

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO CABINET**

6th November 2019

Report Title: Progress on Preventing Unauthorised Encampments

Submitted by: Head of Operations – Roger Tait

Portfolios: Environment and Recycling

Ward(s) affected: All

Purpose of the Report

This report provides an update in relation to management and enforcement activity regarding unauthorised encampments across the Borough of Newcastle-under-Lyme.

Recommendation

- a) That Cabinet note the successful progress achieved in protecting the Boroughs public spaces from unauthorised encampments.
- b) That the County-wide protocol proposed by Staffordshire Police is endorsed.

Reasons

To continue the Council's successful work in relation to deterring unauthorised encampments on its land, and implementing efficient and effective enforcement action in partnership with the police and other agencies.

1. **Background**

In April 2014, the Council, working with partner agencies including Staffordshire Police and Staffordshire County Council, introduced a working protocol for dealing with unauthorised gypsy and traveller encampments throughout the Borough. This protocol aimed to improve partnership working between statutory agencies to ensure that a streamlined and co-ordinated service was provided in respect of all unauthorised encampments. The protocol significantly improved joint working in respect of encampments and enabled a successful process for eviction to be established. The timescale for the process was however, dependent on factors outside of the Council's control, such as availability of court dates in the County Court to obtain authority to evict travellers and partner resources to support the process.

The protocol was reviewed and updated in January 2015, and again in October 2017, with partners reaffirming their support on both occasions.

The 2017 review identified an alternative legal process to the previously established County Court route which allowed for the landowner to seek authority from the Magistrates Court to evict travellers under Section 77/78 of the Criminal Justice and Public Order Act 1994. This route potentially reduced the timescale for the eviction process, subject to obtaining a hearing date, and has been the favoured process since 2017.

In January 2019, Staffordshire Police circulated a draft County-wide protocol to all Staffordshire district Councils for consultation. The protocol is very much based on the successful approach adopted in Newcastle-under-Lyme over recent years and is designed to provide a consistent method of partnership working with all Staffordshire authorities. It is therefore recommended that the Borough Council endorses the proposed protocol and signs up to its implementation. A copy of the protocol is attached to this report at Appendix 1.

Over the past three years the number of encampments in the Borough has actually dropped (potentially due to the improved partnership working and preventative measures which have been implemented). However, the impact on the local settled community continues to increase as there has been a noticeable increase in the number of vehicles/caravans per encampment in certain cases.

Year	Total number of encampments	Number of encampments on Borough Council land
2016	29	14
2017	23	7
2018	18	10
2019*	11	8

*NB – in 2019, 11 encampments were by the same local family who were staying in the area due to a matter they were involved in. The encampments comprised only two vehicles and due to their small size, targeted areas of land which had not been subjected to encampments previously. Therefore, the encampments by this family have been counted as 1 in the table above.

Furthermore, 3 encampments were on the highway, where preventative measures such as bollards or barriers cannot be installed, and 1 was on a car park, where again it is impractical to deter unauthorised access due to the need to maintain legitimate access.

2. Preventative Measures

In accordance with the protocol, a review is undertaken on each site where there has been an unauthorised encampment, once the site is clear to do so. Encampments occur on a variety of different sites including highway land, car parks, football pitches, public open space, private land etc. The review must consider options to protect the site whilst also allowing the areas to remain accessible by members of the public where appropriate, and for maintenance purposes.

The following sites have been reviewed and measures implemented or planned as follows:

Summary of Preventative Measures and Costs

Site	Deterrent Measure	Cost	No of encampments in 2019	No of encampment after deterrent measures implemented	Completed
Wye Road	Reinforced lock to gate, gantry and wooden bollards	£3295	0	0	Summer 2019
Westcliffe Avenue	Boulder (in situ) replaced with wooden bollards	£25	0	0	Summer 2019
Station Walks	Wooden bollards	£247.50	0	0	Summer 2019

Wilson Street	Wooden bollards	£1495	1	0	Summer 2019
Earls Drive	Wooden bollards	£4800	0	0	Early 2019
Brick Kiln Lane	Boulders	£1200	0	0	Early 2019
Wolstanton Marsh	Wooden bollards	£14,409	0	1	Summer 2019
Kingsbridge Avenue	Wooden bollards	£4456.50	1	0	Summer 2019
The Butts, Paris Avenue	Wooden bollards	£1381	1	0	Autumn 2019
Norwich Place	Wooden bollards	£1600	1	Work in progress	Autumn 2019
Rydal Way	Wooden bollards	£1814	1	Work in progress	Autumn 2019
Crackley Recreation Ground	Wooden bollards	£1768	1	Work in progress	Autumn 2019
Lyme Valley Parkway	Wooden bollards	£690	1	Work in progress	Autumn 2019
Howard Place	Wooden bollards	£4896	2	Funding bid being prepared	Early 2020
Total cost		£42,077			

At the meeting of full Council on 20th February 2019, the capital programme for 2019/20 was approved, including a sum of £10,000 for deterrent measures at sites vulnerable to unauthorised encroachment. A sum of £50,000 was also approved for repairs to railings and structures. These sums have been sufficient to implement all of the measures detailed above.

3. **Further Improvements to Protocol**

Whilst preventative measures continue to be explored and considered as an integral part of the protocol, the legal process and joint working elements have been closely scrutinised to identify if any further improvements can be made to streamline and reduce the timescale by any significant amount. In particular, a comparison has been undertaken with the process the City of Stoke on Trent Council use and meetings were held with legal representatives from the City Council (who provide support and advice to the Council under an existing arrangement), Staffordshire Police, and the Police and Crime Commissioner.

The meetings resulted in a 10 point plan being agreed and implemented, with periodic reviews and updates being undertaken.

In summary, it was found that the Council's current process was the same as the one used by the City of Stoke on Trent Council and therefore there was limited scope to do anything differently.

However, as a minor improvement, officers within the Council's Operational Services team have been authorised to prepare legal papers and act as representatives in progressing court proceedings. This means that the risk of a potential delay in processing the court applications with the legal team (due to availability/capacity) has been mitigated and this has reduced the timescale for evictions further, dependent on the availability of court hearing dates.

In 2019, out of the 17 encampments in which the Borough Council was the landowner, 9 were successfully evicted within 3 days or less of arrival. The maximum time for eviction was 5 days, where this included a weekend when the courts do not operate.

4. **Other Options**

As part of the legal review process described above, the option of seeking an injunction against travellers for sites in the Borough was explored, as it was reported that Wolverhampton City Council had recently successfully obtained one.

A meeting was held with officers from the Council and Wolverhampton City Council to discuss their recent success in obtaining an injunction against PERSONS UNKNOWN for unauthorised encampments in Wolverhampton.

The injunction was granted and is due to be reviewed after 12 months (December 2019). Conditions were attached to the injunction, in particular: In this time Wolverhampton City Council needs to be able to demonstrate its success in establishing a transit site for unauthorised encampments or at least making positive steps towards this goal.

The cost of this injunction was approximately £12,000 – this covers barrister costs over a period of 2 years. In addition to this there were significant officer time costs and an additional £6,000 - £8,000 for signs to be installed across the 60 sites.

It is also noted that whilst Wolverhampton City Council has been successful in obtaining the injunction, there have since been encampments on areas that have not been covered in it, leading to the need to default to the established legal process for obtaining court authority to secure evictions. Therefore, it appears that a blanket injunction is not, in itself, a total solution to the problem.

5. **Officer Comment and Conclusion**

The Council's current Protocol for Dealing with Unauthorised Gypsy and Traveller Encampments (October 2017) has proved to be an effective tool in improving partnership working and facilitating the removal of encampments in the most expedient method available under existing legislation. This will be further strengthened by the introduction of a consistent, County-wide protocol as proposed by Staffordshire Police.

Partners, including the Police and the County Council, remain engaged in the protocol and supportive of its implementation. The protocol is regularly reviewed and updated, and any potential refinements are discussed and agreed within the partnership framework which exists.

Whilst partners continue to streamline legal and enforcement procedures wherever possible, there is a continuing need to deter and prevent access to vulnerable locations throughout the Borough. This will continue to be explored where the need arises.

There also appears to be an increasing demand to identify a potential transit location in the Borough that would allow partners from Staffordshire Police to utilise further powers and direct traveller encampments to immediately move on from unauthorised sites. This is being considered via the Joint Local Plan process and further updates will be available as this work progresses.

The injunction route does not appear, at this stage, to be a viable option for the Council. It is not considered that the evidence required to support a successful injunction, (in particular the evidence of violent and intimidating behaviour towards Council officers, the police and the public), exists or could be gathered, even with the resource intensive approach adopted in Wolverhampton. This evidence is critical in securing the power of arrest for the police and therefore enabling them to take the lead role in enforcement of the injunction. Without this, the enforcement responsibility would rest with the Council and specialist support for physical removal of people and vehicles would need to be bought in.

6. **Appendices**

1 – A Joint Protocol for Managing Unauthorised Encampments within the Staffordshire County Council and City of Stoke-on-Trent Council Boundaries