

SL(5)755 – The Assessment of Accommodation Needs of Gypsies and Travellers (Extension of Review Period) (Wales) (Coronavirus) Order 2021

Background and Purpose

This Order amends section 101(3)(b) of the Housing (Wales) Act 2014 (“the Act”).

Section 101 of the Act makes provision for the assessment of accommodation needs by a local housing authority of Gypsies and Travellers residing in or resorting to its area. Section 101(3) of the Act sets out the meaning of the “review period”, which is the period during which this assessment must be carried out.

The first review period under section 101(3)(a) of the Act was the period from 25 February 2015 to 24 February 2016. Under section 101(3)(b) of the Act all subsequent assessments were to take place during each subsequent period of 5 years. Due to the impacts of coronavirus on communities in Wales and the effect that it has had on administration within local housing authorities, the review period, which otherwise would have come to an end on 24 February 2021, is extended by one year.

This Order amends the meaning of “review period” in section 101(3) of the Act so that the review period following the review period under paragraph (a) is increased from 5 to 6 years. Thereafter, the review period is 5 years.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Order before the Senedd. The Welsh Ministers cannot make the Order unless the Senedd approves the draft Order.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note there has been no formal consultation on the Order. In particular, we note the following paragraphs in the Explanatory Memorandum:



“A formal consultation has not taken place. However, on the 16 July 2020 the Welsh Government wrote to all local authorities in Wales to acknowledge the challenges of completing the needs assessment to support the Gypsy Travellers Accommodation Assessments and share four options for consideration:

- *Keep the status quo and require all authorities to undertake an assessment by 25 February 2021.*
- *Permit assessment surveys to be undertaken remotely where possible and in-person where this was not possible.*
- *Permit assessment surveys to be undertaken remotely where possible and not require in-person where remote contact was not possible.*
- *Extend the review period by 12 months.*

In addition, an engagement event was held with local authorities on the 17th September where the options were also discussed and indication given that the Minister would consider allowing an extension should this offer useful support to local authorities.

An expert stakeholder group comprising those working with Gypsies and Travellers and individuals from these communities, discussed the proposals on 2 July 2020 and provided clear advice that remote contact methods, including phone calls, would be unlikely to provide robust engagement. They unanimously supported the Welsh Government providing a 12 month extension to the process.

Officials do not plan to undertake formal consultation in addition to the informal consultation already undertaken on this matter. In order to act quickly to provide clarity to local authorities, it is not possible to undertake additional consultation. The flexibility, inherent in the recommended approach, and the general majority support expressed in the informal consultation will allow the Welsh Government to offer bespoke support to any local authority as required.”

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

A local housing authority which did not carry out its second assessment by 24 February 2021 will currently be in breach of the duty in section 101 of the Housing (Wales) Act 2014, and will remain in breach of that duty until the Order comes into force on 18 March 2021.

In relation to this, we note the following paragraph in the Explanatory Memorandum:

“Whilst local housing authorities that have not carried out an assessment will be in breach of the duty in s.101(1) of the Housing (Wales) Act 2014 between 25 February 2021 and 18 March 2021, this represents the minimum achievable breach possible in current circumstances.”



Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 8 March 2021 and reports to the Senedd in line with the reporting points above.

