

# Scrutiny Board

26 April 2016

<b>Report title</b>	Joint Protocol to manage unauthorised Gypsy and Traveller encampments	
<b>Cabinet member with lead responsibility</b>	Councillor Steve Evans City (Environment)	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Ross Cook, City Environment	
<b>Originating service</b>	Regulatory Services	
<b>Accountable employee(s)</b>	Andy Jervis	HoS – Regulatory Services
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<b>Report to be/has been considered by</b>	Places Leadership Team	29 March 2016
	SEB	5 April 2016

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## Recommendation(s) for action or decision:

The Scrutiny Board is recommended to:

1. Approve the proposed draft joint protocol to manage unauthorised Gypsy and Traveller encampments subject to improvements recommended by SEB, namely an expansion of the sections pertaining to equalities and welfare assessment.
2. Authorise the Service Director for City (Environment) to approve and sign the final version on behalf of the City of Wolverhampton.

### 1.0 Purpose

- 1.1 The purpose of this report is to inform Scrutiny Board of a revised CoWC / Police protocol to manage unauthorised encampments within the City. The version presented has been jointly drafted with Inspector Stephen Perry from WM Police and it aims to assist our joint response to unauthorised encampments.

1.2 A protocol between the City of Wolverhampton Council and West Midlands Police to manage unauthorised encampments was last agreed in 2008 and since then there has been a number of structural changes within both organisations and also some important legislative changes. Other changes from the 2008 protocol include:

- It sets out more clearly than the 2008 version the occasions when the Police should consider using section 61 powers to direct the Travellers to leave the land.
- It introduces a Notice to be served on Travellers requiring them to leave by a stated time and date.
- It also introduces a Notice formally requesting West Midland Police to use their powers when the prevailing circumstances allow them to. It acknowledges that the final decision will rest with the Senior Police Officer present.
- It introduces a code of conduct on the behaviour to be expected during their stay.
- It provides supplementary information to private landowners on how they can help safeguard against incursions and what to do in the event of one happening.
- It retains important safeguards relating to observing the Human Rights Act 1988 and conducting welfare assessment of new arrivals

## 2.0 Background

2.1 Wolverhampton has experienced regular unauthorised encampments over the past decade and longer. These can cause disruption and conflict locally and can be expensive and time – consuming to clear. Unauthorised encampments cause a problem which requires a range of solutions including the provision of permanent pitches for the Gypsy and Traveller community. The table below shows that although incursions are currently lower than in neighbouring areas, Wolverhampton is not alone in the West Midlands in having high levels of unauthorised encampments in recent years:

	2014	2015
Wolverhampton City Council	10	19
Birmingham City Council	70	75
Dudley Metropolitan Borough Council	15	29
Sandwell Council	30	40
Staffordshire County Council	30	unknown
Coventry City Council	26	28
Cannock Chase Council	8	7

South Staffordshire Council	1	5
Walsall Council	15	69

### **3.0 Discussion**

3.1 In dealing with unauthorised encampments the City of Wolverhampton has incurred significant legal and clean –up costs and additionally the Council has had to divert staff from providing other services to the settled community. They have also disrupted local business and caused local amenities to be unusable. Moreover, our experience in Wolverhampton is that criminality is often associated with unauthorised encampments and examples would include damage caused gaining access to sites and the dumping of waste on land. Antisocial behaviour is reported by local communities with people often feeling intimidated and in some cases subject to abuse. Defecating in the open is also frequently reported, as is excessive noise and dogs that are not under proper control. Whilst there is a close working relationship with West Midlands Police, the Police do require evidence to enable them to act against criminal damage. Gathering direct evidence of the offender is often very difficult and this state of affairs is compounded by a reticence of local people to provide witness statements due to a fear of possible reprisals.

### **4.0 Financial implications**

4.1 No financial implications are thought to arise from adoption of the revised protocol [TT/12042016/C]

### **5.0 Legal implications**

5.1 No legal implications arise from adoption of the revised protocol which is aimed at streamlining procedures to assist Officers from within the Council and West Midlands Police.  
[TS/12042016/G]

### **6.0 Equalities implications**

6.1 Romany Gypsies and Irish Travellers are protected against race discrimination because of their ethnic group under the Equality Act 2010. The protocol is not thought to be discriminatory and calls for an early welfare assessment when a new group arrives. The factors determining the permitted duration of the unauthorised encampment are covered in section 4 of the protocol.

6.2 To mitigate the unsettling impact of regular removal from unauthorised sites, a survey of Council owned land with possible potential as a transit site was conducted in the Autumn of 2015 but none were found to be suitable.

## **7.0 Environmental implications**

7.1 Regulatory Services has collected firm evidence over a number of years that unauthorised encampments can cause damage to the local environment during the period of their stay. Clean- up costs following voluntary or forced eviction can be considerable. The new code of conduct will clarify the behaviour expected which is equal to that of the settled community. New arrivals now routinely receive information regarding the correct methods of waste disposal and information relating to public sanitary conveniences in the area.

## **8.0 Human resources implications**

8.1 Dealing with unauthorised encampments is a significant drain on human resources during the busiest time of year for both CoWC and WM Police. Measures outlined in the protocol will assist staff from both organisations to discharge their duties in relation to this matter with greater efficiency and improve response resilience

## **9.0 Corporate landlord implications**

9.1 No significant corporate landlord implications emerge from the revised protocol.

## **10.0 Schedule of background papers**

- 10.1 Home Office 'Guide to effective use of enforcement powers – Unauthorised encampments, 2006
- DCLG 'Designing Gypsy and Traveller Sites,' 2008
- Association of Chief Police Officers ( ACPO) Guidance on Unauthorised Encampments, 2011
- DCLG 'Planning Policy for Traveller Sites' August, 2015