

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 2, CIVIC CENTRE, SWANSEA ON
WEDNESDAY, 26 NOVEMBER 2014 AT 5.00 PM

PRESENT: Councillor R V Smith (Chair) Presided

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

Co-opted Members

D Anderson-Thomas.

Officers:

D Smith	- Directorate Lawyer
B Madahar	- Overview and Scrutiny Co-ordinator
S Woon	- Democratic Services Officer
P Holmes	- Head of Economic Regeneration & Planning
E Jones	- Principal Planner, Regeneration
S Malough	- Traveller Liaison Officer

110 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D W Cole, P Downing and Mrs S Joiner.

111 **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. 114 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute No. 114 – Two of the proposed sites in my ward.

Councillor R A Clay – personal – Minute No. 114 – Llansamlet Ward Councillor shortlisted site.

112 **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.

113 **MINUTES**

RESOLVED that:

- a) the minutes of the Special Scrutiny Programme Committee held on 10 September, 2014 be accepted as a correct record;
- b) An amendment be made to minute no. 130 (Evidence Session: Gypsy & Traveller Site Search Process) which includes a summary of the evidence provided by Councillor P M Matthews. During Councillor P M Matthews evidence, she referred to a letter sent to the former Councillor John Hague relating to the Gypsy Traveller Task and Finish Group. A copy of the letter (dated 26 March, 2012) was subsequently provided to the Committee and was included in the record of evidence. The minutes however refer to Martin Saville as the author of the letter whereas the letter was sent by Reena Owen. The amendment to minute 130 is therefore to delete reference to Martin Saville and replace with Reena Owen; and
- c) The Chair formally write to Councillor N S Bradley inviting him to appear before the Special Scrutiny Programme Committee scheduled on Monday, 8 December, 2014.

[Note: In response to a question regarding invitation to Councillor N S Bradley to attend the Committee, the Scrutiny Co-ordinator confirmed that no response had been received to date from Councillor N S Bradley.]

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

The Chair advised that the evidence session would focus on:

- a) discussion of the Gypsy and Traveller Consultation Process; and
- b) the Impact of Economic Regeneration/Development Plans on Site Selection.

a) The following issues were discussed by the committee:

- Extent of consultation with the Gypsy & Traveller community and at what point information about shortlisted sites was shared
- The views of the Gypsy & Traveller community about preference for Llansamlet and at what point objections about other sites (e.g. Proposed Cemetery, Gorseinon) were known
- Purpose of the 'confidential' meeting between some members and officers with Gypsy & Traveller families, held on 7 Sep 2012
- The point of the process / consultation when Gypsy & Traveller views about locations were very clear.
- Absence of consultation with wider Gypsy & Traveller community over the broader issue and whether that demonstrated confusion about purpose of site search
- No written process for consultation except following Welsh Government guidance

- Little emphasis in consultation given to views about / need for a transit site as well as permanent
- Process / consultation process caused tensions in communities – not encouraging / building community cohesion
- How the authority balanced meeting the council's legal obligations with addressing the specific Llansamlet problem / meeting (changing) needs of Gypsy & Traveller community – conflicting messages / advice about this emerged during the process

The Principal Planner, Regeneration, referred to the instruction from the Gypsy Traveller Task and Finish Group session on 8 March, 2012, for the Council to continue dialogue with the Gypsy Traveller Families regarding their housing needs.

In line with Welsh Government guidance and given the fact that Gypsy Traveller Families are generally considered to be hard to reach group, it was deemed necessary that face to face meetings would take place. These sessions had the sole purpose of informing the families of the ongoing assessment work, highlight the identity of the 5 recommended sites, to ascertain their existing requirements and to discuss ongoing day to day issues that they were encountering. Discussions from these sessions were noted for information purposes only and were fully minuted.

In response to Member questions, the Principal Planner, Regeneration stated that:

1. Separate sessions were held with the families during September 2012 and subsequently repeated during July 2013 in order to retest the initial feedback provided
2. Comments made by the families at these sessions were noted for information purposes only. It was gathered together in order to inform the Senior Officer Panel and subsequently included within the Report to Council during October 2013. No assurances were provided on individual sites. The only assurance given was that the Authority would provide appropriate site provision to cater for the identified need. No additional information was requested or provided.
3. Comments were received from the settled community as well as from the Gypsy Traveller Families as part of the formal consultation exercise that took place between December 2012 and March 2013. None of the views/comments were weighted.
4. Officers (in particular the Liaison Officer) are involved in constant dialogue, with the Gypsy Traveller community as their requirements are constantly changing.
5. Any discussions with Gypsy Traveller Families prior to 2012 were related to needs and not to individual sites. These needs included plot, family size or pre-requisites, cultural requirements etc.
6. Information regarding inhabiting consecrated land had come forward, but was not confirmed prior to the Senior Officer Panel that took place after the Task and Finish Group had concluded their work.
7. The meeting held on 7 September 2012, was not a formal Task and Finish Group session (Task and Finish Group advised that a meeting should take place). It was attended by Councillor N S Bradley (Chair) and Councillor J A Raynor (Vice Chair). The people invited to attend that meeting reflected the families who had needs at that particular time. The agenda was flexible in terms of timings to allow the families to attend.

8. The consultation with Gypsy Traveller Families, between September 2012 and July 2013, was not 'written out' as such. The literature in the guidance from the Welsh Government stated that Authorities 'go out' and consult with families with needs at the time.
9. As an Authority we did everything we could to consult and engage. With requirements constantly changing, wider Gypsy Traveller Families may not have been identified (a large proportion reside in bricks and mortar and have no requirements).
10. His understanding of 'need' included need at the time (immediate), future need and growth. Need had been identified by the Accommodation Needs Assessment which had been undertaken by Housing colleagues.
11. There was no clear identified need for transit site provision.
12. Informal discussions on site with Gypsy Traveller Families had indicated that they did not want to share a site with anyone other than extended family.
13. The process allowed for flexibility in so far as a number of sites could be considered.
14. Comments from Gypsy Traveller Families suggested that they would strongly prefer another site in Llansamlet and would not consider the site in Gorseion. This preference was reflected in the Report to Council in 2013. They did not say they would not move off the Park and Ride site.
15. Following the election of the new administration site visits were undertaken in July 2012. Prior to this, Officers outlined the process and rationale in arriving at the 5 recommended sites.
16. Officers undertook the process consistently within Welsh Government guidance. The approach looked across the County and outputs came out from the process in transparent way which was bounded by Unitary Development Plan (UDP) policies.
17. The process allowed for a private developer to come forward at any point but the need would be in line with the Accommodation Needs Assessment and the policy requirements of the UDP.

The Lawyer advising the Committee stated that a second site would not necessarily result in a successful Court eviction as they have right to a family life under Article 8 of the Human Rights Act, in respect of children in schools, settled lifestyles.

b) The following issues were discussed by the committee:

- Rationale for following Unitary Development Plan
- Whether process should have followed Unitary Development Plan or could have been coterminous with the Local Development Plan and conflict / confusion between the two
- General lack of clarity about how the two strategic plans worked together – confusion within communities
- Economic development input not being considered about certain sites (e.g. Peniel Green Road)
- Impact of Gypsy & Traveller sites / occupation of land on businesses in the vicinity / land values
- Whether the economic development section consulted with or had feedback from local businesses

In response to Member questions, the Head of Economic Regeneration and Planning stated that:

1. The whole strategic approach was based on the UDP.
2. The Council's cross disciplinary working was strong, thorough and robust.
3. Comments were considered and taken on board as part of the consultation process.
4. Once sites were identified following the assessment process, they could not be removed until a certain point in time.
5. Officers followed the Terms of Reference set in 2010. Process run its course, concerns about certain sites were reflected.
6. Impact was looked at in terms of economic regeneration importance and comments were provided by economic development officers.
8. The terms of reference for site identification were land for housing and council owned land.
9. He was not aware of two sites at Peniel Road, Llansamlet, however the boundary of the site covered those areas. The wider area came from consultation.
10. Officers responding from an economic development perspective did not take into account any consultation outside department.
11. It was reasonable to undertake the process through the UDP as this provided a mechanism to deliver a site quickly. The end result would be to obtain contributions from the Welsh Government. The contribution from the Welsh Government was reducing and the White Paper 2016, will not give authorities a choice and funds will be limited to each authority.
12. He was not aware of existing businesses or new business being put off expanding by the prospect of a Gypsy Traveller Site. However, there are potential nuisance issues which would apply to all sites.

115 **TIMETABLE OF WORK**

The Scrutiny Co-ordinator referred to the Special Scrutiny Programme Meeting scheduled for 8 December, 2014 to discuss the role of the Housing Needs Assessment in the process.

As requested by the Committee, further communication would be made with Councillor N S Bradley with an invite for him to attend the Special Meeting on 8 December, 2014.

The date for the final evidence session with the Chief Executive, Phil Roberts and Patrick Arran, was yet to be confirmed.

116 **DATE OF NEXT MEETING - 8 DECEMBER 2014 (5.00 PM)**

The date and time of the next meeting was noted.

The meeting ended at 6.38 pm

CHAIR