

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON
WEDNESDAY, 28 JANUARY 2015 AT 12.30 PM

PRESENT: Councillor R V Smith (Chair) Presided

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

Officers:

N Havard - Directorate Lawyer
B Madahar - Overview and Scrutiny Co-ordinator
S Woon - Democratic Services Officer

152 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors A J Jones, Mrs S Joiner and Mr D Anderson-Thomas.

153 **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. 157 & 158 – Llansamlet Ward Councillor and Secretary of the former campaign in the Ward against a second site.

Councillor A M Cook - personal - Minute Nos. 157 & 158 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor D W Cole - personal - Minute Nos. 157 & 158 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor J P Curtice - personal - Minute Nos. 157 & 158 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor T J Hennegan – personal - Minute No. 157 & 158 – One of the sites shortlisted was in Penderry Ward where I was elected in May 2012.

154 **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.

155 **MINUTES:**

RESOLVED that the Minutes of the Special Scrutiny Programme Committee held on 26 November and 8 December, 2014 be accepted as a correct record.

156 **EXCLUSION OF THE PUBLIC.**

The Committee was requested to exclude the public from the meeting during the consideration of the item of business identified in the recommendations to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exclusion paragraph 13 of 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007, relevant to the item of business as set out in the report.

The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the items of business where the Public Interest Test was relevant, as set out in the report.

It was **RESOLVED** that the public be excluded for the following items of business.

(CLOSED SESSION)

157 **TO DETERMINE ARRANGEMENTS FOR FUTURE EVIDENCE GATHERING (VERBAL DISCUSSION).**

The committee discussed issues relating to future evidence gathering, including arrangements for the next meeting, and advice and support to the committee.

RESOLVED that:

- a. the Deputy Monitoring Officer be asked to provide legal support at the next meeting;
- b. correspondence referred to by the chair during the closed session be circulated to all Members of the Special Scrutiny Programme Committee.

(OPEN SESSION)

158 **TO CONSIDER ANY OUTSTANDING QUESTIONS THE COMMITTEE MAY WISH TO ASK (VERBAL DISCUSSION).**

The committee was asked to identify any outstanding questions in order to conclude evidence gathering and specifically those for the planned session with the Chief Executive, Director – Place, and Head of Legal, Democratic Services and Procurement.

The committee identified the following areas for questioning:

Impact of the 2009 Court Judgement / Clarity of Aims & Objectives of the Site Search Process:

- Clarity regarding rationale and purpose of the site search, and its relationship with the court judgement and its interpretation within the authority.
- With reference to the 2009 Court Judgement - summary of the key reasons for the council being refused the eviction order that it sought.
- How the authority balanced meeting the council's legal obligations with addressing the specific Llansamlet problem and meeting the changing needs of the Gypsy & Traveller community – conflicting messages / advice about this emerged during the process. Could the authority not have just remedied the issues raised in the judgement (grounds for refusal) and then seek a further eviction order?
- Why there was a change in thinking between March and August 2010 in terms of purpose of site search and role of the Member Task & Finish Group?
- What weighting was given to the views of the Gypsy & Traveller community? Clarity needed on whether the council would be able to evict families if they chose not to live on a new site? Is it correct that if a site was selected and then was not used because it was not where Gypsy & Traveller families wanted to be, we, as a Council would be deemed not to have fulfilled our legal obligations? How would this be balanced with the views of local communities?
- Was the Chief Executive ever asked if he could suggest any alternative approaches to the process started in 2010?

Member Led / Officer Led Process:

- Was the process member led or officer led? Who were the specific councillor leads, including lead cabinet member?
- What specific work were officers tasked to do in relation to the site search process and by whom? To whom did officers report?

Gypsy & Traveller Task & Finish Group:

- What powers the Gypsy & Traveller Site Task & Finish Group had, and what was the specific authority for these?

Minutes of the Scrutiny Programme Committee (28.01.2015)
Cont'd

- Around the time of the Task & Finish Group agreeing to exclude 2 sites but then being put back in – why was it denied that officers overruled the Task & Finish Group and re-instated the 2 sites?
- Why some of the councillors involved in the Task & Finish Group were threatened to be reported to the Standards Committee?
- Having been given a task why was there no report produced by the Task & Finish Group to Cabinet or Executive Board, as eventual reports were officer reports?

Short Listing:

- Since the list of 5 sites had been publically acknowledged by the previous administration why was it then described as either non-existent or confidential under the subsequent administration?
- On which dates did each member of the Executive Board visit each of the shortlisted sites? Were visits undertaken collectively or individually?
- Given the Executive Board has an overarching responsibility for the achievement of all policies and objectives did it consider the suggestion that both the sites it recommended to Council would be detrimental to the council's economic development plans?
- Why was it never made clear during the process that one of the sites involved 2 alternative options with different advantages, disadvantages and costs?

Decision Making:

- What led the then Leader to announce that the final decision in the process rested with the Council? What advice was given by the Chief Executive / Officers ahead of this misleading statement?
- What did the Chief Executive think when he heard that the then Leader regarded the process as deeply flawed? What was his understanding of the Leader's concerns?

The committee also indicated that a session with members would be arranged before evidence gathering is concluded. The exact nature of who this may need to involve was to be determined. It was noted that Councillor Nick Bradley, who was chair of the 2nd Gypsy & Traveller Site Task & Finish Group, had already confirmed his availability to attend a future meeting.

159 **DATE OF NEXT MEETING.**

RESOLVED that the next meeting take place on Monday 9 February at 9.30 am.

The meeting ended at 1.12 pm

CHAIR