

# Unauthorised Encampments Working Group



As presented to the Economy and Environment Overview and Scrutiny Committee on 20 February 2020.



**Walsall Council**



## Foreword

The Unauthorised Encampments (UEs) Working Group was conceived to establish a long-term strategy to reduce the numbers of UEs in the Borough and to explore options for a transit site.

In gathering its evidence, the Working Group spoke with and asked questions of representatives from different organisations and invited the National Federation of Gypsy Liaison Groups (NFGLG) to take part in discussions. The Group welcomed their first hand experiences which were an invaluable part of the Group's evidence gathering.

The Group covered a wide range of topics from the use of negotiated stopping to Gypsy, Roma and Traveller (GRT) access to education and health services.

One area of concern for elected Members and local residents was the impact of UEs on communities, not to mention the cost associated to the taxpayer. That is why a long-term transit site is needed for the Borough to ensure that GRT communities have a site to use whilst protecting vital sites of community importance.

I hope that with the creation of a UE Strategy, a long-term approach will be found to satisfy not only GRT Communities but also partner organisations and local residents.

The Group would like to thank everyone who contributed to discussions including our lead officers Matt Powis and Lorraine Boothman for their invaluable hard work and support.



***Councillor Louise Harrison***

***Chair of Unauthorised Encampments Working Group***



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## **Introduction**

The Economy and Environment Overview and Scrutiny Committee (the Committee) on 20 June 2019 resolved to establish a working group to examine the issue of Unauthorised Encampments in the Borough.

## **Terms of Reference**

Draft terms of reference were discussed and agreed by a meeting of the working group that took place on 7 August 2019. The terms of reference were subsequently agreed by a meeting of the Committee on 26 September 2019.

The full version of the Working Group's terms of reference can be found at Appendix 1 to this report.

The Working Group was supported by the following Council officers:

## **Lead Officers**

Lorraine Boothman  
Matt Powis

Regulatory Services Manager  
Democratic Services Officer

## **Membership**

The working group consisted of the following Councillors:

Councillor Harrison (Chair)  
Councillor P. Bott  
Councillor G. Singh Sohal  
Councillor I. Shires  
Councillor M. Ward

## **Methodology**

The Working Group has held 7 meetings during its investigations and has taken into account the views of 17 witnesses.

## Witnesses

The Working Group met and discussed issues or received evidence relating to Unauthorised Encampments with the following witnesses:

|                        |   |
|------------------------|---|
| Adrian Jones           | National Federation of Gypsy Liaison Groups                                   |
| Abiline McShane        | National Federation of Gypsy Liaison Groups                                   |
| Councillor G Perry     | Portfolio Holder for Community, Leisure and Culture                           |
| Vanessa Croft          | Locality Manager for North Walsall – Walsall Council                          |
| Dr Irena Hergottova    | Corporate Consultation and Equalities Lead – Walsall Council                  |
| Mark Holden            | Head of Clean and Green   |
| John Morris            | Locality Manager for East Walsall – Walsall Council                           |
| Nigel Rowe             | Community, Cohesion and Engagement Lead Officer – Walsall Council             |
| Uma Viswanathan        | Consultant in Public Health Medicine – Walsall Council                        |
| Inspector Jamie Hobday | Partnerships Team Manager – West Midlands Police                              |
| Gerry Lyng             | Partnerships Manager – Department for Work and Pensions (West Midlands Group) |
| Kate Mann              | Admissions and Appeals Manager – Walsall Council                              |
| Donna Macarthur        | Head of Commissioning – Walsall Clinical Commissioning Group                  |
| David Kellaway         | Arcadis Design and Consultancy  |
| Alison Sargent         | Principal Solicitor – Walsall Council   |
| Javed Iqbal            | Head of Legal (Contentious)   |
| Paul Gordon            | Head of Business Change   |

## Report Format

This report is a broad summary of the working group's findings and conclusions.

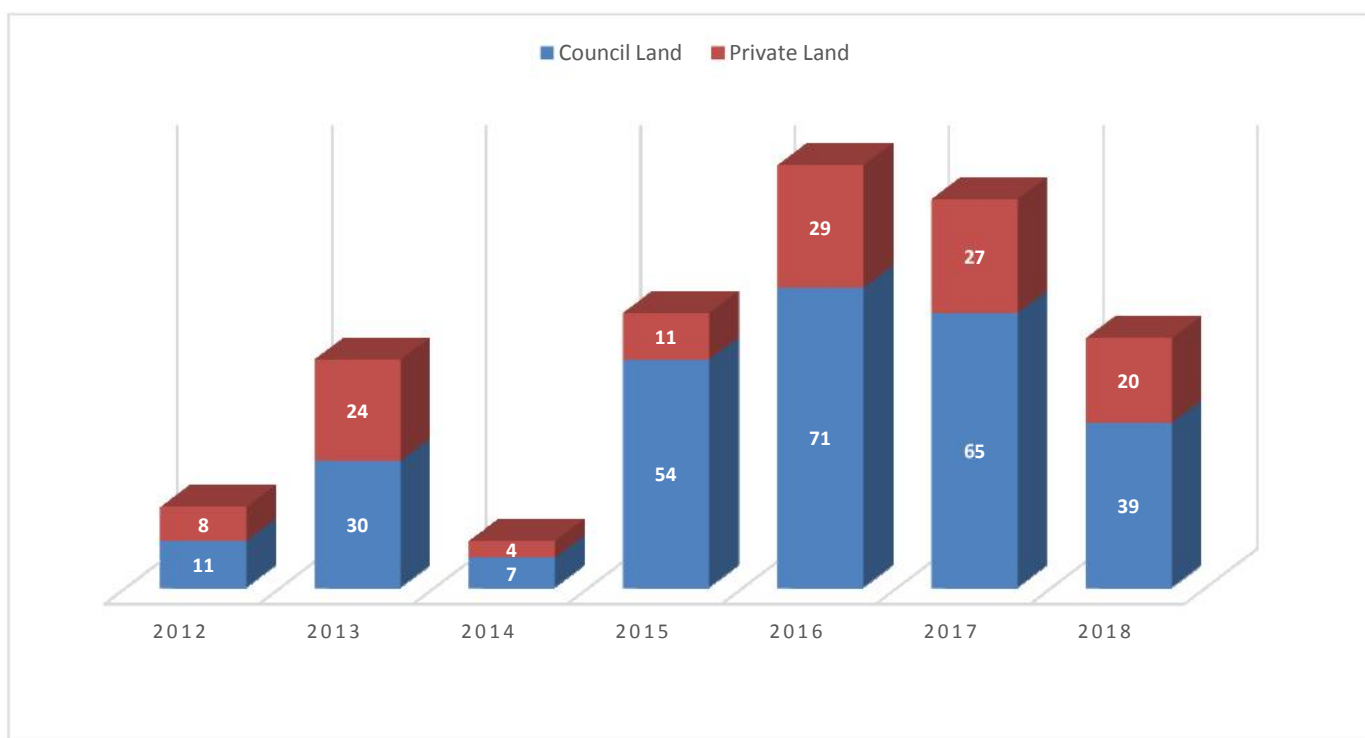
# Unauthorised Encampments Strategy

## How did we get here?

The Unauthorised Encampments (UEs) Working Group was established by the Economy and Environment Overview and Scrutiny Committee on 20 June 2019. There had been significant rise in the numbers of UEs in the Borough since 2012. The Working Group wanted to understand the GRT way of life and what could be done to manage UEs in the Borough.

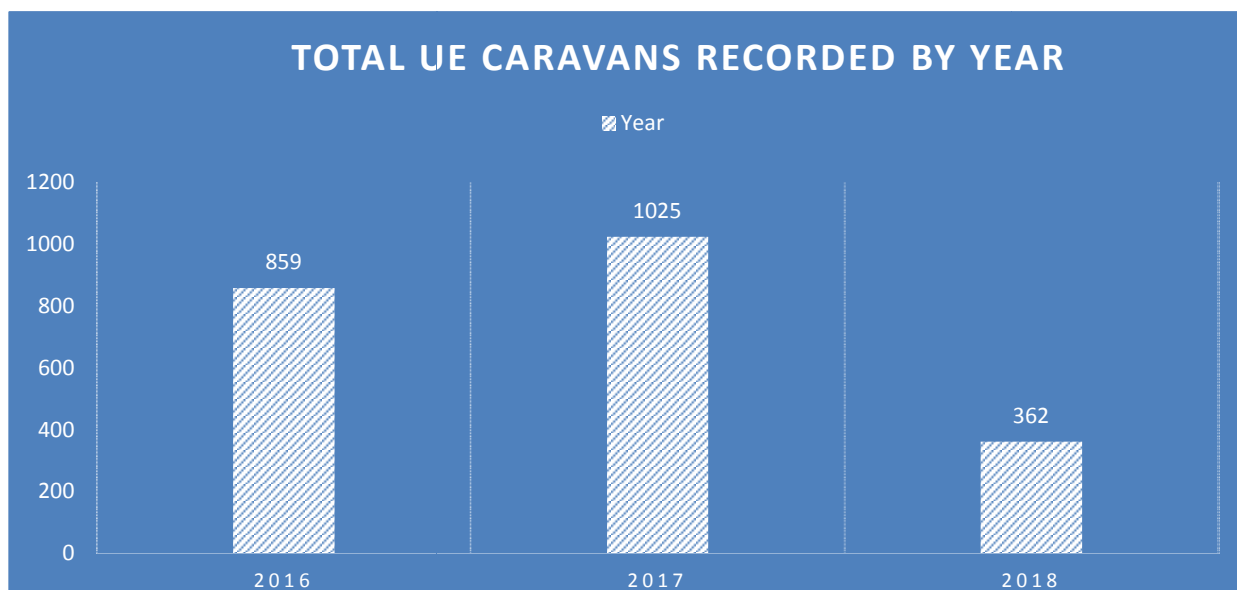
In September 2016, the Council successfully applied for and obtained an injunction from the County Court with respect to 12 sites across Walsall. Consequently it became one of the first local authorities in the country to secure a multi-site injunction. The injunction meant that, in addition to this approach, the Council undertook an exercise to install preventative measures on parks and green spaces in order to protect against further encampments.

The numbers of encampments on both Council land and private land has fluctuated year by year. However, there has been a noticeable decline in the number of encampments between 2016 and 2018 as demonstrated by the graph below:



Source: Encampment data was provided by Walsall Council's Regulatory Services

In addition to the above data, the Group noted that encampment sizes have decreased across Walsall. This trend has continued with the number of caravans declining between 2017 and 2018 as detailed on the graph below:



Source: UE Caravan data was provided by Walsall Council's Regulatory Services.

Consideration was given to the current provision of land for GRT Communities and the relevant local authority legal powers to manage UEs accordingly.

The Group considered the merits of the following types of land that could be used by GRT Communities:

- Transit Sites are used for temporary residence, usually for periods of less than three months. The Group noted that there are no transit sites located within Walsall.
- Permanent traveller sites can be provided by local authorities or private providers with the proposed site being used as a long-term residence. The Group noted that there were numerous permanent traveller sites.

Walsall Council's Site Allocation Document 2019, highlighted that to meet the minimum requirements by 2026, Walsall was facing a shortfall of 14 additional pitches/plots this is in accordance with the 'Walsall Gypsy and Traveller Accommodation Assessment Revision 2016'. However, the Group noted that this shortfall was estimated based on methodology used in the 2008 Black Country Gypsy and Traveller Accommodation Assessment together with relevant intelligence.

The Group noted that one of the Walsall's largest caravan sites is the Willenhall Lane Caravan Site, Willenhall Lane, Bloxwich which has a capacity of 19 pitches and caravan capacity of 38, although there is no on-site manager.

## **Negotiated Stopping**

Negotiated stopping would involve the Council making a local agreement with the GRT Communities to allow individuals and families to stay, either on the land they were encamped on or relocate to a more suitable location.

The Group noted that Leeds City Council had successfully implemented a negotiated stopping policy with the traveller community. The *Travellers Times* described the policy as 'Leeds Gypsy and Traveller Exchange's Negotiated Stopping approach has been used by Leeds City Council for a number of years, has saved the council and police close to £250,000 a year in legal and clean up fees, and has totally transformed the relationship between the Leeds mobile Travellers, local settled people and the local press'.<sup>1</sup>

Members of the National Federation of Gypsy Liaison Groups (NFGLG) welcomed the role of negotiated stopping: 'Even if the Council decided to develop a transit site that does not mean that it should reject Negotiated Stopping'.<sup>2</sup>

The Group were informed that negotiated stopping had previously been utilised by the Council on 1 May 2019. This was as a result of the encampments in the immediate vicinity of a polling station, an initial equality assessment was also carried out by the Council which identified a genuine medical concern regarding a family.

The Group were keen to investigate the options of negotiated stopping and invited the Council's Legal Services department to provide legal advice on this issue. Having received this advice, the Group found that negotiated stopping could mean that the Council breached planning law, leaving it open to further legal challenges and potential squatters' rights claims. The Group acknowledged the legal advice and concluded that the Council should not pursue negotiated stopping but should instead focus on establishing a long-term transit site.

In considering the cost of removing a UE, the Group noted that it could cost an average £3,500 per UE. This included officer time which was outlined below:

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<sup>1</sup> <https://www.travellerstimes.org.uk/news/2018/08/charity-hopes-transform-way-councils-deal-unauthorised-traveller-camps-bid-ease> - Published on 3 August 2018

<sup>2</sup> Solving a "Problem" or meeting a need? – Engagement with Gypsies and Travellers in respect of need for transitional short stay provision site in Walsall – Prepared for Walsall Council by the National Federation of Gypsy Liaison Groups – January 2019

| Service Area/Responsibility | Reason  |
|-----------------------------|---|
| Community Protection        | Managing Processes<br>Evictions<br>Complaints from Elected Members and the Public         |
| Money Home Job              | Welfare Needs Assessments<br>Response to homelessness claims                              |
| Legal Services              | Conveyancing Checks<br>Making the Court Application                                       |
| Clean and Green             | Clean up and Waste Disposal<br>Repairs<br>Maintenance of fences and gates                 |
| Management                  | Managing process<br>Supervision of Officers<br>Making Strategic and Operational decisions |
| Communications              | Media Statements<br>Corporate Social Media Enquiries                                      |
| Disbursement                | Court Fees<br>Bailiff Costs<br>Tow Truck Costs  |

Whilst, it could cost the Council an average £3,500 per UE, this figure does not reflect fully costs that would be incurred by the Police, partner organisations and potential opportunity costs such as investments by businesses or loss of income.

The Group then considered the legal powers available to the Council and the Police, which can be utilised when processing UEs:

### **Criminal Justice and Public Order Act 1994**

#### Section 77- Power of the Local Authority to direct Unauthorised Campers to leave land

This section of the Act gives the local authority the power to direct any person occupying land in certain circumstances the power to direct them to leave that land.

#### Section 78 – Order for removal of persons and their vehicles unlawfully on land

This section of the Act provides that where the campers on the land have failed to comply with a notice issued under Section 77, a Magistrates' Court may make an order requiring that the vehicle, persons and other property are removed from the land.

When utilising the above powers, the Council has a duty of ensure that it takes necessary measures to issue statutory notices, complete welfare assessments and comply with necessary guidance when dealing with UEs in Walsall.

#### Section 61 Removal of Unauthorised Encampments from land

This section of the Act can only be used if the Police are satisfied that two or more persons present on the land are trespassing. There is also a requirement for the Council to take reasonable steps to ask the encampments to leave the land.

Once the above requirements are satisfied, Section 61 can be utilised if the UE:

- Has between them, 6 or more vehicles on the land.
- Has caused damage to the land or property located on the land.
- Has used threatening, abusive or insulting words or behaviour towards an employee or agent of the Council.

If the campers comply with the above requirements, the Police may direct such persons to leave the land and remove any vehicles/property and not return to the stated land within three months.

The sanctions available to the Police are that they may arrest and impound the property due to non-compliance.

#### Section 62 – Removal of Unauthorised Encampments from land to another available caravan site

This section of the Act can only be used if the Police are satisfied that there is an available and suitable caravan pitch in the same Council area for campers to relocate. However, the following criteria must be adhered to:

- There must be at least two persons trespassing on the land.
- The UE has at least one vehicle on the land.
- The UE is present on the land with a common purpose of living.
- The Council, or an authorised representative from the Council, has asked Police to remove the UE from the land.
- It appears to the Police that the relevant individual has one or more caravans in his possession and that there is a suitable pitch on a relevant caravan site for the caravan(s).

If the UE complies with the above criteria, the Police may direct persons to leave the land and remove any vehicles/property and not return to the stated land within three months.

Again the sanctions available to the Police are that they may arrest and impound the property due to non-compliance.

The use of Section 61 and 62 powers were considered in regard to the National Police Chief's Council Guidance 2018 on UEs, including relevant human rights legislation and the Equality Act 2010. However, as Walsall did not have having a transit site, the Section 62 powers could not be utilised.

There was a consensus that due to UEs being a civil matter, the Police were only required to intervene in matters relating to a criminal activity. In this respect, the Group noted that the Government had published a consultation on strengthening

Police powers to tackle UEs in England and Wales. This was due to conclude on 4 March 2020.

### **What should a strategy contain?**

The Group identified that a long-term scheme was needed to reduce incidences of UEs whilst also providing a fair approach for GRT Communities. In regard to this, the Group found that Council policies and approaches were all taken in isolation with no single strategy existing to tie together the Council's responsibilities on equality and managing UEs effectively.

As part of the Group's work on this issue, a number of representatives from different partner organisations and witnesses were invited to give evidence. Whilst there was no agreed co-opted members of the Group, members of the NFGLG were invited to take part in discussions and to make representations.

- The strategy should be produced as soon as possible and be developed in line with the recommendations outlined in 'The Gypsy Travellers Health Needs Assessment for Walsall' report, as produced by Walsall Council's Public Health Department.
- The strategy should be produced in accordance with Walsall Council's Equality Impact Assessment: 'Assessing the impact of Unauthorised Encampments on people with protected characteristics 2016-2019'.
- The Group's Permanent and Transit Site priorities should be used as a basis for the identification of a future site location for travellers.
- The strategy should consider the identification of a transit site as well as developing more permanent sites in connection with the Council's Site Allocation Document.
- Steps to achieve improved healthcare and educational outcomes with partner organisations.
- Steps to communicate effectively with local residents and GRT communities.
- Early communication and inclusivity with all parties should be at the heart of the strategy.
- The strategy should be developed in line with Walsall for All's Strategy 'Our Vision for Integrated and Welcoming Communities' priorities.

There was a view from the NFGLG that the strategy should consider the possibility of adopting a negotiated stopping approach along-side identification of a transit and permanent site.

## **How should it be developed?**

There was a consensus in the Working Group that the issues surrounding UEs should not be taken in isolation to wider problems affecting GRT Communities. It is proposed that this strategy should be developed by the Council and the following partners:

- Walsall Clinical Commissioning Group
- NHS
- West Midlands Police
- Public Health
- Children's Services
- GRT Communities

## **Hate Crime**

The Group welcomed the existing work being carried out on a Walsall Hate Crime Reduction Initiatives championed by One Walsall, Black Country Innovate CIC and the Council. This intended to raise awareness about hate crime and reduce incidences across all areas of society, including hate crime activities towards GRT Communities.

## Health

Access to health care was an area of concern for the Group especially with the difficulties of GRT Communities being able to access primary health care providers. The Group received advice from Walsall Clinical Commissioning Group (CCG) which confirmed that there were no regulatory requirements for patients to prove their identity, address, immigration status or present a NHS number in order to register with a health care provider.

Accessibility of medical appointments were recognised as a particular concern, especially from NFGLG. The findings from the mystery shopping exercise carried out by the Red Cross in Birmingham identified that 8 of 9 GP surgeries refused to register patients without a fixed address.

As part of health discussions, the Group noted that Measles, Mumps and Rubella (MMR) vaccinations and general immunisations within the GRT Communities were significantly below those of non-Travellers. The Gypsy and Traveller Health Needs Assessment for Walsall – June 2019 outlined the potential reasoning for low uptake of vaccinations:

- 1) Lack of awareness or knowledge on MMR
- 2) A general mistrust of authorities
- 3) Cultural considerations such as gender sensitivities
- 4) Nomadic way of life.

There was a consensus in the Working Group that limited access to primary health care providers was exacerbating uptake of general vaccinations within GRT Communities. As a result, it was recommended that the Walsall CCG in partnership with the NFGLG carry out regular mystery shopping exercises with primary health care providers to raise their awareness of the statutory responsibilities of providing appropriate access to health services.

The Group acknowledged that GRT was not formally recognised as part of the NHS England's data monitoring for ethnic categories. This was supported by *The Traveller Movement*, which highlighted 'Despite Gypsies and Travellers being widely recognised as experiencing the poorest health outcomes of any group in the UK, the NHS England's data monitoring does not include GRT in the ethnic categories currently monitored. This should be addressed as a matter of urgency'.<sup>3</sup>

It was felt that as a regional body, the West Midlands Combined Authority's Wellbeing Board would be best placed at reviewing NHS England's data monitoring codes to include Gypsy, Roma and Irish Traveller as three separate ethnic categories.

There was a discussion by the Working Group on how to improve access to primary health care services for the GRT Communities. The Group recognised that a Walsall Medical Book previously assisted the GT Communities to understand their medical

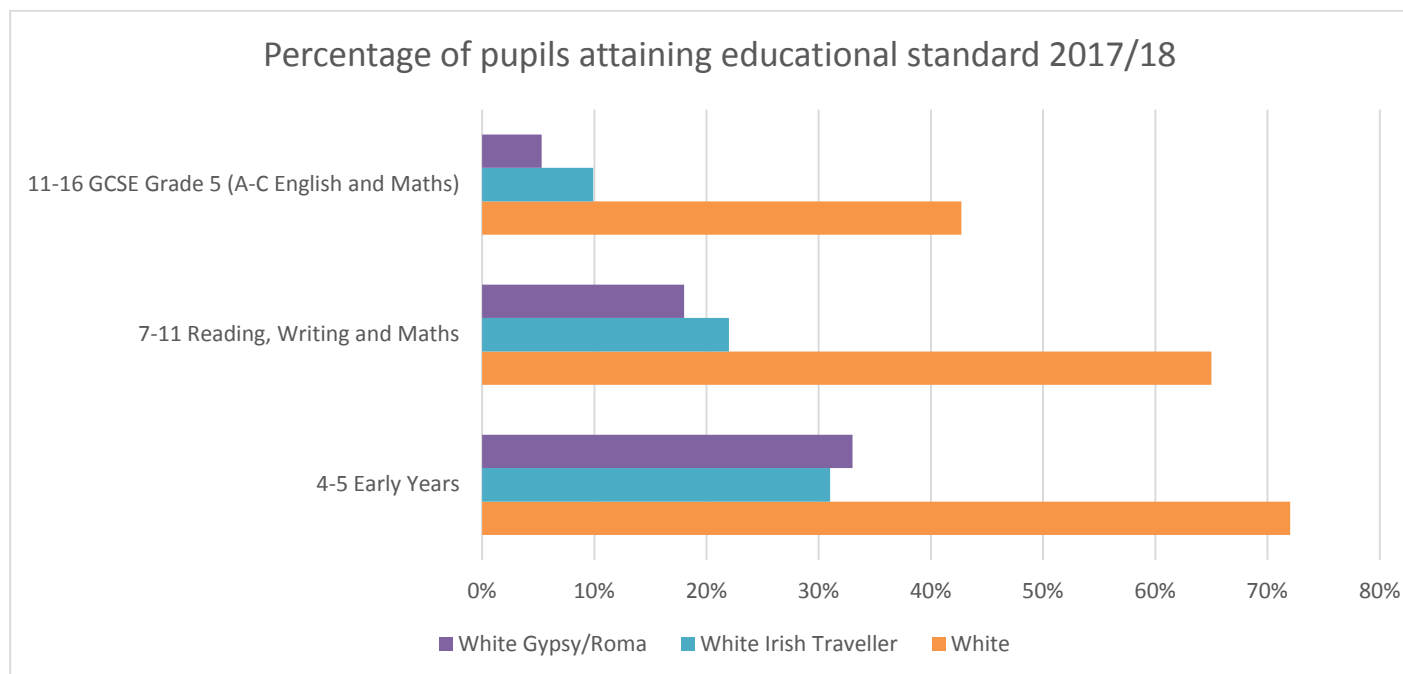
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<sup>3</sup> <https://travellermovement.org.uk/phocadownload/userupload/equality-human-rights/last-acceptable-form-of-racism-traveller-movement-report.pdf>

rights and it provided primary health providers with identifiable documentation. This improved access to health care providers. Therefore it was recommended that the WMCA's Wellbeing Board investigate the reintroduction of a Medical Book for GRT Communities.

## Education

The Group recognised the need for education to be stable and supportive for GRT children, as the educational attainment standards of GRT Children was lower than other categories of children. This was confirmed by the following attainment data from the Department for Education:



Source: Data provided by Department for Education – National and Local Authority Statistics

This data demonstrated the deterioration of educational attainment by children from the GRT Communities, from the start of early years through to GCSE.

An article in The Irish Examiner from October 2016 highlighted that ‘there are just over 36,000 Travellers living in Ireland today — with almost 74% living in a house and 42% under the age of 15. However, just 13% of Traveller children complete second-level education, compared to 92% in the settled community’. Whilst the UK and Ireland are separate nations with different socio-economic environments and educational systems, GRT children still face comparable barriers to accessing education.

The article explained that ‘in the long-term, sustained, consistent, and regular engagement with Traveller Children attending primary schools was needed to support them through second level, more targeted work with career guidance teachers, and increasing Traveller community interaction with third level institutions’.<sup>4</sup>

Ash Manor School in Surrey was commended by *Ofsted* for providing excellent support for GRT children and employing a dedicated Gypsy and Roma inclusion assistant. *Ofsted* found that ‘Ash Manor has the highest number of Gypsy, Roma and Traveller families in Surrey and the highest number of settled Travellers in the

<sup>4</sup> <https://www.irishexaminer.com/ireland/traveller-education-just-13-of-traveller-children-complete-second-level-education-425272.html> – October 2016

country. Two of your five core values, 'respect' and 'community', are reflected in how fully these pupils are integrated and engaged with school life. They make considerably more progress than their counterparts nationally and their absence, although high, is nearly half that seen nationally. The fact that you have a Gypsy and Roma inclusion assistant and encourage the participation of elder community members has meant that some parents now let their children go on school trips'.<sup>5</sup>

The Group recognised the importance of Ash Manor School's dedicated support workers in carrying out a pivotal role in the development of relationships between schools, pupils and parents.

The Group felt that support workers were vital in building and sustaining relationships with schools and the GRT Communities. It was recommended that the Council's Education Overview and Scrutiny Committee should investigate the role and training of key education support workers in schools while children from the GRT communities were in attendance.

Promoting community cohesion within and between communities was a critical part of a long term approach to UEs. The Group highlighted that one way to promote inclusion was through education, as demonstrated at Ash Manor School. Therefore, the Group calls for the Government to support the creation of a Gypsy, Roma and Traveller History Month to be taught as part of the relevant curriculum in all schools in the UK.

There was a concern about access to school placements in the Borough. It was noted that mid-year admission placements vary between each local authority, which was identified as a barrier for travelling children who could be disadvantaged by the school admissions system.

The Group were given an overview of primary and secondary admissions data for 2018.

For the primary admissions round in Walsall in 2018, 90.04% of on-time applications were offered their first preference. It was identified that 13 children were registered as Gypsy, Roma or Traveller children. Of the 13 children, 11 were offered a place consistent with one of their parent's preferences, one child allocated a non-preferred school and one child was allocated a random school place because their parents did not submit an application.

For secondary admissions round in Walsall in 2018, 72.93% of on-time applications were offered their first preference. It was identified that 27 children were registered as Gypsy, Roma or Traveller children. From this figure, 20 children were offered a place consistent with one of their parent's preferences and the other 7 children were allocated a random school place because their parents did not submit an application.

Late applications submitted after the expiry of the national admissions deadline dates were processed after the on-time applications was dealt with. It was noted that the children of travelling families, who move into the Borough after the date for one of the

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<sup>5</sup> [https://www.ashmanorschool.com/uploads/1/0/3/6/103623792/ash\\_manor\\_school\\_10026771\\_final\\_report.pdf](https://www.ashmanorschool.com/uploads/1/0/3/6/103623792/ash_manor_school_10026771_final_report.pdf) – 5 April 2017

admission rounds had ended, could be disadvantaged as they were less likely to be offered a place at their parent's preferred schools.

The Group felt that a GRT admissions card would help to assist GRT Communities in applying for school placements across local authority borders. This card would outline important information for parents to use when applying for school places. It was recommended that the Council's Education and Overview Scrutiny Committee conduct a review of the mid-year admission process and the introduction of a GRT admissions card.

## **Universal Credit**

The Group received correspondence from the Department for Work and Pensions regarding access to Universal Credit for individuals with no fixed abode. In response, the Group noted that 'If the claimant does not have a permanent address, there are options still available to them. They can use a care of address, like the address of a family member or trusted friend, if they are staying at a hostel they can use the hostel address as their address or in exceptional circumstances they can use their local jobcentre'.<sup>6</sup>

In addition to this information, the Group welcomed options for Universal Credit accounts to be managed online and by phone which provided easier access.

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<sup>6</sup> Correspondence from Department for Work and Pensions – Received on 30 October 2019

## Gypsy and Traveller Transit and Permanent Sites

Transit and Permanent sites are a fundamental part of the Gypsy and Traveller way of life and shortages of sites have been a historical problem not just for Walsall but nationally.

The Local Government Association was quoted by the BBC that Traveller pitch provision is a 'sensitive issue for Councils' and that 'Local Councils understand the different needs and aspirations of their communities' best. They should have the local tools and flexibilities to engage, assess and positively plan for meeting the current and future need of the Gypsy and traveller communities in a local area'.<sup>7</sup>

In recognition of sensitivities regarding permanent and transit sites, it was recommended that early communication and engagement with both local communities, organisations of community importance and GRT communities on the development of any transit and permanent site location.

Travelling families often face difficulties being constantly removed from different local authorities due to unfamiliarity with local authority boundary lines. There was a view that in the long-term, a Black Country transit site should be identified to assist cross border travellers.

Transit and permanent site(s) needed dedicated officer support to assist both the GRT Communities and local residents. The Group found that GRT Liaison Officers roles could provide that necessary link and support between the travelling community, the Council and partner organisations. However, it was also important that this role have the appropriate training on Gypsy and Traveller culture and history. This was echoed by the NFGLG which identified that 'a number of council staff interviewees stressed the need for a specific Gypsy/Traveller Liaison Officer'.<sup>8</sup> The Group recommended that liaison officers roles be incorporated into transit and permanent site considerations.

### Transit Sites

The Group recognised the shortages of transit sites across the country, which was reinforced by the UK Human Rights Blog which stated 'There is a long-standing and serious shortage of sites for Romany and Travellers, forcing many to establish unauthorised encampments. A critical factor underpinning the poor outcomes experienced by the community is the lack of lawful sites on which to establish encampments. Without lawful sites, the community continues to face evictions, which disrupt schooling, access to healthcare and employment. All Romany and Traveller support and campaigning groups recognise that outcomes across the board would improve if the longstanding problems with accommodation were addressed'.<sup>9</sup>

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<sup>7</sup> <https://www.bbc.co.uk/news/uk-england-41335752> – 16 November 2017

<sup>8</sup> Solving a "Problem" or meeting a need? – Engagement with Gypsies and Travellers –by the National Federation of Gypsy Liaison Groups – January 2019

<sup>9</sup> <https://ukhumanrightsblog.com/2020/01/27/court-of-appeal-upholds-the-right-to-roam-of-romany-and-travellers/> - 27 January 2020

Addressing this issue, the Council undertook a site criteria exercise with Arcadis (UK) Limited to filter the process for potential GRT sites in the Borough which was considered by the Group. It was recommended that 18 site priorities be used to assist the Council identify a suitable long-term transit site.

These agreed site priorities were outlined as follows:

- The site(s) must have sufficient pitch capacity to cater for different GRT Communities whilst considering the surround populations size and density;
- The Council needed consider the deliverability and development viability of the site(s) such as planning conditions and site ownership. In particular, feedback from the NFGLG indicated a preference for fewer smaller transit sites rather than one single site;
- The Council needed ensure that careful site management and ensure adequate maintenance takes place on the site(s);
- The site(s) should be situated near to local amenities to ensure that sufficient access to education, health, welfare and employment infrastructure;
- The site(s) access to local amenities and services does not overload schools and health services and be situated away from local housing estates;
- The Council needed to support a site(s) that people want to use and enable support services to assist residents and reduce the health and socio-economic inequalities aid integration into the community and to reduce tensions between the settled and traveller communities;
- The Council needed to ensure that the site(s) are suitable, safe place to live and promotes peaceful community integration with the local area;
- The Council needed to ensure that the site(s) avoid any flood plains with a rating of 2 – 3, as caravans would be particular susceptible to damage from resulting flooding;
- The site(s) be built to a moderate (good standard) specification and provide sufficient toilet/shower facilities for all families and create an enjoyable living space without requiring a disproportionate financial investment;
- Provide safe and convenient access to road infrastructure and be located so as to cause minimum disruption to surrounding communities;
- Protect existing Green Belt land from any inappropriate development;
- Ensure the site(s) can accommodate specific welfare needs from existing the GRT Communities in the area;
- Ensure the site(s) does not have an adverse impact on the local amenities and environment (such as noise, air and ground quality) for the travellers, or to any surrounding areas as a result of the development;
- The site(s) must be able to provide sufficient accommodation for travellers for up to 15 years;
- Avoid conditions and constraints such as poor drainage, air/ground pollution, sharp/sloped gradients, Tree Protection Orders, Rights of Way, below ground mineshafts;
- The site(s) have adequate storage and parking areas;
- The site(s) must have access to basic utilities such as power, water, data, telephones and mains sewage if possible;
- The site(s) must be boundaries must be suitably secured to ensure the safety of the GRT communities at all time.



## Permanent Sites

The Group recognised the benefits of permanent traveller sites and the need for additional sites to be created in Walsall. Chronic shortages of permanent and transit sites were highlighted by the NFGLG, which stated 'It is estimated that at any one time, the West Midlands has more caravans travelling than there are spaces on permanent or transit sites'.<sup>10</sup>

The above quote also represented a national problem with shortfalls in permanent sites. This was supported by an article on disabled, elderly and ill Gypsies and travellers forgotten in site provision by the *Equality and Human Rights Commission*, which stated 'It is clear that a lack of adequate site provision is impacting Gypsies and Travellers' rights to live in culturally appropriate accommodation and may be contributing to the rise in unauthorised encampments. Not having suitable housing exacerbates the inequalities that Gypsy and Traveller communities face. To be entirely forgotten in local authority assessments is unacceptable'.<sup>11</sup>

The Group welcomed existing provisions at Willenhall Caravan site as a good example of a permanent site. However, concerns were raised that without careful management, Traveller sites would quickly fall into disrepair. This was supported by the Department of Communities and Local Government's Designing Gypsy and Traveller Sites Practice Guide (May 2008), which stated that 'Transit sites may present particular management challenges and depending on local circumstances and sufficient usage, it is recommended that provision is generally made for a resident manager'.<sup>12</sup>

Accordingly, the Group recommended that all transit or permanent sites required careful site management to ensure adequate maintenance and site standards on the site. A particular area of concern was ensuring that sufficient toilet facilities were available for all families.

In recognition of the importance of the Willenhall Lane Caravan Site, the Group expressed concerns that the site's communal block had fallen into despair and was once a valuable part of the site's aesthetics and amenity. In respect of this, the Council should support and encourage the use of the communal block so that it could be used as a facility for the community, and for education and out-reach work.

There was a consensus that additional permanent pitches were required to ensure that sufficient capacity was in place. Furthermore, the Group recommended that the proposed UE strategy should incorporate the importance of establishing permanent Traveller site provisions in accordance with the Council's Site Allocation document.

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<sup>10</sup> Solving a "Problem" or meeting a need? – Engagement with Gypsies and Travellers –by the National Federation of Gypsy Liaison Groups – January 2019

<sup>11</sup> <https://www.equalityhumanrights.com/en/our-work/news/disabled-elderly-and-ill-gypsies-and-travellers-forgotten-site-provision>

<sup>12</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11439/designing-gypsy-sites.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/11439/designing-gypsy-sites.pdf)

# Conclusions

## Introduction

The Group was established to investigate Unauthorised Encampments (UEs) in the Borough and consider a strategy to assist the Council to fulfil its statutory duties with regard to people following a travelling lifestyle.

### Overview of Unauthorised Encampments working group findings

The Working Group invited a number of representatives to understand the pretext for UEs and the impact on local communities.

The Group found that understanding the issues around UE's was simply not enough, there was a need to listen to the concerns of GRT Communities. As a result, the Group invited representatives from the National Federation of Gypsy Liaison Groups to gain a greater understanding of the Gypsy, Roma and Traveller Communities (GRT) and find a long-term approach that will lead to a reduction in the number of UEs.

The Group determined that Walsall needs an UE strategy and established 8 priorities outlined on page 12 to be used as a basis for a strategy.

The Group undertook a review of education and health outcomes for GRT communities. The Group expressed concerns regarding access to primary health care providers across the country and noted the findings of a mystery shopping exercise in Birmingham. However, it was felt that a similar mystery shopping programme would need to be carried out in Walsall to identify compliance of GP Surgeries as there was no evidence relating to Walsall's compliance.

To assist GRT Communities access primary health care providers, the Group felt that a Medical Record Book previously assisted GRT Communities to understand their medical rights and provided primary health providers with identifiable documentation.

The Group acknowledged that GRT Communities were not included as ethnic categories in NHS England's data set. It was felt that as a regional body, the West Midlands Combined Authority's (WMCA) Wellbeing Board would be best placed at reviewing NHS England's data monitoring codes to include Gypsy, Roma and Travellers as an ethnic category.

The Group recognised the need for stable education and support for GRT children. It was noted that midyear admission placements vary between each local authority which was identified as a barrier for travelling children as it only created misunderstandings about the school admissions system. The Group felt that a GRT admissions card would help to assist GRT Communities in applying for school placements across local authority borders. This card would outline important information for parents to use when applying for school places.

Key education support workers were recognised as providing a pivotal role in the development of relationships between schools, pupils and parents. The Group felt support workers were vital in building and sustaining relationships with schools and the GRT Communities.

Promoting cohesion within communities is a critical part of a long term approach to UEs. The Group highlighted that one way to promote inclusion was through education. Therefore, the Group call upon the Government to support the promotion of Gypsy, Roma and Traveller History Month in all schools in the UK.

Taking into account all of the findings, the Group established that an UE's strategy should be produced as soon as possible and developed in line with partner organisations and applicable strategies outlined in this report to achieve improved healthcare and educational outcomes for the GRT Communities. In addition to this, there was consensus that the Council must establish a transit site in the Borough to provide long-term stability for travellers coming into the Borough. A transit site will also enable the Police to utilise Section 62 powers as and when appropriate.

In recognition of concerns on the locations of transit and permanent site(s), the Group felt that the importance of early communication and engagement with local communities, organisations of community importance and GRT Communities should not be overlooked. The Council needed to engage with communities to identify site(s) that reduces tensions and promotes peaceful community integration.

The Group established an 18 point site criteria to be used in conjunction with the UE strategy to identify an agreed transit site location.

## Recommendations

That:

1. The Council develop an Unauthorised Encampments Strategy in accordance with page 12 of this report.
2. The Council should engage with local authorities in the Black Country on the development of a shared transit site to assist cross-border travellers.
3. Walsall Clinical Commissioning Group should carry out regular mystery shopper exercises with all primary health care providers in Walsall to identify providers who refuse to register a Gypsy, Roma or a Traveller due to a lack of proof of address.
4. The West Midland Combined Authority's Wellbeing Board should investigate and review NHS England's data monitoring codes to include Gypsy, Roma and Traveller as three separate ethnic categories.
5. The West Midland Combined Authority's Wellbeing Board should investigate the introduction of a Medical Record for members of the Gypsy, Roma and Traveller Communities.
6. The Council's Education Overview and Scrutiny Committee should undertake a review, possibly via a Working Group, of the access to Education for GRT Communities. This review should include a review of the Council's midyear admission process, introducing key education support workers into schools and investigate the introduction of a GRT Admissions Card to assist Members of the GRT Communities with cross border school placements.
7. The Council should consider the development of a GRT Liaison Officer role to be based at transit and permanent site's locations to support the GRT Communities to access vital Council and Partner services.
8. The Government should support the promotion of Gypsy, Roma and Traveller History Month in all schools in the UK.
9. In recognition of Willenhall Lane Caravan Site, the Council support the use of the communal block as a facility of community importance.
10. The Council should develop a GRT permanent and transit site(s) in the Borough.
11. In considering the location of a GRT permanent and transit Site(s), the Council should consider the site priorities in accordance with page 19 of this report.
12. the Council's approach on negotiated stopping be commended.





|                          |   |
|--------------------------|---|
| <b>Work Group Name:</b>  | Unauthorised Encampments Working Group  |
| <b>Committee:</b>        | Economy and Environment Overview & Scrutiny Committee   |
| <b>Municipal Year:</b>   | 2019/20   |
| <b>Chair:</b>            | Councillor Harrison   |
| <b>Lead Officers:</b>    | Lorraine Boothman<br>Matt Powis   |
| <b>Membership:</b>       | Councillor Bott<br>Councillor Shires<br>Councillor Singh Sohal<br>Councillor Ward   |
| <b>Co-opted Members:</b> | None  |
| <b>1.</b>                | <b>Context</b>  |
|                          | <p>Following, the first meeting of Economy and Environment OSC it was resolved to establish a working group on unauthorised encampments in the Borough.</p> <p>The Committee considered a presentation on the Council's approach to Unauthorised Encampments (UE) and the equality duty with regard to people following a travelling lifestyle.</p>   |
| <b>2.</b>                | <b>Objectives</b>   |
|                          | <p>The working group wishes to:</p> <ul style="list-style-type: none"> <li>I. Review the Gypsy and Travellers Needs Assessments;</li> <li>II. Understand challenges facing the Council when dealing with UEs with particular focus on the use of Section 61/62 powers and the use of negotiated stopping;</li> <li>III. Understanding Gypsy and Travellers equality implications and the 'Walsall for All' Strategy;</li> <li>IV. Explore the development of integrated strategy to enable Walsall to fulfil its equality duty to assist in the management of UEs and to reduce health, social and economic inequalities in vulnerable groups;</li> <li>V. Explore options for a Gypsy and Travellers Transit Site in the Borough.</li> </ul> |
| <b>3.</b>                | <b>Scope</b>  |
|                          | <p><b>What should be included and excluded?</b></p> <p>The working group will consider and develop key findings identified in work carried by Council Officers and partners in 2018. This includes the following:</p> <p>Economy and Environment OSC – Unauthorised Encampments Presentation from Councillor Perry, Portfolio Holder for Leisure, Culture and Communities;</p> <p>Gypsy and Travellers Needs Assessment;</p> <p>Gypsy, Roma and Traveller Engagement – Findings and Recommendations</p>   |

|           |   |
|-----------|---|
|           | The Group will identify key points for the development of an integrated strategy and plan. In addition, the Group will also explore options for a Gypsy and Traveller Transit Site in the Borough.  |
| <b>4.</b> | <b>Equalities Implications</b>  |
|           | <p>There is a legal and moral obligation to ensure that, when undertaking a scrutiny review, the impact of policies; procedures; strategies and activities is considered within the 6 strands of equality (Age, Disability, Gender, Race, Religion or Belief, and Sexual Orientation)</p> <ul style="list-style-type: none"> <li>• How will the working group consult with each of these six groups regarding this review and its outcomes?</li> <li>• If an EIA has been carried out for this service\policy then what were its outcomes? Can this be mapped into the review? If no EIA has been carried out by the service is one required and can this be reported to the working group?</li> </ul> <p>The Working Group will consider the equality implications with the development of any policy or strategy. This includes the Equality Act 2010 which protects certain characteristics such as colour, nationality, ethnic origin and national origin.</p> <p>Romany Gypsy and Irish Travellers are protected against race discrimination as they are ethnic groups under the Equality Act.</p> |
| <b>5.</b> | <b>Who else will you want to take part?</b>   |
|           | <p>Think about who else, other than lead officers and members, it would be useful to include either as part of the working group or to bring information at specific points. For example- partners, stakeholders, other authorities.</p> <p>Clean and Green<br/>Community Protection Team<br/>Equalities and Cohesion Team<br/>Police<br/>Walsall CCG<br/>WHG<br/>Residents<br/>Traveller Groups<br/>Children Services<br/>Traveller Education Support Service – Walsall<br/>Legal Services – both the enforcement team and the team that carries out land searches<br/>Communications<br/>Planning<br/>Public Health</p>   |
| <b>6.</b> | <b>Timescales &amp; Reporting Schedule</b>  |
|           | Needs to be completed within the same municipal year and so should be able to report to full panel by the last meeting at the latest but consider the subject- is there anything else that it may need to tie into (e.g.  |

|   | <p>academic or financial year or to coincide with national/sub-regional developments)</p> <p>How often will update be provided to full panel?</p> <p>Task and Finish Group – First meeting to discuss Terms of Reference – 7 August 2019</p> <p>Terms of Reference to be approved at Economy and Environment OSC – 26 September 2019</p> <p>Final report due by 21 November 2019.</p>  |  |            |                    |   |        |  |   |        |  |
|---|--|--|------------|--------------------|---|--------|--|---|--------|--|
| 7.  | <p><b>Risk factors</b></p> <p>Are there any obstacles that can be predicted? For example, is it dependent on other organisations outside your control and duty to cooperate? Identifying these factors early and how they will be mitigated should help minimise their impact.</p> <table><tr><th>Risk</th><th>Likelihood</th><th>Measure to Resolve</th></tr><tr><td>Challenges with scheduling evidence gathering within a short timeframe.</td><td>Medium</td><td>Consider the most effective way to engage each of the identified groups that the working group wishes to speak to effectively gather evidence.</td></tr><tr><td>Input from Officers will distract from service delivery</td><td>Medium</td><td>Identify a manageable scope of the group</td></tr></table> | Risk   | Likelihood | Measure to Resolve | Challenges with scheduling evidence gathering within a short timeframe. | Medium | Consider the most effective way to engage each of the identified groups that the working group wishes to speak to effectively gather evidence. | Input from Officers will distract from service delivery | Medium | Identify a manageable scope of the group |
| Risk  | Likelihood   | Measure to Resolve   |            |                    |   |        |  |   |        |  |
| Challenges with scheduling evidence gathering within a short timeframe. | Medium   | Consider the most effective way to engage each of the identified groups that the working group wishes to speak to effectively gather evidence. |            |                    |   |        |  |   |        |  |
| Input from Officers will distract from service delivery                 | Medium   | Identify a manageable scope of the group   |            |                    |   |        |  |   |        |  |

**Timetable:**

| <b>Meeting</b>    | <b>Activity</b>   |
|-------------------|---|
| 7 August 2019     | Present draft terms of reference to the Working Group<br><br>Presentation by Portfolio Holder – Leisure, Culture and Communities  |
| 22 August 2019    | <ul style="list-style-type: none"><li>• Understand Gypsy and Travellers equality implications and the 'Walsall for All' Strategy</li><li>• Review the Gypsy and Travellers Needs Assessments</li></ul>  |
| 3 September 2019  | <ul style="list-style-type: none"><li>• Understand challenges facing the Council when dealing with UEs with investigating the use of Section 61/62 powers and the use of negotiated stopping (Police).</li></ul>  |
| 18 September 2019 | <ul style="list-style-type: none"><li>• Understand challenges facing the Council when dealing with UEs with investigating the use of Section 61/62 powers and the use of negotiated stopping (Legal).</li><li>• Invitation for CCG and Children's Services to attend.</li></ul>   |
| 26 September 2019 | Present working group terms of reference to Economy and Environment Overview and Scrutiny Committee for approval.   |
| 8 October 2019    | <ul style="list-style-type: none"><li>• Explore options for a Gypsy and Travellers Transit Site in the Borough.</li><li>• Explore options for the development of an integrated strategy to enable Walsall to fulfil its equality duty to assist in the management of UEs and to reduce health, social and economic inequalities in vulnerable groups.</li></ul> |
| 21 October 2019   | <ul style="list-style-type: none"><li>• Invitation for Children's Services to attend to present an overview of GRT access to school places in the Borough.</li></ul>  |
| 23 January 2020   | Review evidence and draw conclusions in preparation for a draft final report with recommendations.  |
| 20 February 2020  | Present final report and recommendations to Economy and Environment Overview and Scrutiny Committee.  |