

## **CLEANER GREENER AND SAFER COMMUNITIES SCRUTINY COMMITTEE**

Wednesday, 27th September, 2017

Time of Commencement: 7.00 pm

**Present:-** Councillor Wenslie Naylor – in the Chair

Councillors Burgess, Jones, Panter, Sweeney and G Williams

Officers Jayne Briscoe - Scrutiny Officer, Nigel Gardner -Environmental Health Team Manager, Michelle Hopper - Environmental Officer, Roger Tait - Head of Operations and Trevor Vernon - Solicitor

### 1. **APOLOGIES**

Apologies were received from Councillors Dillon, Hailstones and Mancey.

### 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

### 3. **MINUTES OF THE PREVIOUS MEETING**

The Chair referred to the report on subways considered by Cabinet on 26 September 2017 and indicated that a report on the details of the decision would be submitted to a future meeting of this Committee. The Chair added that Cabinet members had expressed their gratitude for the extensive work carried out by scrutiny members.

**Resolved:** That the minutes of the meeting held on 27 July 2017 be agreed as a correct record.

### 4. **TO DISCUSS THE ISSUES SURROUNDING TRAVELLER INCURSIONS INCLUDING OPTIONS FOR THE REMOVAL OF LITTERING, ANTI-SOCIAL BEHAVIOUR, WELFARE ISSUES AND LEGAL PROCESSES**

Michelle Hopper, Environmental Officer presented the Protocol for Dealing with Unauthorised Gypsy and Traveller Encampments.

Under the Human Rights Act a public authority was required to carry out a welfare assessment and the following matters determined:-

- Land ownership
- Size of encampment
- Entry point

The officer pointed out that the Authority had no influence in respect of land in the private ownership, but updated members on the procedures in respect of County Land and land in the ownership of Newcastle Borough Council.

Continuing Trevor Vernon, Solicitor and Roger Tait, Head of Operations explained the timescales, court procedure and likely outcomes together with the costs of legal proceedings which could be taken under the following legislation

- Part 55 Civil Procedure Rules
- Section 77/78 Criminal Justice and Public Order Act 1994.

An application to the County Court attracted a fee of £335. Whilst an application to the magistrate's court did not attract a fee, the cost to ensure that the order was compiled was in the region of £750 for 2 bailiffs for attendance for 2 hours and £100 an hour thereafter. The cost of a tow truck if required was additional.

Continuing Trevor Vernon explained how, in the following circumstances the police may use their powers under Section 61 of the Criminal Justice and Public Order Act to direct travellers to leave the site without reference to the Courts:-

- The travellers have caused damage to the land or property
- The travellers have used threatening, abusive or insulting words or behaviour to the landowner, employee or agent
- There are 6 or more vehicles on the land

Members expressed their frustration at the timescale associated with the Magistrates and County Court procedures and directed questions to the use of police intervention. Unfortunately the police representative was not in attendance at the meeting to respond.

Officers pointed out that the Borough Council had no swifter legal powers other than those available through the Courts and that they held no influence over the police initiating their powers.

In response to questions Trevor Vernon explained the difficulties associated with serving a fine on an individual within unauthorised encampments.

Members thanked officers for their attendance.

**Agreed:** That the information given at the Scrutiny Committee be circulated to all members of the Borough Council.

That this Scrutiny Committee recommends that information relating to the powers of the police to initiate action on unauthorised encampments under Section 61 of the Criminal Justice And Public Order Act be made available to the public. Such information to be in a reader friendly way together with an explanation of the procedure which the Borough Council must comply with on application to the Courts.

## 5. **WORK PLAN**

Members considered their future work plan. Councillor Sweeney pointed out that the request for a review of the effectiveness of CCTV had not been scheduled and it was agreed that this would be included in the February meeting.

The Chair explained that she wished to review recent dog fouling initiatives and it was agreed that this item would be included at the 28 February meeting.

6. **PUBLIC QUESTION TIME**

There were no members of the public present at the meeting.

7. **URGENT BUSINESS**

There was no Urgent Business.

8. **DATE OF NEXT MEETING**

The next meeting of the Scrutiny Committee is on Wednesday 4 October 2017.

**COUNCILLOR WENSLIE NAYLON**  
**Chair**

Meeting concluded at 8.45 pm