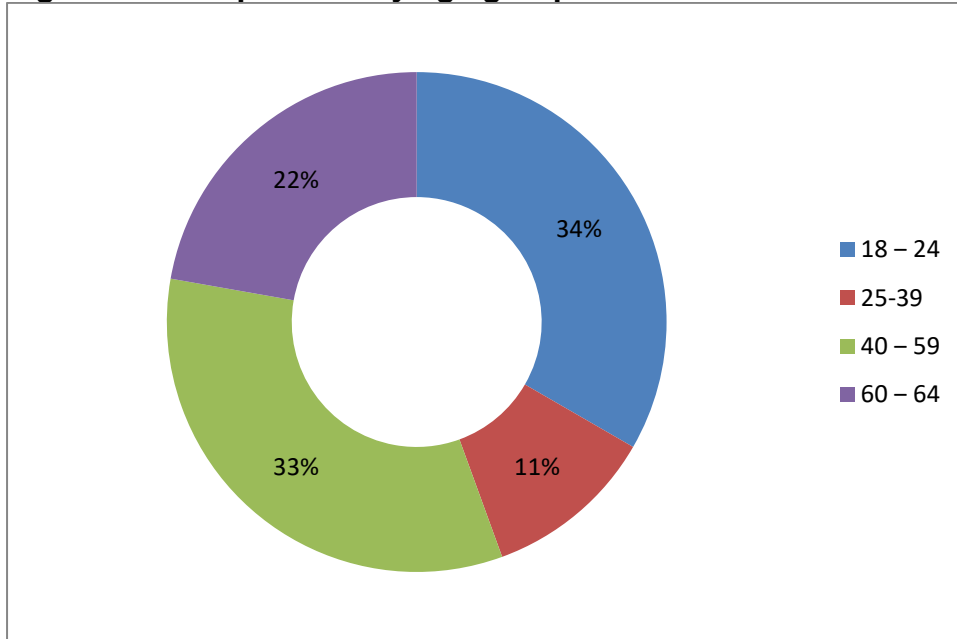
Figure 4.1: Respondent by Ethnicity



Source: Caerphilly CBC GTAA 2022

- 4.1.2 Figure 4.2 below provides a breakdown of the age group of all respondents. Age group was asked to protect the identities of the respondents. It shows a spread in ages ranging from 18 to 64, with the most populated age group being 18-24.

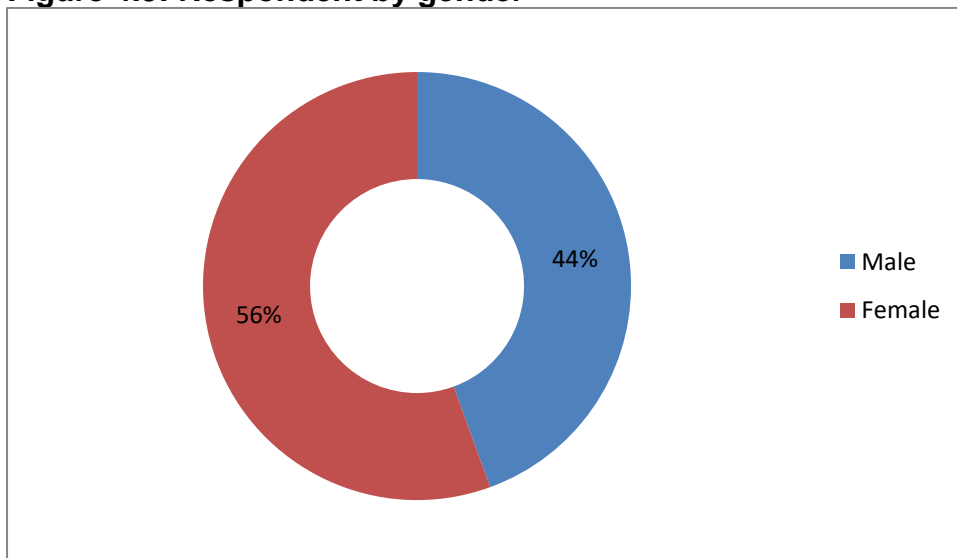
Figure 4.2: Respondent by age group



Source: Caerphilly CBC GTAA 2022

4.1.3 Figure 4.3 below provides a breakdown of the gender of each respondent. It shows that a slightly higher percentage of respondents were female.

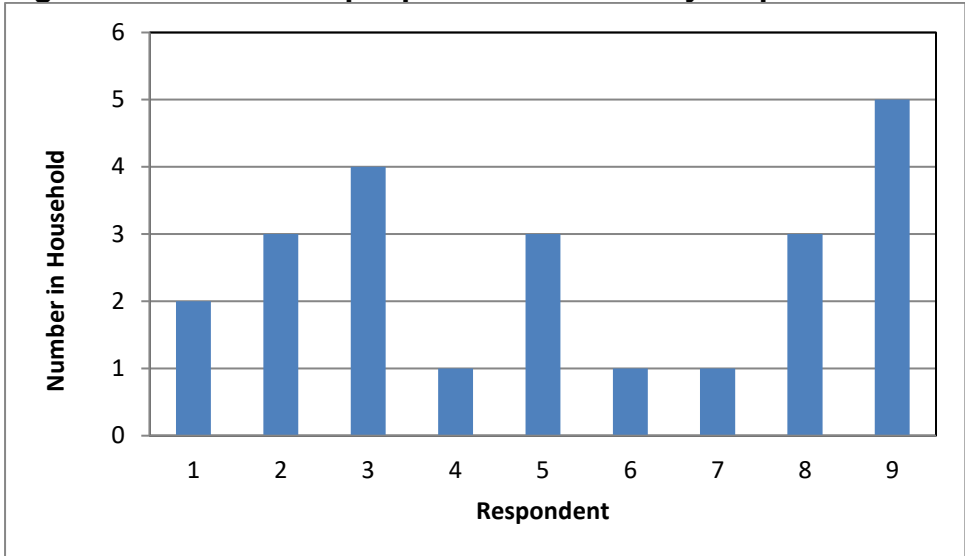
Figure 4.3: Respondent by gender



Source: Caerphilly CBC GTAA 2022

4.1.4 Figure 4.4 below provides a breakdown of the number of people residing with each respondent. It shows that household sizes ranged from 2 to 5 people.

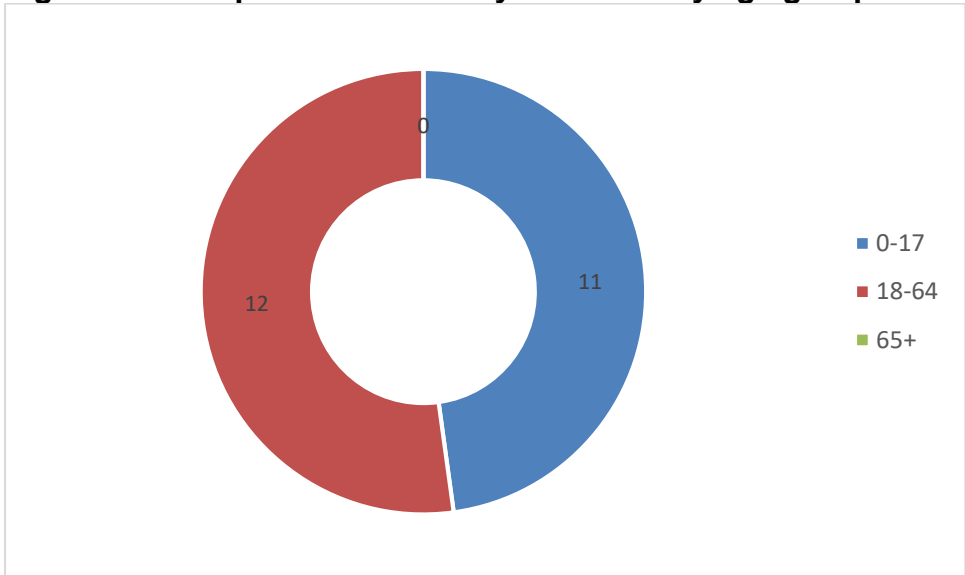
Figure 4.4: Number of people in household by respondent



Source: Caerphilly CBC GTAA 2022

4.1.5 Figure 4.5 below provides a breakdown of respondents and their family members by age group. It shows that the majority of people are aged over 18 (52.2%), albeit by a very small number. The percentage of people aged under 18 (47.8%) is very high when compared to the 2011 Census data provided at table 2.1 - Breakdown of resident by age group (Caerphilly county borough). When compared with this data, it shows that the percentage of people under 18 is more than double total resident population of the same age group (22.2%) and more than triple those identifying as Gypsy or Irish Traveller for the same age group (16.1%).

Figure 4.5: Respondents & family members by age group

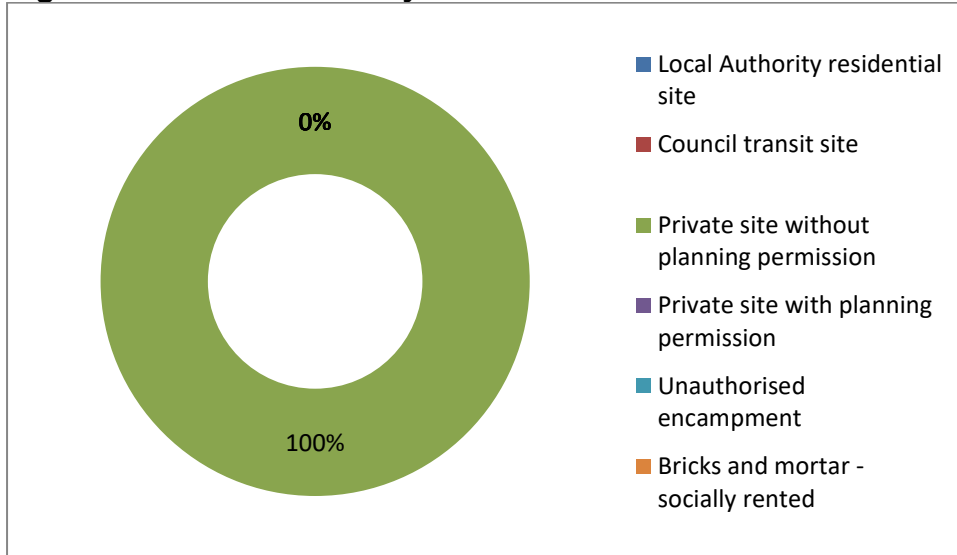


Source: Caerphilly CBC GTAA 2022

4.2 Suitability of Current Accommodation

4.2.1 Question A1 asked respondents where they live now. Figure 4.6 below provides a breakdown responses. It shows that all respondents we are living on private sites without planning permission or unauthorised developments, as defined by the Council.

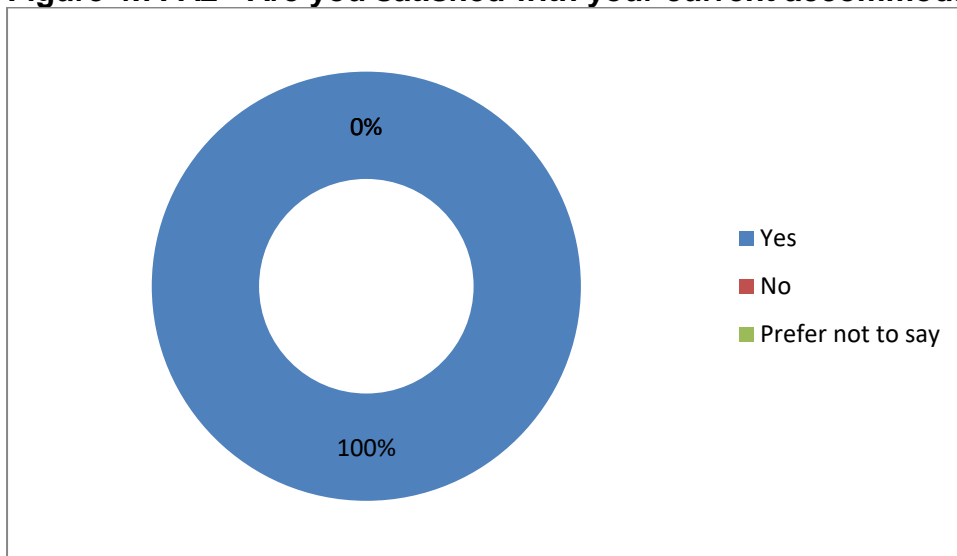
Figure 4.6: A1 - Where do you live now?



Source: Caerphilly CBC GTAA 2022

4.2.2 Question A2 asked respondents whether they were satisfied with their current accommodation. Figure 4.7 below provides a breakdown of the responses. It shows that all respondents were satisfied with their current accommodation.

Figure 4.7: A2 - Are you satisfied with your current accommodation?

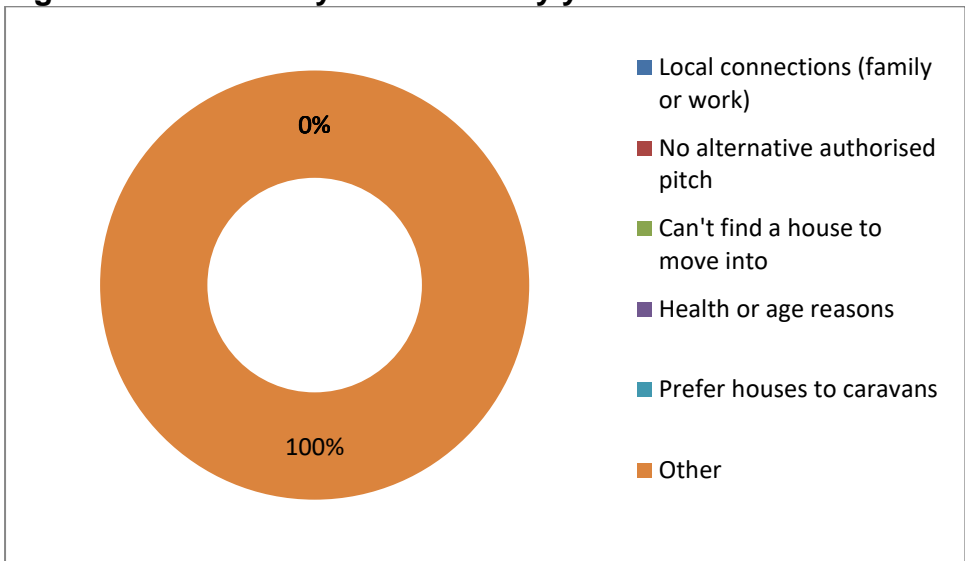


Source: Caerphilly CBC GTAA 2022

4.2.3 Question A3 asked applicants why they live here. Figure 4.8 below provides a breakdown of responses. It shows that all respondents stated live there because of another reason other than the standard responses provided.

Reasons included work purpose (no local connection) and being required to move from previous location.

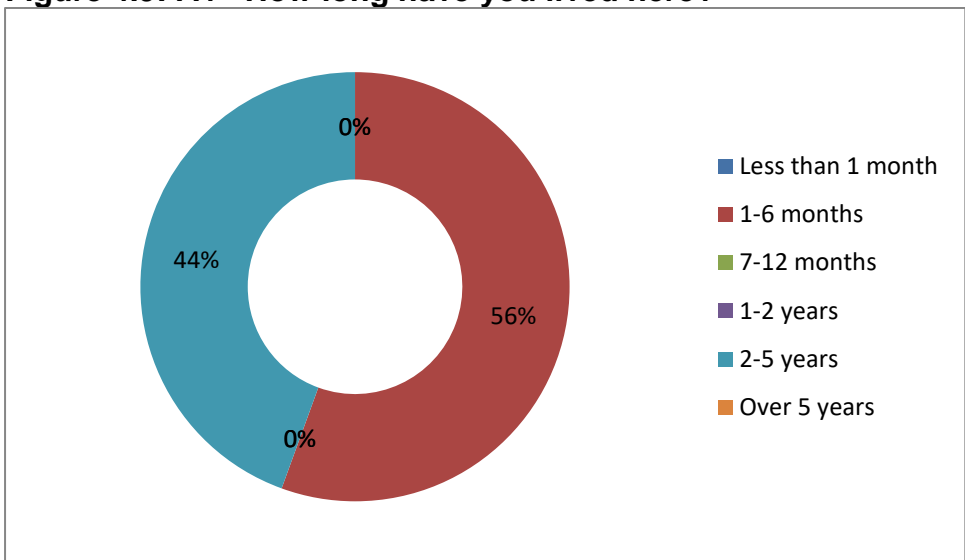
Figure 4.8: A3 - Can you tell me why you live here?



Source: Caerphilly CBC GTAA 2022

4.2.4 Question A4 asked respondents how long they had lived at their current location. Figure 4.9 below provides a breakdown of responses. It shows that the majority of respondents had lived at their current location less than 6 months, whereas the remainder had lived there for between 2-5 years.

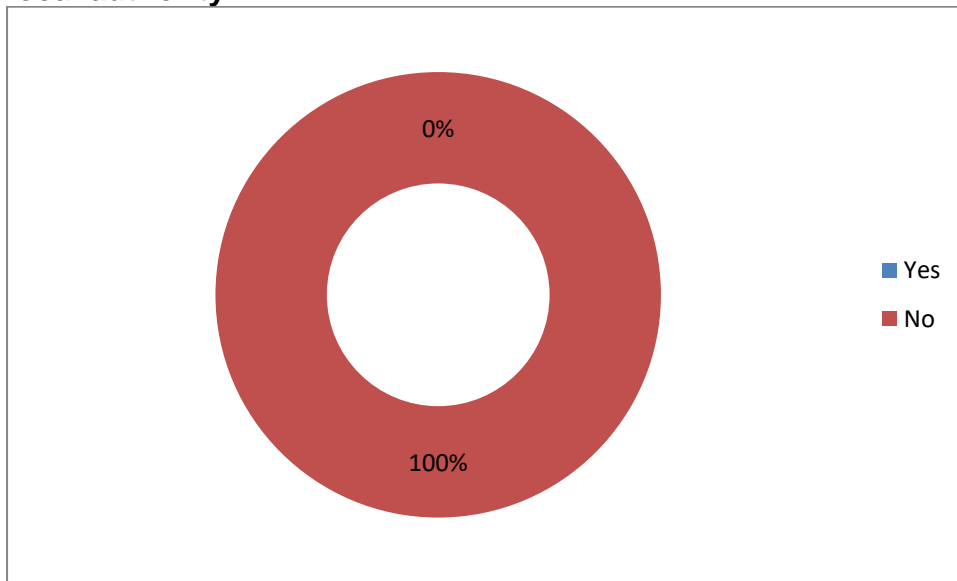
Figure 4.9: A4 - How long have you lived here?



Source: Caerphilly CBC GTAA 2022

4.2.5 Question A5 asked respondents that had moved within the last year (5 in total), was their last home in the county borough. Figure 4.10 below provides a breakdown of those responses. It shows that all respondents last home was not in the county borough.

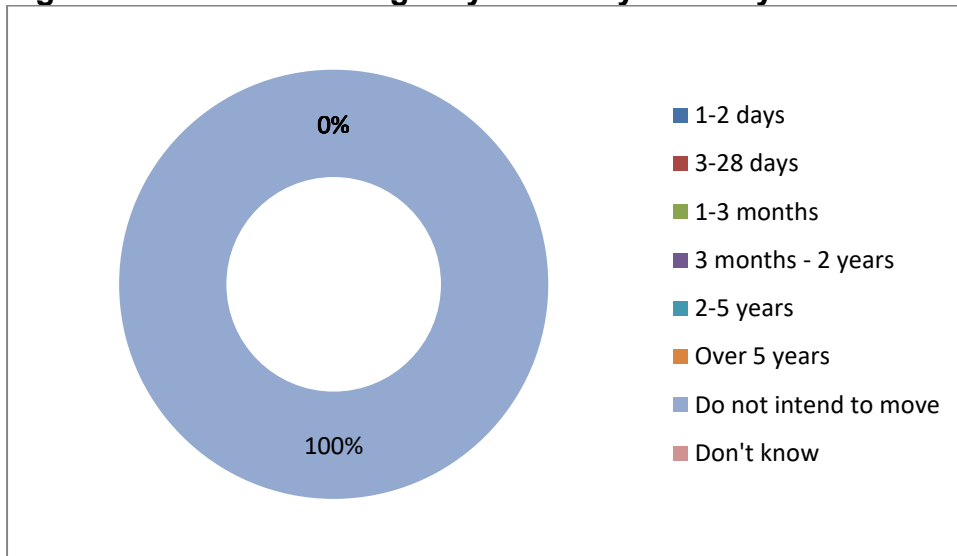
Figure 4.10: A5 - If you moved within the last year, was your last home in this local authority?



Source: Caerphilly CBC GTAA 2022

4.2.6 Question A6 asked respondents how long they think they would be likely to stay at their current location. Figure 4.11 below provides a breakdown of responses. It shows that all respondents did not expect to move.

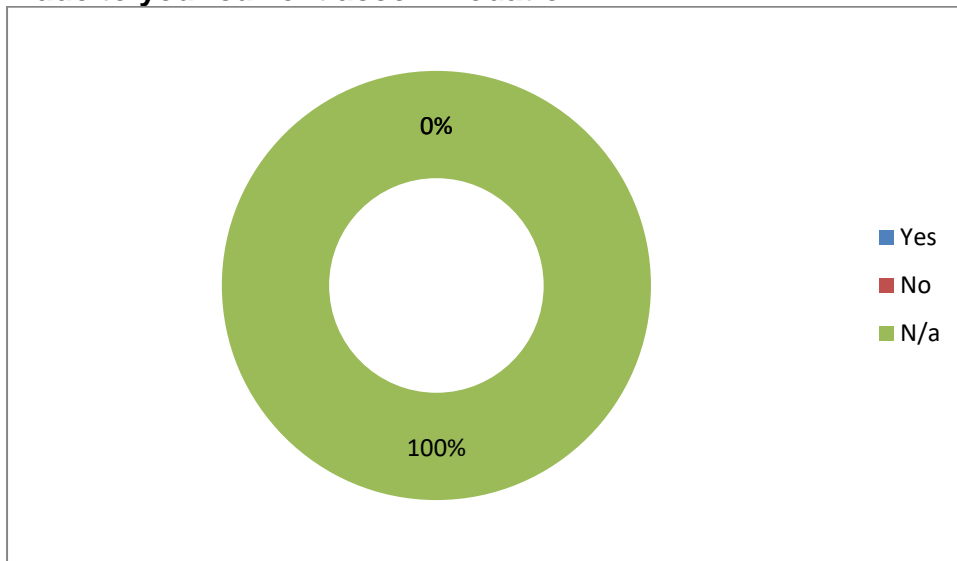
Figure 4.11: A6 - How long do you think you'll stay here?



Source: Caerphilly CBC GTAA 2022

4.2.7 Question A7 asked respondents would they stay longer if changes or improvements were made to their current accommodation. Given the respondents answer to the last question the answer to this question was not applicable. However, 5 of the 9 respondent did add that their remaining at their current location hinged on receiving planning approval.

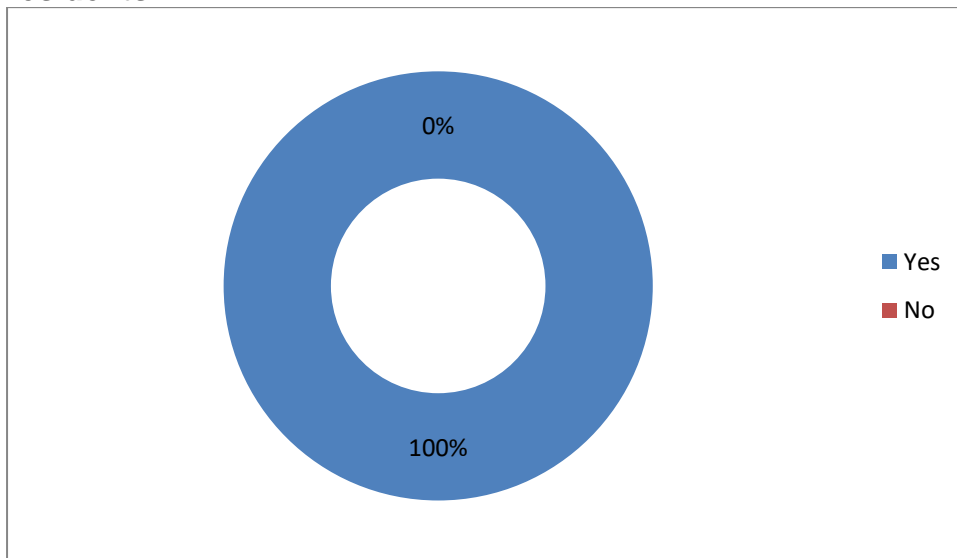
Figure 4.12: A7 - Would you stay longer if changes or improvements were made to your current accommodation?



Source: Caerphilly CBC GTAA 2022

4.2.8 Question B2 asked respondents living in caravans if there were enough sleeping areas for all residents. Figure 4.13 below provides a breakdown of responses. It shows that all respondents stated that there were enough sleeping areas for all residents.

Figure 4.13: B2 - If living in caravans, are there enough sleeping areas for all residents?



Source: Caerphilly CBC GTAA 2022

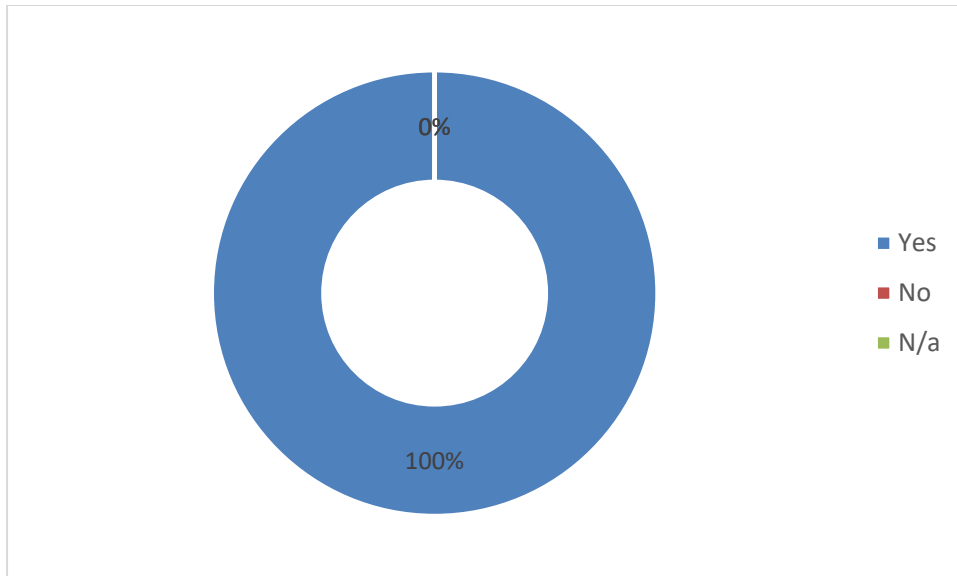
4.3 Accommodation Aspirations

4.3.1 The survey undertaken as part of this GTAA took into consideration both the needs and preferences of those who desire authorised pitches, either within the county borough or within another local authority area. The following paragraphs will summarise any emerging needs and preferences and whether

any aspirations were discounted for the purpose of the GTAA, including reasons.

4.3.2 Question B3 asked respondents if there was room in the pitch for additional trailers to prevent overcrowding. Table 4.14 provides a breakdown of responses. It shows that all respondents said there was room for additional growth.

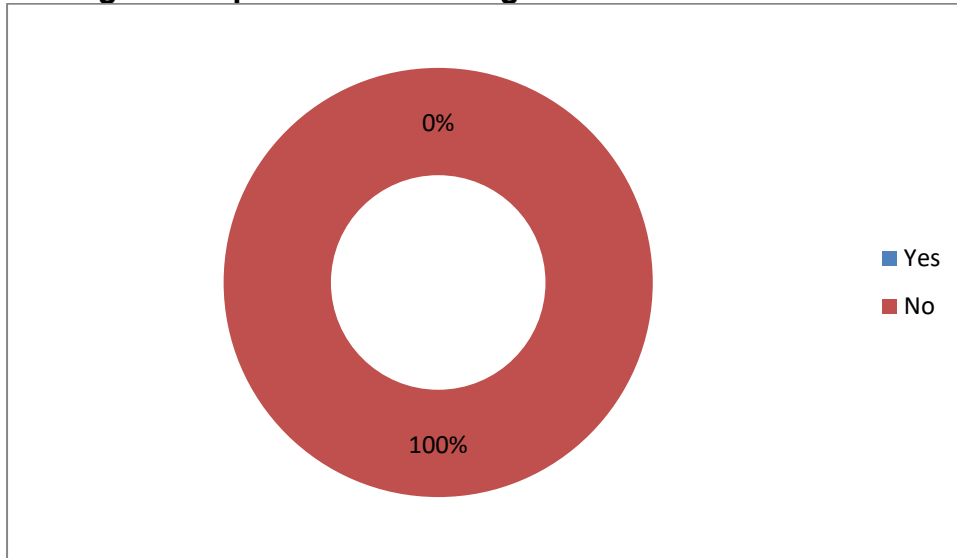
Figure 4.14: B3 - Is there room on the pitch for additional trailers to prevent overcrowding?



Source: Caerphilly CBC GTAA 2022

4.3.2 Question B4 asked respondents whether anyone in their family would like to join the local authority waiting list for pitches or housing. Figure 4.15 below provides a breakdown of responses. It shows that all respondents said they would not like to join the local authority waiting list for pitches or housing.

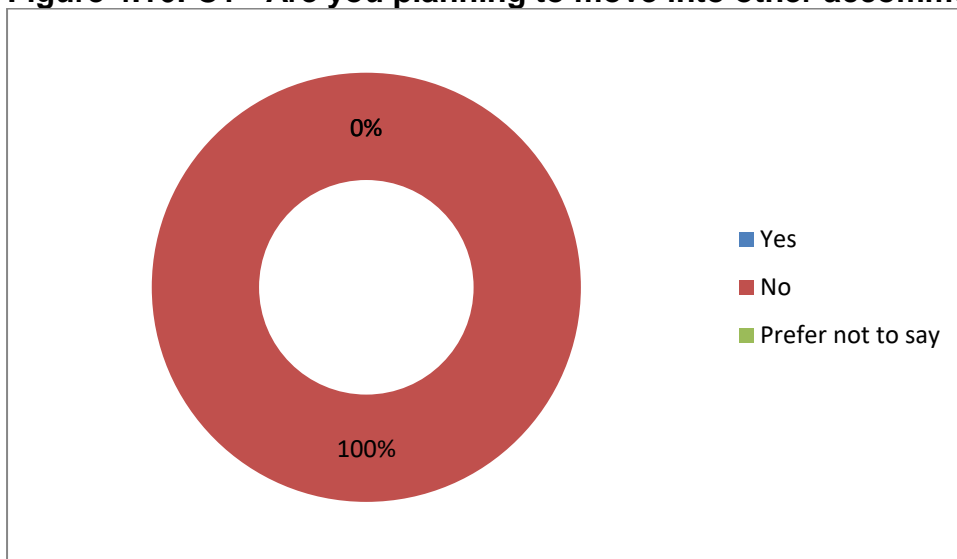
Figure 4.15: B4 - Would anyone in your family like to join the local authority waiting list for pitches or housing?



Source: Caerphilly CBC GTAA 2022

4.3.3 Question C1 asked respondents if they were planning to move into other accommodation. Figure 4.16 below provides a breakdown of responses. It shows no respondents were planning to move into other accommodation.

Figure 4.16: C1 - Are you planning to move into other accommodation?



Source: Caerphilly CBC GTAA 2022

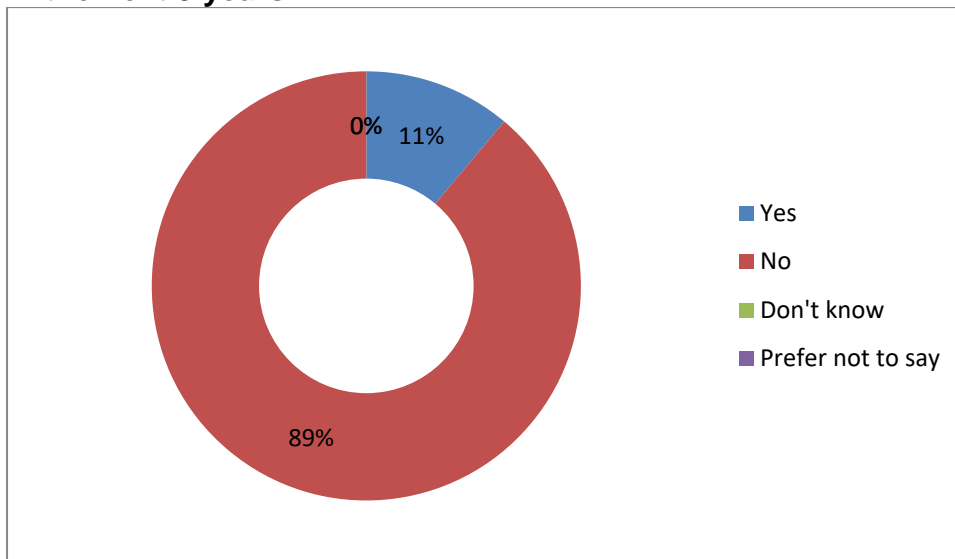
4.3.4 Given the responses received to question C1, there was no requirement to ask question C2-C7. These questions were, therefore, skipped.

4.4 Household Growth

4.4.1 Question D1 asked respondents if anyone in their household is likely to move into their own home in the next 5 years. Figure 4.17 below provides a breakdown of responses. It shows that 1 respondent stated 1 person from

their household would be likely to move into their own home in the next 5 years.

Figure 4.17: D1 - Is anyone in your household likely to move to their own home in the next 5 years?



Source: Caerphilly CBC GTAA 2022

4.4.2 Question D2 asked the respondent whether the location of the new home identified in D1 would be in the county borough. The respondent confirmed that the new home would be required in the county borough, at the same location their family is currently residing at.

4.4.3 Question D3 asked the respondent how many new households there will be and when will these be needed. They said 1 new household, on a private site, within the next 2-5 years.

4.4.4 Question D4 asked all respondents if they have any family members living outside of the county borough who camp here regularly. All respondents said that they have no family members living outside of the county borough who camp here regularly. This response corresponds with data maintained by the Council on unauthorised encampments.

4.4.5 Given the responses received to question D4, question D5 was not required to be asked.

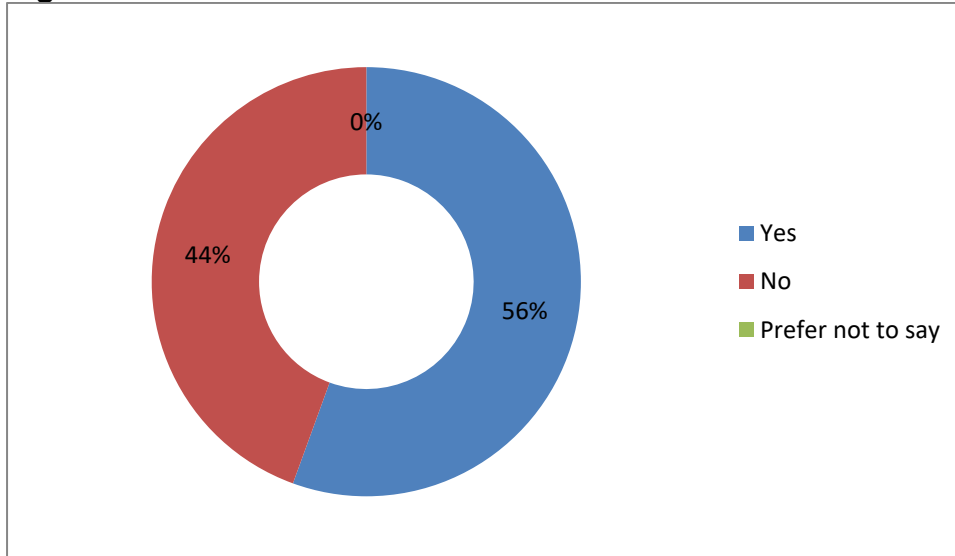
Section E – Transit Sites

4.4.6 Question E1 asked respondents if they had camped by the roadside / on an unauthorised encampment / on a transit site on Wales while travelling in the past year. All respondents stated that they had not.

4.4.7 On the basis of the responses to question E1, question E2 to E3 were not required to be asked and were skipped.

4.4.8 Question E5 asked respondents if they thought there was a need for more transit sites in Wales. Figure 4.18 below provides a breakdown of responses. 4 respondents stated that they felt there was a need for more transit sites in Wales, whereas 5 felt there wasn't.

Figure 4.18: E5 - Is there are need for more transit sites in Wales?



Source: Caerphilly CBC GTAA 2022

4.4.9 Question E6 asked respondents where they felt the transit sites needed to be provided. This question was only asked of those respondents that responded there was a need in question E5. Despite being probed for specific areas, all respondents said in every local authority area in Wales.

4.5 Conclusions

4.5.1 Evidence suggests that there is only a very small number of Gypsy Travellers currently living in the county borough. The 2011 Census identified only 31 people having self-ascribed as Gypsy or Irish Traveller. Although, this figure is likely to have increased since the undertaking of the 2011 Census.

4.5.2 There are only a relatively small number of private residential caravan sites in the county borough and no publicly owned sites. No members of the Gypsy Traveller community living in bricks and mortar asked to be interviewed as part of the GTAA.

4.5.3 There have been a relatively small number of unauthorised encampments within the county borough in the last 10 years. In the last three years the Council has received 3 planning applications from member of the Gypsy Traveller community.

4.5.4 No members of the Gypsy Traveller community have presented themselves to the Council as homeless or requested site provision via the Council's Common Housing Register.

- 4.5.5 The Council has never received notification from a local authority in the UK regarding Gypsy or Travellers living in their area that originally lived in the county borough, who would like to return here but cannot due to the lack of site provision.
- 4.5.6 The Council has received no indirect contact from members of the Gypsy Traveller community via national or regional representatives, other than for one family residing on one of the unauthorised developments.
- 4.5.7 In total 9 surveys were completed during the undertaking of the GTAA. The information provided from these surveys found that all respondents considered themselves to be suitably accommodated, despite not having planning permission to reside at their current location. Preference from the respondents is for private provision.
- 4.5.8 With the exception of those people living on unauthorised developments in the county borough, it may be logical to conclude, for the reasons set out in the summary above, that many members of the Gypsy Traveller community currently living in bricks and mortar housing consider themselves to be adequately housed and do not require any form of site provision.

Chapter Five – Assessing Accommodation Needs

5.0 Residential Unmet Need

5.0.1 Table 5.1 below provides a breakdown of the current residential supply in the county borough. It shows the total supply to be nil. The reason for this is because there are currently no authorised resident Gypsy or Traveller sites in the county borough, provided either by the Council or through private provision.

Table 5.1: Current residential supply

Current residential supply	Number of pitches
A. Occupied Local Authority pitches	0
B. Occupied authorised private pitches	0
Total	0

5.0.2 Table 5.2 below provides a breakdown of the residential supply planned in the county borough. It shows the total planned supply to be nil. The reason for this is because there are currently no Gypsy or Traveller sites located in the county borough and there are no sites planned with the prerequisite permissions. There are currently 3 unauthorised developments in the county borough that are awaiting the outcome of their planning applications.

Table 5.2: Planned residential supply

Planned residential supply	Number of pitches
C. Vacant Local Authority pitches and available vacant private pitches	0
D. Pitches expected to become vacant in near future (see note 1)	0
E. New Local Authority and private pitches with planning permission	0
Total	0

5.0.3 In the absence of survey information from the 3rd unauthorised development, information submitted as part of the planning application was used to estimate current residential demand and future household growth.

5.0.4 Table 5.3 below provides a breakdown of current residential demand. It shows a total demand of 11 pitches, which is the sum of demand from the 3 unauthorised developments situated in the county borough. Planning applications have been submitted on all three sites, which are at various stages of determination. Should planning permission be granted for all then the current residential demand would potentially reduce to nil.

Table 5.3: Current residential demand

Current residential demand	Pitch demand
F. unauthorised encampments	0
G. unauthorised development	11
H. overcrowded pitches (see note 2)	0
I. conventional housing (see note 3)	0
J. new households to arrive (see note 4)	0
Total	11

5.0.5 Table 5.4 below provides a breakdown of future household growth, with growth being estimated on the basis of the age of all residents (see Figure 4.5). Future household growth has been forecast to grow at 1.5% per annum, a figure we know is comparable with neighbouring local authorities and is commonly used by Opinion Research Services, a company that has carried out many local authority GTAA. Given that these families have recently settled at the site location it has been assumed that pitches will not turnover during this period. It shows a growth of one pitch within the next 5 years and 3 pitches in total over the period of the emerging LDP (up to 2035). This growth rate also accords with the findings of the survey, which indicates that one that one household was expected to form in the next 5 years (Figure 4.17).

Table 5.4: Future household growth

Current households	Future households (at year 5)	Future households (Plan period)
K. 11 (see note 7)	12 (see note 5)	14 (see note 6)
L. Additional household pitch need	1	3

5.0.6 Table 5.5 below provides a breakdown of future residential demand for pitches and any unmet need. It shows a current requirement of 11 pitches, increasing by 1 over the next 5 years to give a requirement of 12 pitches. Over the period of the LDP the requirement increases from 11 pitches to 14. This table is populated by taking information from tables 5.1 to 5.4.

Table 5.5: Unmet need

Unmet Need	Need arising	Need accommodated
M. Current residential demand	11	
N. Future residential demand (5 year)	1	
O. Future residential demand (plan period)	3	
P. Planned residential supply		0
Q. Unmet need (5 year)	12 pitches	
R. Unmet need (Plan period)	14 pitches	

Welsh Government Explanatory notes

1. Where applicable, identified through an analysis of pitch turnover data.

2. Overcrowding – e.g. where family numbers have grown to the extent that there is now insufficient space for the family within its mobile home accommodation and insufficient space on the pitch or site for a further mobile home.
3. Where identified in the survey. To include those with a cultural aversion to conventional housing, those experiencing overcrowding, and those who have reached adulthood and want to live on a site.
4. Where identified in the survey through waiting list, caravan count or partnership working with local authorities in the region.
5. Local growth rate should be based on details identified in the local survey – 1 new household to form in the next 5 years.
6. Current residential supply + current residential demand – pitches expecting to become vacant.
7. Occupied authorised pitches plus the current residential demand, minus the expected vacancies from authorised pitches.

5.1 Transit Site Provision

- 5.1.1 The following paragraphs will provide analysis of information held by the Council on instances of unauthorised encampments taking place in the borough.
- 5.1.2 An analysis of the unauthorised encampments that have occurred over the last 5 years in the county borough is provided in section 2.3. The analysis shows that the majority of these encampments result from people simply passing through the county borough and generally lasting less than one week.
- 5.1.3 The national biannual caravan count records instances of unauthorised encampments occurring in the county borough on date prescribed by Welsh Government. Analysis of this data showed no instances of unauthorised encampments were ever identified when the count was undertaken (see Chapter 2.2).
- 5.1.4 Guidance was given to the Environmental Health team on the GTAA process and the need to carry out surveys at all unauthorised encampments. However, no instances of unauthorised encampments in the county borough occurred during the undertaking of this GTAA.
- 5.1.5 Following the completion of the 2015 GTAA the Council gave an undertaking to Welsh Government to consider adding criteria to the managing of unauthorised encampments protocol to facilitate, where required, the use of temporary stopping places. This criteria have yet to be utilised given the infrequency and nature of the unauthorised encampments that have occurred in the county borough in the last 5 years.
- 5.1.6 With the exception of Torfaen council there is currently no Gypsy or Traveller transit provision in Wales.
- 5.1.7 SE Wales local authorities met in 2021 to discuss the requirement for transit provision in the region. Agreement was reached to commission consultants to

carry out some research into the requirement for regional transit provision and a brief has been prepared. No timetable has been established for the conclusion of this work, other than the necessity for it to be concluded to feed into each local authorities' Local Development Plan.

5.2 Need for Travelling Showpeople Plots

- 5.2.1 The 2016 GTAA revealed no requirement for provision for Travelling Showpeople.
- 5.2.2 No provision for Showpeople was made in the adopted Local Development Plan.
- 5.2.3 There are no formal sites in the county borough designated for use solely by Travelling Showpeople.
- 5.2.4 The Showmen's Guild of Great Britain was provided with a copy of the poster provided in Appendix 2 and asked to disseminate amongst their service users.
- 5.2.5 No Travelling Showpeople were surveyed as part of the GTAA. All respondents to the survey identified themselves as Romany – see Figure 4.1.

Chapter Six – Conclusions, Recommendations & Next Steps

6.1 This final chapter draws conclusions from the qualitative and quantitative information considered in chapters 2-5. It then makes a series of recommendations and outlines any next steps.

6.0 Conclusions & Recommendations

6.0.1 The undertaking of the GTAA has been complicated by a number of factors, which have been outlined in preceding chapters. The assumptions made in this GTAA are based on a very low sample size, despite the best endeavours of the Council to engage with members of the Gypsy Traveller community.

6.0.2 Tables 5.1-5.5 in Chapter 5 show that there is a small requirement for permanent site provision within the county borough. This requirements emanates from families currently occupying 3 unauthorised developments located in the county borough. A planning application has been submitted for each site to regularise occupation. If each of these applications are approved either by planning committee or allowed at appeal, then this would address the existing accommodation needs of the occupants. If the applications are subsequently refused and enforcement action taken then there may be a need to identify an alternative site or sites depending on whether the applicants wish to remain in the county borough.

6.0.3 The needs calculation has identified a need for 3 additional pitches. One of these pitches will be required from a new household forming in the next 5 years, as identified from the household survey. This household could potentially be accommodated on the existing site, subject to planning approval. Future pitch requirements are projected by applying growth rates to the existing need figures from the period 2026-2035. Whilst the projections towards the end of the plan period are inherently more uncertain, it is considered that these additional households could potentially be accommodated within or on land adjoining the existing sites if required, subject to planning permission.

6.0.4 Section 5.1 provides an analysis of unauthorised encampments in the county borough. The analysis shows there is no requirement for transit provision in the county borough. A piece of work is due to be commissioned by the SE Wales local authorities to consider the future need for regional transit provision, which could be utilised by any of the local authorities in the region.

6.0.5 Although, there is insufficient evidence to support the provision of a transit site within the county borough the Council will, however, keep this decision under close review. It will look to supplement the current evidence base by proactively attempting to carry out accommodation needs surveys on all unauthorised encampments that take place in the county borough in the future, using Welsh Government's universal questionnaire.

- 6.0.6 Should any unexpected planning application for a permanent or transit site be submitted in the future, this can be addressed through the existing planning policies. The emerging 2nd Replacement Local Development Plan will continue to include a criteria-based policy to address any applications for Gypsy and Traveller sites.
- 6.0.7 The Council remains supportive of Welsh Government leading on the development of an all-Wales network of transit provision, something which was discussed when the 2015 GTAA was being undertaken. Such an initiative could potentially address the lack of current provision throughout Wales and reduce the number of unauthorised encampments.
- 6.0.8 Section 5.2 showed there to be no identified need for plots for Travelling Showpeople.

6.1 Next Steps

To ensure that the Council continues to comply with the requirements of Housing (Wales) Act 2014 and the Equality Act 2010 the following steps will be undertaken:

1. Present the findings of the GTAA to Cabinet;
2. Submit the GTAA report to Welsh Government for approval;
3. Upload a copy of the Welsh Government approved GTAA report onto the Council's website and review current website content;
4. Monitor the progress of each planning application for the 3 unauthorised developments;
5. Ensure that all instances of unauthorised encampment in the county borough are swiftly entered onto Welsh Government's online caravan count system;
6. Continue to monitor the on-going accommodation requirements of members of the Gypsy Traveller community through biannual meetings of the accommodation working group;
7. Use the findings from the GTAA to inform the production of the 2nd Replacement Local Development Plan;
8. Carry out an amendment to the Common Housing Register to facilitate the effective collection of data on the accommodation requirements of member of the Gypsy and Traveller community;
9. Continue to actively participate in the All-Wales Gypsy & Traveller Accommodation Forum;
10. Continue to actively participate in the SE Wales project looking at the future needs for regional transit provision.

Appendix 1: Definition of Key Terms

The table below provides a list of key terms used in this document:

Gypsies and Travellers	<p>(a) Persons of a nomadic habit of life, whatever their race or origin, including:</p> <p>(1) 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</p> <p>(2) Members of an organized group of travelling show people or circus people (whether or not travelling together as such); and</p> <p>(b) All other persons with a cultural tradition of nomadism or of living in a mobile home.</p> <p>Source: Section 108, Housing (Wales) Act 2014</p>
Residential site	<p>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.</p>
Temporary residential site	<p>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).</p>
Transit site	<p>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.</p> <p>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.</p>
Residential pitch	<p>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.</p>
Transit pitch	<p>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.</p>

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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: <ul style="list-style-type: none"> • 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 needs 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.

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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.
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.

Appendix 2: Survey Poster

Bilingual Poster

2021 Gypsy & Traveller Survey:
Your Future, Your Say

The Housing (Wales) Act 2014 means that Councils must assess and make provision for the accommodation needs of Gypsies & Travellers in their area.

The Council would like to speak with all Gypsies & Travellers living in the borough to find out whether your family requires a residential pitch or a yard.

2021 Arolwg Sipsiwn a Theithwyr:
Eich Dyfodol, Eich Barn

Mae deddf newydd o'r enw Deddf Tai (Cymru) 2014 yn golygu fod rhaid i Gyngorau asesu a gwneud darpariaeth ar gyfer anghenion llety Sipsiwn a Theithwyr yn eu hardal.

Hoffai'r Cyngor siarad â'r holl Sipsiwn a'r Teithwyr sy'n byw yn y fwrdeistref i ddarganfod os oes angen llain breswyl neu iard ar eich teulu.

To speak with the Council, please telephone 01443 811380, email: stratanddevelop@caerphilly.gov.uk or visit one of its main buildings.

I siarad â'r Cyngor, ffoniwch 01443 811380, e-bostiwch: stratanddevelop@caerphilly.gov.uk neu ewch i un o'r prif adeiladau.

Appendix 3: Survey Flyer

English Version Poster



2021 Gypsy & Traveller Survey: Your Future, Your Say

The Housing (Wales) Act 2014 means that Councils must assess and make provision for the accommodation needs of Gypsies & Travellers in their area.

The Council would like to speak with all Gypsies and Travellers living in the borough to find out whether your family requires a residential pitch or a yard.



To speak with the Council, please telephone **01443 811380, email: stratanddevelop@caerphilly.gov.uk or visit one of its main buildings.**

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Welsh Version Poster



2021 Arolwg Sipsiwn a Theithwyr: Eich Dyfodol, Eich Barn

Mae deddf newydd o'r enw Deddf Tai (Cymru) 2014 yn golygu fod rhaid i Gynghorau asesu a gwneud darpariaeth ar gyfer anghenion llety Sipsiwn a Theithwyr yn eu hardal.

Hoffai'r Cyngor siarad â'r holl Sipsiwn a'r Teithwyr sy'n byw yn y fwrdeistref i ddarganfod os oes angen llain breswyl neu iard ar eich teulu.



I siarad â'r Cyngor, ffoniwch **01443 811380, e-bostiwch: stratanddevelop@caerphilly.gov.uk neu ewch i un o'r prif adeiladau.**

Appendix 4: A List of Organisations Consulted

Below is a list, in no particular order, of the main organisations or groups that the Council has communicated with as part of the undertaking of the GTAA:

Gypsies & Travellers Wales

Travelling Ahead (at Save the Children Cymru)

The Unity Project

Romani Cultural and Arts Company

The Bridges Project

The Showmen's Guild of Great Britain

The Travellers School Charity

One Voice for Travellers

The Traveller Movement

Friends, Families and Travellers

The National Federation of Gypsy Liaison Groups

The Gypsy Council (for Education, Culture, Welfare and Civil Rights)

Roma Support Group

Travellers Times

Gwent Police

Welsh Government

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Appendix 5: Interview Log

Address	Type of tenure	Date of visit	Engagement techniques used	Resident at home?	Interview attempts			Questionnaire completed or refusal?	Reasons for refusal?
Caravan Park A	Private renting	15/07/2021	Two members of the project team visited the caravan park. The primary purpose of the visit was to raise awareness of the GTAA project and answer any questions. It was not at this stage the intention to undertake a survey. We knew from the previous assessment that members of the Gypsy Traveller community resided at this site. Where the resident was at home, basis information was provided and a flyer was handed out. Where the resident was not at home, a flyer was posted through their letterbox. Surveys would only be undertaken following a request from residents.	N/a	N/a	N/a	N/a	N/a	Interviews were only undertaken following a request from a resident. No requests for interview were received at this location.
Caravan Park B	Private renting	15/07/2021	Two members of the project team visited the caravan park. The primary purpose of the visit was to raise awareness of the GTAA project and answer any questions. It was not at this stage the intention to undertake a survey. We knew from the previous assessment that members of the Gypsy Traveller community resided at this site. Where the resident was at home, basis information was provided and a flyer was handed out. Where the resident was not at home, a flyer was posted through their letterbox. Surveys would only be undertaken following a request from residents.	N/a	N/a	N/a	N/a	N/a	Interviews were only undertaken following a request from a resident. No requests for interview were received at this location.
Caravan Park C	Private ownership	15/07/2021	Two members of the project team visited the caravan park. The primary purpose of the visit was to raise awareness of the GTAA project and answer any questions. It was not at this stage the intention to undertake a survey. We knew from the previous assessment that members of the Gypsy Traveller community resided at this site. Where the resident was at home, basis information was provided and a flyer was handed out. Where the resident was not at home, a flyer was posted through their letterbox. Surveys would only be undertaken following a request from residents.	N/a	N/a	N/a	N/a	N/a	Interviews were only undertaken following a request from a resident. No requests for interview were received at this location.
Site A	Unauthorised development	15/07/2021	Two member of the project team visited the unauthorised development to speak with the residents. The primary purpose of the visit was to raise awareness about the GTAA process. Due to Covid-19 protocols in place at the time of this visit it was not possible to carry out face-to-face interviews. Where the resident indicated they were willing to complete an interview arrangements were made to visit the site at a later date.	Yes	15/09/2021			Completed	N/a
Site B	Unauthorised development	15/07/2021	Two member of the project team visited the unauthorised development to speak with the residents. The primary purpose of the visit was to raise awareness about the GTAA process. Due to Covid-19 protocols in place at the time of this visit it was not possible to carry out face-to-face interviews. Where the resident indicated they were willing to complete an interview arrangements were made to visit the site at a later date.	Yes	11/10/2021			Completed	N/a
Site C	Unauthorised development	15/07/2021	Two member of the project team visited the unauthorised development to speak with the residents. The primary purpose of the visit was to raise awareness about the GTAA process. Due to Covid-19 protocols in place at the time of this visit it was not possible to carry out face-to-face interviews. Where the resident indicated they were willing to complete an interview arrangements were made to visit the site at a later date.	Yes	15/09/2021	11/10/2021	11/11/2021	Refused	The residents at this site initially agreed to complete an interview but subsequently changed their minds. No specific reason was provided for this change.

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Appendix 6: 2011 Census Data Regional Analysis

Variable	Caerphilly		Bridgend		Vale of Glamorgan		Cardiff		Rhondda Cynon Taff		Blaenau Gwent		Torfaen		Monmouthshire		Newport			
	All residents		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers			
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%		
All usual residents	178,806		31		63		21		521		53		72		155		6		84	
Aged 0-17 years	39,691	22.20	5	16.13	15	23.81	5	23.81	246	47.20	13	24.53	28	38.89	80	51.61	0	0.00	31	36.90
Aged 18-39 years	48,900	27.29	8	25.81	26	41.27	13	61.90	167	32.05	27	50.94	25	34.72	30	19.35	4	66.67	30	35.71
Aged 40-64 years	60,750	33.98	18	58.06	21	33.33	3	14.29	92	17.86	11	20.75	12	16.67	36	23.23	2	33.33	18	21.43
Aged 65 years and over	29,565	16.53	0	0.00	1	1.59	0	0.00	16	3.07	2	3.77	7	9.72	9	5.81	0	0.00	5	5.95
Male usual residents	87,701		16		37		14		253		28		35		70		4		42	
Males aged 0-17 years	20,338	23.19	2	12.50	7	18.92	2	14.29	128	50.59	2	7.14	16	45.71	49	70.00	0	0.00	14	33.33
Males aged 18-39 years	24,062	27.44	2	12.50	17	45.95	10	71.42	87	34.39	19	67.86	10	28.57	4	5.71	3	75.00	17	40.48
Males aged 40-64 years	30,060	34.27	12	75.00	12	32.43	2	14.29	32	12.65	6	21.43	6	17.14	13	18.57	1	25.00	8	19.05
Males aged 65 years and over	13,241	15.10	0	0.00	1	2.70	0	0.00	6	2.37	1	3.57	3	2.86	4	5.71	0	0.00	3	7.14
Female usual residents	91,105		15		26		7		268		25		37		85		2		42	
Females aged 0-17 years	19,353	21.24	3	20.00	8	30.77	3	42.86	118	44.03	11	44.00	12	32.43	31	36.47	0	0.00	17	40.48
Females aged 18-39 years	24,738	27.15	6	40.00	9	34.61	3	42.86	80	29.85	8	32.00	15	40.54	26	30.59	1	50.00	13	30.95
Females aged 40-64 years	30,690	33.69	6	40.00	9	34.61	1	14.28	60	22.39	5	20.00	6	16.22	23	27.06	1	50.00	10	23.81
Females aged 65 years and over	16,324	17.92	0	0.00	0	0.00	0	0.00	10	3.73	1	4.00	4	10.81	5	5.98	0	0.00	2	4.76
All usual residents aged 16+	143,825		26		49		16		308		41		44		81		6		56	
Economically active residents aged 16+	85,212	59.25	8	30.77	32	65.31	3	18.75	87	28.25	27	65.85	14	31.82	16	19.75	4	66.67	27	48.21
% of economically active residents aged 16+ who are:																				
Employed part-time	17,378	12.08	1	3.85	8	16.33	1	6.25	12	3.90	7	17.07	2	4.55	4	4.94	1	16.67	6	10.71
Employed full-time	50,275	34.96	5	19.23	7	14.29	1	6.25	30	9.74	9	21.94	6	13.63	4	4.94	2	33.33	6	10.71
Self employed	7,966	5.54	2	7.69	4	8.16	1	6.25	14	4.55	5	12.20	2	4.55	3	3.70	0	0.00	8	14.29
Full-time students	2,852	1.98	0	0.00	2	4.08	0	0.00	9	2.91	3	7.32	0	0.00	0	0.00	1	16.67	2	3.57
Unemployed	6,741	4.69	0	0.00	11	22.45	0	0.00	22	7.14	3	7.32	4	9.09	5	6.17	0	0.00	5	8.93
Economically inactive residents aged 16+	58,613	40.75	18	69.23	17	34.69	13	81.25	221	71.75	14	34.15	30	68.18	65	80.25	2	33.33	29	51.79
% of economically inactive residents aged 16+ who are:																				
Retired	32,775	22.79	1	3.85	1	2.04	1	6.25	13	4.23	0	0.00	6	13.64	10	12.35	0	0.00	5	8.93
Students	5,901	4.10	0	0.00	1	2.04	6	37.50	26	8.44	1	2.44	0	0.00	5	6.17	0	0.00	5	8.93
Looking after home or family	5,681	3.95	4	15.38	4	8.16	2	12.50	61	19.80	1	2.44	11	25.00	30	37.04	1	16.67	5	8.93
Long term sick or disabled	11,130	17.74	11	42.31	1	2.04	3	18.75	71	23.05	7	17.07	6	13.64	13	16.05	0	0.00	12	21.42
Other	3,126	2.17	2	7.69	10	20.41	1	6.25	50	16.23	5	12.20	7	15.90	7	8.64	1	16.67	2	3.58
Male usual residents aged 16+	69,692		14		31		12		144		26		19		24		4		31	
Economically active males aged 16+	45,302	65.00	6	42.86	21	67.74	3	25.00	46	31.94	16	61.54	9	47.37	8	33.33	3	75.00	16	51.61
% of economically active males aged 16+ who are:																				
Employed part-time	3,604	5.17	0	0.00	5	16.13	1	8.33	2	1.39	2	7.69	0	0.00	1	4.17	0	0.00	2	6.45
Employed full-time	30,313	43.50	4	28.57	5	16.13	1	8.33	22	15.28	6	23.08	4	21.05	2	8.33	2	50.00	1	3.22
Self employed	6,002	8.61	2	14.29	2	6.45	1	8.33	13	9.02	5	19.23	2	10.53	3	12.50	0	0.00	8	25.81
Full-time students	1,115	1.60	0	0.00	2	6.45	0	0.00	1	0.69	2	7.69	0	0.00	0	0.00	1	25.00	0	0.00
Unemployed	4,268	6.12	0	0.00	7	22.58	0	0.00	8	5.56	1	3.85	3	15.79	2	8.33	0	0.00	5	16.13
Economically inactive males aged 16+	24,390	35.00	8	57.14	10	32.26	9	75.00	98	68.06	10	38.46	10	52.63	16	66.67	1	25.00	15	48.38
% of economically inactive males aged 16+ who are:																				
Retired	13,863	19.89	1	7.14	1	3.23	1	8.33	7	4.86	0	0.00	3	15.79	2	8.33	0	0.00	3	9.68
Students	2,819	4.04	0	0.00	0	0.00	4	33.34	20	13.89	1	3.85	0	0.00	3	12.50	0	0.00	3	9.68
Looking after home or family	779	1.12	1	7.14	1	3.23	0	0.00	9	6.25	0	0.00	1	5.26	0	0.00	0	0.00	1	3.23
Long term sick or disabled	5,650	8.11	6	42.86	1	3.23	3	25.00	33	22.92	5	19.23	4	21.05	7	29.17	0	0.00	7	22.58
Other	1,279	1.84	0	0.00	7	22.57	1	8.33	29	20.14	4	15.38	2	10.53	4	16.67	1	25.00	1	3.23

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Variable	Caerphilly		Bridgend		Vale of Glamorgan		Cardiff		Rhondda Cynon Taff		Blaenau Gwent		Torfaen		Monmouthshire		Newport			
	All residents		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers		Gypsy/Irish travellers			
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%		
Household composition (number of households)	74,479		14		26		6		158		22		30		50		3		28	
Single person aged 65+ households	9,143	12.29	0	0.00	0	0.00	0	0.00	5	3.16	0	0.00	5	16.67	1	2.00	0	0.00	2	7.14
Households containing only residents aged 65+ (more than one)	6,161	8.27	0	0.00	0	0.00	0	0.00	1	0.63	0	0.00	1	3.33	2	4.00	0	0.00	0	0.00
Single person households	11,053	14.84	8	57.14	6	23.08	0	0.00	34	21.52	5	22.73	8	26.67	9	18.00	1	33.33	6	21.43
Married/same-sex civil partnership couple households with:																				
no children	9,737	13.07	1	7.14	1	3.85	0	0.00	2	1.27	2	9.09	1	3.33	3	6.00	0	0.00	1	3.57
dependent children	11,025	14.80	1	7.14	3	11.54	0	0.00	15	9.49	1	4.54	3	10.00	4	8.00	1	33.33	6	21.43
all children non-dependent	5,687	7.64	2	14.29	3	11.54	1	16.70	4	2.53	1	4.54	0	0.00	1	2.00	0	0.00	0	0.00
Cohabiting couple households with:																				
no children	3,435	4.61	1	7.14	1	3.85	0	0.00	5	3.16	2	9.09	0	0.00	1	2.00	0	0.00	0	0.00
dependent children	4,282	5.75	0	0.00	2	7.69	3	50.00	7	4.43	5	22.73	1	3.33	3	6.00	0	0.00	1	3.57
all children non-dependent	495	0.66	0	0.00	0	0.00	0	0.00	1	0.63	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Lone parent households with:																				
dependent children	6,533	8.77	1	7.14	7	26.92	1	16.70	55	34.82	5	22.73	8	26.67	18	36.00	0	0.00	7	25.00
all children non-dependent	3,141	4.22	0	0.00	0	0.00	1	16.70	4	2.53	0	0.00	2	6.67	0	0.00	0	0.00	1	3.57
Other households	3,787	5.08	0	0.00	3	11.53	0	0.00	25	15.83	1	4.54	1	3.33	8	16.00	1	33.33	4	14.29
Car/van availability (number of households)	74,479		14		26		6		158		22		30		50		3		28	
No cars or vans	18,137	24.35	3	21.43	7	26.92	1	16.67	90	56.96	6	27.28	15	50.00	18	36.00	0	0.00	10	35.71
1 car or van	32,153	43.17	7	50.00	13	50.00	4	66.66	52	32.91	8	36.36	11	36.67	24	48.00	1	33.33	10	35.71
2 or more cars and vans	24,189	32.48	4	28.57	6	23.08	1	16.67	16	10.13	8	36.36	4	13.33	8	16.00	2	66.67	8	28.58

The 2011 Census tables used for the above analysis are as follows:

- DC2101EW Ethnic group by sex and age
- DC6201EW Economic activity by ethnic group by sex by age
- DC5209EW Highest level of qualification by ethnic group
- DC6211EW Industry by ethnic group by age
- DC2301EW Ethnic group by provision of unpaid care by general health
- DC2201EW Ethnic group by religion
- DC1201EW Household composition by ethnic group of Household Reference Person
- DC4202EW Tenure by car or van availability by ethnic group of Household Reference Person

Appendix 7: Analysis of unauthorised encampments (2011-2015)

Year / Month	Duration of stay	Location	Number of caravans
May 2011	Not recorded	"Dead End Spur", Manmoel Road, Pen-y-Fan	3
August 2011	Not recorded	Old North Celenyn Pit Site, Newbridge	Not recorded
December 2012	Not recorded	Caerphilly Park & Ride	5
January 2013	6 days	Caerphilly Park & Ride	Not recorded
March 2013	Not recorded	Caerphilly Park & Ride	5
June 2013	Not recorded	Caerphilly Park & Ride	3
June 2013	Not recorded	Caerphilly Park & Ride	3
July 2013	Not recorded	Wern Car Park, Nelson	3
July 2013	4 days	Leisure Centre, Risca	13
August 2013	14 days	Foxes Lane, Oakdale	7
June 2014	Not recorded	Rear of Asda, Caerphilly	1
July 2014	Not recorded	Caerphilly railway top Car Park (land belongs to Network rail)	6
August 2014	7 days	Oakdale Wind Farm, Oakdale Business Park	20
October 2014	14 days	Aber Railway Station, Nantgarw Road, Caerphilly	6
October 2014	Owner gave permission to stay for approx. 6 weeks	Gellideg Lane, Maesycwmmmer (private land)	1 caravan and 2 converted vans
January 2015	6 days	Car Park Aber Alt Railway Station, Nantgarw Road Caerphilly	5
July 2015	Not recorded	Oakdale Wind Farm, Oakdale Business Park	5
August 2015	4 days	Top of Heol Fawr, Nelson	6
September 2015	2 days	Risca Railway Station	2
October 2015	7 days	Caerphilly railway top car park (Network Rail)	7

Source: Caerphilly CBC, GTAA 2015

Gadewir y dudalen hon yn wag yn fwriadol



CABINET – 13TH JULY 2022

SUBJECT: HOUSING REVENUE ACCOUNT RENT POLICY REVIEW

REPORT BY: CORPORATE DIRECTOR OF SOCIAL SERVICES & HOUSING

1. PURPOSE OF REPORT

- 1.1 The 2022/23 Housing Revenue Account charges report which determines the annual rent charges was agreed by Cabinet on the 9th of February 2022. An additional recommendation agreed in this report was to review the current rent policy in order to reflect affordability. This was to address Welsh Governments expectations that all social landlords should evidence that their rent is affordable to tenants using an appropriate affordability model.
- 1.2 This report seeks the views of Cabinet on the new Rent Policy following its presentation to the Housing & Regeneration Scrutiny Committee on the 9th of June 2022.

2. SUMMARY

- 2.1 Members will be aware that the preparation of the Housing Revenue Account (HRA) budget is quite separate to the work involved in setting the General Fund Budget and Council Tax. The HRA is funded by rental income received from council tenants, rather than the Council Taxpayer. Whilst there is a clear separation of these funds, a significant proportion of council tenants rent is funded from financial support in the form of Housing Benefit or Universal Credit, which is derived from the taxpayers' purse, therefore value for money must always be sought. 75% of our tenants receive financial assistance towards their rent.
- 2.2 The Affordable Housing Supply Review was published in April 2019. The purpose of the review was to examine current arrangements supporting the development of affordable housing, and to make recommendations for changes designed to increase supply and improve delivery from the resources available, which included making a recommendation on how a sustainable rent policy can help determine long term affordability for tenants and the viability of existing and new housing developments.
- 2.3 The key recommendations from this review in correlation to affordability within the rent policy was:-
 - *There should be a focus on landlords considering Value for Money alongside affordability. An explicit annual assessment on cost efficiencies should be part of the rationale for justifying any rent increase*
- 2.4 In reaction to this review, the Minister for Housing and Local Government has stated “*There must be a clear balance between the interest of landlords and residents. Affordability for tenants must take into account the whole cost of living in a property and Landlords are expected to consider these costs when setting rents each year. Affordability is an issue I take very seriously, and I am mindful of not placing excessive financial burdens upon tenants*”.

2.5 Welsh Government have devised a mandatory self-certification monitoring return that social landlords are expected to complete on an annual basis to confirm compliance with the Welsh Government rent standard. Questions around affordability include the following:-

3 *Please outline the factors you considered when assessing the affordability when you set your rents and service charges for the 2022/23 year. Include details of how affordability for your tenants was taken into account and influenced the approach taken.*

4 *Please indicate any of the affordability models used when assessing your rents*

*a) Joseph Rowntree Foundation Living Rent Model b) CHCs/Housemark Affordability Tool
c) Other models – please name.*

Welsh Government will note favourably where social landlords have used an established affordability model such as the ones mentioned above.

2.6 The WG rent policy allowed a maximum of 3.1% rent increase for 22/23. Members recognised the current cost of living crisis and adopted a 2% increase which was one of the lowest in Wales.

2.7 Caerphilly Homes have explored the Joseph Rowntree Foundation (JRF) Living Rent Model which is designed on the principle that a single person should not spend more than 28% of their net pay on rent for a standard single person unit of accommodation.

2.8 When considering our current rent levels, the majority fall below the JRF Living Rent levels thus evidencing affordability. However, there is a small number of stock that is just above the JRF rent level.

3. RECOMMENDATIONS

3.1 Members are requested to consider and give a view on the following recommendations

3.2 To include the JRF Living Rent model as part of our existing rent policy, using the JRF model to benchmark at least every 2 years against our current rent policy to ensure affordability levels are evidenced.

3.3 Any variances outside of the benchmark Living Rent model to be reported to members as part of the annual rent increase report with appropriate recommendations.

3.4 To adopt an average household earnings approach to the JRF model rather than based on earnings over 24 Middle Super Output Areas in Caerphilly County Borough. This would maintain the current basic 14 property rent types as opposed to 336 basic property rent types

4. REASONS FOR THE RECOMMENDATIONS

4.1 To comply with requirements of Welsh Government Social Rent Policy.

4.2 To address the response from the Minister for Housing and Local Government as stated above, regarding taking the whole cost of living in a property into account when setting the rent.

4.3 To ensure affordability for our tenants is measured fairly using a well-established affordability model.

4.4 To evidence that affordability is considered as part of the annual rent setting process.

4.5 To allow flexibility within the current rent policy so that affordability can be taken into account.

5. THE REPORT

- 5.1 Affordability for tenants is a factor that must be considered as part of setting any rent increases. This involves working with our tenants to capture their views and establishing a suitable model that would evidence affordability together with a system for accurately recording such information.
- 5.2 In consideration for setting the 2022/23 rent, officers surveyed tenants in October 2021. The survey was called “Your Rent, Your Views” with the aim of capturing tenants’ views on their rent, particularly on affordability and value for money, which would assist in setting future rents. Details of the survey are shown in the Rent Increase Report which is attached for information (Appendix A).
- 5.3 The survey overall suggested a higher proportion of our tenants agreed that their rent is affordable and offers value for money.
- 5.4 54% agreed that Caerphilly Homes should consider the average household income when setting rent and 83% thought Caerphilly Homes should take into account the costs of running a home when setting rent.
- 5.5 As a follow up to “Your Rent Your Views” last October, officers have been engaging further with tenants through social media and focus groups, to discuss the JRF Living Rent model in more detail, gauging their views on how it should be incorporated into our current rent policy.
- 5.6 Currently our rent policy charges the same rent for the same size property irrespective of location within the Borough (e.g. a 1 bed flat would have the same rent throughout the borough). Three focus group sessions were held in May with tenants, to specifically discuss the JRF Living Rent model and the impact on rents. A survey was also targeted to tenants via social media (Facebook & Twitter), our engaged tenants list, Caerphilly C.B.C website and the EGov bulletin.

The survey explored tenants’ views on:-

- Whether we should adopt the JRF Living Rent methodology (i.e. lower quartile earnings) when setting the rent
 - A number of options of how the rent could be based on earning levels, if the JRF Living Rent model was adopted, such as:-
 - i. Average earnings for the whole of the Borough, so that the same size property would be the same rent throughout the Borough (retaining the current level of 14 basic rent types).
 - ii. Using the 24 Middle Super Output Areas (MSOA) so there would be different rents for each of the 24 areas (meaning a potential 336 different basic rent types).
 - iii. Reducing the 24 MSOA’s into 5 or 6 bands, where each band would hold a range of similar earnings (meaning a potential 70 -84 different basic rent types).
- 5.7 Our current rent policy includes different rents for 14 basic property types (e.g. 1 to 5 bed houses, 1-3 bed flats, 1-4 bed bungalows and 2-3 bed maisonettes) and sets the same rent for each type irrespective of where they are located within the borough. There are further subdivisions of the rent type dependent on square footage and positioning (e.g. mid terrace, first floor, detached, etc.) but this report deals with the high level rent types. The same percentage increase is currently applied each year across our stock.

5.8 The Current profile of our stock is as follows:-

Caerphilly Homes current stock profile

Type	No of Bedrooms					Total	% stock
	1	2	3	4	5		
BUNGALOW	568	900	75	2	-	1545	15%
FLAT	1294	1444	66			2804	26%
HOUSE	24	1309	4794	163	1	6291	59%
MAISONETTE	-	3	5			8	0%
Total	1886	3656	4940	165	1	10648	
<i>% bedrooms</i>	<i>18%</i>	<i>34%</i>	<i>46%</i>	<i>2%</i>	<i>0.01%</i>		

- 5.9 Officers have continued to work on developing the affordability survey and have met colleagues in Welsh Government and other local authorities with the aim of sharing best practice.
- 5.10 To our knowledge Cardiff is the only other Local Housing Authority using this model, although a number of other LHA's are considering it. A large number of Housing Associations are already using an affordability model
- 5.11 The JRF Living Rent model establishes a link between rents and the ability of people on low income to afford them, using the lower quartile localised earnings data from the Office for National Statistics Annual Survey of Hours and Earnings.
- 5.12 The model states that a Living Rent should be affordable for a household with someone in full-time employment, working the average number of hours worked per week and earning around the minimum wage. The model therefore uses the lower quartile national earning figures.
- 5.13 The lowest quartile earnings for Caerphilly County Borough are £294.10 gross per week (2021 provisional figures ASHE 25th percentile earnings) or £15,293.20 per annum.
- 5.14 A salary calculator converts this to a net annual earning of £14,031.31 by calculating a typical tax and NI deduction (using 2022 tax rates). This is equivalent to £269.83 per week (net) but needs to convert to a 48-week basis to compare with the period Caerphilly Homes charges its rent, which is £292.32 over a 48-week basis.
- 5.15 The principle of the JRF model states that 28% of these net weekly earnings (lowest quarter) is therefore £81.85 per week, meaning a person on social rent should not be paying more than £81.85 per week on rent for a single person in a one-bedroom flat.
- 5.16 Weightings are necessary to reflect the different composition of our property types and sizes.
- 5.17 If the JRF Living Rent model is adopted, any new tenancies could be let at the current Living Rent model. However, existing tenants are protected under the current WG rent policy which allows LAs to increase their rent each year by the agreed percentage uplift plus a maximum of £2 per week. Conversely, LA's also have the option to freeze or reduce each year by a maximum of £2.
- 5.18 The methodology described above is clearly different to our current local rent policy, where uplifts are applied consistently to all tenants irrespective of location or earnings. However, in order to comply with the requirements of Welsh Governments social rent policy and affordability principles below, we must ensure we can evidence that the rent we set for tenants is fair, transparent, affordable, and sustainable.
- 5.19 Weightings are necessary to represent the larger size property types e.g. more than one bedroom, and the actual properties e.g. houses and bungalows. This is similar to the established model used in Monmouthshire Housing Association.

Property Category	Factor	Bedroom No	Factor
BEDS	-0.10	Bedsit	0.00
BUNG	0.10	1 Bed	0.00
FLAT	0.00	2 Bed	0.20
HOUSE	0.10	3 Bed	0.30
MAIS	0.05	4 Bed	0.40
		5 Bed	0.50

5.20 This results in an average Living Rent model using the financial information on Living Rents provided above for Caerphilly Homes, as follows:-

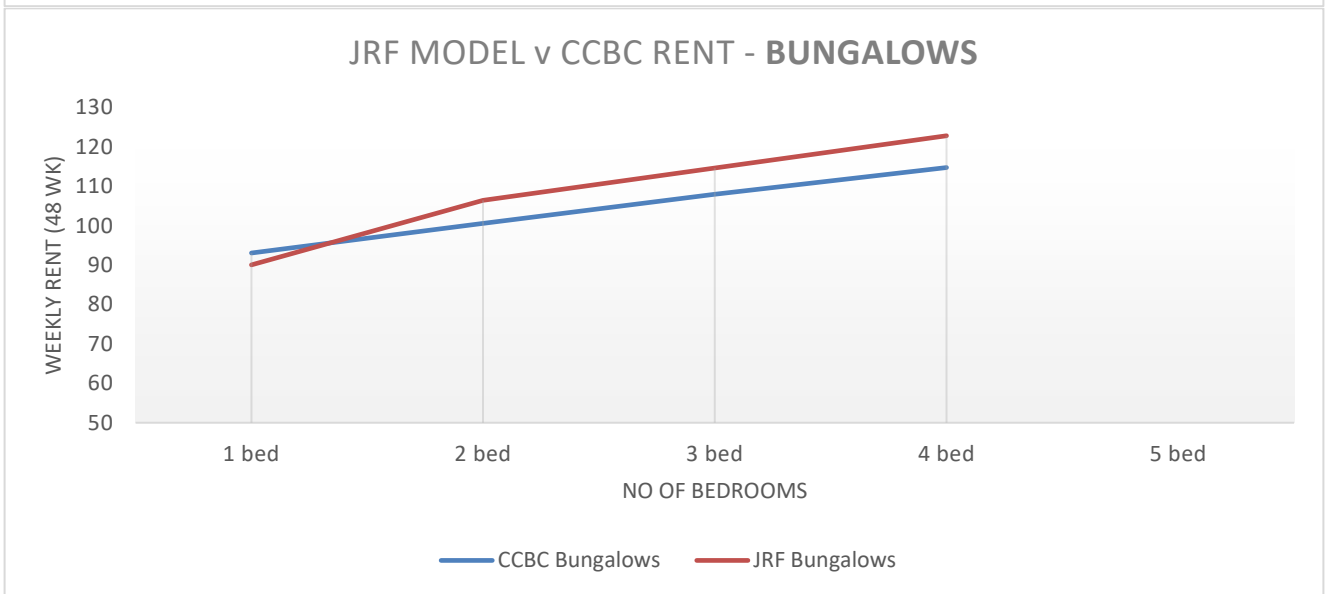
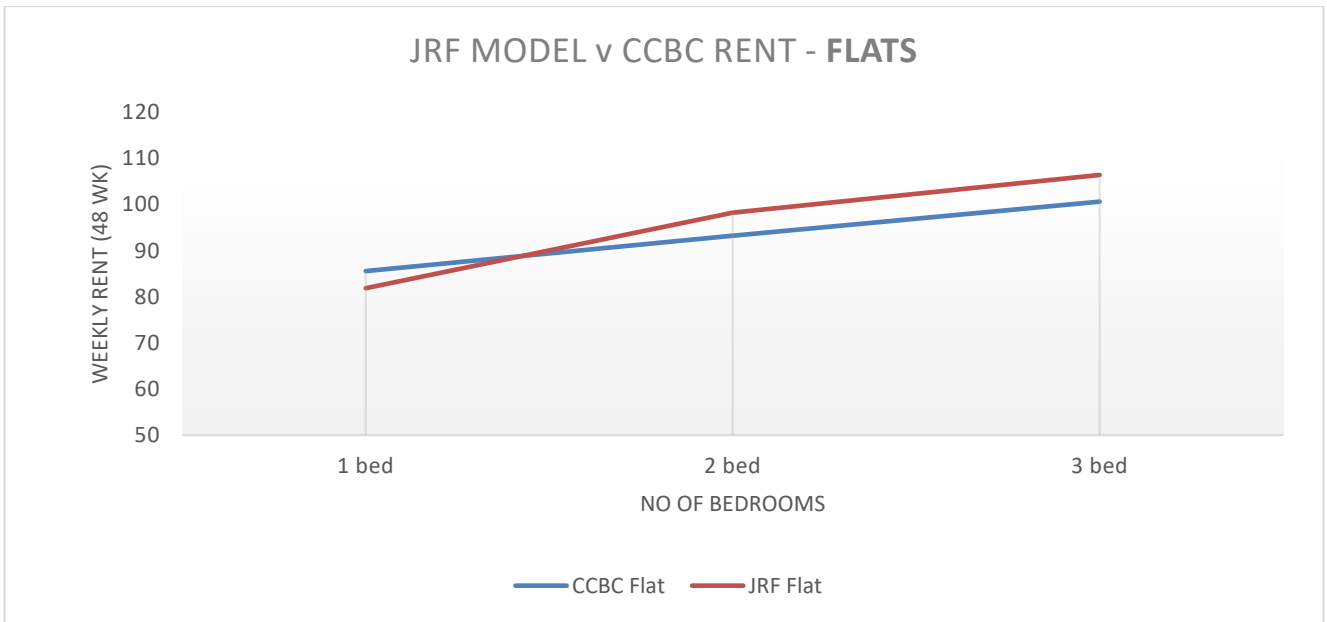
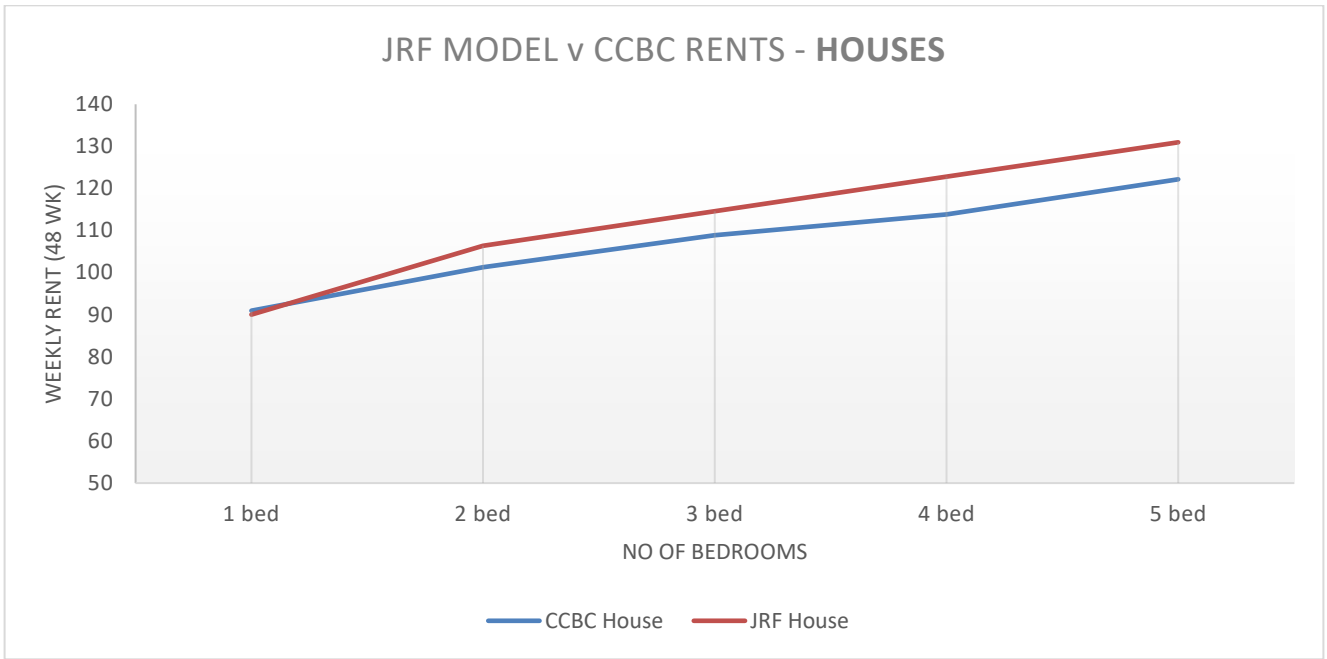
Property Type	Bedroom No	Start factor	Adj factor	Living Rent
BEDS	Bedsit	1.0	0.90	73.66
BUNG	1 bed	1.0	1.10	90.03
BUNG	2 bed	1.0	1.30	106.40
BUNG	3 bed	1.0	1.40	114.59
BUNG	4 bed	1.0	1.50	122.77
FLAT	1 bed	1.0	1.00	81.85
FLAT	2 bed	1.0	1.20	98.22
FLAT	3 bed	1.0	1.30	106.40
FLAT	4 bed	1.0	1.40	114.59
HOUSE	1 bed	1.0	1.10	90.03
HOUSE	2 bed	1.0	1.30	106.40
HOUSE	3 bed	1.0	1.40	114.59
HOUSE	4 bed	1.0	1.50	122.77
HOUSE	5 bed	1.0	1.60	130.96
MAIS	1 bed	1.0	1.05	85.94
MAIS	2 bed	1.0	1.25	102.31
MAIS	3 bed	1.0	1.35	110.50

5.21 This is our current average rent for the property and bedroom types compared to the JRF Living Rent (based on a 48 week basis) which gives some interesting results.

Average rent 2022/23 (48 wk)												
No of Bedrooms	Bungalow			Flat			House			Maisonette		
	JRF £/wk	CCBC £/wk	diff £/wk	JRF £/wk	CCBC £/wk	diff £/wk	JRF £/wk	CCBC £/wk	diff £/wk	JRF £/wk	CCBC £/wk	diff £/wk
1	90.03	93.04	3.01	81.85	85.56	3.71	90.03	90.96	0.93	-	-	-
2	106.4	100.53	-5.87	98.22	93.20	-5.02	106.4	101.30	-5.10	102.31	98.68	-3.63
3	114.59	107.93	-6.66	106.4	100.61	-5.79	114.59	108.9	-5.69	110.5	98.68	-11.82
4	122.77	114.71	-8.06	-	-	-	122.77	113.81	-8.96	-	-	-
5	-	-	-	-	-	-	130.96	122.17	-8.79	-	-	-

The shaded figures show the properties where rent is higher than the JRF Living Rent model.

5.22 Further analysis has been made in graph form for our main property types, comparing our current rents with the adjusted JRF Model rents:-



- 5.23 It is noted from the above data that overall, the rents charged by Caerphilly Homes are some 3.9% lower on average than the Living Rent model.
- 5.24 Breaking down the profiles shows that all of our properties, with the exception of 1 beds, are between the range of 25% and 27% when compared to the Living Rent model of 28%. This represents 83% of our stock. This suggests that 83% of our current rent profile is therefore affordable because it is lower than the recommended average from the JRF Living Rent model. If we aligned our rent to the Living Rent model (i.e. 28%) on these properties this would result in additional income of some £2.4m per annum for the HRA.
- 5.25 However, 17% of our stock which represents our 1 bed portfolio are between the ranges of 28.3% and 29.3% when compared to the Living Rent model of 28%. This includes 1 bedroom flats, houses and bungalows.
- 5.26 Therefore, officers suggest that this area can be reviewed separately under the rent policy if the recommendations are agreed. The rent increase for 2023/24 due to be presented to members at the end of the year, could possibly propose a reduction or a rent freeze on our 1 bed properties to align with the Living Rent model. If we aligned our rent to the Living Rent model on these properties this would result in a reduction in income of some £314k per annum.
- 5.27 The above JRF Living Rent calculation uses lower quartile average earnings for the whole of the county borough. However, there are 24 Middle Super Output Areas (MSOA) for Caerphilly County Borough which all have different levels of earnings. This could mean that for each area there could be 14 levels of rent to cover the 1 to 5 bed flats, houses and bungalows, meaning a potential 336 different rent types for our tenants. This is likely to become confusing and complex to manage and explain.
- 5.28 The options were discussed at the tenant focus groups who met in May. Tenants were asked what their preference was, and overall, they preferred the average approach. There were however concerns that an area such as Caerphilly might have more affluent areas that would distort the average earnings figure and hide the fact that there are many people on low income, and also the lowest rent areas could be stigmatised or increase voids in higher rent areas, but it was generally agreed that a rent for each of the 24 areas would be complicated for tenants to understand and expensive to administer.
- 5.29 The results of the survey (of which 137 responded) are as follows
1. Applying average earnings for the whole of the Borough, so that the same size property would be the same rent throughout the Borough (retaining the current level of 14 basic rent types) – 52%.
 2. Using the 24 Middle Super Output Areas (MSOA) so there would be different rents for each of the 24 areas (meaning a potential 336 different rent types) – 15%.
 3. Reducing the 24 MSOA's into 5 or 6 bands, where each band would hold a range of similar earnings, or over a wider geographic (e.g. North, South, East) (meaning a potential 70 -84 different rent types) – 4%.
- 29% didn't express a preference but commented "leave it as it is", "Don't think it should be chosen like any".
- 5.30 Comments also included that "people can lie about what they earn" and "some people have different circumstances" and "should be worked out on individual circumstances". However, the earnings for each area are taken from the official ONS website and represents the lower quartile of earnings across the whole of the Borough. We would be unable to ask individual tenants to confirm or prove their earnings.

- 5.31 Other comments included “It’s not encouraging people to work”, “Its social housing it should be equal” “it may help those worse off”.
- 5.32 Views were also sought on charging different rents in different locations for the same size home based on average household income. 46% said No, 40% said Yes and 14% didn’t know. Comments included “I don’t think it matters where you live”, “not to discriminate between areas”.
- 5.33 The lowest earning area within the Borough is 19% below the £81.85 average calculated above, but the highest earning area is 35% above. 13 (54%) of the areas are below the £81.85 average and 11(46%) of the areas are above. However, It is important to note that all these calculations use only the lower quartile earning levels for Caerphilly County Borough.
- 5.34 There is an option to band these using a 10% rent differential basis, meaning the 24 areas could reduce to 5 bandings. However, this still means 70 different rent rates and each year the banding could change depending on the earnings for each area, again making this difficult to manage and explain to tenants. Neighbouring authority Cardiff has chosen to use the average approach across their properties.
- 5.35 It is also important to note that the data used for calculating this method is inconsistent in terms of timelines. The latest release by the ONS Total Household Income by MSOA area is 2018. The lower quartile pay from ONS is 2021 (provisional), and the tax rates used to calculate the net salary is based on 2022, but they are the latest available at this time. If the JRF Living Rent model is adopted as part of our rent policy then it would be reviewed and updated with the most recently available data at least every 2 years.
- 5.36 It is also worth noting that the current cost of living crisis could put into question whether the 28% rate by JRF is now too high and perhaps should be lowered to reflect the current economic climate but officers have not seen any pending notifications that this is going to happen. For 83% of our properties however, we are already some 2% below the JRF threshold of 28%.

6. ASSUMPTIONS

- 6.1 Assumptions are noted within the report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 An Integrated Impact Assessment was carried out as part of the annual rent increase report which recommended that the JRF Living Rent Model be considered as part of the annual rent increase, and is detailed below.
- 7.2 Section 24 of the Housing Act 1985 provides Local Housing Authorities (LHA’s) with the power to set rents for its properties relating to Part II of said Act. A LHA is under a duty to act reasonably by determining rent levels. When setting rents under this section, a LHA must comply with any standards relating to rent set by the Welsh Ministers under section 111 of the Housing (Wales) Act 2014 and must also have regard to guidance issue under section 112 of the 2014 Act. Section 74 of the Local Government and Housing Act 1989 requires a LHA to keep and maintain a HRA ring-fenced account which ensures that the income raised from operating council housing is spent on council housing, and that neither the HRA nor General Fund are cross subsidised. Section 76 of the Local Government and Housing Act 1989 requires that the HRA cannot be set into a deficit.]
- 7.3 An increase in rents is required in order to not set a deficit budget within the HRA. The additional income is utilised on maintaining or improving existing services as well as creating

financial resource to be able to meet WG agendas and challenges such as minimising evictions, not to evict into homelessness, deliver high quality homes, evidencing affordability and value for money, maintaining WHQS, installing Optimised Retrofit Programmes on existing stock, and enhancing tenant involvement.

- 7.4 65% of tenants who were surveyed on “Your rent your view” survey confirmed that their rents were deemed fair and affordable and 61% thought their rents provided value for money. 76% of tenants who were surveyed on the STAR survey also thought their rents provided value for money and 77% were satisfied with the services provided. As part of the rent setting process, tenants were also involved in focus groups and question of the week polls.
- 7.5 The latest statistics for the All-Wales averages (2019/20) ranks Caerphilly 3rd lowest in terms of Local Authority rent and 5th highest in terms of workplace earnings. 75% of Caerphilly CBC tenants are in receipt of financial support for their rent in the form of Housing Benefit or Universal Credit. Tenancy support is offered to all tenants.

<http://www.caerphilly.gov.uk/CaerphillyDocs/IIA/ia-form-rent-increase-2022-2023-final>

8. FINANCIAL IMPLICATIONS

- 8.1 This report outlines the financial impact of considering the JRF Living Rent Model as part of its annual rent setting. More detailed financial implications will be confirmed in the annual rent setting report when the WG rent policy is confirmed for the following year.

9. PERSONNEL IMPLICATIONS

- 9.1 The proposals contained in this report will not alter the current arrangements for the collection of housing revenue account monies.

10. CONSULTATIONS

- 10.1 The report was presented to the Housing and Regeneration Scrutiny Committee on the 9th June 2022 who discussed, and following consideration of the report it was moved and seconded that the recommendations were approved and recommended to Cabinet. (11 For, 0 Against, 0 Abstentions)
- 10.2 The Scrutiny Committee noted the report to Cabinet.

11. STATUTORY POWER

- 11.1 Local Government Acts 1972. This is a Cabinet function.

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Consultees: Cllr Andrew Whitcombe - Chair Housing & Regeneration Scrutiny Committee
Cllr Patricia Cook - Vice Chair Housing & Regeneration Scrutiny Committee
Cllr Shayne Cook - Cabinet Member for Housing
Dave Street - Corporate Director Social Services & Housing
Nick Taylor-Williams - Head of Housing
Robert Tranter - Head of Legal Services/Monitoring Officer
Stephen R Harris - Head of Financial Services & S151 Officer

Fiona Wilkins	- Housing Services Manager
Sandra Isaacs	- Rents Manager
Amanda Main	- Acting Benefits Manager
Jane Roberts-Waite	- Strategic Co-ordination Manager
Alan Edmunds	- WHQS Project Manager
Jason Fellows	- HRO Manager
Kerry Denman	- Housing Solutions Manager
Mandy Betts	- Tenants & Community Involvement Manager

Background Papers: N/A
Appendix A – Rent increase report



CABINET 9TH FEBRUARY 2022

SUBJECT: HOUSING REVENUE ACCOUNT CHARGES – 2022/2023

REPORT BY: CORPORATE DIRECTOR OF SOCIAL SERVICES & HOUSING

1. PURPOSE OF REPORT

For Members to consider and make a decision on the increased Council Housing rent charges proposed in this report. The charges predominantly focus on council house rents, but also include garages, and are intended to be effective for the Housing Revenue Account (HRA) for the 2022/2023 financial year. Comments made by the Housing & Regeneration Scrutiny Committee are included in this report

2. SUMMARY

- 2.1 Members will be aware that the preparation of the Housing Revenue Account (HRA) budget is quite separate to the work involved in setting the General Fund Budget and Council Tax. The HRA is funded by rental income received from council tenants, rather than the Council Taxpayer. Whilst there is a clear separation of these funds, most of the proportion of council tenants rent is funded from financial support in the form of Housing Benefit or Universal Credit, which is derived from the taxpayers' purse, therefore value for money must always be sought. 75% of our tenants receive financial assistance towards their rent. We charge our council tenants rent over a 48-week basis, but the Welsh Government (WG) base their rents on a 52-week basis, so this report shows the 52-week equivalent.
- 2.2 The Affordable Housing Supply Review was published in April 2019. The purpose of the review was to examine current arrangements supporting the development of affordable housing, and to make recommendations for changes designed to increase supply and improve delivery from the resources available. One of the tasks included making a recommendation on how a sustainable rent policy can help determine long term affordability for tenants and the viability of existing and new housing developments.
- 2.3 The key recommendations from this review in correlation to the rent policy was
- *The Welsh Government should implement a five-year rent policy from 2020-21. This has been based on CPI plus 1% plus an additional £2.*
 - *There should be a focus on landlords considering Value for Money alongside affordability. An explicit annual assessment on cost efficiencies should be part of the rationale for justifying any rent increase*
- 2.4 In reaction to this review, The Minister for Housing and Local Government has stated “*There must be a clear balance between the interest of landlords and residents. Affordability for tenants must take into account the whole cost of living in a property and Landlords are expected to consider these costs when setting rents each year. Affordability is an issue I take very seriously, and I am mindful of not placing excessive financial burdens upon tenants*”.

2.5 Having considered the review, along with wider factors such as the pressures arising from growing levels of homelessness, the need to decarbonise our existing stock, to maintain the Welsh Housing Quality Standard and to build new high-quality homes that are near zero carbon, The Minister on the 29/12/21 confirmed the following for the 2022/23 Rent Policy: -

1. An annual uplift of up to **CPI only** for this year using the level of CPI from the previous September each year. The decision has been taken to remove the “plus 1%” option which is prescribed in the rent policy as follows, “should CPI fall outside the range of 0% to 3%, the responsibility will rest with the Welsh Ministers to determine the appropriate uplift to be applied for that year only”
2. CPI will be the maximum increase allowable in this year, but this must not be regarded as an automatic uplift. Landlords’ decisions on rent should take into account the affordability of rents for tenants.
3. The level of rents for individual tenants can be reduced or frozen, or can rise by up to an additional £2 over and above CPI, on condition that the total rental income collectable across the whole stock increases by no more than CPI
4. As an intrinsic part of the 5-year policy, landlords will be expected to set a rent and service charge policy which ensures that social housing remains affordable for current and future tenants. As part of their annual decision, they should assess cost efficiencies, value for money and affordability for tenants.

2.6 In light of the pandemic, the lack of data collection whilst government resources have been re-prioritised, has meant no robust data available to generate the Target Rent Bands for the year ahead, and The Minister therefore suspended the role of Target Rent Bands when confirming the 2021/2022 rent policy. For the 2022/23 Rent Policy the suspension has been continued. Members will recall that the original policy set a Target Rent Band for each Authority which allows Authorities flexibility to increase the rent to ensure the level is within the Target Rent Band envelope. Conversely, if the average weekly rent is above the Target Rent Band, average rents will increase at a lower rate, to bring the rent back within the Target Rent Band envelope.

2.7 The Minister is also keen to continue with a number of new initiatives as part of the wider rental agreement which include:

- Strengthen approaches designed to minimise all evictions, working effectively with partners to deliver on a new agreement not to evict into homelessness.
- Undertake a standardised tenant satisfaction survey for publication on a central website to assist tenants in scrutinising and comparing landlord performance. This is the STAR (Survey of Tenants and Residents) survey. The next submission date based on the revised core questions is 28 February 2022 for publication in April 2022.
- Build on existing commitments to deliver high quality homes which comply with the new housing quality standard “WDQR 2021” across all tenures on sites which attract Welsh Government funding
- Continue to work towards an aspiration that all new build housing, regardless of tenure, achieves energy efficiency standards of no less than EPC A on sites that attract any Welsh Government funding.
- All Social landlords are required to make, and evidence, an annual assessment of affordability for tenants, cost efficiencies and to demonstrate their homes and services represent value for money as part of their decision on the rent uplift to be applied each year. To assist with providing Welsh Government with the necessary assurance, each

social landlord will be required to complete a self-certification monitoring form which will be used to monitor compliance with the Welsh Government Rent Standard. This form must be completed and returned by the end of February 2022.

- 2.8 The previous September's CPI inflation figure was 3.1%. The policy therefore allows a maximum of 3.1% increase on our total rental income. Landlords also have a discretion to apply a further £2 on top of the CPI but this is as a means of aligning rents over certain property types or areas. The overall increase cannot be more than CPI even by applying the discretionary £2.
- 2.9 The latest Business Plan submitted for 2021/22 assumed a rent increase of between 1.5% and 2.5% over the next 5 years, but this plan would not have assumed the unprecedented sharp increase in costs that is being experienced nationally in terms of materials and the fluctuating supply of resources. The plan allowed for a 2% increase in material costs, but the construction industry is being hit with staggering material price increases with no indication this will change over the next 6 to 12 months. Price increases are varying dramatically with sources confirming between 8% and 200% depending on product, which will heavily impact not only on maintaining the WHQS standard we have just achieved on our current properties, but also our ambitious new build agenda.
- 2.10 Members will recall there was limited time to consider a full affordability options appraisal for setting the rent for 2021/22, and due to the Covid-19 restrictions, officers could not progress to the extent desired, as resources were prioritised elsewhere. However, an affordability survey was sent to tenants and the responses received were considered when setting the 2021/22 rent last year.
- 2.11 In consideration for setting the 2022/23 rent, officers have developed this survey further which was targeted to tenants in October 2021. The survey was called "Your Rent, Your Views" with the aim of capturing tenants' views on their rent, particularly on affordability and value for money, which would assist in setting future rents. 373 tenants completed this survey
- 2.12 In addition to the affordability survey, as mentioned in 2.11 above, as a landlord, we are obliged to survey our tenants under a standard STAR survey, as mentioned in 2.7 above, which is a consistent framework for social landlords to collect, report and measure on tenant's satisfaction. The survey was sent out in September/October 2021. The survey consists of seven core questions and one of these key questions include a direct reference to value for money. 1847 tenants completed this survey.

3. RECOMMENDATIONS

- 3.1 Members of Cabinet are requested to consider and make a decision on the following recommendations
- 3.2 Officers recommend to Cabinet a range of increases per property for consideration from April 2022 based on the options explained in the report, which are: -
- (i) 3.1% (CPI only) – (£94.63/52 week – additional £2.85/wk) the maximum allowed under the rent policy Resulting in additional income of some £1.6m.
 - (ii) 2.5% (£94.08/52 week – additional £2.29/wk). This would generate additional income of some £1.3m and would be some £500k higher than the rent assumed in last year's business plan, allowing a more comfortable margin for the unprecedented increase in material costs
 - (iii) 2% – (£93.62/52 week – additional £1.84/wk) which is additional income of £1m, allowing for a small margin to reflect the unprecedented increase in material costs.

- (iv) 1.5% - (93.16/52 week – additional £1.38/wk). This is as per the business plan for 2022/2023 only, generating additional income of some £762k, but does not reflect the unprecedented increase in material costs
- (v) 0% (No increase) – (£91.79/52 week) would reduce our income by £762k to that assumed within our business plan. Higher increases may need to be considered in the future to get back within the policy target rent band, on the assumption this is re-introduced and uplifted by inflation-
- (vi) The level or rent for garages from April 2022 be increased by 2% to £8.39 per week
- (vii) Recommend a review of the current rent policy to reflect affordability

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 Inflationary increases on providing all aspects of the housing service are experienced annually, however as the HRA cannot legitimately set a deficit budget, the loss of additional income will result in reduced resources being available to effectively manage and maintain the stock impacting on service delivery and could result in increased levels of borrowing, which is an additional cost to the HRA.
- 4.2 Housing Benefit/Universal Credit will cover the increased costs for the rent charge in this report for 75% of our tenants up to the Housing Benefit limitation rate (yet to be confirmed).
- 4.3 If charges are not increased annually it has a detrimental effect on subsequent years as higher increases are then needed to recover the shortfalls from previous years.
- 4.4 The Council's Business Plan relies on inflationary increases to remain viable and cover increasing costs associated with the delivery of the service.
- 4.5 Additional resource is necessary to be able to meet the demands from Welsh Government on maintaining the WHQS, the provision of new affordable housing, decarbonisation of the existing stock and increasing support for tenants in order to sustain tenancies and reduce homelessness.
- 4.6 The impact of Covid has significantly impacted on the HRA, in particular material costs, but with a considerable reduction in productivity, meaning that our budget has been delivering less. This has resulted in a backlog of work which will increase costs in 2022/23.

5. THE REPORT

5.1 Rent Increase

- 5.1.1 Members will recall that the rent policy under Welsh Government has changed over recent years and the Minister has reacted where necessary year on year. More recently however, the rent policy has been fixed for a five-year term. We are currently under the 2020/21 to 2024/25 five-year rent band which was set at CPI plus 1%. Under the current rent policy, a target rent band for each Authority was set by WG so there is still some degree of control retained by WG however, all of the rental income will be retained by the Authority and used to fund expenditure, service debt and create borrowing headroom to support the delivery of WHQS and future investment. However, during 2021/2022 the target rent band was suspended as a consequence of the Covid-19 pandemic. Furthermore the "plus 1%" has been removed for the 2022/23 financial year as a reaction to the ongoing pressures during the Covid-19 pandemic and Brexit, which has seen inflation rise higher than expected. The Welsh Ministers can determine the appropriate charge to the rent levels in that year if CPI falls

outside of the range 0% and 3% and has therefore decided to remove the “plus 1%” from the 2022/23 rent policy.

5.1.2 As a result of the housing benefit limitation scheme, rent increases above Department of Work and Pension (DWP) rent limits do not produce extra income from the benefits system, as any shortfall would be required to be met by the tenant. This would therefore be an added financial burden to some of our most vulnerable tenants. At this stage however, as in previous years, details regarding the DWP limit under the current rent policy are yet to be confirmed, but all the recommendations contained within this report are compliant with the WG. Typically, the limit rent is increased by the rent policy, therefore it is assumed that the DWP rent limits will increase by 3.1%. Approximately 75% of tenants are in receipt of financial support in the form of Housing Benefit or Universal Credit.

5.1.3 The 2020/2021 policy target rent band for CCBC was

- Low end £90.41 per week
- Mid-point £95.17 per week
- High end £99.92 per week

The rent increase applied in 2020/21 of 2.7% meant that the average rent was £90.66 which was just within the low end of the target rent band.

5.1.4 However, the target rent band for 2021/2022 and 2022/23 has been suspended as a consequence of the Covid pandemic, so we are unable to measure the impact of any increased proposal. We can, however, evidence the impact that a lower than required increase can have when compared to the Housing Business Plan.

5.1.5 Initially, WG have stated that “*The rent policy allows you to apply the inflation plus £2 (per week) if you are aiming to move to a higher point within the Target Rent Band to meet your business plan commitments...*” This was removed for 2019/20 and was only applicable if Social Housing Landlords were below the rent envelope. This was subsequently changed under the 2020/21 policy, and the “plus £2” could only be applied on condition that the total rental income collected by the landlord is no more than CPI +1%. Furthermore, as part of the 2022/23 rent policy this means the overall income collectable cannot increase any more than CPI only for 2022/23. This provision is designed to enable social landlords to restructure rents where appropriate.

5.1.6 CCBC’s average rent based on a full rent debit as at week 37 is £91.79 (52-week basis) which when compared to the 2020/2021 target rent band (allowing for a 1.5% increase as per the 2021/22 rent policy) is at the low end of the band.

5.1.7 Applying the maximum of 3.1% increase means our average rent would be £94.63. Even with the suspension of the target rent band, this still places the rent within the low end of the previous two year’s banding, as per the table at 5.1.3.

5.1.8 The latest business plan submitted to WG in March 2021 included a rent increase of 1.5% for 2022/23 increasing to 2% for 2023/24 to 2025/26 with an increase to 2.5% from 2026/27 onwards. For 2022/23 this was on the assumption of applying CPI only and that CPI would be 1.5%. Applying CPI only (as opposed to CPI plus 1%) was considered a prudent approach at that time whilst in a pandemic environment where conditions were volatile. However, the unprecedented increases in materials could not be foreseen and these increases need to be reflected in the next business plan to be submitted to WG in March 2022.

5.1.9 To give members an idea of how changes in one area can affect the business plan, officers have modelled an example in respect of price increases for materials against the current business plan. If a 10% increase in materials is factored into the current plan whilst maintaining the 1.5% assumption for rent, this would result in an additional borrowing requirement of £4m.

- 5.1.10 If a 5% increase in materials is factored into the current plan whilst maintaining the 1.5% assumption for rent, this would result in an additional borrowing requirement of £1.9m
- 5.1.11 By applying the maximum 3.1% rent increase against the 10% & 5% scenario increase in costs for materials this would reduce the additional borrowing requirement to £2.1m or £200k respectively. The maximum rent increase would therefore offer more protection in terms of cost increases.
- 5.1.12 By applying a 2.5% rent increase against the 10% and 5% scenario increase in costs for materials this would reduce the additional borrowing requirement to £2.8m or £900k respectively.
- 5.1.13 By applying a 2% rent increase against the 10% and 5% scenario increase in costs for materials this would reduce the additional borrowing requirement to £3.3m or £1.4m respectively
- 5.1.14 By applying a 0% rent increase against the 10% and 5% scenario increase in costs for materials this would increase the additional borrowing requirement to £5.3m or £3.7m respectively.
- 5.1.15 Council agreed on the 26th February 2020 to a £75m borrowing level to complete the WHQS programme and progress with new build. This was estimated to be in the region of £45m for WHQS and £30m for new build. In the light of the pandemic, it was clear that progress of the WHQS programme was inhibited due to social distancing regulations, tenant refusals, and potential sickness of the workforce, contractors and/or tenants. Work progressed slowly and Welsh Government extended the deadline across the sector to December 2021. The additional costs associated with the pandemic restrictions resulted in an estimated total cost of £270m to achieve the WHQS Standard although due to the pandemic, spend was delayed whilst we were subject to lockdown restrictions, which meant funding could be carried over into the final year with a minimum impact on borrowing. Total borrowing for WHQS is therefore £40.9m. Borrowing for new build can therefore be confirmed at £34.1m within the current approval limit.
- 5.1.16 Furthermore, the pandemic resulted in additional costs to the HRA. In 2020/21 this was a net cost of £1.2m with no financial support from Welsh Government. In theory, therefore, this is a direct cost to tenants which is at a detriment to other services provided and deflects funding from our ambitious new build programme.
- 5.1.17 On its own, a rent increase of less than 1.5% for 2023/24 will mean less income to deliver housing services which could result in a review of the services and the way they are currently delivered, the extent of work to be undertaken, alternative options for increasing income or an increase in borrowing. However, we also need to factor in the increasing costs of materials which will impact on our Housing Repairs Operations, our Planned Programme for maintaining our current stock, and our New Build Programme.
- 5.1.18 Members must also consider the pressure Local Housing Authorities are facing from Welsh Government on increasing housing supply and ensuring we meet the decarbonisation agenda, both of which require significant investment. The report to The Housing and Regeneration Scrutiny Committee on the 26th November 2019 outlined the need for £14m additional borrowing to kick start the new build programme with the aim to deliver 400 affordable homes between 2020 and 2025. This directly links with the Council's commitment contained within the Corporate Plan 2018-2023 and Wellbeing Objective 3 which aims to address the supply, condition and sustainability of homes throughout the county borough.
- 5.1.19 A nil increase for 2022/23 would mean the rent would remain at £91.79 but this would require considerable future rent increases to get back into the target rent band envelope range if and when this is re-introduced. This would also result in reduced income of £1m annually to that

assumed within our business plan, and this is without factoring in any further cost increases as explained in the report. Again, members must consider the ongoing effect of this reduced rent to address the significant investment required as explained above.

- 5.1.20 An increase of 2.5% means the average rent would be £94.08 over a 52-week period. This would generate additional income of some £1.3m which would be £500k more than the assumption within the current business plan but will allow for some growth to offset the unprecedented increase in material costs. This still places Caerphilly within the low end of its target rent band.
- 5.1.21 Generally, the DWP increases the Housing Benefit Subsidy Limit within similar lines to the rent policy guidance, meaning for the majority of our tenants, the maximum 3.1% increase would be covered.
- 5.1.22 Additional borrowing as a consequence of income shortfalls must be affordable under the Prudential Code. It also means an increase in debt and interest charges which takes resources away from the HRA to manage and maintain our housing stock and support our tenants.
- 5.1.23 In addition, affordability for tenants is now a factor that must be considered as part of setting any rent increases. This involves engaging with tenants to capture relevant data and views and establishing a suitable model that would evidence affordability together with a system for accurately recording such information. Unfortunately, due to restrictions from the pandemic, this was not progressed fully in 2020 although a tenants' affordability survey was sent out in November 2020 and repeated in 2021.
- 5.1.24 Since 2014/15 the average rent increase for Caerphilly Homes is 3.1%
- 5.1.25 With the exception of the previous year (2021/22) where CPI was at an unprecedented low level due to the economic impact from Covid-19, (resulting in a 1.5% rent increase), the average rent increase is 3.3% so the recommendations in this report would be lower than the average.

5.2 Affordability

- 5.2.1 Officers have continued to work on developing the affordability survey and have met colleagues in Welsh Government and other local authorities with the aim of sharing best practice. The feedback from Welsh Government on the previous year's rent setting process across the sector gave us more of an understanding as to what Welsh Government were expecting in order to evidence affordability. For example, landlords automatically received a favourable score if they used the Joseph Rowntree Foundation (JRF) Living Rent model or an equivalent affordability tool. Caerphilly Homes Officers had been considering the JRF model prior to the pandemic but did not have the resources to progress during 2020/21. The JRF model has now been considered as part of the 2022/23 rent setting process
- 5.2.2 Other areas of good practice included a wide range of tenant consultation platforms and appropriate feedback, working in collaboration with tenants to set rents. As an authority we have been limited to certain media platforms due to GDPR concerns, which has restricted our ability to reach all tenants. However, officers have developed a full consultation process including an online survey during October/November 2021, 3 focus groups, and a 'question of the week' poll for each week during November. The survey was posted on Facebook and Twitter and was also available on the Council's website. An EGov bulletin was sent to those tenants who have registered with the link. There were periodic reminders over the term of the survey and there was also a dedicated helpline for any tenants who required assistance in completing the survey.
- 5.2.3 Overall, there were 373 tenant responses to the survey with a mix of areas and tenures being represented. This was an increase of 133 compared to the previous year.

- 5.2.4 42% of the tenants were represented from the East of the Borough, 28% from the South and 28% from the North.
- 5.2.5 The majority of responses were from tenants in 3-bed houses, with the main source of income being from sickness or disability benefits, closely followed by full time employment.
- 5.2.6 65% of the respondents received some form of benefit support towards paying their rent. 35% of respondents received no support.
- 5.2.7 65% of responding tenants think our rents are fair and affordable and 35% do not. Mixed responses vary from “compared to the private sector it’s good value” “Better and more secure than private renting” “Fair price” to “It’s not affordable for one low-income person”, “Because Universal Credit don’t give you enough to live on with rent”, and “The rent is fair but I’m finding it hard to pay with the low income”.
- 5.2.8 54% agreed that Caerphilly Homes should consider the average household income when setting rent and 83% thought Caerphilly Homes should take into account the costs of running a home when setting rent.
- 5.2.9 61% of tenants thought that their rent provides value for money. Comments included: “The homes are modern and well looked after”, “It is a warm home, fair rent costs and we feel safe here” “I think your repair and servicing team are very efficient and very easy to contact”, “You don’t do enough to maintain the property” “Delays in repairs and neglect of environment”, and “Repairs never completed or charged for mistakes”
- 5.2.10 Any tenant who expressed difficulties with paying their rent within the survey comments, was contacted and offered support by Tenancy Support Team.
- 5.2.11 The survey overall gave us a mixed response, and there are clearly some responses that need to be followed up, but it does suggest a higher proportion of our tenants agree that their rent is affordable and offers value for money.
- 5.2.12 In addition to the survey, we are able to measure certain indicators against an All-Wales Average to ascertain, from a statistical point of view, if rents appear affordable within the Caerphilly County Borough. Due to the lack of resources explained in 2.6 above, WG have not yet published 2020/21 data, so we have used the previous year as a comparator.
- 5.2.13 The average social rent for Caerphilly CBC in 2019/20 is £88.27/wk, which is nearly 4% lower than the All-Wales Average for Local Authorities of £91.65/wk. The All-Wales Average for Registered Social Landlords is £92.50/wk. Caerphilly CBC is ranked the 3rd lowest Local Authority in terms of its weekly rent.
- 5.2.14 Private rents in Caerphilly CBC for 2019/20 average £105.80/wk, some 6.4% lower than the All-Wales Average at £113.00/wk.
- 5.2.15 Caerphilly CBC ranked 5th highest out of the 22 Local Authorities in terms of workplace earnings at £384.47, which is some 3.5% higher than the All-Wales Average of £371.63/wk.
- 5.2.16 The results of the 2021 STAR survey to tenants, on their satisfaction with the housing service, confirmed 77% were satisfied overall with the service provided by Caerphilly Homes, and 76% were satisfied that their rent provides value for money
- 5.2.17 These statistics together with the tenant’s affordability survey suggest that the rent is affordable and provides value for money. However Welsh Government require us to prove this in terms of measuring our current rent against an appropriate affordability model.

- 5.2.18 To expand on the affordability measure that WG require us to evidence, and to prove our rents are affordable, 54% of our surveyed tenants thought we should consider income when setting the rent. Using the JRF living rent model means a link is established between rents and tenants' ability to afford them. The affordability criteria are designed on the principle that a single person should not pay more than 28% of their net pay on rent for a standard single person unit of accommodation. This is then weighted for equivalence values to reflect the different property types within our portfolio and typical family compositions, using a tool developed by the Organisation for Economic Co-operations and Development (OECD)
- 5.2.19 This principle requires the use of average income data. The Office of National Statistics (ONS) releases an Annual Survey of Hours and Earnings (ASHE) every October which provides an estimate of income levels from those in the lowest 25% of earnings, across the UK, broken down into Middle Super Output Areas (MSOA). There are 24 MSOA's for Caerphilly Borough.
- 5.2.20 If an existing tenant's rent is lower than the affordable Living Rent assessment, rent should be increased each year by the agreed percentage uplift plus a maximum of £2 per week allowed under the current rent policy.
- 5.2.21 If an existing tenant's rent is higher than the affordable Living Rent assessment, rent can either be frozen or decreased each year by a maximum of £2 per week until the rent has aligned with the affordable living rent assessment.
- 5.2.22 Any new tenants would be let at the current living rent model.
- 5.2.23 The methodology described above is clearly different to our current local rent policy, where uplifts are applied consistently to all tenants irrespective of location or earnings. However, in order to comply with the requirements of Welsh Governments social rent policy and affordability principles below, we must ensure we can evidence that the rent we set for tenants is fair, transparent, affordable, and sustainable.
- 5.2.24 The principles expected from Welsh Government when setting rent are: -
- **Affordable:** We will consider the total costs of renting homes and incomes to understand what is affordable for our residents, and ensure that residents have the greatest opportunity to sustain their tenancies and thrive,
 - **Sustainable:** We will set rents that allow us to continue to provide high quality, safe, warm homes for the people who need them in the communities we serve
 - **Engage:** We will involve residents to develop and review our approach to rent setting, and inform our decisions on rents
 - **Fair:** We will work to ensure that rents and other charges are set fairly, and our homes and services represent value for money
 - **Accountable:** We will be open, transparent and accountable when we make decisions on rents.
- 5.2.25 In order to meet these requirements Caerphilly Homes needs to review its current rent policy.
- 5.2.26 Early indications on exploring the JRF model suggest that Caerphilly Homes rent levels compare favourably, which gives initial assurance that our rent levels are broadly affordable. Officers will be carrying out further work on the model in the New Year.
- 5.2.27 Officers are requesting that the current rent policy be reviewed in the Spring of 2022 to consider incorporating the JRF affordability model when setting future rents.

5.3 Tenancy Support

- 5.3.1 Caerphilly Homes Rents team offers person centred support to its tenants. A team of tenancy and welfare benefit support staff are available to provide support as soon as a tenancy starts. Staff have the discretion and flexibility to deal with differing individual circumstances when tenants are in difficulty and are empowered to deliver innovative solutions. The number of tenants claiming housing benefit or universal credit housing costs to help pay their rent has increased from 72% to 75% between December 2020 and December 2021. Since April 21 our staff have assisted tenants to claim over £2.3m in additional benefits. This support is not only offered to tenants experiencing financial hardship, but to tenants who we recognise using key data sets are not claiming their full entitlement of benefits.
- 5.3.2 Surveys completed by tenants receiving the service have shown the huge difference it has meant to their lives. Quotes below have been extracted directly from the surveys:

“Thank you for everything you have done for me it has made a huge difference. I fell into heaven when I came to this wonderful council”, “Been told so many times that I wasn't able to claim (including by DWP) but the Council staff helped me to claim successfully. This has changed my life massively”, “Given me a different perspective of people from the council, reassured me that if there was anything else to get it touch. Built up trust, so great that I know where to call if I need help” and, “I didn't expect to get a backdate I am so happy I am going to use the money to buy a mobility scooter something I never ever thought I could afford to buy. I can't thank you enough”

This support is integral to the Rents Team and will continue to be offered to all tenants

5.4 Garage Charges

- 5.4.1 The garage rationalisation and refurbishment programme, linked to the WHQS programme has led to a reduction in our garage stock but has resulted in improvements to our remaining stock. This work had a significant impact on void levels as the blocks of garages had to be fully vacated prior to commencement of works on each site. On completion of works to each block, former garage tenants and former leaseholders of garage plots have been offered new tenancies of the newly built or refurbished garages, prior to new tenants being sought for the remainder from existing waiting lists or through marketing. In addition, a number of garages have been demolished due to unsuitability and lack of demand. However, due to Covid-19 the void position on garages has not yet improved due to resources being deployed in more critical areas. Currently 30% of our garage stock remains void.
- 5.4.2 The rent on garages had not been increased for 3 years while the rationalisation programme was being undertaken but an increase was re-introduced in 2020/21 at 1.5%. Total investment to our garage stock was £2.6m and we can collect £380k per annum in charges if all garages are let. Currently our garage charge is £8.23 per week and 79% of garage tenants are not council tenants. The 2021/22 business plan assumed a 2% increase for the 2022/23 financial year. For the 21% who are council tenants this would equate to £8.39 per week and for the 79% non-council tenants this would equate to £10.07 to include VAT.

Tenants in receipt of benefit

- 5.4.3 Garage rents are not eligible for housing benefit and the majority (79%) of garage tenants are not actually council house tenants.

Financial impact

- 5.4.4 The Business Plan has included a 2% increase on garage rental income. Not increasing the income will mean a loss of approximately £5k. Although this does not appear significant, there has also been a compounding loss of approx. £30k from the previous 3 years where

increases were not applied.

6. ASSUMPTIONS

- 6.1 Assumptions are prevalent within the Housing Business Plan and are necessary to create a 30-year projection as requested by Welsh Government. Assumptions are included on key drivers such as (i) Interest rates (ii) Inflation (iii) Rental Increases (iv) Staffing levels (v) stock movement (vi) capital programme expenditure (vi) level of rent arrears, and (vii) level of voids and are taken from projections, local knowledge and Welsh Government guidance.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 Section 24 of the Housing Act 1985 provides Local Housing Authorities (LHA's) with the power to set rents for its properties relating to Part II of said Act. A LHA is under a duty to act reasonably by determining rent levels. When setting rents under this section, a LHA must comply with any standards relating to rent set by the Welsh Ministers under section 111 of the Housing (Wales) Act 2014 and must also have regard to guidance issue under section 112 of the 2014 Act. Section 74 of the Local Government and Housing Act 1989 requires a LHA to keep and maintain a HRA ring-fenced account which ensures that the income raised from operating council housing is spent on council housing, and that neither the HRA nor General Fund are cross subsidised. Section 76 of the Local Government and Housing Act 1989 requires that the HRA cannot be set into a deficit.]
- 7.2 An increase in rents is required in order not to set a deficit budget within the HRA. The additional income is utilised on maintaining or improving existing services as well as creating financial resource to be able to meet WG agendas and challenges such as minimising evictions, not to evict into homelessness, deliver high quality homes, evidencing affordability and value for money, maintaining WHQS, installing Optimised Retrofit Programmes on existing stock, and enhancing tenant involvement.
- 7.3 65% of tenants who were surveyed on "Your rent your view" survey confirmed that their rents were deemed fair and affordable and 61% thought their rents provided value for money. 76% of tenants who were surveyed on the STAR survey also thought their rents provided value for money and 77% were satisfied with the services provided. As part of the rent setting process, tenants were also involved in focus groups and question of the week polls.
- 7.4 The latest statistics for the All-Wales averages (2019/20) ranks Caerphilly 3rd lowest in terms of Local Authority rent and 5th highest in terms of workplace earnings. 75% of Caerphilly CBC tenants are in receipt of financial support for their rent in the form of Housing Benefit or Universal Credit. Tenancy support is offered to all tenants.
- 7.5 The proposed increase is the lowest increase for a number of years with the exception of 2021/22 where CPI was an unprecedented low value due to Covid-19

<http://www.caerphilly.gov.uk/CaerphillyDocs/IIA/iia-form-rent-increase-2022-2023-final>

8. FINANCIAL IMPLICATIONS

- 8.1 This report deals with the financial implications of the proposed rent increases which affect the HRA.
- 8.2 The impact of the Welfare Reform Act is not taken into consideration

9. PERSONNEL IMPLICATIONS

- 9.1 The proposals contained in this report will not alter the current arrangements for the collection of housing revenue account monies.

10. CONSULTATIONS

- 10.1 All consultation responses have been reflected in this report. This report came before the Housing & Regeneration Scrutiny Committee on February 1st, 2022.
One Member asked about the impact of high levels of inflation on material costs. The Head of Housing advised on how cost efficiencies were explored, how managed procurement contracts with fixed prices provided some protection and also outlined some of the benchmarking work that took place with partners. The Member asked about any cost benefits from future plans for the construction of Council housing. The Head of Housing outlined economies of scale associated with modern construction methods and advised that cost efficiencies were constantly sought with partners.
One Member asked for an update on apprenticeships in light of high labour costs. The Head of Housing advised that in terms of the technical side the number of apprentices was currently in the teens. Members also heard how new ways of training for Caerphilly Homes would be explored in the future.
- 10.2 Following consideration of the report, it was moved and seconded that option (iii) in section 3.2 be recommended to Cabinet for consideration. By way of a roll call vote and in noting that there were 8 votes FOR, 1 vote AGAINST and 0 ABSTENTIONS this was agreed.
RECOMMENDED to Cabinet that they approve 3.2 (iii) 2% – (£93.62/52 week – additional £1.84/wk) which is additional income of £1m, allowing for a small margin to reflect the unprecedented increase in material costs.
- 10.3 It was also moved and seconded that (vi) in section 3.2 be recommended to Cabinet for consideration. By way of a roll call vote and in noting that there were 9 votes FOR, 0 votes AGAINST and 0 ABSTENTIONS this was unanimously agreed.
RECOMMENDED to Cabinet that they approve 3.2 (vi) - The level or rent for garages from April 2022 be increased by 2% to £8.39 per week.
- 10.4 It was further moved and seconded that (vii) in section 3.2 be recommended to Cabinet for consideration. By way of a roll call vote and in noting that there were 9 votes FOR, 0 votes AGAINST and 0 ABSTENTIONS this was unanimously agreed.
RECOMMENDED to Cabinet that they approve 3.2 (vii) - Recommend a review of the current rent policy to reflect affordability.

11. STATUTORY POWER

- 11.1 Local Government Acts 1972. This is a Cabinet function.

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Consultees: Cllr J Ridgewell - Chair Housing & Regeneration Scrutiny Committee
Cllr M Adams - Vice Chair Housing & Regeneration Scrutiny Committee
Cllr Shayne Cook - Cabinet Member for Houses & Property
Dave Street - Corporate Director Social Services & Housing
Nick Taylor-Williams - Head of Housing

Robert Tranter	- Head of Legal Services/Monitoring Officer
Stephen R Harris	- Head of Corporate Finance & S151 Officer
Sandra Isaacs	- Rents Manager
Amanda Main	- Acting Benefits Manager
Fiona Wilkins	- Housing Services Manager
Jane Roberts-Waite	- Strategy & Co-ordination Manager
Alan Edmunds	- WHQS Project Manager
Jason Fellows	- HRO Manager
Kerry Denman	- Housing Solutions Manager
Mandy Betts	- Tenants & Community Involvement Manager

Background Papers: N/A

Gadewir y dudalen hon yn wag yn fwriadol



CABINET – 13TH JULY 2022

SUBJECT: ENFORCEMENT & COMPLIANCE OF THE MINIMUM ENERGY EFFICIENCY STANDARDS IN PRIVATE RENTED DOMESTIC PROPERTIES (MEES) PROCEDURE

REPORT BY: CORPORATE DIRECTOR FOR SOCIAL SERVICES AND HOUSING

1. PURPOSE OF REPORT

- 1.1 For Members to consider and take a view on the adoption of the enforcement approach and protocol set out in Appendix 1 to satisfy the requirements under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, as amended, regarding rented domestic properties, following its presentation to the Housing and Regeneration Scrutiny Committee on the 9th June 2022.

2. SUMMARY

- 2.1 The Energy Efficiency (Private Rented Property) (England and Wales) Regulation 2015 sets out the legal obligation for landlords to provide energy performance certificates of E or above to existing, new and prospective tenants in most rented homes unless they are exempt such as listed buildings or officially protected. The Regulations impose a minimum energy efficiency standard to help reduce fuel poverty and carbon emissions.
- 2.2 An Energy Performance Certificates (EPCs) provide a rating for the energy performance of a home ranging from A to G, with A being the most efficient. The rating is based on factors such as age, layout, heating, lighting, and insulation. A landlord could be liable to a penalty notice if a property is privately rented which either does not have a current EPC or the EPC is rated energy bands F or G.
- 2.3 The Council has been awarded £60,000 following a successful application for funding to a compliance and enforcement competition organised by UK Government Business, Enterprise, and Industrial Strategy Department.
- 2.4 Work has been ongoing since October 2021 to identify private rented properties with no EPC or with an EPC of F and G. A promotional campaign is underway to reach as many landlords and tenants as possible with advice and information. A large proportion of landlords have already engaged and/or taken the required action without the need to take enforcement action.
- 2.5 There are also several third-party companies that offer financial support for private sector landlords to help improve the energy efficiency of their rented property such as LA ECO Flex, Nest Wales, and Rent Smart Wales Warm Homes funding.

- 2.6. The regulation also has a financial cap that only requires landlords to spend a maximum of £3,500 to improve the property. If, after the landlords spends £3,500 on the property, a rating of E or above has not been achieved; the landlord can provide the evidence to BEIS and register an exemption on their register.
- 2.7 Enforcement action is always a last resort. However, where the landlord fails to engage and ensure compliance informally, officers authorised under the MEES regulations must have the authority to serve Penalty Notices to ensure compliance.

3. RECOMMENDATIONS

- 3.1 Members are requested to agree and adopt on the following recommendation: -
- 3.2 To agree and adopt the Enforcement Protocol in Appendix 1 as the Council's approach to dealing with identified non-compliances, including the use of Compliance Notices and Penalty Notices where appropriate.
- 3.3 The Enforcement & Compliance of the Minimum Energy Efficiency Standards in Private Rented Domestic Properties (MEES) procedure will be periodically reviewed and updated in line with Welsh Government Legislation to reflect the maximum values of penalty permitted and the minimum Energy Performance Rating required under the regulation.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 Adopting the Enforcement Protocol will improve the energy efficiency of private rented sector housing whilst ensuring landlords comply with their legal obligation under the MEES regulation.
- 4.2. The authority has also committed to reducing fuel poverty by making homes more energy efficient within the Corporate Plan Wellbeing Objectives. Ensuring compliance with the MEES regulation will have a direct impact on achieving objective 3, addressing the availability, condition, and sustainability of homes throughout the county borough and providing advice, assistance or support to help improve people's well-being.
- 4.3 The MEES regulation will help:
- i. Tackle the determinants of poor health and wellbeing by improving housing conditions in the private sector.
 - ii. Help reduce fuel poverty by making homes more energy-efficient and providing people with advice on how best to heat their homes.
- 4.4 The Office of National Statistics published information based on data up to March 2021 that the cost of renting a G rated property in Wales is £2,613 compared with £1,200 for a E rated property. This means that a tenant living in a substandard property could be paying £1,413 extra in energy bills due to the landlord's unwillingness to meet his legal obligation.

5. THE REPORT

Background Information

- 5.1 Section 34 (2) of the regulations imposes a statutory duty on Local Authorities to enforce compliance with Part 3 of the regulations which impose the minimum energy efficiency

- requirements. A link to the regulations and statutory guidance is included in Appendix 1.
- 5.2 Since 1st April 2020, for all tenancies in private rented properties (new and existing), the property must meet minimum energy efficiency standard (MEES) of E in its Energy Performance Certificates (EPCs) unless there is a valid registered exemption, or the property does not require an EPC.
 - 5.3 Long term, the UK Government has an aspiration to raise the minimum EPC requirements for domestic properties to a rating of C. Legislation introducing this change is now under consultation, with a proposed implementation by 2030.
 - 5.4 The procedure attached as Appendix 1 has been developed in accordance with a compliance and enforcement toolkit provided by BEIS to Local Authorities who were successful in their bid applications. Working with partners like Rent Smart Wales (RSW), officers will act on properties with an F and G rating, encouraging landlords to make the necessary improvements, signposting to funding opportunities, but also take enforcement action against any landlords who are unwilling to implement the changes to improve their properties.
 - 5.5 There are third party funding opportunities being offered to landlords and tenants to help with improving the energy efficiency of the properties and reduce the energy bills. This includes the LA ECO flex which the authority offers.
 - 5.6 Other third-party funding streams such as Nest Wales and Rent Smart Wales warm fund. RSW offer partly funding for first-time gas central heating in properties with EPC bands F and G. RSW has written to landlords of affected properties to promote this offer of funding towards energy efficiency improvements. Advice and information have also been included within RSW newsletters and their website.
 - 5.7 Over the last 6 months landlords of all known F and G properties have been contacted with information on their obligation under the MEES regulation and the potential grant funding available. There has also been a designated MEES officer giving information and advice to any landlord or tenant requesting support.
 - 5.8 Officers are also regularly scrutinising the Register of Exemptions to ensure that any exemption recorded by a landlord is valid and meets the level of evidence required by BEIS.
 - 5.9 The Regulations empower authorised officers to serve a Compliance Notice on a non-compliant landlord, giving at least one month to provide the required energy performance documentation relating to the rented property. Failure to provide the information makes the person liable to pay a penalty notice.
 - 5.10 A detailed breakdown of the offences and associated penalties is detailed within the Enforcement Procedure in Appendix 1. The maximum fine permitted per property is £5,000.
 - 5.11 The regulations also enable officers to issue a Publication Notice for publishing details of the breaches of the regulations on the BEIS Private Rented Sector Exemptions register. The details such as the name of the organisation receiving the financial penalty, information on the breach of these Regulations in respect of which the penalty notice has been issued, the address of the property in relation to which the breach has occurred and the amount of any financial penalty imposed.
 - 5.12 It is important to note that the penalty notices are civil penalties and there are no provisions to take a prosecution forward should the landlord continue to breach the regulation.

- 5.13 Therefore, the penalty notice will be the only form of punishment for none-compliance with the MEES regulation. The level of the penalty must be set at a high enough level that encourages compliance.
- 5.14 Where the Local Authority decides to impose a financial penalty, they have the discretion to decide on the amount of the penalty, up to maximum limits set by the Regulations. The enforcement procedure to support the enforcement approach, including the recommended penalty limit, is included in Appendix 1.

Conclusion

- 5.15 The adoption of the MEES Enforcement Procedure will improve the standard of Private Rented Sector Housing within Caerphilly CBC, will help reduce fuel poverty for many private sector tenants and households struggling with high energy bills. Improving properties and improving the energy efficiency of these properties will also have a positive impact on the environment and reduce carbon emissions produced by the substandard and inefficient properties.

6. ASSUMPTIONS

- 6.1 There are no assumptions made in this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 The Integrated Impact Assessment (IIA) concluded that the proposal will have a positive impact on all private sector tenants living in substandard properties. Enforcing the MEES regulation will help drive the standard of (the) private rented sector housing up to ensure an Energy Enforcement Rating of E or above.
- 7.2 The regulation is based on the property, not the occupiers or the landlord. Therefore, the IIA concluded that there will be no negative impact on the protected characteristics.
- 7.3 The IIA also highlighted the financial benefit for tenants experiencing fuel poverty and struggling due to high energy bills. The MEES regulation's prime objective is to address private rented properties that are difficult and expensive to run. Improving the energy rating of a property from a G or F to E or above will have a positive impact and the tenants should see financial benefit in lower energy bills. This should help tenants that financially struggling.
- 7.4 The Office of National Statistics published information based on information up to March 2021, the cost of renting a G rated property in Wales is £2,613 compared with £1,200 for a E rated property. This means that a tenant living in a substandard property could be paying £1,413 extra in energy bills due to the landlord's unwillingness to meet his legal obligation.
- 7.5 Landlords will have a duty to comply with the MEES regulation. The landlord will be given every help and support to meet the requirement informally before resulting in the authority taking Enforcement action and serving a Penalty Notice.

- 7.6 The IIA also identified how enforcing the MEES regulation will help achieve the authority corporate Well-being objectives including:
- i. Tackle the determinants of poor health and wellbeing by improving housing conditions in the private sector.
 - ii. Help reduce fuel poverty by making homes more energy-efficient and providing people with advice on how best to heat their homes.
- 7.7 The IIA confirmed that the proposal will have a positive impact on the Welsh language as the Principal Housing Officer is fluent in Welsh giving an opportunity for a person to use Welsh in obtaining advice and information if required. All material will also be available in both languages.
- 7.8 A copy of the IIA can be viewed via the following link:
<https://www.caerphilly.gov.uk/CaerphillyDocs/IIA/mees-ia-18-3-22-ntw-signed>

8. FINANCIAL IMPLICATIONS

- 8.1 The Private Sector Housing Team was successful in obtaining £60,000 to promote and encourage compliance with the MEES regulation dealing with domestic properties. This funding has been used to engage with the landlords and set up the team should enforcement become an option. No additional funding implication will be needed for the Private Sector Housing to continue with the work of implementing the proposed Enforcement Procedure.
- 8.2 The Penalty Notices have the potential of generating some funding to the authority. However, the aim of the notice is to ensure compliance and not to be used as an income generator.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

- 10.1 The report was presented to the Housing and Regeneration Scrutiny Committee on the 9th June 2022, who were supportive of the recommendations to agree and adopt the Enforcement Protocol.
- 10.2 The Scrutiny Committee highlighted that the report mentions G rating properties and whether these would be the larger size properties required for families who would find it difficult to be accommodated in smaller properties. The report references installation of gas central heating but is this a short-term measure when the public are being encouraged to look at heat pumps as a way forward.
- 10.3 It was confirmed that all sizes of property can be G rated and will depend on the construction type and energy efficiency provisions and may apply if there have been no insulation works for example, with traditional terraced homes often rated at G.
- 10.4 It was clarified that plans to enforce the move away from gas central heating currently applies to new build properties rather than existing properties.
- 10.5 Members asked who would be carrying out the work associated with the regulation and will it affect existing officers work streams. It was confirmed that dedicated staff was

employed through the £60,000 grant fund to carry out this work and plans are in place to allocate additional resources to fund this work.

- 10.6 The scrutiny committee asked if the £3500 cap set out in the regulations will be sufficient particularly when you consider the rise in building materials costs. It was clarified that many of the measures to make energy improvements can be carried out relatively simply such as energy efficient lightbulbs. Landlords will need to spend the £3500 in the first instance and then they can access grants to carry out additional works up to £10,000.
- 10.7 Members sought clarification on appendix 1 and potential for differences between the 22 local authorities implementing their own policies. Has thought been given to offering a staged approach as set out in a policy proposal in another local authority? It was explained that a task group has been established with other colleagues to develop a toolkit and to share and learn from good practice. They had looked at the staged approach but discounted it as the main aim is to encourage compliance by landlords. It should be noted that this is a last resort and landlords would have had three letters and offered assistance before it is progressed to this stage.
- 10.8 Landlords have a legal obligation to meet these requirements and by not complying they are contributing to the fuel poverty of their tenants. There are products and loans available to landlords if they are struggling and this policy is there to target those landlords who are wilfully non-compliant.
- 10.9 The report was supported and recommended to Cabinet.

11. STATUTORY POWER

- 11.1 The Energy Efficiency (Private Rented Property) (England and Wales) Regulation 2015
- 11.2 The Energy Performance of Building (certificate and Inspections) (England and Wales) Regulations 2007

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Consultees:	Cllr Shayne Cook	- Cabinet Member for Housing
	Cllr Andrew Whitcombe	- Chair Housing and Regeneration Scrutiny Committee
	Cllr Patricia Cook	- Vice Chair Housing and Regeneration Scrutiny Committee
	Dave Street	- Corporate Director Social Services & Housing
	Nick Taylor-Williams	- Head of Housing
	Fiona Wilkins	- Housing Service Manager
	Rob Tranter	- Head of Legal Services & Monitoring Officer
	Stephen Harris	- Head of Financial Services & S151 Officer
	Claire Davies	- Private Sector Housing Manager
	Lesley Allan	- Principal Group Accountant – Housing
	Kerry Denman	- Housing Solutions Manager
	Anwen Cullinane	- Senior Policy Officer
	Jacqui Morgan	- Trading Standards, Licensing & Registrars Manager .

Appendix 1 - Enforcement & Compliance of the Minimum Energy Efficiency Standards in Private Rented Domestic Properties (MEES) procedure.

Appendix 1:

Caerphilly County Borough Council

Enforcement & Compliance of the Minimum Energy Efficiency Standards in Private Rented Domestic Properties (MEES) procedure.

Purpose:

The purpose of this document is to set out a framework for Caerphilly County Borough Council to enforce the Minimum Energy Efficiency Standards regulations in Private Rented Domestic Properties (MEES) requirements which prohibit sub-standard properties from being let.

The Domestic Minimum Energy Efficiency Standard (MEES) Regulations set a minimum energy efficiency level for domestic private rented properties.

The Regulations apply to all domestic private rented properties that are:

- let on specific types of tenancy agreement
- legally required to have an Energy Performance Certificate (EPC)

Since 1 April 2020, landlords can no longer let or continue to let properties covered by the MEES Regulations if they have an EPC rating below E, unless they have a valid exemption in place.

Caerphilly County Borough Council recognises the importance of improving the energy performance of the private sector housing with the borough and has committed to reducing fuel poverty by publicising their statement of intent under the LA ECO flex.

Background:

The Energy Performance Certificate provides information about a property's energy use, typical energy costs, and recommendations about how to reduce energy use and save money. It rates a property's energy efficiency from A - most efficient to G - least efficient. Landlords are required to have an EPC and provide a copy of it to occupants at the start of a tenancy unless the property is exempt from the requirements.

The MEES regulations acknowledge that properties that have an energy performance rating of F and G are extremely difficult and expensive to run and the tenant is likely to be in fuel poverty. Therefore, the regulations require all Landlords of private sector housing that meet the definition above to improve the energy efficiency of their properties to E or above.

However, the regulation also acknowledges that some of these properties are very difficult to improve and there are some situations where improving the property will not be possible. Therefore, there are several exemptions available for landlords to address this concern as seen in the table below (Taken from BEIS Guidance)

High cost - The prohibition on letting property below an EPC rating of E does not apply if the cost of making even the cheapest recommended improvement would exceed £3,500 (inc. VAT)
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All improvements made - Where all the "relevant energy efficiency improvements" for the property have been made (or there are none that can be made) and the property remains sub-standard. Applies to domestic and nondomestic property
--

Wall insulation - There is a special provision for circumstances in which cavity wall insulation, external wall insulation systems, and internal wall insulation systems should not be installed
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Consent - Information on when and where consent is required will be contained within relevant documentation, for example in the landlord's lease or mortgage conditions

Devaluation - An exemption from meeting the minimum standard will apply where the landlord has obtained a report from an independent surveyor who is on the Royal Institution of Chartered Surveyors (RICS) register of valuers advising that the installation of specific energy efficiency measures would reduce Page 41 the market value of the property, or the building it forms part of, by more than five percent.

New landlord - from 1 April 2020, when the minimum standard applies to all privately rented properties that are occupied by tenants, a temporary exemption of 6 months will apply from the date from which a person became a Landlord in the following situation: A person becomes the landlord on purchasing an interest in a property and, on the date of the purchase, it was let on an existing tenancy.
--

The landlord must register any exemption with BEIS and provide sufficient evidence to confirm they meet the criteria under the specific exemption.

All landlords letting their properties with an EPC rating of F and G without a registered valid exemption will be committing an offence under the Requirements.

Identifying Private Rented Properties Breaching the Requirements:

The legal requirement for landlords and agents to register their private rented properties with Rent Smart Wales (RSW) makes identifying breaches in the MEES requirement much easier.

RSW has confirmed that they will be able to provide the Caerphilly Council with details of all F and G rented properties registered with them. Up to September 2021, they have provided details of 114 properties that appear to be in breach of the MEES. An agreement has been made with RSW that they will provide an updated list every quarter to continue to identify any new breaches.

RSW has also provided a list of properties registered with RSW that have no EPC. This list is less reliable and requires cleansing and further investigation. It is impossible to determine how many of these properties are substandard without first obtaining an EPC. The Energy Performance of Buildings (England and Wales) Regulation 2012 gives the local weights and measures team authority to serve a Penalty Notice for landlords not meeting the basic requirement of obtaining a valid EPC. The maximum fine for not having a valid EPC is £200.

Social media campaigns and tenant engagement are also ongoing to inform tenants of the requirement, give advice and invite any that are concerned to contact the Private Sector Housing Team to discuss their options.

Enforcement and Engagements

Enforcement is always a last resort and work is ongoing to engage with landlords and agents to support and give advice on how they can meet their obligation under the MEES regulations. This includes sending an advice leaflet and an informal letter requesting contact and offering support to every landlord identified as a potentially breaches.

Information on any third-party funding available is also promoted. Information is sent to the landlord and tenant of any potential financial support available to help with compliance. However, should the landlord fail to respond to our informal effort, enforcement action is pivotal to ensure compliance.

Compliance Notices

Where there is evidence suggesting that the landlord may still be in breach of the MEES regulation despite two attempts of informal engagement; the case will be escalated to enforcement. The initial stage will be serving a compliance notice requesting information to

confirm if a breach has occurred. A compliance notice can be served up to 12 months after a suspected breach occurred.

A compliance notice may request information on:

- Copy of the current EPC
- the EPC that was valid for the time when the property was let
- the tenancy agreement used for letting the property
- information on energy efficiency improvements made
- any Energy Advice Report in relation to the property
- any other relevant document

Penalties

Action can be taken if it is established that a property is (or has been) let in breach of the Regulations, they may serve a financial penalty up to 18 months after the breach and/or publish details of the breach for at least 12 months.

The maximum penalties amount applies per property and per breach of the Regulations. They are:

- up to £2,000 and/or publication penalty for renting out a non-compliant property for less than 3 months.
- up to £4,000 and/or publication penalty for renting out a non-compliant property for 3 months or more.
- up to £1,000 and/or publication for providing false or misleading information on the PRS Exemptions Register.
- up to £2,000 and/or publication for failure to comply with a compliance notice.

The maximum amount you can be fined per property is £5,000 in total.

Caerphilly County Borough Council believes that breaching this regulation has a significant impact on tenants struggling in fuel poverty.

The Office of National Statistics published information based on data up to March 2021, that the cost of renting a G rated property in Wales is £2,613 compared with £1,200 for an E rated property. This means that a tenant living in a substandard property could be paying £1,413 extra in energy bills due to the landlord's unwillingness to meet his legal obligation.

Furthermore, the private sector housing will make at least two attempts to engage informally with the landlord to help and support compliance before considering enforcement action.

Therefore, non-compliant landlords in breach of the Regulations must bear the full cost of the enforcement of the regulations, minimising the cost to the council taxpayer for providing this service.

To ensure that the £5000 is not breached a maximum penalty notice of £1,000 will be served for landlords that provide false or misleading information on the PRS Exemptions Register or for failing to comply with a compliance notice. This will allow the penalty maximum to be imposed for renting out a non-compliant properties with penalty reduction criteria being considered for mitigating factors set out below: -

<p>Landlord provides evidence of meeting the requirement under the regulation before the penalty payment is due.</p> <p>This will include:</p> <p>Providing evidence of a valid exemption registered against the property.</p> <p>Providing a copy of a valid EPC certificate meeting the MEES regulations.</p>	<p>75% discount</p>
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Publication Penalty (Regulation 39)

A publication penalty means that the enforcement authority may publish some details of the landlord's breach on a publicly accessible part of the PRS Exemptions Register. The enforcement authority can decide how long to register the information for, but it will be available to view by the public for at least 12 months. The information that the enforcement authority may publish is:

- The Landlord's name (except where the landlord is an individual).
- Details of the breach.
- The address of the property in relation to which the breach occurred.
- The amount of any financial penalty imposed.

The Council will routinely place the information on the register at the appropriate time, for a minimum of 12 months.

Reviews, waiving and modification of penalties (Regulation 42)

Where a landlord serves a notice on the Local Authority requesting a review of its decision to serve a penalty notice, authorised senior officers within Private Sector Housing will review the application in accordance with Regulation 42

Right of Review and Right of Appeal (Regulation 43 & 44)

A Landlord that does not agree with a penalty notice, can ask the authority to review its decision. They can withdraw the penalty notice if:

- new evidence shows a breach has not occurred
- a breach has occurred, but evidence shows the landlord took all reasonable steps to avoid the breach
- they decide that because of the circumstances of the case, it was not appropriate to issue a penalty

If a local authority decides to uphold a penalty notice, a landlord may appeal to the First-tier Tribunal if they think that:

- the penalty notice was based on an error of fact or an error of law

- the penalty notice does not comply with a requirement imposed by the Regulations
- it was inappropriate to serve a penalty notice on the landlord in those particular circumstances.

Recovery of Financial Penalty (Regulation 45)

The amount of an unpaid financial penalty will be recovered as a debt owed to the Council. This means that the Council will enter into legal proceedings to recover outstanding penalties.

Failure to Comply

The MEES regulation has no provision to prosecuting the landlord following non-compliance with the Penalty Notices. Therefore, should the landlord fail to comply with the provisions under the MEES regulations and the maximum financial penalty of £5,000 is reached; The case will be referred to the District Housing Environmental Health Officer to investigate potential hazards under the Housing Act 2004. RSW will also be notified with a request to consider grounds to revoke the landlord's license or to undertake an agent audit if applicable.

Government Guidance

The following Guidance has been considered in producing this procedure:

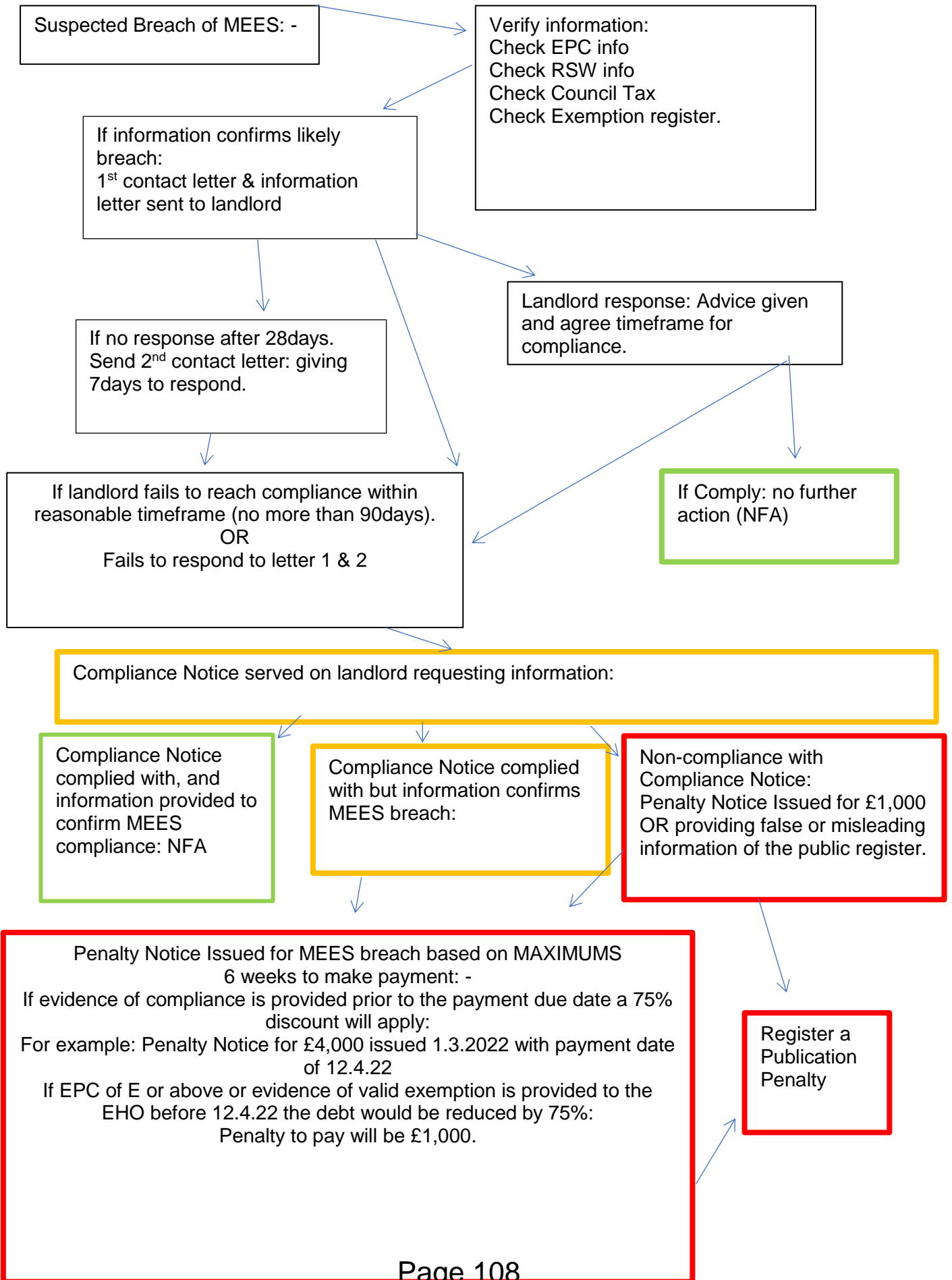
The Department for Business Energy and Industrial Strategy have produced guidance for domestic properties published in 2017 and updated in 2020;

[Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the Energy Efficiency \(Private Rented Property\) \(England and Wales\) Regulations 2015](#)

[They also published guidance for non-domestic landlords in 2019](#)

<https://www.gov.uk/government/publications/non-domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance>

Enforcement Flow Diagram



The Instigation of Debt Recovery of Civil Penalty: Housing Act 2004

Where the landlord fails to pay a civil penalty, Caerphilly CBC may recover the debt in the County Court as it were payable under an order made by the County Court.

No.	Action
1	<p>If no representation has been made against the Penalty Notices have been served and no appeal has been made against the Penalty Notice</p> <p>Recovery action MUST commence.</p>
2	<p>Prepare an explanatory file for the Head of Housing with a brief explanation of the case (case summary) include copies of</p> <ul style="list-style-type: none"> • All documentation prior to the Penalty Notice • The Penalty notice and accompanying letters • Any representations • Any appeal documents
3	<p>On receipt of file with the signed certificate enclosed you must make a decision as to what method you are proposing to enforce the debt (arrange a meeting with legal to discuss this).</p> <p>In deciding the method, you should consider whether:</p> <ul style="list-style-type: none"> • you are likely to get the Council's money and court fee from the defendant; • the defendant owes other people money or has other court judgments; • the defendant owns any goods or assets which can be taken and sold at auction; • the defendant is working; • the defendant has other earnings, such as income from investments; • the defendant has a bank, building society or other account; • the defendant owns property (a house); and • anyone else owes the defendant money. <p>If the Council does not have any information about the defendant's finances, an order can be served to obtain information.</p> <p>Third-Party Debt Order</p> <p>A third-party debt order is made to stop the defendant taking money out of their bank/building society account. The money the Council is owed is paid from the account (unless the account is overdrawn on the day the bank/building society receives the order). If the defendant has a bank/building society account, the bank/building society will freeze the account when it receives the order from the court. The defendant will be aware of the order and may stop paying money into the account.</p>

	<p>Charging Order</p> <p>A charging order allows a charge to be put on the defendant's asset (such as their home, land or investments) and prevents the defendant from selling their assets without paying what they owe the Council. The Authority will not get the money until the defendant sells their assets, but in some circumstances the Council may be able to ask the court for an order to force them to sell their assets.</p> <p>Warrant of Control</p> <p>A warrant of control gives court enforcement agents the authority to take goods from the defendant's home or business. Enforcement agents will try to either:</p> <ul style="list-style-type: none"> • collect the money owed; or • take goods to sell at auction. <p>The Council cannot ask the County Court to issue a warrant if the amount is more than £5,000, but it can ask an enforcement agent (through the High Court) to try to collect the money the Council is owed or to remove goods. The procedure in the High Court is different from the County Court and can be complicated and more expensive.</p> <p>Attachment of Earnings Order</p> <p>An attachment of earnings order is sent to the defendant's employer. It tells the employer to take an amount from the defendant's earnings each pay day and send it to a collection office. The money is then sent to the Council. The defendant must be employed by someone before we can issue an attachment of earnings order and an order cannot be made if the defendant is unemployed or self-employed, so will not likely be applicable to landlords. Also, the court may not be able to make an order, or may only make an order to pay the debt back in small instalments; if the defendant's living expenses are greater than the amount they earn.</p>
4	<p>On completion, obtain written sign off from Head of Housing and refer the file to Legal Services to take forward to the County Court</p>