

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE ON MONDAY, 8
DECEMBER 2014 AT 5.00 PM

PRESENT: Councillor R V Smith (Chair) Presided

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

117 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors N J Davies, A J Jones and S Joiner.

118 **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. 120 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor J P Curtice - personal - Minute No. 120 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor D W Cole - personal - Minute No. 120 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor R A Clay – personal – Minute No. 120 – Llansamlet Ward Councillor.

119 **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.

120 **MATTERS ARISING.**

The Chair referred to the Minutes of the Special Scrutiny Programme Committee held on 26 November, 2014. Reference was made to the amendment to minute no. 130 (Evidence Session: Gypsy & Traveller Site Search Process).

In response to a Member question, the Democratic Services Officer stated that the revised evidence pack had been re-published and the minutes of 26 November, 2014, would reflect the amendment made to the minutes of the 23 April meeting.

The Chair updated the Committee in relation to the invitation to Councillor N S Bradley to attend the meeting. Councillor N S Bradley had conveyed his apologies due to sickness. The Scrutiny Co-ordinator confirmed that he would contact Councillor N S Bradley to ascertain his availability to attend a future meeting

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

The Chair advised that the evidence session would focus on discussion of the role of the Housing Needs Assessment in the process.

The Committee was interested in the use of assessments as a basis for decision making about the long term, how and when needs were calculated and the value of the Housing Needs Assessment to the process.

The following Officers were present to assist the Committee for the discussion:

- Peter Williams (Strategic Planning and Enabling Manager)
- Lee Morgan (Head of Housing)
- David Evans (Housing Business Manager)

The Strategic Planning and Enabling Manager highlighted the methodology that was used in determining the Housing Needs Assessment (HNA). A corporate group was established comprising of those officers from across the authority who had contact with Gypsy Travellers in Swansea. The group included the Education Officer for Gypsy Travellers and the Gypsy Liaison Officer. The aim of the Group was to identify all Gypsy Travellers known to be residing within Swansea to get understanding on where they were located.

Welsh Government Guidance was used for undertaking Needs Assessments which suggested the methodology to be used by local authorities when doing assessment.

Once the Group identified locations it also tried to identify showmen (associated with the circus) and the Showmen's Guild was also consulted. Welsh Government Guidance was used by the group to develop the questionnaire and officers from the housing department visited those gypsy travellers and showmen which could be located, sometimes with the assistance of the Gypsy Traveller Education Officer. Questionnaires were completed face to face and in some areas all households identified were interviewed, but in some cases officer spoke with representatives for a few. The needs of those Gypsy Travellers in bricks and mortar accommodation were also taken into account identified using information from housing waiting list and information from the gypsy & traveller community. They were contacted in writing and visits were made where necessary. The results were translated into the number of caravans, and into pitch requirements and sizes, again using Welsh Government guidance.

The HNA established both immediate need and future need. 11 Gypsy Traveller Families were identified for immediate need. The Welsh Government Guidance also required that future need be identified in respect of teenagers living with parents in caravans who would be turning 18 within the next 5 years and possibly leaving home to set up individual households. 28 was the highest possible number identified, however in reality some teenage travellers would probably elect to stay in their parents caravan when they turned 18 and some would probably move away from Swansea. It was confirmed that work on the HNA was undertaken in 2012 and 2013 (March to July), although one was undertaken, though not as detailed, in 2009.

Work focussed on mainly permanent sites but questions were asked during the HNA process about needs in relation to transit sites.

In response to Member questions, the Strategic Planning and Enabling Manager stated that:

1. The HNA was effectively a snapshot of needs however it was based on work undertaken over a period of time (not 1 day). One Officer was tasked with the HNA to ensure consistency.
2. The guidance was prescriptive. The survey carried out benefitted from the involvement of the Gypsy Traveller Education Officer and Gypsy Traveller Liaison Officer who had a good relationship with families.
4. The methodology used to carry out the HNA (including the survey) was checked with the Welsh Government Senior Policy and Strategy Manager for Gypsy Traveller Families who was content with process the Authority used.
5. There was a requirement to look at Gypsy Travellers who were living in bricks and mortar accommodation as they may wish to move back into caravans at some time in the future.
6. Gypsy Travellers enjoy protected characteristics under the Equality Act 2010, particularly in relation to their rights to be accommodated with extended family members. The Council's Equalities Section was consulted on the process used.
7. The questionnaires used in the HNA undertaken in 2009, 2012 and 2013 have been modified over time.
8. New guidance on undertaking HNA will be produced by February 2016. The new guidance states that HNA should be undertaken at least every 5 years. In future HNA will also have to be approved by the Welsh Government.
9. The HNA was based on contact with all the families which the council was aware of at the time. Consultation was carried out with 5 Gypsy & Traveller families and with the Showmen's Guild.
10. As part of the HNA Gypsy Traveller families residing on private land were also interviewed, not just those linked to the Park & Ride Site.
11. There was some confusion in reporting the number of pitches required which was as a result of double counting (due to 1 family moving from the tolerated site onto the un-tolerated site). In relation to reporting in September 2013 the correct figure was 10 not 11 and this was reported to Council on 21 October 2013.
12. The current pitch requirement reported in October 2013 for Showmen was nil as the preference for most of them was to stay where they were.
13. The role of the HNA was to identify the number of pitches required. How the authority responded to this information was the responsibility of others involved in the site selection process.

14. Confident that HNA provided an accurate picture of current and future needs thought can never be 100%, for example it is difficult to identify Gypsy Travellers in bricks and mortar accommodation.
15. The Gypsy Travellers interviewed indicated that they wanted to stay where they were. The residents of the Ty Gywn site indicated that they would like a transit pitch for visitors at certain times of the year. People who benefit from transit site do not live in Swansea all year. There would be only a limited amount of people for short period of time who would benefit from a transit site.
16. The HNA is carried out when requested and is not updated on a weekly or ongoing basis. Needs may change and it may be something for the Traveller Liaison Officer to keep an eye on.
17. The process was robust in capturing the needs of the settled Gypsy Traveller community but the transit population is not going to be picked up necessarily.
18. The Welsh Government Senior Gypsy Traveller Policy Officer was consulted regarding the implication of any offers of accommodation made and rejected. The WG stated that the most important point to consider was whether offers could be considered 'reasonable' or not. The Council's Equalities Unit were consulted who detailed the Authority's obligations under the 2010 Equalities Act. Gypsy Traveller Families enjoy protected characteristics in so far as the importance of the extended family. Social and cultural issues would need to be considered when making any offer of accommodation, and therefore any offer of accommodation rejected would not necessarily allow the council to then disregard their needs. Ultimately, efforts should be made to find pitches that will enable the family to stay together. It was noted that guidance did not help on this point and was a grey area.

The chairman thanked the officers for their attendance.

122 **TIMETABLE OF WORK.**

The Scrutiny Co-ordinator advised that the date of the next meeting was to be confirmed in order to hear from Councillor N S Bradley and for session with the Chief Executive, Director – Place, and Head of Legal, Democratic Services & Procurement, which would be in the New Year. This would represent the conclusion of evidence gathering unless further information subsequently becomes necessary.

The meeting ended at 5.59 pm

CHAIR