

SCRUTINY OVERVIEW COMMITTEE

Monday 1 March at 6.00 pm - Virtual meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Committee Members present: Councillor J. Murray (Chair)

Councillor A. Nawaz
Councillor S. Ditta
Councillor K. Ferguson
Councillor L. Harrison
Councillor K. Hussain
Councillor N. Gultasib
Councillor W. Rasab
Councillor S. Samra
Councillor I. Shires
Councillor M. Statham

Portfolio Holders present:

Councillor M. Bird - Leader
Councillor A. Andrew – Deputy Leader and Regeneration
Councillor G. Perry – Deputy Leader and Resilient Communities

Other Members present:

Councillor M. Follows
Councillor N. Gultasib
Councillor P. Kaur
Councillor H. Sarohi
Councillor G. Singh-Sohal
Councillor M. Ward

Officers present:

Simon Neilson - Executive Director – Economy, Environment and Communities
Dave Brown – Director – Place and Environment
Neil Taylor – Director – Regeneration and Economy
Paul Gordon – Director – Resilient Communities
Katie Moreton – Head of Highways and Transport
Craig Goodall - Senior Democratic Services Officer

Witnesses present:

Abiline McShane – Gypsy, Roma and Traveller Community Representative
Valerie Vaz – Member of Parliament for Walsall South
Siobhan Spencer – Derbyshire Gypsy Liaison Group
Dr. Abdalle Hesham – Consultant Paediatrician
Lynne Cherry – Head teacher, Hillary Primary School
Hamza Mahmood - Business owner
Iman Ali Akbar – Minhaj Quran
Shakil Younis – Pleck resident

WELCOME

The Chair opened the meeting by welcoming everyone, and explaining the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Committee Members confirmed that they could see and hear the proceedings.

302/21 APOLOGIES

Apologies for absence were received from Councillor Jeavons.

303/21 SUBSTITUTIONS

Councillor Gultasib substituted for Councillor Nawaz.

304/21 DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest or party whip for the duration of the meeting.

305/21 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)

There were no items of business that required the exclusion of the public.

306/21 CALL-IN OF CABINET DECISION: 'OPTIONS FOR A TRANSIT SITE WITHIN WALSALL'

The Committee reviewed the Cabinet decision taken on 10 February that identified a site in Narrow Lane, Walsall as a preferred site for a transit site for the Gypsy, Roma and Traveller (GRT) communities. The decision was called in by five members of the Council on 17 February 2021.

The Chairman set out the structure of the meeting as follows:

1. Call-in members to explain the reasons for the call-in and what they would like the Cabinet to do differently from what is proposed in the decision;
2. Witnesses called by call-in members;
3. Followed by any questions for clarification from the Scrutiny Committee Members (if required);
4. Senior officer to provide a briefing on why that the current site was identified;

5. Invite the Portfolio Holder to respond to the 'call in';
6. Questions to the Cabinet;
7. Debate by the Scrutiny Committee and the formulation of any conclusions/recommendations to be submitted to the Cabinet.

Call-in Members

The Chair invited the call in members to set out their reasons for the call-in of the decision. They explained that their issues were related to the process for making the decision and the site not the GRT community. Further to the reasons set out in the call-in notice (see annexed) the principal concern was around the lack of consultation with the local community on the proposed site. It had been a recommendation of the former Unauthorised Encampments Working Group (UEWG) for consultation to take place on potential sites. Further concerns were expressed about the proposed site being located in an area of deprivation, with low attainment and suffering from challenges with anti-social behaviour. It was questioned whether the site was large enough and the potential impact of air pollution on GRT children due to it being located next to a busy road. It was also questioned if the site had been chosen for political reasons as the area had three Labour Councillors and a Labour MP.

Valerie Vaz MP for Walsall South

Mrs Vaz highlighted that she felt the Cabinet decision failed the tests set out in the Nolan Principles. She noted the Site Allocation Document (SAD) included Dolphin Close as a potential GRT transit site. This site was near to settled members of the GRT community, which made it more suitable than Narrow Lane. Further to this extensive consultation had taken place to inform the SAD. She felt that the report should have included further information on the impact on children and families and air quality. She also questioned whether the site had been chosen for political reasons due to the area's Labour representation.

Mrs Vaz questioned whether the Deputy Leader for Regeneration was employed for MP Eddie Hughes. After a discussion on the details contained within his Register of Interest Form the Deputy Leader for Regeneration clarified that he no longer worked for Eddie Hughes MP.

Members of the Unauthorised Encampments Working Group (UEWG)

Councillor Harrison, Lead Member for the former UEWG, provided details of the recommendations made by the WG.

Abiline McShane – Gypsy, Roma, Traveller Community Representative

Ms McShane highlighted that the GRT community faced opposition wherever they went. She noted that a transit site would be opposed no matter where it was proposed to be located. She reported that Narrow Lane was a good site and a suitable size and large encampments were uncommon. It was likely that travellers would only stay there for a few days before moving on. This meant that any concerns on the impact of schools and other services would not materialise. She stated that if consultation had

taken place prior to the Cabinet report it would have allowed engagement to take place with the local community to allay their concerns.

Siobhan Spencer – Derbyshire Gypsy Liaison Group

Ms Spencer reported that Narrow Lane was a good size for the majority of GRT encampments. She noted that it was unlikely that local services, such as GPs, would have additional demands placed upon them. She noted that GRT community members would often travel to see a Doctor that they liked. She noted that many of the objections being given this evening regarding traffic and pollution would be dealt with through the planning process.

Dr. Abdalle Hesham – Consultant Paediatrician

Dr. Hesham explained that poor air quality was linked to health conditions and a contributing factor in deaths in children and adults. For children with respiratory conditions the impact of air pollution could be significant.

Paul Gordon – Director of Resilient Communities

Mr. Gordon reflected on the need to reconcile the local community and consult with it in a constructive way during the planning process. He noted the cohesiveness of the local community and the number of high performing community groups in the area. He noted that there was support for a transit site in Walsall and choosing its location would be challenging.

Lynne Cherry – Head Teacher, Hillary Primary School

Ms Cherry reported that Hillary was a diverse school where over 50 languages were spoken. Any children from GRT communities would be welcomed and any needs they had would be catered for. She did question the suitability of the site for children located near to a main road and asked if there would be room for children to play.

Hamza Mahmood – Business Owner

Mr. Mahmood reported that he was a business owner on Pleck Retail Park. He felt that the site was unviable for financial and social reasons. The lack of consultation was disappointing. Particularly as it could have an impact on the potential for future canal side developments.

Iman Ali Akbar – Minhaj Quran

Iman Akbar expressed concern about the lack of consultation and impact of the site in a deprived area. He explained that three GP surgeries were being merged into one and it was already challenging to get an appointment. He noted traffic problems in the evenings around the site. He stated that schools would require support to access training on how to support GRT communities.

Shakil Younis – Pleck resident

Mr Younis expressed concerns about the lack of consultation and highlighted other schemes that were consulted on. He felt there was a lack of transparency which was causing anger with Walsall Council. He noted that the roads around the site were some of the worst in the borough. Problems with congestion caused air pollution.

Questions to call-in Members

Following a question from a Member of the Committee, the call-in members confirmed how they had heard the news that Narrow Lane had been selected as a transit site. Three had heard through the local media who then subsequently informed the others. The point was made that even local ward members were unaware of the proposal.

It was confirmed that an Equality Impact Assessment had taken place for the Cabinet report.

Martin Lynch – Pleck resident

Mr Lynch stated that the consultation had been woefully inadequate. However, he did not object to the site and felt that if a housing development was proposed for the site then the same objections would not be expressed. He felt Pleck was an inclusive and welcoming place to live where the GRT community would be welcomed.

A call-in member noted that he had previously opposed HMOs and housing development in the area.

Senior Officer explanation on the selection of Narrow Lane

The Executive Director (Economy, Environment and Communities) explained that the Council had been seeking a site for a number of years. He highlighted that a site in private ownership had been identified as the preferred site but subsequently ruled out due to legal reasons. The Council currently had a number of injunctions to prevent unauthorised encampments on a number of sites in the borough.

The Director of Place and Environment reported that he joined the Council in January 2021 after Narrow Lane had been selected. He outlined the need to treat the GRT community equitably and took the Committee through the options in the Cabinet report, highlighting the risks, finances and EQIA.

Following a question the Executive Director confirmed that the transit site would be available for general use by the GRT community not just in emergencies.

Response to call-in

Deputy Leader and Regeneration

The Deputy Leader responded by explaining that Cabinet had made a policy decision to identify the site as a potential location for a transit site subject to planning permission being granted. The planning process would include a consultation process that would cover the issues being raised as part of the call-in process. The Planning

Committee would then be able to make the decision on whether the site was suitable with all the facts and analysis was presented to them.

He explained that Dolphin Close had been proposed as a permanent site; unlike Narrow Lane which was going to be temporary. £1m had been proposed for 10 pitches but this was opposed.

In response to allegations of political bias he outlined recent investment in the Pleck Ward and immediate surrounding area.

Leader

The Leader explained that there was another site in private ownership had been considered but this had been considered unviable. Therefore, the Council had chosen a site within its ownership to take forward. If built, the transit site would assist the Council in managing unauthorised encampments. This was pertinent as the UE injunctions that the Council had on existing sites were due to be reviewed. He highlighted work that has taken place previously to tackle the challenges of unauthorised encampments and noted a notice of motion to Council that requested a transit site be provided in the borough. With regards to traffic he felt that six caravans would not have a significant impact on local congestion.

Deputy Leader for Resilient Communities

The Deputy Leader noted that this was a challenging issue that required everyone to work together, as well as a need to challenge local communities. There was significant concern regarding unauthorised encampments in Walsall and a transit site was a way of managing this by working with GRT communities. He noted the recommendations of the UEWG and how many of their recommendations had been taken into account.

Questions to Cabinet

A number of questions were asked of the Leader and Deputy Leaders. The following is a summary of the points made and answers provided:

- Each Council was required to demonstrate a five year supply of deliverable GRT sites;
- Consultation on the site would take place with the local community as part of the planning process. It was likely that temporary permission, if granted, would be for no longer than three years;
- A Member called for an unauthorised encampments strategy to be drafted as recommended by the UEWG. The Leader noted that the transit site was a first step in developing a holistic approach to unauthorised encampments;
- The Council had considered 583 potential sites which had been whittled down to 4. Narrow Lane was the only site in the Council's ownership in the final 4;
- The provisions on the site could be discussed and agreed with the GRT community.

The meeting adjourned at 8.50 p.m.

The meeting reconvened at 9.00 p.m.

Debate by the Committee

The Committee held a long discussion with some Members focussing on the lack of consultation. Given the significance, it was argued that the Cabinet decision could be paused to allow consultation to take place. This would allow a more informed decision to be taken. It was acknowledged that consultation on the site would take place as part of the planning process, however, concerns were expressed that this would be limited to planning matters and not take into account wider factors. Further reflections on the evidence provided by witnesses took place including the potential impact of air pollution. Other Members argued that due to favourable comments from some witnesses they supported the proposed transit site. This support was increased by using a site in the Council's ownership.

Ms. McShane offered to undertake community engagement work in Pleck to reassure the local community about the transit site and its likely impact.

It was **moved** and formally **seconded** that:

This Scrutiny Committee asks Cabinet to reverse its decision to locate the GRT transit site in Narrow Lane, Pleck. There has been a lack of consultation, assessment of impacts and transparency as to which other sites met the requirements of a transit site. Taking this into account we feel the decision to recommend and decide on one site in Pleck was not fully informed. Furthermore, we ask Cabinet to instruct officers to carry out more detailed work in a transparent, open and fair manner, to consider and take on board the recommendations of the UE working Group and to come forward with a number of sites across the borough for cabinet to consider.

On being put the vote via **roll call** that motion was declared lost.

Resolved (by assent):

That the report be noted.

307/21 DATE OF NEXT MEETING

The next meeting would be held on 15 April 2021.

There being no further business, the meeting terminated at 9.53pm.

Chair.....

Date.....