

Council 12 November 2018

Response to Notice of Motion Unauthorised Encampments

A notice of motion has been received from Councillors S. Coughlan, D. Coughlan, Shires, Ward, Jeavons, Chambers, Jukes, Robertson, Underhill, Burley, Nawaz and Hussain as detailed below:

That this Council notes the ground-breaking work undertaken during the period May 2016 and May 2018 to secure legal injunctions on 24 named sites regarding unlawful encampments.

Furthermore, this Council notes that following dialogue between local MPs a debate was initiated in Parliament to seek the inclusion of new laws to support not only Walsall but all local authorities in combating unlawful encampments.

Further, this Council instructs officers to seek support from our judicial system to an overall borough wide injunction on unlawful encampments and individuals that break the law to gain access to sites that are in public ownership.

The Criminal Justice and Public Order Act 1994 outlines the process for local authorities to follow in dealing with Unauthorised Encampments (UEs). Officers in Walsall Council are experienced in using this process. There is no set or target time frame to re-secure possession of land on which a UE has set up and it typically takes about 5 working days. Since 2015, there has been a change in the size, nature and frequency UEs in Walsall and the resultant impact on residents and business. As a result of this change a proactive injunction was successfully obtained which prohibits named individuals from setting up a UE on any site in the borough, no one may set up camp on certain named sites and there is a clause relating to anti-social behaviour that is connected to a UE anywhere in the Borough. This has been supplemented with a number of further injunction orders bringing the total number of sites covered now to 25.

This work has been complemented by reviewing security measures on sites which have been subject to a UE and improving them where necessary to make it harder to access the site with vehicles and caravans. However, it must be noted that it is not possible to make sites totally proof against a UE.

Gypsies, Travellers and Roma people are recognised ethnic groups and living a travelling lifestyle is part of their culture. Under the Equality Act 2010 the Council is under a duty when carrying out its public functions to promote equality of opportunity and consider how its service delivery will affect people with the protected characteristics. This includes making provision to support people from these ethnic groups.

Making an application for an injunction order is not a simple exercise. There has to be a quality bundle of evidence to support the application which demonstrates the

anti-social behaviour and the impact on residents and business with the courts asking probing questions, including asking about the equalities implications. It is considered that an application for an injunction prohibiting UEs from all sites across the borough will put the authority in breach of its equality duty without provision of a site in the Borough that can be used by people who follow a travelling lifestyle, commonly referred to as a transit site.

The Authority is therefore working on proposals to develop such a site as a matter of priority. Not only will this bring us into compliance with the Equality Act 2010, but it will open up the powers in s62 of the Criminal Justice and Public Order Act 1994 that enable us to work with the police to manage UEs more quickly for the benefit of residents and business. It will also enable services to support a group of people who suffer from many social, educational and health inequalities.

Simon Neilson,
Executive Director, Economy and Environment
2 November 2018