

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 5, GUILDHALL, SWANSEA ON
THURSDAY, 2 APRIL 2015 AT 5.00 PM

PRESENT: Councillor R V Smith (Chair) Presided

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

Also Present:

Councillor J E Burtonshaw

Officers:

B Madahar	-	Scrutiny Co-ordinator
D Smith	-	Directorate Lawyer
S Woon	-	Democratic Services Officer

195 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillor D J Lewis and Mr D Anderson-Thomas.

196 **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 A M Cook - personal – Minute nos.199 and 203 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal – Minute nos.199 and 203 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor R A Clay – personal & prejudicial – Minute nos. 199 and 203 – Llansamlet Ward Councillor and Secretary of the former campaign in the Ward against a second site.

Councillor D W Cole - personal – Minute nos.199 and 203 – I represent a ward abutting two wards selected in the final five sites for selection.

Councillor T J Hennegan - personal – Minute nos.199 and 203 - Ward Member for Penderry which abuts two of the five previously nominated sites.

Councillor J B Burtonshaw – personal – Minute no. 199 – Ward member for Penderry.

197 **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.

198 **MINUTES:**

RESOLVED that the minutes of the Special Scrutiny Programme Committee held on 9 February, 2015, be agreed as a correct record.

199 **EVIDENCE SESSION: SCRUTINY OF GYPSY & TRAVELLER SITE SEARCH PROCESS:**

The Chair welcomed Councillor J E Burtonshaw to the meeting. Councillor Burtonshaw was invited to share any information and views on the site search process, which was followed by questions from the committee.

Before questions Councillor J E Burtonshaw stated that:

- She was Cabinet Member for Place from May 2012 until late 2014, and her portfolio responsibilities covered Gypsy & Traveller site provision. However, during 2012 declared an interest, having taken advice (as 1 of the shortlisted sites was within her ward), and ceased to be the responsible cabinet member. This meant she would not chair the 2nd Member Task & Finish Group (Councillor Nick Bradley acted as chair for this Group).
- This was a long standing issue - the process for the identification of a Gypsy Traveller Site had been going on for some years, and before her involvement as Cabinet Member in 2012. The process had not been completed before the 2012 local council elections.
- Various reports were made to Cabinet, including one on 1 November 2012 which led to independent assurance (internal and external) of the process to date, including the application of agreed criteria in the short listing process. It also led to member drop-in sessions for member awareness of the process, and extensive public consultation
- After declaring an interest she had no direct involvement in the process and did not discuss the process with officers.
- A full report was made to Council in October 2013 by the Executive Board (led by Reena Owen and Martin Saville) in order to obtain the view of Council.

Questions:

1. What were your responsibilities as Cabinet Member for Place in respect of Gypsy & Traveller Site Provision, and what was your role in the process?

Already covered in Councillor Burtonshaw's opening remarks.

2. What were the role/responsibilities of other Cabinet Members in the process?

Councillor J E Burtonshaw stated that although Councillor Nick Bradley, who was Cabinet Member for Regeneration, acted as chair of the 2nd Member Task and Finish Group (July – September 2012), Cabinet as a whole assumed responsibility for the process.

3. What were respective roles and responsibilities between you as cabinet member and officers? Did your involvement in the process include regular meetings with officers?

Councillor J E Burtonshaw stated that Cabinet as a whole was responsible with Officers doing the work. She added that officers played a significant role in the process, as instructed by Cabinet.

4. What is your understanding of the role and purpose of the second Member Task & Finish Groups? How did they differ?

Councillor Burtonshaw stated that she could not speak for nor comment on the work of the Task & Finish Groups. She confirmed that Cabinet had established the Task & Finish Groups with specific terms of reference.

In response to supplementary questions Councillor Burtonshaw stated that she was not aware of any shortlist agreed by the previous Task & Finish Group. She was also asked whether any other options were considered prior to re-establishing a Task & Finish Group and continuing the process where it left it. Councillor Burtonshaw stated that Cabinet had agreed to seek internal and external assurance of the process, which subsequently confirmed that the process was robust.

A discussion ensued about the composition of the Task & Finish Groups, and relevance of ward interests prior to completion of shortlisting.

Councillor Burtonshaw was also asked whether she was aware of where the 1st Task & Finish Group had ended up and the controversy over wanting to remove 2 sites from the list. She stated that she was not aware of this, however the 2nd Task & Finish Group may have been informed.

5. Were the conclusions of the second Task & Finish Group reported to the Cabinet? If so, when and how?

Councillor J E Burtonshaw stated that there was no direct report from the Task & Finish Group to Cabinet however outcomes were reported as part of officer reports in November 2012. The committee noted the absence of a document clearly indicating the conclusions of the Task & Finish Group / agreed shortlist.

6. You were written to in October 2012 by the Chair of the former Stronger & Safer Communities Scrutiny Board. In that letter various issues were raised about the

work to identify potential sites. Your response letter simply attached the Cabinet report of 1st November which covered some of the issues however did not address any of the points raised concerning community cohesion. Can you advise what work was carried out in preparation to maximise community cohesion, tolerance and avoidance of unnecessary conflict?

Councillor J E Burtonshaw stated that extensive consultation had been carried with the people of Swansea and council departments worked together to support this. There were no targeted actions for specific areas in terms of community cohesion and tolerance as no decisions had been taken on sites.

7. What is your understanding of the outcome of consultations with the Gypsy & Traveller families?

Councillor Burtonshaw stated that she was not directly involved in consulting with gypsy and traveller families. She was aware that consultation was being undertaken and understood that the Task & Finish Group had some involvement. She added that the Council report of October 2013 set out the results of consultations with the gypsy and traveller families.

There was some discussion about the exact nature of the involvement of the Task & Finish Group in view of the meeting held on 7 September 2012 (prior to the public consultation process) when some members of the Task & Finish Group and officers met with gypsy and traveller families.

Councillor Burtonshaw was asked about the thinking of Cabinet in relation to views of the local Gypsy & Traveller community and weighting that would be applied in identifying suitable site provision, and whether the Task & Finish Group had any guidance on this matter. She stated that the Task & Finish Groups worked to criteria agreed by Cabinet against which sites should be assessed. Consultation was a separate stage of the process once the site sieve had resulted in a shortlist. Councillor Burtonshaw confirmed that the Task & Finish Group was left to carry out its task and during its work there was no discussion by Cabinet or steer provided to the Group.

In response to a further question Councillor Burtonshaw indicated that (apart of knowledge of problems with the tolerated site) she was not briefed directly on specific issues relating to the views of gypsy and traveller families (including issues about certain families not being willing to share a site with others) and could not comment. It was noted that there was no specific Cabinet discussion on gypsy and traveller views.

A question was asked about thinking about the need for a transit site as part of the solution. Councillor J E Burtonshaw stated that she was aware of that the importance of a transit site had been raised however it was a priority to identify a permanent site first, and would have been looked at then i.e. the second phase of the programme.

The Chair thanked Councillor J E Burtonshaw for her attendance.

200 **WORK PLAN: TO DISCUSS OUTSTANDING EVIDENCE GATHERING.**

The Chair stated that the committee should identify questions for Councillor D Phillips in advance of his attendance in order that he may prepare for the meeting.

Members discussed potential questions.

201 **DATE OF NEXT MEETING - TO BE CONFIRMED.**

The Scrutiny Co-ordinator stated that he would advise Members of the date of the next meeting, taking into account availability of Councillor David Phillips.

202 **EXCLUSION OF THE PUBLIC.**

The Committee was requested to exclude the public from the meeting during the consideration of the items 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 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.

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

(CLOSED SESSION)

203 **COUNSEL'S OPINION PRIOR TO OCTOBER 2013 COUNCIL.**

The Lawyer advising the Committee circulated copies of Counsel's Opinion prior to October 2013 Council.

Members discussed Counsel's Opinion and related issues.

RESOLVED that Counsel's Opinion be **NOTED**.

The meeting ended at 6.55 p.m.

CHAIR