

# CITY AND COUNTY OF SWANSEA

## MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 2, CIVIC CENTRE, SWANSEA. ON  
WEDNESDAY, 23 APRIL 2014 AT 4.00 PM

**PRESENT:** Councillor R V Smith (Chair) Presided

| <b>Councillor(s)</b> | <b>Councillor(s)</b> | <b>Councillor(s)</b>              |
|----------------------|----------------------|-----------------------------------|
| A M Cook             | A C S Colburn        | R V Smith                         |
| J P Curtice          | E W Fitzgerald       | R A Clay (minute no. 129 onwards) |
| N J Davies           | A J Jones            | T J Hennegan                      |
| P Downing            | P M Meara            |                                   |

**Also Present:**

Mr Keith Jones, Councillor Uta Clay, Councillor Penny Matthews, Mr Tony Beddow.

**Officers:**

|           |   |                             |
|-----------|---|-----------------------------|
| D Smith   | - | Directorate Lawyer          |
| D McKenna | - | Overview & Scrutiny Manager |
| S Woon    | - | Democratic Services Officer |

126 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors D W Cole, J E C Harris and Mr D Anderson-Thomas.

127 **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. 130 & 133 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute Nos. 130 & 133 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor R A Clay – personal & prejudicial – Minute no. 130 – Llansamlet Ward Councillor and Secretary of the former campaign in the Ward against a second site.

128 **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.

129 **CO - OPTION.**

The Overview and Scrutiny Manager referred to the report which provided advice to the Committee to inform its consideration of co-option of others to its review of the gypsy and traveller site search process.

The Chair sought Members' views in relation to whether co-option was necessary and the rationale behind it; who would be the most appropriate person(s) to act as co-optee and the duration of the co-option.

**RESOLVED** that Councillor R A Clay be co-opted to the Special Scrutiny Committee for the duration of the review of the gypsy and traveller site search process.

The Lawyer advising the Committee requested any declarations of interest from Councillor R A Clay. (Please refer to minute no. 127).

130 **EVIDENCE SESSION: GYPSY & TRAVELLER SITE SEARCH PROCESS**

The Chair referred to the fourth evidence session which would focus on evidence from members of the public and other councillors who had contacted the Committee.

The following persons were in attendance to provide evidence:

Mr Keith Jones  
Councillor Uta Clay  
Councillor Penny Matthews  
Mr Tony Beddow

The Chair invited Mr Keith Jones to speak.

Mr Keith Jones referred to his submission and advised that he would make copies available to Committee Members.

Mr Keith Jones read his submission to the Committee.

Clarity was sought regarding Mr Keith Jones submission in relation to the Welsh Government Guidance in respect of optimum number of pitches.

Mr Keith Jones confirmed that he believed the Welsh Government Guidance stated that 10 pitches was the optimum number.

The Chair thanked Mr Keith Jones for his submission.

The Chair invited Councillor Uta Clay to speak.

Councillor Uta Clay referred to her submission and advised that she would make copies available to Committee Members.

Councillor Uta Clay read her submission to the Committee.

The Chair asked whether Councillor Uta Clay had evidence to support her submission.

Councillor Uta Clay referred to the files of evidence and referred to each separately during her submission.

The Lawyer advising the Committee advised Councillor Uta Clay she should not refer to individual names of families affected.

A question was asked regarding Councillor Clay's reference to inaccuracies regarding the Housing Needs Assessment.

Councillor Uta Clay stated that the Housing Needs Assessment constantly changed depending on which Officer discussions were held with at any specific time. She stated that the Housing Needs Assessment was seriously flawed.

A question was asked regarding the consultation process.

Councillor Uta Clay confirmed that the consultation process was unclear.

A question was asked regarding the offer of accommodation at the Pant y Blawd Official Site to the extended family residing at the Park and Ride site.

Councillor Uta Clay stated that it was her impression that the family did not want to live on the Official Site.

The Chair thanked Councillor Uta Clay for her submission.

The Chair invited Councillor Penny Matthews to speak.

Councillor Penny Matthews stated that her evidence was based on the first task and finish group meetings. She detailed the membership of the task and finish group which comprised former Councillor J Hague (Chair), former Councillor J Evans (Vice Chair), Councillor A C S Colburn, former Councillor R Smith and herself.

She stated that the process had been explained and Officers marked maps which detailed Council owned land. Officers had stated that they were looking for 10 to 12 pitches. She stated that the process went on for weeks and former Councillor J Hague expressed concern that the process was taking too long.

A question was asked regarding the examination of Council owned land.

Councillor Penny Matthews confirmed that the inference was that only Council owned land would be examined.

Councillor Matthews stated that she asked Officers to look at sites which had been identified in the 1980's as the process would be a huge expense and looking at previously identified sites may short circuit the process.

Councillor Matthews referred to her request to offer 2 available pitches at the Official Site on Pant y Blawd Road to the families at the Park and Ride Site. She referred to her impression that Officers appeared to be reluctant to do this. However, having checked with Officers at the following meeting she was told that the families had refused the offer.

Councillor Matthews stated that the meetings were held on an ad hoc basis and were often cancelled as work required to be undertaken by Officers had not been completed on time. She stated that she had raised her concerns with the Chair, former Councillor John Hague regarding the lack of progress.

Councillor Matthews stated that the meetings were led by Officers who had sifted through the original 19 sites identified to a shortlist of 5 sites. She stated that no-one could explain the rationale at arriving at 5 sites.

A question was asked regarding the clarity of the terms of reference of the task and finish group.

Councillor Penny Matthews stated that the terms of reference were not clear.

Councillor Penny Matthews referred to land at Heol y Gors which had been used by travellers on many occasions over the years. She stated that this land had not been identified in the 19 sites and she could not understand why this was the case. She stated that the task and finish group unanimously agreed that the land at Heol y Gors should be examined as part of the forthcoming site visits. The sites at Penlan and Llansamlet had been rejected by all 5 members on the task and finish group.

Councillor Penny Matthews stated that site visits were organised and included the sites at Penlan and Llansamlet, despite members requesting that these be discounted from the shortlist. She stated that following discussion with the Chair, she engaged in a heated exchange with the Officer regarding the inclusion of the Penlan and Llansamlet sites and the exclusion of the site at Heol y Gors.

Councillor Penny Matthews stated that the site visit had been rushed and members were told that a further meeting would be organised to discuss the findings of the site visits.

Councillor Penny Matthews referred to a letter written to former Councillor John Hague from the former officer, Martin Saville.

Following consideration, the Lawyer advising the Committee agreed to allow a copy of the letter to be circulated to Committee Members.

A question was asked regarding the evidence in support of eliminating sites from the shortlist.

Councillor Penny Matthews advised that a brief summary had been provided in respect of the eliminated sites.

A question was asked regarding the accuracy of the minutes of the task and finish group held on 8 March, 2010.

Councillor Penny Matthews confirmed that the minutes of 8 March, 2010 were accurate.

A question was asked regarding members reasons for discounting the Penlan and Llansamlet sites being deemed to be 'not sound'.

Councillor Penny Matthews stated that members discounted the Penlan site as it was located to a housing complex in what was deemed to be a deprived area. In respect of Llansamlet, a site was already situated there and the land identified was unsuitable for numerous reasons. She stated that officers had no provided adequate explanations in respect of why members views were not valid.

Councillor Penny Matthews referred to the 1986 agreement and questioned why only 5 sites had been identified. She stated that Councillor Chris Holley, former Council Leader, had stated that a decision would be made by Council.

A question was asked regarding lack of officer explanations, ranking of sites and whether any alternative sites were suggested.

Councillor Penny Matthews advised that, with the exception of the site at Heol y Gors, no further sites were suggested. She confirmed that no explanation or details of ranking of sites had been provided.

A question was asked regarding task and finish group members understanding that throughout the process all discussions were confidential and the impact of the forthcoming election.

Councillor Penny Matthews confirmed that she was aware of the issue of confidentiality, which had placed her in a difficult situation in so far as she could not discuss any issues.

The Chair thanked Councillor Penny Matthews for her submission.

**THE MEETING ADJOURNED AT 5.45 P.M.**

**THE MEETING RECONVENED AT 6.00 P.M.**

The Chair invited Mr Tony Beddow to speak.

Mr Tony Beddow referred to his submission and advised that he would make copies available to Committee Members.

Mr Tony Beddow read his submission to the Committee.

A question was asked regarding the suggestion that the greatest weighting was given to the views of Gypsy Travellers.

Mr Tony Beddow advised that it was his impression that the process hinged on whether particular families would go to particular sites. He stated that any weighting should have been upfront, as opposed to being considered at the end of the consultation process as a 'late arrival'. Consideration should have been given earlier in the consultation process.

A question was asked regarding comments made by the former Corporate Director (Environment) regarding the weight being given to Gypsy Traveller views being revealed at a future meeting of Cabinet.

Mr Tony Beddow stated that if that statement had been made and based on his understanding of the 'Gunning Rules' there had been a fundamental flaw which would undermine the whole process.

A question was asked regarding the former Corporate Director (Environment)'s response in relation to reasons for selection criteria, one of which was costs.

Mr Tony Beddow stated that it was possible that the Council selected 5 or 6 criteria that would be taken into account. Whilst cost would be a consideration, identifying a location that the Gypsy Travellers and host community were content with would be more important than cost.

A question was asked regarding the type of criteria used in the consultation process.

Mr Tony Beddow confirmed that no criteria had been used to distinguish sites in the consultation process.

A question was asked regarding the significance of the views of the Gypsy Travellers.

Mr Tony Beddow stated that the views of Gypsy Travellers were a significant factor.

A question was asked about the Council's obligation to identify a site and whether this would fulfil any legal duty.

Mr Tony Beddow stated that there was a difference between identifying a site that was suitable to fulfil a legal duty as opposed to a site that all parties were content with.

The Chair thanked Mr Tony Beddow for his submission.

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

The Chair referred to the future evidence gathering session. Members' discussed individuals who may be interested in attending and providing evidence.

**RESOLVED** that:

- a. The Overview and Scrutiny Manager circulate proposed dates of the next meeting to Committee Members;
- b. Details of individuals interests in the matter be included on the documentation prior to them providing evidence to the Committee.

132 **EXCLUSION OF THE PUBLIC.**

The Committee were requested to exclude the public from the meeting during consideration of the item of business identified in the recommendations to the report on the grounds that they involve 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 items of business as set out in the report.

It was **RESOLVED** that the public be excluded for the following item on the agenda.

133 **COUNSEL'S OPINION ON COURT JUDGEMENT ISSUED MARCH 2009. (TO BE MADE AVAILABLE AT THE MEETING)**

The Lawyer advising the Committee read excerpts of Counsel's opinion to Committee members.

Members asked questions of the Officer who responded accordingly.

**RESOLVED** that Members' would be afforded the opportunity to view the opinion in a room in legal department if they wished.

The meeting ended at 7.03 pm

**CHAIR**