

# CITY AND COUNTY OF SWANSEA

## NOTICE OF MEETING

You are invited to attend a Special Meeting of the

## SCRUTINY PROGRAMME COMMITTEE

**At:** Committee Room 3, Civic Centre, Swansea

**On:** Monday, 9 February 2015

**Time:** 9.30 am

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### AGENDA

Page No.

- 1 **Apologies for Absence.**
- 2 **Disclosures of Personal & Prejudicial Interest.** 1 - 2
- 3 **Prohibition of Whipped Votes and Declaration of Party Whips.**
- 4 **Minutes:** 3 - 7  
To approve and sign as a correct record the Minutes of the Special Scrutiny Programme Committee held on 28 January, 2015.
- 5 **Evidence Session: Scrutiny of Gypsy & Traveller Site Search Process:** 8 - 9  
  
Attending:
  - Jack Straw, Chief Executive
  - Phil Roberts, Director – Place
  - Patrick Arran, Head of Legal, Democratic Services & Procurement
- 6 **Work Plan: To Determine Outstanding Questions and Arrangements for Further Evidence Gathering.**
- 7 **Date of Next Meeting - to be confirmed.**

#### Connect with Scrutiny:

Room 3.3.7, Civic Centre, Swansea. SA1 3SN (Tel. 01792 637732)

**Web:** [www.swansea.gov.uk/scrutiny](http://www.swansea.gov.uk/scrutiny)

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**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**Tuesday, 3 February, 2015**

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**Contact: Democratic Services - Tel: (01792) 637292**

## SCRUTINY PROGRAMME COMMITTEE (16)

### Labour Councillors: 11

R A Clay	P Downing
A M Cook	T J Hennegan
D W Cole	A J Jones
S E Crouch	R V Smith
J P Curtice	G J Tanner
N J Davies	

### Liberal Democrat Councillors: 3

M H Jones	P M Meara
J W Jones	

### Independent Councillor: 1

E W Fitzgerald	
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### Conservative Councillor: 1

A C S Colburn	
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### Co-opted Members:

Name	Term of Office
David Anderson-Thomas	14.03.2014 – 13.03.2017
Sarah Joiner	08.07.2013 – 07.07.2017

### Officers:

Dean Taylor	Director of Corporate Services
Lee Wenham	Head of Marketing, Communications & Scrutiny
Dave Mckenna	Overview & Scrutiny Manager
Brij Madahar	Overview & Scrutiny Coordinator
Democratic Services	
Nigel Havard	Legal
Archives	

Email:

Executive Board	
Cabinet Members	
Leaders of Opposition Groups	
Carl Billingsley	
Chair of Standards Committee	
Chair of Audit Committee	
Chair of Democratic Services Committee	

**Total Copies: 30**

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
WEDNESDAY, 28 JANUARY 2015 AT 12.30 PM

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

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

152 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors A J Jones, Mrs S Joiner and Mr D Anderson-Thomas.

153 **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 R A Clay – personal – Minute no. 157 & 158 – Llansamlet Ward Councillor and Secretary of the former campaign in the Ward against a second site.

Councillor A M Cook - personal - Minute Nos. 157 & 158 - Ward Member from Cockett - one of the wards that was shortlisted.

Councillor D W Cole - personal - Minute Nos. 157 & 158 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor J P Curtice - personal - Minute Nos. 157 & 158 - Ward Member from Penyrheol which abuts two of the five previously nominated sites.

Councillor T J Hennegan – personal - Minute No. 157 & 158 – One of the sites shortlisted was in Penderry Ward where I was elected in May 2012.

154 **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.

155 **MINUTES:**

**RESOLVED** that the Minutes of the Special Scrutiny Programme Committee held on 26 November and 8 December, 2014 be accepted as a correct record.

156 **EXCLUSION OF THE PUBLIC.**

The Committee was requested to exclude the public from the meeting during the consideration of the item of business identified in the recommendations to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exclusion paragraph 13 of 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007, relevant to the item of business as set out in the report.

The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the items of business where the Public Interest Test was relevant, as set out in the report.

It was **RESOLVED** that the public be excluded for the following items of business.

**(CLOSED SESSION)**

157 **TO DETERMINE ARRANGEMENTS FOR FUTURE EVIDENCE GATHERING (VERBAL DISCUSSION).**

The committee discussed issues relating to future evidence gathering, including arrangements for the next meeting, and advice and support to the committee.

**RESOLVED** that:

- a. the Deputy Monitoring Officer be asked to provide legal support at the next meeting;
- b. correspondence referred to by the chair during the closed session be circulated to all Members of the Special Scrutiny Programme Committee.

**(OPEN SESSION)**

158 **TO CONSIDER ANY OUTSTANDING QUESTIONS THE COMMITTEE MAY WISH TO ASK (VERBAL DISCUSSION).**

The committee was asked to identify any outstanding questions in order to conclude evidence gathering and specifically those for the planned session with the Chief Executive, Director – Place, and Head of Legal, Democratic Services and Procurement.

The committee identified the following areas for questioning:

Impact of the 2009 Court Judgement / Clarity of Aims & Objectives of the Site Search Process:

- Clarity regarding rationale and purpose of the site search, and its relationship with the court judgement and its interpretation within the authority.
- With reference to the 2009 Court Judgement - summary of the key reasons for the council being refused the eviction order that it sought.
- How the authority balanced meeting the council's legal obligations with addressing the specific Llansamlet problem and meeting the changing needs of the Gypsy & Traveller community – conflicting messages / advice about this emerged during the process. Could the authority not have just remedied the issues raised in the judgement (grounds for refusal) and then seek a further eviction order?
- Why there was a change in thinking between March and August 2010 in terms of purpose of site search and role of the Member Task & Finish Group?
- What weighting was given to the views of the Gypsy & Traveller community? Clarity needed on whether the council would be able to evict families if they chose not to live on a new site? Is it correct that if a site was selected and then was not used because it was not where Gypsy & Traveller families wanted to be, we, as a Council would be deemed not to have fulfilled our legal obligations? How would this be balanced with the views of local communities?
- Was the Chief Executive ever asked if he could suggest any alternative approaches to the process started in 2010?

Member Led / Officer Led Process:

- Was the process member led or officer led? Who were the specific councillor leads, including lead cabinet member?
- What specific work were officers tasked to do in relation to the site search process and by whom? To whom did officers report?

Gypsy & Traveller Task & Finish Group:

- What powers the Gypsy & Traveller Site Task & Finish Group had, and what was the specific authority for these?



- Around the time of the Task & Finish Group agreeing to exclude 2 sites but then being put back in – why was it denied that officers overruled the Task & Finish Group and re-instated the 2 sites?
- Why some of the councillors involved in the Task & Finish Group were threatened to be reported to the Standards Committee?
- Having been given a task why was there no report produced by the Task & Finish Group to Cabinet or Executive Board, as eventual reports were officer reports?

#### Short Listing:

- Since the list of 5 sites had been publically acknowledged by the previous administration why was it then described as either non-existent or confidential under the subsequent administration?
- On which dates did each member of the Executive Board visit each of the shortlisted sites? Were visits undertaken collectively or individually?
- Given the Executive Board has an overarching responsibility for the achievement of all policies and objectives did it consider the suggestion that both the sites it recommended to Council would be detrimental to the council's economic development plans?
- Why was it never made clear during the process that one of the sites involved 2 alternative options with different advantages, disadvantages and costs?

#### Decision Making:

- What led the then Leader to announce that the final decision in the process rested with the Council? What advice was given by the Chief Executive / Officers ahead of this misleading statement?
- What did the Chief Executive think when he heard that the then Leader regarded the process as deeply flawed? What was his understanding of the Leader's concerns?

The committee also indicated that a session with members would be arranged before evidence gathering is concluded. The exact nature of who this may need to involve was to be determined. It was noted that Councillor Nick Bradley, who was chair of the 2<sup>nd</sup> Gypsy & Traveller Site Task & Finish Group, had already confirmed his availability to attend a future meeting.

159 **DATE OF NEXT MEETING.**

**RESOLVED** that the next meeting take place on Monday 9 February at 9.30 am.

The meeting ended at 1.12 pm

**CHAIR**

# Agenda Item 5

## Report of the Chair

### Special Scrutiny Programme Committee – 9 February 2015

#### EVIDENCE SESSION: SCRUTINY OF GYPSY & TRAVELLER SITE SEARCH PROCESS

<b>Purpose</b>	The ninth evidence session will enable the committee to hear from: Jack Straw, Chief Executive Phil Roberts, Director – Place Patrick Arran, Head of Legal, Democratic Services & Procurement
<b>Content</b>	The report provides a background / introduction to the evidence session.
<b>Councillors are being asked to</b>	Gather information as part of the committee's review of the process and ask questions.
<b>Lead Councillor(s)</b>	Councillor Robert Smith, Vice-Chair of Scrutiny Programme Committee.
<b>Lead Officer &amp; Report Author</b>	Brij Madahar, Scrutiny Coordinator Tel: 01792 637257 E-mail: <a href="mailto:brij.madahar@swansea.gov.uk">brij.madahar@swansea.gov.uk</a>

#### 1. Introduction

- 1.1 Since February 2014 a series of special meetings of the Scrutiny Programme Committee have been held to review the process adopted to date in the search for a second gypsy and traveller site.
- 1.2 The committee's role has been to consider whether the process, leading up to the report to Council on 21 October 2013, was robust. The committee is looking at the quality of that process, and may identify any learning points about the process, and recommend any changes for the future as appropriate.

#### 2. Evidence Session – 9 February

- 2.1 The Chief Executive, Director – Place, and Head of Legal, Democratic Services and Procurement will attend to assist the committee by addressing some of the key issues that have emerged during the review, and deal with any outstanding questions.
- 2.2 This is anticipated to be the final evidence gathering session with officers.

### **3. Further Evidence Gathering**

- 3.1 The committee has indicated that an evidence gathering session with councillors should be arranged before evidence gathering is concluded.
- 3.2 The exact nature of the session, questions to be put, and who this may need to involve, is to be determined by the committee.
- 3.3 Already identified by the committee to give evidence Councillor Nick Bradley, who was chair of the 2<sup>nd</sup> Gypsy & Traveller Site Task & Finish Group, has confirmed his availability to attend a future meeting.

### **4. Legal Implications**

- 4.1 There are no specific legal implications raised by this report.

### **5. Financial Implications**

- 5.1 There are no specific financial implications raised by this report.

Background Papers / Appendices: None

Legal Officer: Nigel Havard

Finance Officer: Carl Billingsley