CITY AND COUNTY OF SWANSEA

MINUTES OF THE SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 1 - CIVIC CENTRE ON TUESDAY, 27 MAY 2014 AT 4.00 PM

PRESENT: Councillor R V Smith (Chair) presided

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

Co –opted Members: Councillor R A Clay and S Joiner

Officers:

T Meredith – Deputy Head of Legal, Democratic Services and Procurement
B Madahar - Scrutiny Coordinator
J Tinker - Democratic Services Coordinator

6 **APOLOGIES FOR ABSENCE.**

There were no apologies for absence.

7 **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 No. 10 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute No. 10 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor R A Clay – personal & prejudicial – Minute no. 10 – Llansamlet Ward Councillor and Secretary of the former campaign in the Ward against a second site.

8 **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.

9 **MINUTES:**

RESOLVED that the minutes of the meetings of the Special Scrutiny Programme Committee held on 3 April 2014 and 23 April 2014 be accepted as a correct record.

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

The Chair referred to the fifth 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:

a) Councillor Jennifer Raynor
b) Hilary & Tom Jenkins
c) Philip Robins
d) Lawrence Bailey

a) The Chair invited Councillor Jennifer Raynor to speak. Cllr Raynor was formerly vice-chair of the second Member Gypsy Traveller Site Task & Finish Group for a short period. She attended to give views on the process and outline concerns about the role of the Task & Finish Group. She made reference to the Minutes of the Task and Finish Group held on 8 March 2012, 10 April 2012, 19 July 2012 and 27 September 2012, which were circulated to Committee Members. She also referred to a report and briefing note provided to the Group on 19 July 2012 (which she attended), and minutes of an informal meeting held on 7 September (which she also attended) between members, officers and representatives of the Gypsy & Traveller families to brief them on the ongoing assessment process, discuss potential site requirements, and seek the views of the gypsy and traveller community. The committee sought clarification about access to the additional material referred to.

Key points made by Councillor Raynor:

- Resigned from Member Task & Finish Group due to concerns about the process, including a lack clarity about the aim of the site search, the methodology used, the site selection, and consultation.
- Concern about lack of clarity about purpose of site search. The Terms of Reference of the Task & Finish Group were minimal and unclear – 'complete a review of all Council owned land and Council land allocated for housing, and produce a report setting out options'. The purpose of the review was not clear and members were also not clear on what the options were. It was not clear whether it was a search for 1 site or sites, or whether this was about addressing a problem in a specific area. It was also not clear why the Terms of Reference has changed during 2010 - the March Cabinet report describes that the purpose of an alternative site would be to accommodate the Gypsy and Traveller families

presently occupying the unauthorised site at Swansea Vale, but the August Cabinet report (which established the Task & Finish Group) no longer mentioned this specific purpose. It could not be explained in July 2012 whether there had been a change in thinking during this time, though it still seemed that a solution for Swansea Vale was the primary concern for officers as the information / focus at the time was on the relocation of relevant families with pressure to enable access to the site for the Environment Agency in relation to the Morriston Flood Defence Scheme.

- There was confusion as to the decision-making process in the site selection process, and inter-relationship between the Task & Finish Group, Cabinet and Council. There were contradictory statements made, e.g. there was reference to the shortlisted sites being referred to Council, there was also reference to the Task & Finish Group making a report to Cabinet.
- Felt that there was inconsistent application of criteria during the site sieve process. For example, there was a selective use of information to describe sites when indicating distance from housing. There was the exclusion of Velindre on the basis of other intended uses but similar could be said for sites that went forward. Also felt the Task & Finish Group did not have sufficient time / resources to discuss and consider the information presented to it.
- It was not satisfactory that members of the second Task & Finish Group (formed after the 2012 Council elections) were advised to visit the shortlisted sites in a personal capacity, and it was difficult for members to fully understand how the shortlist developed from 19 to 5 sites. As information about these 5 sites had found their way into the local media even before the council elections there were concerns raised by the public.
- Concerned that the housing needs assessment presented to the Task & Finish Group in March 2012 did not provided comprehensive picture of needs across the city as it only referred to needs at the official Ty Gywn site, the 'tolerated' site and the encampments in Swansea Vale industrial park, and no reference of encampments elsewhere. It was not clear how up-to-date the needs assessment was and information about future demand.
- Concern about lack of wider consultation with the gypsy and traveller community save the 3 main gypsy and traveller families. Felt that consultation should have been carried out at an earlier stage, and given a greater degree of importance. The informal meeting held on 7 September revealed that the future housing needs of these families was greater than previously known. All 3 families expressed a willingness to share a suitable site but did not want to share with strangers on a joint transit permanent site. At the September meeting information about the shortlisted sites was shared with the three families, at a time when many councillors were denied information.
- Offered the following as learning points:
    - The governance arrangements / 'decision making' process needs to be transparent. Respective roles and responsibilities of members (including bodies such as Task & Finish Groups) and officers need to be very clear from the outset
    - The process should be have a degree of flexibility with confidence to adjust things based on experience, with a clear audit trail back to the commissioning body.
    - A clear methodology and weighting should be clear from the start

- For future public consultation exercises we must ensure the public is clear about what they are being consulted upon

Questions were asked regarding the case for a new site, the meeting with gypsy and traveller families in September 2012, the discussions held by the Task & Finish Group about excluding some of the shortlisted sites, weighting of gypsy and traveller family views, and needs assessments.

The Chair thanked Councillor Raynor for her submission.

b) The Chair invited Mr Tom Jenkins and Mrs Hilary Jenkins to speak. They were residents living in close proximity to one of the shortlisted sites and attended to give views about the site selection process.

Mr Tom Jenkins referred to his submission and advised that he would make a copy available to the Committee.

Mr Jenkins read his submission to the Committee.

Key points made by Mr Jenkins:

- Felt there was a lack of leadership to drive the process and lack of a clear vision and methodology to address the issue.
- The Council has stumbled its way through the last few years in dealing with this issue – with various people involved hampering continuity and focus.
- Contradictory statements made in public about the 'West Glamorgan Agreement'.
- Respective roles and relationship between the Member Task & Finish Group and officers unclear given dispute about which sites should be taken forward. Also, at certain stages it was not clear whether Cabinet or Council was the decision maker.
- Site visits were not thorough – more time should have been spent to survey sites by Members.
- The process should have included an element of weighting of certain factors – should be clarity about relative weighting of gypsy and traveller community views and residents' views.
- The 1006 sites included some very bizarre pieces of land, which were always going to be taken out. Process would have been swifter and less costly if it had been centred on where the gypsy and traveller families wanted to go.
- Concern about how site selection criteria was applied given significant issues being raised about the suitability of shortlisted sites.
- Some of the names given to the shortlisted sites may have been confusing for some residents (e.g. some people may not have associated their areas with 'Swansea Vale').
- Communities distrustful of the process and rationale behind shortlisting, and has had negative effect on community cohesion (causing hostility, alarm and panic).

The Chair thanked Mr Tom Jenkins for his submission.

The Chair invited Mrs Hilary Jenkins to speak.

Mrs Jenkins referred to his submission and advised that she would make a copy available to the Committee.

Mrs Jenkins read her submission to the Committee, which echoed a number of points made by Mr Jenkins.

Key points made by Mrs. Jenkins:

- The Council has been slow to address the issue, which has been hanging over the council for many years, and find a permanent solution – has been too much of a 'laissez-faire' attitude.
- The aim should have been to find a number of small sites in different areas of Swansea, i.e. dispersal rather than concentration, and would have improved community integration. Felt this is what gypsy and traveller families preferred.
- The council's needs assessment underestimated the number of pitches needed and future demand.
- Difficult to understand how site sieve could only find suitable sites in a small number of wards. Site selection criteria not consistently supplied, and people's concerns not taken on board. Some people feel that certain areas were targeted.

A question was asked regarding Mrs Jenkins' view about smaller sites and dispersal.

The Chair thanked Mrs Hilary Jenkins for her submission.

c) The Chair invited Mr Philip Robins to speak. Mr Robins lived in the vicinity of one of the shortlisted sites and attended to share observations about he site selection process.

Mr Robins referred to his submission and advised that he would make a copy available to the Committee.

Mr Robins read his submission to the Committee.

Key points made by Mr. Robins:

- Site selection process and consultation process flawed.
- Many relevant constraints relating to specific sites not given sufficient consideration, or inaccurately described.
- Clear that main gypsy and traveller families want to stay where they are
- No opportunities to talk directly with officers during the consultation.
- Lack of work done to consider and learn from experiences (good and bad) elsewhere in other council areas.

A Councillor indicated that she was aware of Mr Robins concerns that had been raised in a ward meeting.

The Chair thanked Mr Philip Robins for her submission

d) The Chair invited Mr Lawrence Bailey to speak. Mr Bailey represented Llansamlet ward as a councillor between 1983-2007. He had provided the committee with a copy of this original response to the Council consultation. Although site specific he attended to address matters of process and inconsistency in the use of selection criteria.

Mr Bailey referred to his submission which had already been submitted to the Committee, in particular issues relating to:

- Governance and decision-making – mixed messaged with regard to role of the Task & Finish Group, Cabinet and Council, and lack of 'scrutiny'
- Site suitability - relevant constraints not given sufficient consideration, or inaccurately described within site assessments
- Assessment methodology – assessment process not consistent with criteria agreed by cabinet and inconsistency in application (example given of a site near a motorway, also policy conflicts where sites identified for regeneration).Feeling that certain areas were targeted
- Consultation – some confusion as to what the substantive issues were which were being consulted upon. Whilst the approach to consultation itself was positive, there was no logic to Cabinet agreeing to public consultation but not identifying the individual sites that were being proposed. Disappointed in the way council's response to consultation – a summary appeared in the council report of October 2013 but relevant points were dismissed or not answered at all.
- Planning – process was a departure from accepted practice when compared with the use of the planning process in relation to, for example, a new school or community facility – undue reliance on the seeking of planning consent as a 'catch-all' for site suitability
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A question was asked in respect a meeting leading to what has been referred to as the 'West Glamorgan Agreement'. Mr Bailey confirmed was present during the discussion and described the 'accommodation' which was reached between the former City of Swansea and West Glamorgan County Council in 1986. There has been a presumption since then against any further site in Llansamlet Ward, backed up by the various use of powers against unauthorised encampments over the years.

The Chair thanked Mr Lawrence Bailey for his submission

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

The committee was informed that Councillor C A Holley had been in contact and requested to give evidence. It was agreed that this be dealt with at the next meeting. It was also suggested by members that it may be beneficial for the committee to invite former Councillor John Hague, as former Deputy Leader of the Council, Cabinet Member for Environment and Chair of the Gypsy Task and Finish Group, to also give evidence, to complement evidence from the former Leader of the Council.

The chair stated that having held a number of evidence sessions it was important for the committee to pause for reflection, consider what further evidence gathering is

necessary, and agree the plan to conclude the review. It was agreed that appropriate arrangements be made to facilitate this discussion.

RESOLVED that the Scrutiny Officer circulate proposed dates of the next meeting to Committee Members.

12 **COPY OF SUBMISSIONS OF EVIDENCE (23 APRIL COMMITTEE MEETING). (FOR INFORMATION).**

Submissions of Evidence from the meeting held on 23 April 2014 were submitted for information.

The meeting ended at 6.45 p.m.

CHAIR