



WEST MIDLANDS
COMBINED AUTHORITY

Board Meeting

Date	7 April 2017
Report title	Unauthorised Encampments Summit Report
Presented by	David Jamieson, West Midlands Police and Crime Commissioner
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Report to be/has been considered by	Strategic Policing and Crime Board WMCA Programme Board

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

1. To note the contents of the Unauthorised Encampments Summit Report.
2. Consider how to take forward the report recommendations through a relevant work-stream.
3. To include regular updates on work relating to Unauthorised Encampments in the WMCA Board Forward Plan.

1.0 Purpose

- 1.1 To summarise the Unauthorised Encampments Summit hosted by the West Midlands Police and Crime Commissioner on Friday 10th February 2017.
- 1.2 To detail the outcomes of the summit and areas of joint action that it is suggested are progressed.
- 1.3 To support the above recommendations to the WMCA Board.

2.0 Background

- 2.1 2016 was seen as a particularly difficult year for unauthorised encampments in the West Midlands, straining relations between the travelling and the settled community. This has resulted in direct costs of millions of pounds to local authorities for evictions and clean-ups.
- 2.2 The Unauthorised Encampments Summit was held on 10th February 2017, chaired by the West Midlands Police and Crime Commissioner at Lloyd House in Birmingham.
- 2.3 Seated at the table were the PCCs for the West Midlands and Warwickshire, Steve McCabe MP, West Midlands Police lead officers, cabinet members and officers from the local authorities of Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton. Birmingham City Council was represented by a councillor from a relevant committee on behalf of the cabinet. There was also a representative from the National Federation of Gypsy Roma Traveller Liaison Groups. Observers included members of the travelling community, the private sector, the public, the British Red Cross, civil enforcement companies, and the press.
- 2.4 The summit sought a consensus among political leads to tackle the issue of unauthorised encampments in the West Midlands region. The key points to be progressed are as follows, and itemised in greater detail in the full report:
 - 1) One set of protocols for the police and West Midlands councils.
 - 2) Use of transit sites.
 - 3) Enable s62 to direct encampments across borough boundaries.
 - 4) Better protection for private businesses.
 - 5) Share staff and resources.
 - 6) Better cross-border work in the wider West Midlands.
- 2.5 Since the summit was held there have been further issues with unauthorised encampments, particularly in Birmingham and Sandwell. This has only served to further highlight the need for concerted joint action.
- 2.5 A major step towards improving our response to problematic unauthorised encampments is Sandwell Metropolitan Borough Council's recent Cabinet decision to create a dedicated transit site. It is hoped that other local authorities will follow their example.
- 2.6 The collaborative nature and far-reaching geography of the WMCA offers a unique opportunity to take a lead on this issue.

3.0 Wider WMCA Implications

- 3.1 The outcomes outlined in the report draw on the opportunities presented by the wider WMCA geography.
- 3.2 The issue of unauthorised encampments cannot be tackled in isolation, as an effective response in one area can lead to an exacerbation of issues across a local authority border. It is therefore in the interests of the West Midlands region to develop a uniformly robust approach to tackling problematic unauthorised encampments.
- 3.3 Philip Seccombe, the Warwickshire Police and Crime Commissioner, attended the summit on 10th February, following a similar event that he organised in Nuneaton on 13th January 2017. While not a Non Constituent member of the WMCA, he is supportive of joint work on this issue across borders and between police forces and local authorities alike.

4.0 Financial implications

- 4.1 The cost of strategic inactivity on this issue has been substantial. Each local authority will be better placed to quantify the costs of responding to unauthorised encampments, and must consider this against the potential cost (and savings) of the options proposed in the report.
- 4.2 There is an associated cost with the establishment of transit sites, but this then allows for a form of rental income from those using the sites, as well as the unlocking of s62 powers for a quicker (and therefore more cost-effective) eviction of problematic unauthorised encampments.
- 4.3 There must be a concerted effort across the WMCA area and beyond to ensure that the cost of tackling this issue is not simply shunted between local authorities. If the cost of an effective strategic response is shared, then individual local authorities will no longer fall victim to a somewhat random distribution of problematic unauthorised encampments that varies year on year.
- 4.4 Costs borne by the private sector should also be considered by the WMCA, as the unauthorised encampments summit revealed further anecdotal evidence of the business community having profits affected by this issue, leaving the West Midlands because of it, or even being deterred from investing in parts of the area in the first place.
- 4.5 There is an associated cost of fly tipping on a vast scale linked to some occupants of unauthorised encampments that are offering businesses their services for waste disposal. As the fly tipping can occur off the site of an encampment, cost estimates for tackling the issue may be significantly lower than the reality.

5.0 Legal implications

- 5.1 The police and local authorities each have various legal powers available for tackling unauthorised encampments, which must continue to be operated within.
- 5.2 There are some aspects of the law that this report proposes strengthening, which would involve representatives in Parliament. A number of Members of Parliament in the West Midlands have already indicated a willingness to support such strengthening of the law.

6.0 Equalities implications

- 6.1 The recommendation for transit sites is particularly significant to ensuring that local authorities can accommodate the travelling lifestyle. There has been a risk that if every encampment is considered 'unauthorised', then an assumption can emerge that every travelling group represents a problem to be tackled. This is not the case.
- 6.2 The issue of problematic unauthorised encampments should not be confused with assumptions of ethnicity such as Gypsy, Roma and Traveller (GRT). Any tensions regarding ethnicity stem from a failure to separate ethnicity from the activity of a problematic minority who may or may not identify as GRT.

9.0 Appendices

- A Unauthorised Encampments Summit Report.

This is a report of the West Midlands Police and Crime Commissioner. It is submitted for consideration by the West Midlands Combined Authority.

Appendix A

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28th February 2017



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Full report following the Unauthorised Encampments Summit hosted by the West Midlands Police and Crime Commissioner on Friday 10th February 2017.

Background: the purpose of the summit

“We need mutual respect for different lifestyles among the travelling and the settled communities, with an aim of living in harmony. A minority of the travelling community cause problems and give the whole community a bad name. However, the anger felt by the public towards that minority is very real and understandable. Currently the problem is simply moved around; this is not an answer nor a solution.” – *David Jamieson, West Midlands Police and Crime Commissioner.*

In recent years, the number of unauthorised encampments in the West Midlands has been increasing, as has the cost to local authorities and the police for responding. 2016 was seen by many agencies as a particularly difficult year, straining relations between the travelling and the settled community. There were an estimated 395 unauthorised encampments in the West Midlands metropolitan region last year, a steep rise from 189 in 2011. This has resulted in direct costs of millions of pounds to local authorities for evictions and clean-ups. Birmingham and Sandwell alone estimated their costs for last year at £700,000 and £400,000 respectively.

There is a sense that these costs are being incurred despite neither the settled nor travelling community being content with the response by all agencies to unauthorised encampments. While some local areas have been more proactive than others, for many years there has been a failure to tackle this issue with any meaningful joined up approach.

It is in this context that the West Midlands Police and Crime Commissioner (PCC) decided to call a summit held in public on the issue. The Unauthorised Encampments Summit was held on 10th February 2017 at West Midlands Police HQ in Birmingham. The summit was webcast live and archived footage can be accessed here: <http://westmidspcc.public-i.tv/core/portal/home>

Seated at the table were the PCCs for the West Midlands and Warwickshire, Steve McCabe MP, West Midlands Police lead officers, cabinet members and officers from the local authorities of Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton. Birmingham City Council was represented by a councillor from a relevant committee on behalf of the cabinet. There was also a

representative from the National Federation of Gypsy Roma Traveller Liaison Groups, who shared best practice from the Leeds GATE project, details of which can be found here: <http://leedsgate.co.uk/>

The summit did not take place in isolation, but rather as part of a broader context of activity. In particular, it followed a practitioners' summit held in Birmingham on 16th December 2016, led by Supt. Phil Dolby of West Midlands Police. Warwickshire PCC Philip Seccombe also held a strategic summit for his county on 13th January 2017. Furthermore, a task and finish group chaired by Solihull Metropolitan Borough Council Chief Executive, Nick Page, has been working towards improved practices and greater collaboration between the West Midlands metropolitan councils and West Midlands Police.

Summit

The summit consisted of a number of presentations, some of which drew on the wider context of activity. These included:

- **Local Authorities Legal Environment** by Anne Brereton, Director of Place at Solihull Metropolitan Borough Council.
- **Police Enforcement Legal Environment** by Inspector Matt Morgan, West Midlands Police.
- **Experience of Local Authorities:** summaries by Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.
- **Experience of the Travelling Community and 'Negotiated Stopping'** by Helen Jones, CEO of LeedsGATE.
- **Update from Practitioners Meeting 16.12.16** by Superintendent Phil Dolby, West Midlands Police.
- **Update from Warwickshire Summit 13.01.17** by Philip Seccombe, Warwickshire Police and Crime Commissioner.

These presentations enabled all partners to get a sense of the legal framework, the range of perspectives, related costs and the ongoing activity relating to the issue of unauthorised encampments. From this foundation, the agenda then moved to the section entitled '**What Next?**' in which a consensus was sought on where partners could commit their efforts after the summit. These outcomes are outlined below.

Outcomes

During discussions, a consensus appeared to form around a number of areas for partners to focus on. While there was no formal vote or decision made, the following options were not met by any dissenting voices among the political leads present.

1) One set of protocols for the police and West Midlands councils	
What?	Policy
Detail	<ul style="list-style-type: none"> • Agreed approach by all seven councils and West Midlands Police • Clear, concise, real-time information that is easily shared. • Joined-up approach to identify and secure at-risk sites. • Explore the option of 'negotiated stopping'.
How?	<i>Through regional Task and Finish Group.</i>
2) Use of transit sites	
What?	Policy
Detail	<ul style="list-style-type: none"> • Ensure local councils provide adequate transit sites, which are designated temporary spaces with electricity, waste and hygienic disposal units. • Explore the option of 'emergency stopping places'. • The West Midlands Combined Authority Land Commission should consider provision for the travelling community in its deliberations.
How?	<i>Through individual local authority decisions, with WMCA Land Commission consideration.</i>
3) Enable s62 to direct encampments across borough boundaries	
What?	Legislation
Detail	<ul style="list-style-type: none"> • When transit sites are in place in each council area, local councils would benefit from drawing on neighbouring capacity through a fair and effective process. • s62 police powers are currently restricted to directing unauthorised encampments to a transit site within the same borough. • A change of the law could allow for a strengthening of s62 to be used across the West Midlands area.
How?	<i>Through local MPs and WMCA devolution agenda.</i>
4) Better protection for private businesses	
What?	Legislation
Detail	<ul style="list-style-type: none"> • Stronger police powers for private businesses that currently incur all costs if an unauthorised encampment sets up on its land. • Campaign to make it a criminal offence to occupy business premises.
How?	<i>Through local MPs.</i>
5) Share staff and resources	
What?	Policy
Detail	<ul style="list-style-type: none"> • Share staff and resources across councils to be more efficient and effective, especially out of hours.

	<ul style="list-style-type: none"> • Have single points of contact to make it easy for partners and to build up relations in travelling communities. • Include staff involved in criminal enforcement from the police, civil enforcement from a council, alongside a specialist in welfare needs and community engagement.
How?	<i>Through regional Task and Finish Group.</i>
6) Better cross-border work in the wider West Midlands	
What?	Policy
Detail	<ul style="list-style-type: none"> • Improve the way information is shared across West Midlands borders. • Look at how the WMCA could improve this via its non-constituent members. • Shared protocols for police and councils across the wider region (see option 1 above).
How?	<i>Through regional Task and Finish Group and WMCA constituent/non-constituent relations.</i>

Conclusion

Identified above are the key avenues discussed at the summit that offer opportunities to reduce the harm caused by some unauthorised encampments. It is recognised that some occupants of unauthorised encampments have been involved in completely unacceptable activity such as distraction burglaries or the taking on of jobs which result in fly tipping on a vast scale. The West Midlands PCC is eager for all solutions to give due consideration to the fact that it is however only a minority of the travelling community who cause a great deal of harm. There must be a balance between the needs of both the settled and the travelling community, where the rights of one group do not negate those of another. Currently, tensions, harm and costs relating to this issue are excessively high, which is why the PCC brought together partners with a view to taking meaningful action.

As seen above, there are a number of routes by which the summit's outcomes can be progressed. The PCCs in attendance will continue to hold their respective Chief Constables to account on the policing response to unauthorised encampments, while seeking opportunities for closer collaboration with local authorities. There are a number of local MPs willing to take these issues to parliament for consideration, particularly any proposals for legal change. Each council cabinet member present agreed to inform their council leader of the issues and urge them to give unauthorised encampments greater prominence in the WMCA forum.

The West Midlands PCC will be taking this report to the new Mayoral office when it is established in May. It is anticipated that the Mayor will be well-placed to oversee much of the ongoing work around this, but activating the work-streams outlined above does not need to wait until their election.