

# CITY AND COUNTY OF SWANSEA

## NOTICE OF MEETING

You are invited to attend a Special Meeting of the

## SCRUTINY PROGRAMME COMMITTEE

**At:** Committee Room 2, Civic Centre, Swansea

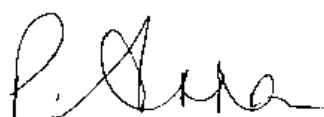
**On:** Wednesday, 26 November 2014

**Time:** 5.00 pm

## AGENDA

Page No.

- 1 **Apologies for Absence.**
- 2 **Disclosures of Personal & Prejudicial Interest.** 1 - 2
- 3 **Prohibition of Whipped Votes and Declaration of Party Whips.**
- 4 **Minutes:** 3 - 8  
To approve and sign as a correct record the Minutes of:
  - a) Special Scrutiny Programme Committee held on 10 September, 2014;
  - b) Amendment to minute no. 130: special committee meeting - 23 April 2014.
- 5 **Evidence Session: Scrutiny of Gypsy & Traveller Site Search Process:** 9 - 11  
For discussion of:
  - a) Gypsy & Traveller Consultation Process;
  - b) Impact of Economic Regeneration / Development Plans on Site Selection.
- 6 **Timetable of Work.** 12 - 13
- 7 **Date of Next Meeting - 8 December 2014 (5.00 pm).**



**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**Wednesday, 19 November 2014**

## SCRUTINY PROGRAMME COMMITTEE (16)

### Labour Councillors: 11

R A Clay	P Downing
A M Cook	T J Hennegan
D W Cole	A J Jones
S E Crouch	R V Smith
J P Curtice	G J Tanner
N J Davies	

### Liberal Democrat Councillors: 3

A M Day (Chair)	P M Meara
J W Jones	

### Independent Councillor: 1

E W Fitzgerald	
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### Conservative Councillor: 1

A C S Colburn	
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### Co-opted Members:

David Anderson-Thomas	
Sarah Joiner	

### Officers:

Dean Taylor	Director of Corporate Services
Lee Wenham	Head of Marketing, Communications & Scrutiny
Dave Mckenna	Overview & Scrutiny Manager
Brij Madahar	Overview & Scrutiny Coordinator
Democratic Services	
Nigel Havard	Legal
Archives	

Email:

Executive Board	
Cabinet Members	
Leaders of Opposition Groups	
Carl Billingsley	
Chair of Standards Committee	
Chair of Audit Committee	
Chair of Democratic Services Committee	

**Total Copies: 30**

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## 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

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
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**



## Report of the Chair

### Special Scrutiny Programme Committee – 26 November 2014

#### AMENDMENT TO MINUTE NO. 130: SPECIAL COMMITTEE MEETING - 23 APRIL 2014

<b>Purpose</b>	The report advises of an error in the minutes of the special committee meeting held on 23 April 2014 for correction.
<b>Content</b>	The report refers to minutes of the Special Scrutiny Programme Committee meeting held on 23 April 2014, specifically the record of evidence from Councillor Penny Matthews.
<b>Councillors are being asked to</b>	Amend the minutes of the special committee meeting of 23 April 2014 as detailed in paragraph 1.2 of this report.
<b>Lead Councillor(s)</b>	Councillor Robert Smith, Vice-Chair of Scrutiny Programme Committee.
<b>Lead Officer &amp; Report Author</b>	Brij Madahar, Scrutiny Coordinator Tel: 01792 637257 E-mail: <a href="mailto:brij.madahar@swansea.gov.uk">brij.madahar@swansea.gov.uk</a>

#### 1. Introduction

- 1.1 The committee has been made aware of an error in the record of evidence gathered. Committee approval is required to amend previous minutes. The minutes which require amendment are of the 23 April 2014 special Scrutiny Programme Committee meeting.
- 1.2 Minute 130 (Evidence Session: Gypsy & Traveller Site Search Process) includes a summary of the evidence provided by Councillor Penny Matthews. During her evidence she had referred to a letter sent to former Councillor John Hague relating to the Gypsy Traveller Task & Finish Group. A copy of this letter (dated 26 March 2012) was subsequently provided to the committee and is included in record of evidence. The minutes however refer to Martin Saville as the author of the letter whereas the letter was sent by Reena Owen. The amendment to minute 130 required is therefore to delete reference to Martin Saville and replace with Reena Owen.
- 1.3 The evidence pack recently provided to members (and available on the council's website) contains these minutes as well as a separate extract which lists Councillor Matthew's evidence. As a consequence this will also need to be amended.

## **2. Legal Implications**

2.1 There are no specific legal implications raised by this report.

## **3. Financial Implications**

3.1 There are no specific financial implications raised by this report.

Date: 18 November 2014

Background Papers: None

Legal Officer: Nigel Havard

Finance Officer: Carl Billingsley

## Report of the Chair

Special Scrutiny Programme Committee – 26 November 2014

### EVIDENCE SESSION: SCRUTINY OF GYPSY & TRAVELLER SITE SEARCH PROCESS

<b>Purpose</b>	The seventh evidence session will focus on discussion of:  a. Gypsy & Traveller Consultation Process b. Impact of Economic Regeneration / Development Plans on Site Selection.
<b>Content</b>	The report provides a background / introduction to the evidence session.
<b>Councillors are being asked to</b>	Consider the information gathered as part of the committee's review of the process, and ask questions.
<b>Lead Councillor(s)</b>	Councillor Robert Smith, Vice-Chair of Scrutiny Programme Committee.
<b>Lead Officer &amp; Report Author</b>	Brij Madahar, Scrutiny Coordinator Tel: 01792 637257 E-mail: <a href="mailto:brij.madahar@swansea.gov.uk">brij.madahar@swansea.gov.uk</a>

#### 1. Introduction

- 1.1 Since February 2014 a series of special meetings of the Scrutiny Programme Committee have been held to review the process adopted to date in the search for a second gypsy and traveller site.
- 1.2 The committee's role has been to consider whether the process, leading up to the report to Council on 21 October 2013, was robust. The committee is looking at the quality of that process, and may identify any learning points about the process, and recommend any changes for the future as appropriate.
- 1.3 At the last meeting in September the committee reflected on the evidence gathered so far and agreed next steps that will then lead to the committee drawing conclusions from this work.

#### 2. Further Evidence Sessions

- 2.1 At the last meeting it was agreed that the committee needed to:
  - a) seek further information about the consultation that was undertaken with the local gypsy and traveller community and how it fed into the decision-making process;

- b) better understand that role of the Housing Needs Assessment in the process;
- c) explore consideration given to existing economic regeneration / development plans in the site selection process.

2.2 Arrangements have been made for 2 further sessions for the committee to discuss these issues with assistance from relevant officers.

2.3 To complete the evidence gathering a final session will then take place with the Chief Executive, Director – Place, and Head of Legal, Democratic Services and Procurement to address some of the key issues that have emerged during the review, and deal with any outstanding questions.

### **3. Evidence Session – 26 November**

3.1 This session will enable the committee to discuss and better understand:

- a) the consultation that was undertaken with the local gypsy and traveller community and how it fed into the decision-making process;

The committee was particularly interested in the meeting with Gypsy & Traveller families that took place on 7 Sep 2012 but wanted to generally consider the purpose of consultation and the part it was intended to play, and actually played in the process.

The committee is unclear about the extent of consultation, how it was recorded, and whether there was a clear process for it. It is interested in what exchanges took place between the council and the gypsy and traveller community and when, for example what was said, what information was given or requested, whether any assurances / undertakings were given etc.

The following will be present to assist the committee for this discussion and any questions:

- Simon Malough (Traveller Liaison Officer)
- Emyr Jones (Principal Planner, Regeneration)

- b) consideration given to existing economic regeneration / development plans in the site selection process;

The committee sought clarification about cross-departmental working in the short listing process, particular how economic interests in relation to certain areas would have been raised and taken into account in the filtering process.

The committee was interested in arguments that have emerged that suggested conflict between economic regeneration plans / economic interests and the identification of certain sites, and how such issues

would have been considered and resolved during the site selection process.

The following will be present to assist the committee for this discussion and any questions:

- Phil Holmes (Head of Economic Regeneration & Planning)
- Emyr Jones (Principal Planner, Regeneration)

3.2 Those attending have been asked to indicate whether there are any specific documents which would benefit the committee so that consideration can be given to making copies available to committee members at the meeting.

#### **4. Evidence Session – 8 December**

4.1 This session will enable the committee to discuss and better understand:

a) the role of the Housing Needs Assessment in the process.

The committee was particularly interested how the needs assessment was developed and its influence on the site search process.

The committee is interested in the use of assessments as a basis for decision-making about the long term, how and when needs were calculated, and the value of the Housing Needs Assessment to the process.

The following will be present to assist the committee for this discussion and any questions:

- Lee Morgan (Head of Housing)
- Peter Williams (Strategic Planning & Enabling Manager)
- David Evans (Housing Business Manager)

#### **5. Legal Implications**

5.1 There are no specific legal implications raised by this report.

#### **6. Financial Implications**

6.1 There are no specific financial implications raised by this report.

Date: 19 November 2014

Background Papers: None

Legal Officer: Nigel Havard

Finance Officer: Carl Billingsley

# Agenda Item 6

## Special Meetings of Scrutiny Programme Committee

### Gypsy & Traveller Site Provision – Review of Process

#### 1. Purpose:

- To review the process adopted to date and seek assurance on quality
- To identify any learning points as appropriate and recommend any changes for the future

#### 2. Key Question:

**Was the process, leading up to the report to Council on 21 October 2013, robust?**

#### 3. Timetable of Work:

Meeting		Purpose	Attending
1.	20 Feb	<ul style="list-style-type: none"> <li>• Overview of Gypsy Traveller Site Search - report giving chronology of process and legal framework.</li> </ul> <p>Papers included:</p> <ul style="list-style-type: none"> <li>• City &amp; County of Swansea Gypsy Traveller Policy – June 2009</li> <li>• Site Selection Criteria agreed by Cabinet</li> <li>• Cabinet Report 26 Aug 2010</li> <li>• Reference to numerous relevant background papers</li> </ul>	<ul style="list-style-type: none"> <li>• Jack Straw (Chief Executive)</li> <li>• Reena Owen (Corporate Director)</li> <li>• Emyr Jones (Planning Services)</li> <li>• Patrick Arran (Head of Legal)</li> </ul>
2.	6 Mar	<ul style="list-style-type: none"> <li>• Criteria for Site Selection / Explanation of Site Sieve Process (Officer presentation given)</li> </ul> <p>Papers included:</p> <ul style="list-style-type: none"> <li>• Cabinet Report &amp; Minutes 11 Mar 2010</li> <li>• Cabinet Report &amp; Minutes 5 Jul 2012</li> <li>• Cabinet Report &amp; Minutes 1 Nov 2012</li> </ul>	<ul style="list-style-type: none"> <li>• Reena Owen (Corporate Director)</li> <li>• Emyr Jones (Planning Services)</li> <li>• Dave Turner (Estates)</li> </ul>
3.	3 Apr	<ul style="list-style-type: none"> <li>• Consultation Process and Outcomes</li> <li>• To deal with outstanding queries from officer evidence</li> </ul>	<ul style="list-style-type: none"> <li>• Reena Owen (Corporate Director)</li> <li>• Patrick Arran (Head of Legal)</li> </ul>
4.	23 Apr	<ul style="list-style-type: none"> <li>• Evidence from members of the public / other councillors (1)</li> </ul>	<ul style="list-style-type: none"> <li>• Tony Beddow</li> <li>• Keith Jones</li> <li>• Cllr Uta Clay</li> <li>• Cllr Penny Matthews</li> </ul>
5.	27 May	<ul style="list-style-type: none"> <li>• Evidence from members of the public / other councillors (2)</li> </ul>	<ul style="list-style-type: none"> <li>• Cllr Jennifer Raynor</li> <li>• Hilary &amp; Tom Jenkins</li> <li>• Phillip Robins</li> <li>• Lawrence Bailey</li> </ul>

<b>6.</b>	<b>8 Jul</b>	<ul style="list-style-type: none"> <li>Evidence from members of the public / other councillors (3)</li> </ul>	<ul style="list-style-type: none"> <li>Cllr Chris Holley</li> </ul>
<b>7.</b>	<b>10 Sep</b>	Review of Evidence Base and To Consider Next Steps	
<b>8.</b>	<b>26 Nov</b>	<ul style="list-style-type: none"> <li>Gypsy &amp; Traveller Consultation Process</li> </ul>	<ul style="list-style-type: none"> <li>Emyr Jones (Planning Services)</li> <li>Simon Malough (Traveller Liaison Officer)</li> </ul>
		<ul style="list-style-type: none"> <li>Impact of Economic Regeneration / Development Plans on Site Selection.</li> </ul>	<ul style="list-style-type: none"> <li>Phil Holmes (Head of Economic Regeneration &amp; Planning)</li> </ul>
<b>9.</b>	<b>8 Dec</b>	<ul style="list-style-type: none"> <li>Role of Housing Needs Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Lee Morgan (Head of Housing)</li> <li>Peter Williams (Strategic Planning &amp; Enabling Manager)</li> <li>David Evans (Housing Business Manager)</li> </ul>
<b>10</b>	<b>tbc</b>	<ul style="list-style-type: none"> <li>Final session to address some of the key issues that have emerged during the review, and deal with any outstanding questions.</li> </ul>	<ul style="list-style-type: none"> <li>Jack Straw (Chief Executive)</li> <li>Phil Roberts (Director – Place)</li> <li>Patrick Arran (Head of Legal)</li> </ul>