

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON
THURSDAY, 3 APRIL 2014 AT 4.00 PM

PRESENT: Councillor A M Day (Chair) Presided for minute no. 118 only.

Councillor(s)	Councillor(s)	Councillor(s)
A C S Colburn	N J Davies	A J Jones
D W Cole	P Downing	P M Meara
A M Cook	E W Fitzgerald	R V Smith
J P Curtice	J E C Harris	

Also Present:

R Owen	-	Corporate Director (Environment)
P Arran	-	Head of Legal, Democratic Services & Procurement

Officers:

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

118 **ELECTION OF VICE CHAIR.**

Councillor A M Day, Chair, sought nominations for the election of the Vice Chair of the Scrutiny Programme Committee for the 2013 – 2014 Municipal Year.

RESOLVED that Councillor R V Smith be elected as Vice-Chair for the 2013 – 2014 Municipal Year.

COUNCILLOR R V SMITH (VICE CHAIR) PRESIDED.

119 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J W Jones, M Thomas and Mrs S Joiner.

In response to a question the Scrutiny Co-ordinator confirmed that apologies were recorded on the basis that all committee members were entitled to attend for the election of vice-chair.

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

Councillors:

Councillor D W Cole - personal - Minute Nos. 123 and 124 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor A M Cook - personal - Minute Nos. 123 and 124 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute Nos. 123 and 124 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Officers:

R Owen - personal - Minute Nos. 123 and 124 - stepson lives in Llansamlet in a position overlooking one of the shortlisted sites.

121 **MINUTES:**

RESOLVED that the minutes of the Special Scrutiny Programme Committee held on 20 February, 2014 be accepted as a correct record.

RESOLVED that the minutes of the Special Scrutiny Programme Committee held on 6 March, 2014, be accepted as a correct record subject to the following amendments:

Minute No. 113 – Apologies for Absence

Councillor D W Cole explained that he and other Members' were prevented from attending the meeting due to conflicting diary appointments.

Minute No. 115 – Gypsy & Traveller Site Search – Criteria for Site Selection/Explanation of Site Sieve Process

Additional text to be included following the resolutions in a paragraph entitled [Note]:

“Councillor P M Meara explained that in view of the short notice and lack of briefing for this role, he was not prepared to consider the issue of co-option or to allow questions from the public at this meeting. He was also unwilling to take any organisational decisions which would tie the hand of the future Chair”.

122 **MATTERS ARISING.**

A debate ensued regarding co-option of others on to the committee for this work.

RESOLVED that the issue of co-option be placed on the agenda for decision at the next meeting of the Special Scrutiny Programme Committee.

123 **EVIDENCE SESSION: GYPSY & TRAVELLER SITE SEARCH - CONSULTATION PROCESS AND OUTCOMES.**

The Vice Chair reiterated the terms of reference of the scrutiny investigation in relation to the robustness of the process to identify a Gypsy & Traveller Site.

The Corporate Director (Environment) referred to both the consultation process and the outcomes report to Council and Cabinet. She advised that there had been extensive consultation which had been the largest consultation exercise the Council had been engaged with. The consultation process spanned three months and was available electronically via the website and in paper copy format. Councillors were afforded the opportunity to examine the report and information on the Authority's internet pages.

Over 3000 responses, including petitions had been received and answered. Officers were available to talk Members through the information.

Committee members were offered the opportunity to view the notes of the consultations held with the Gypsy & Traveller Families.

All the responses received were summarised into section 6 of the report to Council. The 18 views of Gypsy Traveller families were repeated in Appendix 1 of the Council report.

The conclusions of a Senior Officer Panel was detailed in section 27 of the Council report.

The Executive Board considered the report and provided recommendations for consideration by Council. The council report took into account other relevant factors in addition to the consultation responses, including housing needs assessments, site titles and restrictive covenants, and asset values.

124 **OUTSTANDING QUESTIONS ARISING FROM OFFICER EVIDENCE.**

A question was asked in relation to a press release issued in August 2009 which detailed the mixed business and residential use proposed for the greyhound track (in the UDP) which would be carried forward to the LDP.

The Corporate Director (Environment) advised that she did not recall the press release. She detailed the purpose and lifecycle of the UDP and its link to the LDP which would supersede the UDP. From a planning policy perspective the Committee were told that the reference for the second site search (which started in 2010) was the UDP in terms of looking at land for housing, and the site in question was identified as being positioned within the urban area (white land) in the UDP, and therefore could be looked at within the site search. The criteria that had been agreed by Cabinet was for housing land allocated in the UDP. She highlighted that whilst the status of land uses may change from one plan to another, the LDP was not expected to be in effect until 2017. The Committee was advised that any detailed

questions about the UDP/LDP process would need to be raised with relevant planning officers.

A question was posed regarding the number of sites that had been identified on Peniel Green Road.

The Corporate Director (Environment) stated that a written response would be provided to this question.

A question was asked regarding the minutes of the Special Scrutiny Committee held on 20 February, 2014, wherein it was agreed that a chronology of consultations with Gypsy Traveller families would be provided for Members.

The Corporate Director (Environment) confirmed that Members would be able to examine the notes of the meetings.

A question was asked regarding paragraph 18 of the report in relation to consultation with Gypsy Traveller families and the fact that Gypsy Traveller families had discounted some sites, however, the issue was raised as to why they were still put forward for consideration and not removed at any early stage in the process.

The Corporate Director (Environment) stated that discussions had taken place with families at the beginning of the process and it was understood that their broad preference was to stay where they were, though this was not written down. The result of this would have been the search for a site would have been restricted to one ward. Members however had requested that all Council owned land be examined and this was subsequently agreed by Cabinet. It was not possible to consult in detail with Gypsy Traveller families until the search for a site and site sieve had identified a short-list of options, however the authority remained in contact with the gypsy and traveller community throughout the process. It was therefore only at the later stages that views about specific sites were known. What bearing this information might have on the future process was an issue that needed to be considered. The Corporate Director stressed whatever guidance is followed there is still a judgement call to be made about the most suitable site which Gypsy Traveller families could utilise, and this will be based on numerous factors not simply the preference(s) of the gypsy and traveller families.

A question was also asked about whether there had been any wider consultation with the gypsy and traveller community, aside from the specific families directly affected, and whether any consultation response they had provided could be distinguished as such from responses from the general public.

A question was asked regarding the involvement of anyone not associated with local government in the process.

The Committee was informed that Geoff White had been asked to carry out an independent external professional review of the site selection process followed and, although he was linked to local government, he was not associated with the City & County of Swansea.

A further question was raised about comments he made in his report about the elimination of contaminated land.

The Corporate Director (Environment) referred to the difficulties associated with shortlisting contaminated sites in relation to no budget provision for any remedial works that may be associated with the site. The process had to be rapid given the ongoing issues with unauthorised encampments. Therefore the exclusion of sites on the basis of contamination was pragmatic to reduce time / cost in dealing with such issues and progress the site selection.

The Head of Legal, Democratic Services and Procurement referred to the various factors which formed part of site consultation process. An element of which was the views of Gypsy Traveller families. He advised that the consultation process had been undertaken properly and weighting was not a legal matter. Additionally, the issue of weighting could not be taken into account until Cabinet considered the final report and was at the point of decision. He was satisfied that the process had been robust. Of course the authority needed to take account of views as there would be no point in establishing a site which would not be used.

A question was asked regarding the role of Council in the decision making process.

The Head of Legal, Democratic Services and Procurement advised that Council were involved as a consultee not as a decision maker and it would be wrong for Cabinet to accept or disregard Council's views.

A question was asked regarding the consultation process and whether this process had generated public unrest which in turn made it difficult to gain public acceptance.

The Head of Legal, Democratic Services and Procurement stated that he did not accept that the consultation process had created public unrest and highlighted the importance of everyone having the opportunity to provide comments. He added that the high level of interest vindicated the extensive consultation exercise undertaken. He reiterated from a legal perspective the Council had followed correct process.

A question was asked regarding community cohesion and whether any work had been undertaken to promote Gypsy Traveller issues.

The Corporate Director (Environment) referred to the work undertaken by the Safer Swansea Partnership (as one of its priorities) in relation to community cohesion regarding myth busting, public relations and responding to perceptions. It was accepted that more work needed to be done as a priority to ensure community awareness and understanding to counter any discrimination

A question was asked regarding housing needs assessments and how this informed the site search.

The Corporate Director (Environment) referred to the good practice guidance and detailed the rationale for the particular size of a site that was sought (0.5 ha or above). This could site between 10-12 pitches based on current identified needs and potential for future years. Reference was also made to discussions with Gypsy

Traveller families regarding their requirements. It was clarified that although a number of the shortlisted sites were significantly larger than 0.5 ha the exact location of any proposed gypsy & traveller site would be covered in the planning application stage as well as other details about the siting.

A question was asked in relation to the overview report from Chief Executive, page 35 which detailed the court judgement and the reason for the site search. It was felt that the judgement did not refer to provision by this Authority in arriving at decision made by court. Therefore, it was contested whether the lack of site provision was the real issue.

The Head of Legal, Democratic Services and Procurement referred to the basis of the judgement which focussed around certain assurances given by the former Cabinet Member. He refuted any suggestion that there was no need to seek an alternative site. He referred to the 1980's case where the Judge had ruled that the Authority could not obtain possession unless there was a site to accommodate Gypsy Traveller families. The advice from the QC had also stated that unless there was an alternative site, the Authority would not win possession. A request was made to view Counsel's opinion on the 2009 Court Judgement.

The Head of Legal, Democratic Services and Procurement confirmed that Scrutiny Programme Committee Members would be able to view Counsel's opinion.

The Corporate Director (Environment) referred to section 1 of Council report, which detailed the families living in and around enterprise zone in the last 25 years who had moved around the area substantially. There was a statutory obligation placed on the Authority to assess the needs and identify how these needs are to be addressed.

125 **TIMETABLE OF WORK (DATE AND TIME OF FURTHER SPECIAL MEETINGS TO BE CONFIRMED).**

RESOLVED that the Scrutiny Co-ordinator liaise with Members and circulate details of the date of the next meeting, which will deal with evidence from a number of members of the public and other councillors who have submitted a request to speak to the committee.

The meeting ended at 5.15 pm

CHAIR