

18 February 2014

Unauthorised encampments

Ward(s) All

Portfolio: Cllr Z Ali – Public Health and Protection

Report:


The council has a range of powers available to deal with unauthorised encampments in the Borough of Walsall for the purpose of ensuring an expedient, consistent, co-ordinated and appropriate response. The attached report sets out a brief history and the work currently undertaken by the Licensing Enforcement team.

Recommendations:

That Members comment on the report and note the work involved when dealing with unauthorised encampments.

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Scrutiny and Performance Panel

Managing Unauthorised Encampments

1. Purpose of report:

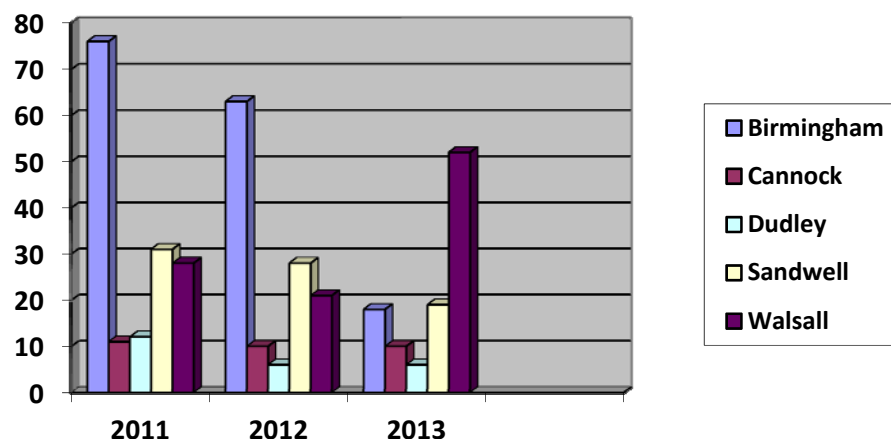
The number of unauthorised encampments within the Borough of Walsall has increased over the past few years dramatically at odds with surrounding authorities. This illegal activity causes a strain on resources for many of the partnership members. The purpose of the report is to detail current activity levels in this area together with the procedures that are in place to deal with it. Board members may wish to explore the procedures currently in place and consider any other actions that may be taken to assist with this problem.

2. Background

Walsall has historically had a large settled Gypsy & Traveller community. Going back to the 1950s Walsall was always a popular stopping point purely from a geographical point of view. The authority worked closely with the gypsy & traveller community and even provided extra school places for children on the encampments. The toleration would seem to have declined from the 1980s.

The number of unauthorised encampments in Walsall has significantly increased in the last two years, despite the number of caravans on unauthorised sites in neighbouring authorities and indeed across the country decreasing. There would not appear to be a single identifiable reason why.

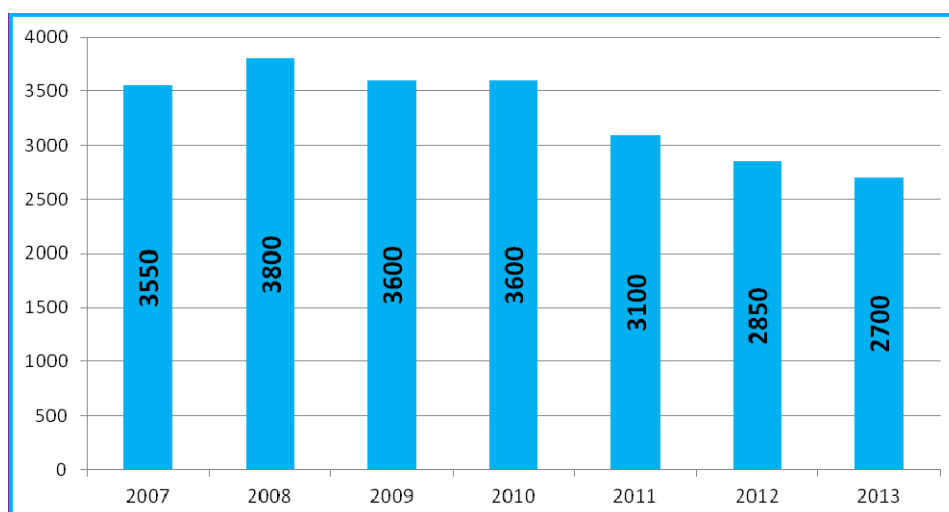
Figure 1 - Number of Unauthorised Encampments in each Local Authority



In January 2013 the number of Gypsy and Traveller caravans on authorised sites in England was approximately 16040. There were almost 2700 Gypsy and Traveller caravans on unauthorised sites in England, a decrease of about 160 from January 2012. Caravans on unauthorised sites accounted for only 14% of the overall total number of caravans in the country.

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Figure 2 - Caravans on Unauthorised Sites in England



Housing Statistical Release. DCLG, 2013.

In 2013 59 encampments have been reported resulting in 176 telephone complaints to the Licensing Enforcement (LE) team, although 5 were found not to be unauthorised. Residents tend to have increased anxiety when they see a caravan and have reported other residents who have pulled their caravan on to the highway to clean it along with a number of homeless rough sleepers as unauthorised encampments.

One group of Irish travellers stayed with us from April to October, with only a couple of weeks break when they ventured across the border to Sandwell. It is unusual for a group to stay in one area for so long for no apparent reason. They did not have any welfare needs and they were not visiting family for a funeral or wedding. The team have now dealt with them on 13 different sites across the borough. The vehicle registration numbers have been checked both by police and LE officers to ascertain if they were known, but nothing has been highlighted. The eviction orders we have already served make it an offence to return to the site within three months, but the group have been with us that long that the time is actually expiring and they are returning to sites. However on one site in Darlaston, with the support of the police, we were able to evict them straightaway as they had returned one day short of the expiry of the three months. The rest of the encampments have varied from one caravan with a single occupant looking for work in the area, to the usual groups of 5 – 10 caravans travelling through the area picking up work or on the way to funerals, weddings and horse fairs.

The subject of unauthorised encampments attracts significant media interest. Each Authority has a different approach and varied experience in dealing with unauthorised encampments and any delays in response can attract high profile negative publicity.

Walsall Council and West Midlands Police have a joint protocol to deal with illegal encampments. The lead authority for all encampments on council land and

highway is the Local Authority Licensing Enforcement team. The police do have powers to seek eviction of the encampment if it is on highway or there are issues relating to crime and or disorder. The Licensing Enforcement team are called on more and more by the police to actually assist/instruct them on how to deal with the encampments and a training session to all neighbourhood officers is currently being planned.

For encampments on private land officers will make every effort to contact the landowner to ascertain if the encampment has permission or not. Officers will provide advice and guidance to the landowner as required. If requested they will also act on behalf of the landowner to carry out welfare assessments and evict the unauthorised encampment. Any costs incurred by carrying out this work may be recovered, but in practice this has never been the case. The number of complaints from local residents is quite substantial and it is seen as far more expedient to act without recharge, for the benefit of the residents.

Walsall has a well tested joint protocol and process for dealing with encampments on council land and highway. We stopped using the County Court as it is a more expensive and lengthier process for the issue of an eviction order. It costs £175.00 to lay information in the County Court, whereas it is only £20.00 in the Magistrates Court and the order can usually be granted within the same week. In 2012 Legal Services laid information 6 times, whereas so far in 2013 they have laid information 17 times. By using Magistrates instead of County Court savings of £2295.00 have been made this year.

We do not use external Bailiffs to evict encampments. LE officers deal with every aspect from the initial risk assessment, attendance at court for the eviction order, organising tow trucks etc, to carrying out the eviction of the UE, saving the Authority on average £2000 per eviction. The exception to this is that supported housing under take the welfare needs assessment. The team have obtained and served 11 eviction orders so far this year saving the Authority over £22k. The other sites have been vacated after the summons has been served but prior to the grant of the eviction order. The campers are incredibly familiar with the process and move off the site usually the night before the court date. This means unless they actually go over the border to a neighbouring authority we have to start the whole process again. In effect they could (and have done) move 50 yards over the road and the whole process has to start again.

Local residents in Palfrey were recently faced with the same campers repeatedly pulling onto two different locations in their neighbourhood and frequently expressed their opinions to officers when reporting encampments. They made various offers of assistance including one lady offering to tow them away if we provided her with a tractor. Officers therefore also had to be aware of the raised tensions in the area when attending the sites.

The encampments we have had this year have been spread across 32 sites in the Borough. A copy of the Wards Map highlighting the spread of the encampments is attached as Appendix 1. A breakdown of the number of sites dealt with by individual wards shows:

Table 1 – Sites by Ward and Location

Bentley & Darlaston North	Western Avenue Farmbridge Road Churchill Road Furzebank Way	Poplar Avenue Stroud Avenue Kent Road
Palfrey	Bescot Crescent Wallows Lane Walstead Road	Cherry Tree Avenue Brockhurst Crescent Broadway North
Birchills/Leamore	Leamore Lane Bloxwich Lane	Maple Leaf Industrial Estate Northcote Street
Blakenall	Goscote Lodge Crescent Dolphin Close	Mill Street Harden Close
Paddock	Birmingham Road Land adjacent to Rugby Club	The Arboretum Broadway
Brownhills	Whitehorse Road The Parade	Lichfield Road
St Matthews	Church Hill	Warwick Street
Darlaston South	Great Bridge Road	
Bloxwich West	Willenhall Lane	

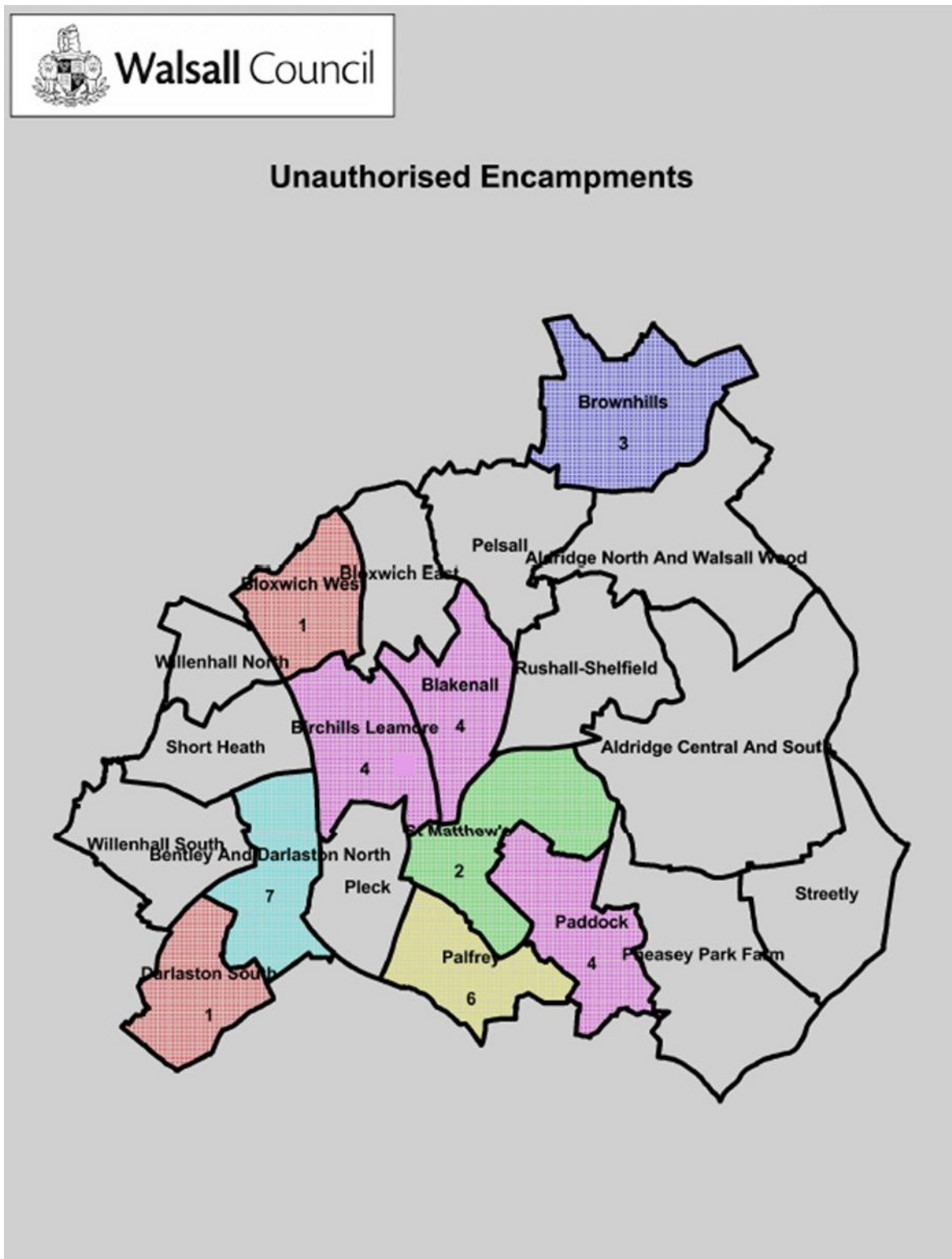
It is financially impossible to secure all of the sites, although protective measures have been put in place at many sites including those above and those on which there have been unauthorised camps in previous years. For example, £6000 has been spent on bollards in Holland Park, Brownhills to prevent further encampments. £600 was spent installing a grass mound at Bentley Haye Nature Reserve and a railway sleeper that had been torn out by campers to gain access to land in Kent Road has also been replaced by Parks. However, to fully secure all sites would mean that their use may be restricted for the local community.

To raise awareness with Elected Members who are sometimes the first point of contact for residents or the press, we have produced a briefing note that goes out to them every time we have an encampment in their ward. A copy is attached as Appendix 2. We have also delivered training to them on the history/culture and the work the team does. An information sheet for residents along the same lines has also been produced to be circulated via social media and also be included on the council website. This will answer a lot of the questions we get from residents and educate them in the history/culture of the travelling community. Updates on encampments are also now given on Facebook and Twitter to try to inform the residents of progress in dealing with the encampment in a timely manner to minimise the need for them to contact the Authority in person for updates.

Regulatory Services
18 February 2014

Appendix 1

Unauthorised Encampments by Ward



Appendix 2

Copy of briefing note for elected members

Regulatory Services

Unauthorised encampments

Briefing note for Elected Members

An unauthorised encampment arises where people are residing in a vehicle or vehicles, tents or similar structures on any land without consent. The encampment may be on Council land, Highway land or private land.

History and culture

The Romany people have lived in England for over 500 years and the Irish Traveller community about 150 years. It is difficult to place exact numbers of how many traditional travellers there are in Great Britain, although between 250,000 and 300,000 have been estimated. The first authenticated records of their presence in Britain are in 1505 in Scotland. Romany Gypsies, Rom or Roma and Irish Travellers are all recognised ethnic groups and each have a culture built on strict codes. Romanies are in fact Europe's largest and fastest growing ethnic minority. Romany Gypsies and Irish Travellers also have their own language and beliefs. They both have a strong work ethic based on the need to survive and both value portable wealth and unlike mainstream cultures this wealth is often highly visible.

Impact on the Local Community

A balance must be maintained between the rights of those encamped and the rights of landowners, those lawfully entitled to use the land and the local community. Each encampment will be considered on its own merits.

Encampments on council land

Officers will attend the site and carry out a risk assessment and log vehicles present. The Authority will then carry out welfare assessments. In general the Council will only tolerate incursions where there are substantiated welfare needs or other compelling reasons. If no issues are identified a notice will be served to vacate the land within a prescribed time, usually 24 hours. If the site is not vacated then an application will be made to Magistrates Court/County Court for an eviction order. This will then be served



and if the site is still occupied an eviction will be carried out. We do not provide an out of hours "on call" service so if an encampment is notified outside of normal working hours the initial visit will not take place until the next working day. The process we have to follow is controlled by law and whilst officers try to mediate a rapid vacation of the land, it can take upwards of a working week if we have to go to the court stage.



Walsall Council



Encampments on private land

Officers will make every effort to contact the landowner to ascertain if the encampment has permission or not. Officers will provide advice and guidance to the landowner as required. If requested they will also act on behalf of the landowner to carry out welfare assessments and evict the unauthorised encampment. Any costs associated with this work may be recovered.

Role of elected members

Members may be the first point of contact for concerned residents and as such will be involved from the first notification of an encampment in their ward. Information will be given to Members to assist in responding to local concerns to reassure the public. Members play a major part in the process and we would look for them to support officers, the council position and the process whilst understanding the concerns of their constituents.

The Role of the police

Walsall Council and West Midlands Police have a joint protocol to deal with illegal encampments. However the lead authority for all encampments on council land and highway is the Local Authority. The police do not have powers to seek eviction of the encampment unless it is on highway or there are issues relating to crime and or disorder, however this will not be the first response. It is a matter of discretion for the Police whether to exercise their powers or not.

The Welfare Assessment

Enquiries will be carried out on site by Housing Standards officers in relation to the education, health, housing and social needs of each of the encamped persons. Where issues are identified and substantiated it may be that an encampment is tolerated in order for the issues to be addressed. Where issues are not identified, unsubstantiated or assistance is refused then action will continue in line with the joint LA/police protocol. It may be necessary to carry out a number of assessments should circumstances change or additional persons move on to the site.

Communication

The provision of timely, clear and accurate information is vitally important to maintain the confidence of the local community. The press office will release standard communications throughout the time the site is occupied and will respond to requests for information from the media.

Consequences

The Authority has a general duty to eliminate unlawful discrimination and harassment under The Equality Act 2010. It is possible for the Authority to be taken to a Judicial Review in the High Court if it has acted unlawfully in a number of ways including breaches of European Community Law or Human Rights Act and acting without the legal power to do so. This can be very costly and damages can be awarded against the authority.

And Afterwards

Officers will notify all relevant partners and interested parties that a site has been vacated. A clean up operation may then be required along with action to secure the site. It is not possible to secure all sites identified in the borough to prevent illegal encampments.

Contacts

Email: Licensingenforcement@walsall.gov.uk
Tel: 01922 653060

The officers who normally deal with this area of work are:
Susan Allman, Jackie Taylor, Scot Kearney & Mark Wilson.

Manager: Lorraine Boothman

Walsall Council Press Office – Natalie Greenway
Tel: 01922 650853



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Appendix 3

Alternative Approaches

Officers have recently attended a seminar on an alternative approach of 'Negotiated Stopping' which is being piloted by Leeds City Council.

Leeds CC Housing officers have worked in conjunction with Leeds Gypsy and Traveller Exchange 'GATE' (a community based project) to take the step of allowing an unauthorised encampment to stay on their land, rather than evicting as their normal practice would be. The initial unauthorised encampment was on council land opposite GATE's office in central Leeds. The campers were permitted to stay for two months and when that time was up the council officers along with GATE staff located another site they thought appropriate and asked the campers if they would like to go there. The campers agreed and are currently still on that site, at the time of the seminar (September 13), this was 4 months later. The Authority has therefore only permitted two sites at the moment so it is very early days.

The offer of negotiated stopping is only open to gypsy and travellers from the local area and not those travelling through. It would appear to be more of a housing strategy rather than a way of dealing with unauthorised encampments. The Authority provides toilets and a skip on the site and it is free of charge to the campers, although they were exploring whether a council tax charge could be made.

They have a code of conduct that the campers sign up to which has been produced by Leeds GATE in conjunction with the campers and the Authority. If anyone abuses the facility then the individuals would be asked to leave the site, not the whole encampment, but this has never arisen as yet.

This example is shown for illustrative purposes. There is no intention to adopt this model of 'Negotiated Stops' in Walsall.