



Petitions Committee

Minutes – 21 March 2014

Attendance

Members of the Committee

Cllr Val Evans (Chair)
Cllr Harbans Bagri
Cllr Peter O'Neill
Cllr Judith Rowley
Cllr Paula Brookfield
Cllr Mark Evans

In attendance

Employees

Keith Bradshaw	Section Leader, Transport - Delivery
Steve Barlow	Environmental Health Manager – Education and Enterprise
Mandy Woolley	Wolverhampton Homes
Andy Bryant	Wolverhampton Homes
Sarah Hardwick	Senior Legal - Delivery
Matthew Vins	Graduate Management Trainee – Delivery
Tessa Johnson	Graduate Management Trainee – Delivery

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

- 2 Declarations of interests**
Cllr Mark Evans declared a non-pecuniary interest with regard to item six due to his work within the Police.
- 3. Minutes of the previous meeting (28 February 2014)**
Resolved:
That the minutes of the meeting held on 28 February 2014 be approved as a correct record and signed by the Chair.

4. **Matters arising**

Cllr O'Neill sought clarification of the legislation regarding the rights of travellers on the highways. He asked for an extract from the civil procedures rules and noted the issues about the obstruction of vehicles on the highway.

Sarah Hardwick advised the committee about part 55 of the Civil Procedure Rules in respect of travellers on private land or on the highway. She explained that the same procedure applied for both public highway and private land, and explained that in either situation the matter would need to go through the civil courts to get an order of possession.

Cllr O'Neill enquired as to what constituted an obstruction of the highway. He emphasised the need for a multi-agency approach to deal with people living on the highway in a caravan, and noted that this would not be tolerated elsewhere in the City.

Sarah Hardwick advised the committee that under the Highways Act, criminal proceedings would need to be initiated as opposed to civil proceedings. She explained that the police, Council and Wolverhampton Homes all had powers under various pieces of legislation. She highlighted that in 2003 the Council obtained an injunction preventing travellers settling in Broome Road. However, the Council experienced difficulty enforcing under the injunction primarily resulting from them not being able to identify individuals who were to be committed for breach of the injunction.

Cllr Mark Evans enquired about the length of time to evict the travellers once an order was posted under Part 55 of the Civil Procedure Rules.

Sarah Hardwick explained that once the courts had issued the order, it was possible to evict them very quickly, and the possession order was valid for 12 months, however she advised that should the travellers return, the Council would still need to return to Court for a writ of restitution.

5. **Schedule of Petitions**

Matt Vins provided an update to the schedule of Petitions. He highlighted that a number of petitions had been recommended to be closed following the end of consultation.

Resolved:

1. That the schedule of petitions including the updates be noted.
2. That the 'Traffic Calming Measures in Austin Street and Jameson Street' petition be closed.
3. That the 'Removal of seating area in Upton Green, Fordhouses' petition be closed.
4. That the 'Parking adjacent to West Park' petition be closed.

DECISION ITEMS

6. **Broome Road and Hawksford Crescent**

Steve Barlow presented the report which provided an update about the Broome Road and Hawksford Crescent petition. He explained that they had convened a multi-agency meeting on 13 December to discuss a strategy to deal with the situation as described in the petition. He indicated that they had visited the site four times, and met with the petitioners to identify their wants. He confirmed that each agency was exploring all possible opportunities within their own legislature.

Keith Bradshaw advised the committee that they had explored the implications of setting up a Traffic Regulation Order (TRO) in the Broome Road and Hawksford Crescent area. He indicated that consultation had taken place, and of the 19% of households which had responded, he explained that 75% were in favour of a TRO. He noted that the process was quite long and costly.

Councillors raised concerns about classifying the problem as a parking issue and they highlighted that the travellers were living, not parking, on the highway. They suggested that the most effective way of removing the caravans was through the legal process.

Steve Barlow advised the committee that they currently used Part 55 of the Civil Procedure Rules, and outlined the legal process that had to be followed. This included undertaking an assessment of needs for the travellers, attendance at court, serving notice and if this did not achieve the desired effect, then the Council needed to obtain a writ of possession and engage bailiff staff to evict them. He explained this would typically take ten to 14 days, and noted that any attempt to circumnavigate the procedure would result in possible legal challenge and yet further delays to the process.

Steve Perry, from the West Midlands Police, advised the committee of a variety of issues with regards to the possible parking solution. He explained that unhitched caravans fell outside the road traffic regulations offence, and he indicated that it was hard to prove wilful obstruction to a court in this instance. Following a question from a Councillor, he agreed to explore the specific width requirements for manoeuvring on the pavement.

Andy Bryant advised the committee that Wolverhampton Homes had conducted over 60 site visits to Broome Road and Hawksford Crescent to locate breaches of the tenancy agreement. He highlighted that a lot of visits had been conducted out of office hours, and indicated this had resulted in 50% of visits providing staff with new evidence of tenancy breaches. He noted that a clear up of waste dumped on a site in Broome Road had to be abandoned because workers were surrounded by travellers, and indicated that as a result of this a surveillance camera had been set up which had deterred further fly-tipping. He explained that reports of anti-social behaviour in the area remained low, but he informed the committee that complaints about dogs in the area had been reported, and that Royal Mail had suspended delivery in the area due to the dogs. He highlighted that he had recently received a complaint from an independent resident who was willing to identify themselves, and

this had resulted in two dogs being removed from the area.

Mandy Woolley further indicated that a total of five properties had breached their tenancy agreements during site visits. She explained that Wolverhampton Homes was seeking possession or had written letters of warning to those residents concerned. She advised the committee that they would continue to gather evidence in the area.

Cllr Mark Evans enquired what the objectives of the multi-agency approach were. He asked if the aim was to tolerate the situation and manage the fallout or to remove them. He emphasised that in other parts of the City they would have been removed immediately.

Steve Barlow explained that agencies could only work within the legal powers available to them and currently the majority, if not all of them, were reactive powers.

Steve Perry highlighted the difficulties in achieving a solution through the legal process and suggested the best way to deal with the situation was through putting pressure on residents to abide by their tenancy agreements.

The petitioners explained that it was access to electricity and water which was provided by residents which caused the travellers to locate to the area.

Cllr Rowley enquired about section 55, and asked how the travellers could return if the notice was valid for 12 months.

Sarah Hardwick advised that because the process was through the civil court, there was no contempt of court, and as a result, the Council would have to keep taking the travellers to court each time they returned. She noted that if the travellers could be identified, the Council might be able to enforce under the injunction for contempt of court if they returned.

Steve Barlow explained that the efforts by the multi-agency approach were making it more uncomfortable for the travellers in the area. He highlighted an Act that had just received royal assent and would possibly be enacted in October which he hoped would provide more powers to remove travellers.

Following a question by a Councillor, Mandy Woolley informed the committee that Wolverhampton Homes was confident it knew the correct people were residing in each property.

Andy Bryant highlighted that properties in the area had areas of hard standing where caravans could be placed on a temporary basis to aid the traveller community, but noted that the travellers were not making use of this provision.

Councillors agreed that a lot of progress had taken place, but they suggested that the approach lacked the right tools. They suggested that the Act that would possibly be enacted in October needed to be scrutinised to see if the required powers were granted. They further indicated that if the required powers were not contained in the

Act, then the Council should write to Emma Reynolds MP and advise that there was a gap in the law.

Keith Bradshaw informed the committee that the TRO would apply to all vehicles in the area, and that it could not just apply to caravans. Following a question about workmen in the area, he advised that the Council would be able to issue permits to allow people to park in the area.

Cllr O'Neill suggested that the TRO was not appropriate if it could not just apply to caravans. He explained that there should be no toleration of caravans on the highway, and enquired if it was possible to have a by-law for the whole of the authority to ban unhitched caravans from the highway.

Sarah Hardwick advised the committee that a bye-law would need to be approved by the Secretary of State and noted that approval would not easily be obtained when the model byelaws were departed from. She further indicated that the necessary evidence to reinforce the argument would be difficult to gather. The petitioners referred to the efforts of Basildon Council to remove travellers from parking in the road.

Steve Barlow advised that the same rules of possession under part 55 still applied, but noted that if there were more than six caravans there were further possible powers available to colleagues in the Police for their consideration..

Resolved:

1. That the progress in respect of the Broome Road and Hawksford Crescent petition be noted and endorsed
2. To agree that a further report is brought to the Petitions Committee in September
3. To agree that the ASB and Police Act possibly enacted in October be scrutinised, and to write to Emma Reynolds MP if the required legislation was not contained in the Act.
4. To progress the formal Traffic Regulation Order consultation process.