

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON
WEDNESDAY, 10 SEPTEMBER 2014 AT 5.00 PM

PRESENT: Councillor R V Smith (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
A M Cook	P Downing	A J Jones
A C S Colburn	E W Fitzgerald	P M Meara
D W Cole	T J Hennegan	R A Clay
N J Davies		

Officers:

B Madahar	-	Overview & Scrutiny Co-ordinator
D Smith	-	Directorate Lawyer
L Wenham	-	Head of Marketing, Communications & Scrutiny
S Woon	-	Democratic Services Officer

57 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J P Curtice, V M Evans and J E C Harris.

Apologies were also received from Mrs S Joiner and Mr D Anderson-Thomas.

58 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTEREST.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests was declared:

Councillor R A Clay – personal – Minute No. 61 – Llansamlet Ward Councillor and Secretary of the former campaign in the Ward against a second site.

Councillor A M Cook - personal - Minute No. 61 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor D W Cole - personal - Minute No. 61 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor A J Jones – personal - Minute No. 61 – I am a Ward Councillor from one of the sites shortlisted for a location of a Gypsy Traveller Site.

Councillor T J Hennegan – personal - Minute No. 61 – One of the sites shortlisted was in Penderry Ward where I was elected in May 2012.

59 **PROHIBITION OF WHIPPED VOTES AND DECLARATION OF PARTY WHIPS.**

In accordance with the Local Government (Wales) Measure 2011, no declarations of Whipped Votes or Party Whips were declared.

60 **MINUTES:**

RESOLVED that the minutes of the Special Scrutiny Programme Committee held on 8 July, 2014 be accepted as a correct record, subject to Councillor D W Cole's interest being amended to read "ward member for Penyrheol".

61 **SCRUTINY OF GYPSY & TRAVELLER SITE SEARCH PROCESS - TO REVIEW EVIDENCE BASE AND TO CONSIDER NEXT STEPS.**

The Chair outlined the purpose of the meeting. He summarised the evidence gathered to date over the previous 6 meetings and progress of the scrutiny review. The purpose of the meeting was to consider and agree next steps, including whether further evidence was required.

There was also a discussion about the possibility of calling back those who have already given evidence should further questions be identified, including the former Director of Environment. The Chair advised that the Chief Executive will attend a future meeting to address some of the key issues that have emerged.

Members were invited to reflect on the sessions held so far and discussed the evidence gathered.

The following key issues were highlighted by the Chair:

1. The issues around the time of 2007, including what is referred to as the 'May agreement' and subsequent legal action;
2. The sense of urgency apparent following the 2009 court judgement, including the production of a Gypsy Traveller Policy, and the refusal of planning permission in 2009 relating to the Park & Ride Site;
3. The relationship between Welsh Government guidance / criteria and the Council's Gypsy Traveller Policy;
4. The change in direction and objectives between May 2010 and August 2010 from dealing with the immediate pressure (families occupying the unauthorised site at Swansea Vale) to the broader issue (provision of a new permanent site for gypsy and travellers) and change in remit of the Gypsy & Traveller Task & Finish Group;
5. Lack of clarity regarding how the agreed criteria was used in the filtering process through the Task and Finish Group, particularly at the stage of reducing the number of sites from 19 to 5, and then to 2.
6. The relationship between members of the Task and Finish Group and relevant Officers - lack of clarity respective responsibilities. What was delegated and what responsibility should have been retained by the Task & Finish Group; what level of information were officers required to provide to facilitate members discussions?;

During discussion the following matters were raised:

1. Lack of clarity regarding rationale and purpose of the site search, and its relationship with the court judgement and its interpretation within the authority – suggested need for further discussion with Patrick Arran;
2. Lack of clear methodology about the part the views of Gypsy Traveller families would play (and at what stages) and the significance (weighting) their views would have throughout the process, compared with other considerations (despite cabinet reports indicating formal consultation at the outset) – suggested need to question the chair of the Task & Finish Group;
3. The process not being coterminous with requirements of the LDP in delivering a suitable site;
4. Perceived need for sites in response to issues in the Enterprise Park but no mention of need for a transit site to avoid illegal encampments; also absence of discussion on whether a number of smaller sites over a range of areas was a better solution;
5. The robustness of the Housing Needs Assessment and its influence on the process given that it is only a snap shot at any given time;
6. The difficulties in dealing with the Park & Ride families between 2007-2009 and its impact on the rest of the process;
7. Possible conflict between dealing with the overall legal requirements and dealing with the long standing problems in 1 area – impact on overall process; could the authority not have just remedied the issues raised in the judgement (grounds for refusal) and seek a further eviction order?;
8. Confusion about the purpose of the consultation process towards the end of the process;
9. The advice given to the task and finish group after it chose to reject 2 sites (Penderry and Llansamlet) - who was leading the process (members or officers)?;
10. Concern about level of information sharing between and to cabinet; continuity from one Cabinet Member to another; and weakness in political leadership / guidance throughout the process;
11. The Court judgement did not indicate need for another site but called for adequate alternate provision for the families – no evidence of a range of options being considered e.g. paying for them to be accommodated on a private site;
12. Planned follow up meeting not held following Task & Finish Group site visits - implication of holding visits so close to the Local Government Elections of 2012;
13. Concern about arrangements in respect of the legality / authority of the Task and Finish Group and remit; and apparent secrecy surrounding its work preventing members from discussing matters with others;
14. Having been given a task (irrespective of debate about legality) there was no report produced by the Task and Finish Group to the Cabinet or Executive Board – eventual reports were officer reports;
15. The purpose of the 'confidential' meeting referred held on 7 September 2012 between members, officers and gypsy & traveller families, details of which were not previously known – lack of evidence of what other consultation took place throughout process and its status;
16. Level of detail about shortlisted sites shared during public consultation;
17. The ability to evict families if they chose not to live on the alternative site.

18. No legal requirement that all members of extended Gypsy Traveller family would have to be accommodated at the same place at the same time;
19. Concerns about the process in relation to sifting and absence of weighting;
20. Concerns regarding the accuracy of information provided to Members, e.g. maps defining the area in Penderry;
21. The impact of existing economic regeneration / development plans on site selection
22. Concern as to why a proposed site on consecrated land made the shortlist, despite confirmation from Gypsy Traveller families that they would not consider this site on religious grounds.

AGREED that further evidence sessions with relevant members and officers be arranged for the following:

1. to seek further information about the consultation that was undertaken specifically with the local gypsy and traveller community as part of the overall process and how it fed into the decision-making process;
2. to better understand that role of the Housing Needs Assessment in the process;
3. to explore consideration given to existing economic regeneration / development plans in the site selection process;
4. to enable the Chief Executive and Head of Legal, Democratic Services and Procurement to address some of the key issues that have emerged, and deal with any outstanding questions.

The meeting ended at 6.30 pm

CHAIR