

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 2 - CIVIC CENTRE ON TUESDAY, 8 JULY
2014 AT 3.00 PM

PRESENT: Councillor R V Smith (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
A M Cook	J P Curtice	T J Hennegan
A C S Colburn	E W Fitzgerald	R A Clay (Co-opted)
D W Cole	J E C Harris	

Also Present: Councillor C A Holley

Officers:

B Madahar	-	Overview & Scrutiny Co-ordinator
D Smith	-	Directorate Lawyer
L Wenham	-	Head of Marketing, Communications & Scrutiny
S Woon	-	Democratic Services Officer

13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P Downing, A J Jones and P M Meara.

14 DISCLOSURES OF PERSONAL & PREJUDICIAL INTEREST

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor R A Clay - personal - Minute No. 17 - Ward Member for Llansamlet.

Councillor A M Cook - personal - Minute No. 17 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor D W Cole – personal – minute no. 17 – Ward Member for Gorseinon – one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute Nos. 17 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor T J Hennegan – personal – Minute no. 17 – Ward Member for Penderry – one of the wards that was shortlisted.

15 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.

16 MINUTES

RESOLVED that the minutes of the Special Scrutiny Programme Committee held on 27 May, 2014, be accepted as a correct record, subject to Councillor D W Cole and J P Curtice's interests being recorded.

17 EVIDENCE SESSION: GYPSY & TRAVELLER SITE SEARCH PROCESS

The Chair referred to the evidence session which would focus on evidence from Councillor C A Holley, former Leader of Council.

Councillor C A Holley detailed the history surrounding the search for a second site which predated the current Council being in operation. He referred to the work of the former West Glamorgan County Council in identifying potential sites in Swansea, Neath, Port Talbot and Lliw Valley, as well as actions taken by the City and County of Swansea over previous years in response to gypsy and traveller occupations.

He outlined the areas within Swansea that Gypsy Traveller's had used over the years and the court action around in relation to the illegal site at Tawe Vale which was an overspill car park for the Liberty Stadium. The failed eviction of the families at the Tawe Vale Park & Ride site and comments from the Judge regarding the requirement for another site started the creation of a cross-party Task and Finish Group. The Task and Finish Group comprised 5 cross party Members, who had volunteered to be part of the Group, and were tasked with examining 100 plus sites. Over 1 – 2 years and following guidelines from Welsh Government those sites were shortlisted to 5. Prior to the Council elections in May 2012 information about the 5 potential sites ended up in the public domain.

He stated that the parameters of the Working Group were set by Welsh Government guidance which had to be followed. He confirmed that no weighting was attached to the criteria in accordance with this guidance.

In respect of the encampment at Tawe Vale, the Childrens' Commissioner had ruled that the Council must install washing and toilet facilities which the Council complied with.

A question was asked regarding the number of sites examined at the start of the process and whether private land was ever looked at. Councillor C A Holley advised that a decision was taken only to look at Council owned sites within the West Glamorgan boundary. This decision was made in order to contain costs.

A question was asked regarding the Officer report submitted to Cabinet which summarised the Judge's ruling in respect of the Tawe Vale Site.

Councillor C A Holley stated it was clear from legal briefings that the judgement not to give authority to evict the families was clearly because the families did not have anywhere to go. The refusal of an order had nothing to do with the quality of report to Cabinet. He stated that the needs of the 2 extended families on the Park & Ride site had triggered the process for identifying alternative provision. The judgement put the council under pressure to identify an alternate site.

A question was asked regarding the Authority's obligation to consult with the Gypsy Traveller Community (as referred to in Cabinet report on March 2012) and the issue of weighting of views, and whether this was ever considered. Councillor C A Holley stated that the process was based on criteria and fact, and no weighting was applied. He added that detailed consultation would only be carried out when the site sieve process had ended up with a 3-5 sites, and subsequent consideration of views (whether from the gypsy & traveller community or residents) in the political decision-making process.

A question was asked about the relationship between the Gypsy & Traveller Liaison Forum and the Task & Finish Group and why the Forum ceased to meet. Councillor C A Holley stated that the former Gypsy Traveller Forum had simply evolved into the Gypsy Traveller Task and Finish Group.

A question was asked regarding the rationale used when shortlisting sites. He stated that it was a comprehensive search and therefore may have included land which people obviously considered unsuitable. but would be filtered out using agreed criteria. The short listing of sites had been decided using certain criteria and filters, such as size, within easy access to mains water, sewerage, position of site, access to it and other issues. No weighting was used. The 5 sites were decided by Task and Finish Group and no-one knew what the sites were.

A question was asked about events between March and August 2010 and why reports to Cabinet on the setting up of a Task & Finish Group differed in relation to the intended purpose of the Group, that is removing reference to the ranking of sites. Councillor Holley acknowledged that the idea was discussed but not carried forward as it was not for the Task & Finish Group to decide the most suitable site. This was a decision for Cabinet to make and justify.

A question was also asked regarding the composition of the Task and Finish Group, and any possible conflict of interest / prejudice in carrying out this role. Councillor C A Holley stated that Members volunteered to be part of the Task and Finish Group. Former Councillor John Hague was Chair, as this was part of his Cabinet Portfolio. An issue was raised about whether the work of the Task & Finish Group was genuinely 'member-led'.

A question was asked regarding the how the 5 sites were made public in early 2012. Councillor Holley believed that the information had been leaked to the press. He referred to a statement he had made to South Wales Evening Post when he had stated that he was unaware of the existence of 5 sites, and his subsequent apology once the information was found to be correct. Councillor Holley stated that there were no channels of communication between himself and the Task & Finish Group, and made the initial statement as he thought that to be correct.

A question was asked regarding the purpose and status of Task & Finish Groups as they have no standing in the Local Government Act 2000, and whether the use of a Task & Finish Group in this case was not appropriate or effective. Councillor C A Holley confirmed that he was aware of the status, and the Group's purpose was for cross party Members to oversee the filtering process to ensure criteria was being applied in a consistent way, and oversee the work of officers involved in the process. He reiterated that the Group has no formal powers, and any suggestion that the Group would make recommendations or decisions was incorrect.

A point was raised about the fact that there was a view within the Task & Finish Group that certain sites should be excluded. Councillor Holley stated that the only way sites could be excluded was through application of the criteria and that Task & Finish Group members did not have the authority to rule out sites outside of this approach.

A question was asked regarding a letter from an Officer to the former Cabinet Member the day ahead of the site visit. It was put to Councillor Holley that the advice to councillors was to proceed with visits to all 5 sites to avoid legal challenge, whatever decision is ultimately taken. Councillor C A Holley stated that he was not aware of the Officer's letter however responded that although a judgement would have to be made eventually by Cabinet the role of the Task & Finish Group was to oversee the site sieve process based on agreed criteria, not on opinions.

A question was asked regarding the absence of a final meeting to sum up and arrive at conclusions from the Task and Finish Group, despite such a meeting being agreed to be held at an earlier meeting. Councillor C A Holley stated that the timing of the last meeting of the Task and Finish Group in the April, 2012, made it impossible for a final meeting due to the Local Government Elections in May 2012.

A question was asked regarding any communications/consultations with Gypsy Travellers. Councillor C A Holley stated that the right time to consult and engage in detail with all stakeholders would have been when the Task and Finish Group came forward with a shortlisted number of sites. This would then feed into the actual decision-making process.

A question was asked regarding the overall objective of the site search and rationale for identifying a further site in Llansamlet. The theory was put to Councillor Holley that Llansamlet represented the easiest, rather than best, decision. Councillor C A Holley stated that sites in many locations across Swansea had been discussed with a view to identifying the most acceptable site, that met criteria and went through the cabinet and planning process, taking into account findings from the gypsy & traveller / public consultation. He denied the exercise had been about locating a second site in Llansamlet.

A question was put about whether 1 or 2 sites were sought, as there has been reference to the need for a permanent and a transit site. Councillor Holley stated that originally just 1 site was sought.

A question was posed regarding the identification of a practical solution which enjoyed all party consensus. It was acknowledged that it is difficult to balance the wishes of the gypsy & traveller community against hostility within the local community, but ultimately comes down to a political decision. Councillor C A Holley stated that there was no easy solution. However, in his view, a way forward (considering the experience of the process and reactions) would be to extend the current official site. He felt that it has already taken too long to get to this point but found it difficult to envisage a speedy resolution to this issue in the months ahead. He stated that the new LDP process (coming in the next 18 months) meant that an area needs to be designated.

Councillor C A Holley stated that he would not have done anything differently, but regretted not being able to deal with the issue in a shorter time period, ideally completing the process before the 2012 elections. He felt that this was a lesson for the future. He stated that the public hostility had not been a surprise, but defended the process that was followed. He felt that the process was robust enough to withstand legal challenge. Councillor C A Holley stated that if a democratically agreed site/s went through planning, there could be no criticism.

The Chair thanked Councillor C A Holley for his evidence.

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

The Scrutiny Officer referred to the number of evidence sessions and the need for the Committee to reflect and consider what further evidence gathering was required.

RESOLVED that the Committee meeting informally on Thursday, 31 July, to consider the evidence received to date.

19 COPY OF SUBMISSIONS OF EVIDENCE - 27 MAY COMMITTEE MEETING. (FOR INFORMATION).

Submissions of Evidence from the meeting held on 27 May, 2014, were submitted for information.

The meeting ended at 4.24 p.m.

CHAIR