



**Walsall Council**

## **Scrutiny Overview Committee**

Meeting to be held on: **1 MARCH 2021 at 5.30 P.M.**

Meeting to be held via: **Microsoft Teams**

Public access to meeting via: [Walsall Council Youtube Channel](#)

**MEMBERSHIP:**

Chair: Councillor Murray

Vice Chair: Councillor Nawaz

Councillor S. Ditta  
Councillor Ferguson  
Councillor Harrison  
Councillor Hussain  
Councillor Jeavons  
Councillor Rasab  
Councillor Samra  
Councillor Shires  
Councillor M. Statham

**LEADER OF THE COUNCIL:**

Councillor Bird

**PORTFOLIO HOLDERS:**

All



## ITEMS FOR BUSINESS

1.	<b>Apologies</b> To receive apologies for absence from Members of the Committee.	
2.	<b>Substitutions</b> To receive notice of any substitutions for a Member of the Committee for the duration of the meeting.	
3.	<b>Declarations of interest and party whip</b> To receive declarations of interest or the party whip from Members in respect of items on the agenda.	
4.	<b>Local Government (Access to Information) Act 1985 (as amended)</b> To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda (if applicable).	
5.	<b>Call-in of Cabinet decision: 'Options for a transit site within Walsall'</b> To hear the call-in of the decision taken by Cabinet at its meeting on 10 February 2021.	<u>Enclosed</u>
6.	<b>Date of next meeting</b> To note that the date of the next meeting will be 15 April 2021.	

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## The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

### Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than</p>

	one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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**Schedule 12A to the Local Government Act, 1972 (as amended)**

**Access to information: Exempt information**

**Part 1**

**Descriptions of exempt information: England**

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
  - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of an Overview and Scrutiny Committee when considering flood risk management functions which:
  - (a) Constitutes a trades secret;
  - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
  - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.



**Call-in of Cabinet decision: Options for a transit site within Walsall**

**Ward(s)** Pleck

**Portfolio:** Councillor Andrew, Deputy Leader & Regeneration

**Related Portfolios:** Councillor Perry, Deputy Leader & Resilient Communities  
Councillor Chatta, Personnel & Business Support  
Councillor Craddock, Health & Wellbeing

**Report:**

In line with the provisions contained within Part 4.5 of the Walsall Council Constitution the decision of Cabinet regarding 'Options for a transit site within Walsall' has been "called in".

The reason for the call-in is:

*'In the public interest, following significant concerns expressed by members of the local community, we would like to call this decision in to understand how the Cabinet took into account the following issues in making their decision:*

- *The consultation that took place? – how were local residents in the Pleck Ward, including those living close to the proposed site and Ward Members and Member of Parliament consulted and how were these views taken into account;*
- *The impact of the health of the GRT community - the site is located next to a major cross roads that suffers from congestion. We are concerned as GRT communities are recognised as a group that suffers from health inequalities and this site will potentially expose them to high levels of air pollution. The UE Working Group criteria recommended avoiding sites with 'air/ground pollution'.*
- *The impact on schools and other local services - The UE Working Group recommended that a transit site 'should not overload schools', however, there is significant pressure on local schools in the area and the addition of more children would increase this pressure.*
- *The impact on the economy - What assessment was made of the impact on the local economy? The local community is concerned that there will be a potential negative impact on local businesses and property prices.*
- *The impact on community cohesion - Pleck Ward is one of the most diverse wards in Walsall. The potential for tension between local communities and*



*the GRT community is significant. The addition of this site could potentially exacerbate the challenges with community cohesion in this area. The members would like to see the risk assessment done that covers these issues.*

- *The impact on neighbouring residents - the UE Working Group recommended that a transit site 'be situated away from local housing estates'. Why was this recommendation disregarded?*
- *Site is too small – transit sites need to be able to accommodate largest encampment (30 caravans)*
- *The perceived political nature of this decision by the local community.*
- *What other sites were put forward to the cabinet to make a choice – how many sites were put forward in the Walsall North Constituency and in the Aldridge Brownhills Constituency.'*

A copy of the received call-in notice, Cabinet decision and Cabinet reports are appended to this report. Also enclosed is a copy of the final report and recommendations of the Unauthorised Encampments Working Group.

The Overview and Scrutiny Committee are invited to review the decision taken in the light of the call-in. The Committee is able to make recommendations to the Executive on alternative courses of action should Members wish to do so.

#### **Recommendation:**


**That Members consider the call-in and consider whether they wish to make any recommendations to the Executive.**

#### **Contact Officer:**

Craig Goodall  
Principal Democratic Services Officer  
☎ 01922 654765  
✉ [craig.goodall@walsall.gov.uk](mailto:craig.goodall@walsall.gov.uk)

#### **Documents**

Appendix 1 – 'Call in' Notice  
Appendix 2 – Cabinet Decision on proposals  
Appendix 3 – Cabinet Report on proposals

 <b>Walsall Council</b>	<b>NOTICE TO THE CHIEF EXECUTIVE CALL-IN OF CABINET DECISION BY COUNCIL MEMBERS</b>	<b>DATE</b>
<p>We, the undersigned members, under the provisions of paragraph 17(c)(ii) of the Overview and Scrutiny Rules, request the Chief Executive to invite the Chairman of the:</p> <p><b>...Scrutiny Overview – Overview and Scrutiny Committee to call in the following item considered by Cabinet:</b></p> <p><b>Item number:</b> ...16.....</p> <p><b>Report title:</b> ...Options for a Transit Site in Walsall.....</p> <p><b>Date of Cabinet meeting:</b>...10<sup>th</sup> February 2021.....</p> <p>for consideration by the above named Overview and Scrutiny Committee for the following reasons:</p> <p>In the public interest, following significant concerns expressed by members of the local community, we would like to call this decision in to understand how the Cabinet took into account the following issues in making their decision:</p> <ul style="list-style-type: none"> <li>• The consultation that took place? – how were local residents in the Pleck Ward, including those living close to the proposed site and Ward Members and Member of Parliament consulted and how were these views taken into account;</li> <li>• The impact of the health of the GRT community - the site is located next to a major cross roads that suffers from congestion. We are concerned as GRT communities are recognised as a group that suffers from health inequalities and this site will potentially expose them to high levels of air pollution. The UE Working Group criteria recommended avoiding sites with '<i>air/ground pollution</i>'.</li> <li>• The impact on schools and other local services - The UE Working Group recommended that a transit site '<i>should not overload schools</i>', however, there is significant pressure on local schools in the area and the addition of more children would increase this pressure.</li> <li>• The impact on the economy - What assessment was made of the impact on the local economy? The local community is concerned that there will be a potential negative impact on local businesses and property prices.</li> <li>• The impact on community cohesion - Pleck Ward is one of the most diverse wards in Walsall. The potential for tension between local communities and the GRT community is significant. The addition of this site could potentially exacerbate the challenges with community cohesion in this area. The members would like to see the risk assessment done that covers these issues.</li> <li>• The impact on neighbouring residents - the UE Working Group recommended that a transit site '<i>be situated away from local housing estates</i>'. Why was this recommendation disregarded?</li> <li>• Site is too small – transit sites need to be able to accommodate largest encampment (30 caravans)</li> </ul>		

- The perceived political nature of this decision by the local community.
- What other sites were put forward to the cabinet to make a choice – how many sites were put forward in the Walsall North Constituency and in the Aldridge Brownhills Constituency

and that following interested parties be invited to the meeting:

- **Members of the Economy and Environment Scrutiny Committee**
- **Members of the GRT Transit site working group**
- **Medical Expert on impact of air pollution on children**
- **Paul Gordon – Director Resilient Communities in regard to community cohesion and equalities**
- **Children Services Representative**
- **Local School representatives**
- **Business owners in the local area**
- **Members of the Faith communities / institutions in the local area**
- **A number of residents – 4 – from the local area**
- **Members of the GRT community**
- **Elected representatives**

1. Name .....Councillor Aftab Nawaz.....  
Signature .....via email.....
2. Name .....Councillor Khizar Hussain.....  
Signature .....via email.....
3. Name .....Councillor Naheed Gultasib.....  
Signature .....via email.....
4. Name .....Councillor Harbans Sarohi.....  
Signature .....via email.....
5. Name .....Councillor Matt Ward.....  
Signature .....via email.....

Note 1: Paragraph 17(c)(ii) of the Overview and Scrutiny Rules enables 5 Members of the Council (not being members of the relevant Overview and Scrutiny Committee) to give notice to the Chief Executive to invite the Chairman of the relevant Overview and Scrutiny Committee to exercise the powers of call-in for the reasons set out in the request.

Note 2: This form should be completed and returned to Democratic Services within 4 working days of the date of publication of the decision notice.

Signed



(Chief Executive)

Date received 17 February 2021

Amended 3.6.15

**PUBLISHED ON THURSDAY 11 FEBRUARY 2021: Decisions set out below cannot be implemented until 5 clear working days after publication of this notice which is FRIDAY 19 FEBRUARY 2021**

## **Cabinet – 10 February 2021**

### **DECISIONS**

#### **Part I – Public session**

<b>Item</b>	<b>Decision</b>
<p>16. Options for a Transit Site in Walsall</p> <p><i>(Cllr Andrew)</i></p>	<p>1) That Cabinet approve Option 2 and consequently, the submission of a planning application to construct a temporary traveller transit site at Narrow Lane.</p> <p>2) That, subject to planning approval, Cabinet approve a budget of £160k for the construction of a traveller transit site in accordance with the planning consent.</p> <p>3) That Cabinet delegate authority to the Executive Director for Economy, Environment and Communities in consultation with the Deputy Leader of the Council, to award a contract for the provision of a traveller transit site at Narrow Lane.</p> <p>4) That Cabinet delegate authority to the Executive Director for Economy, Environment and Communities to enter into the contract, and to subsequently authorise the sealing, signing or variation of any deeds, contracts or other related documents for such services, within the approved budget envelope</p>

## **Cabinet – 10 February 2021**

### **Options for a transit site within Walsall.**

**Portfolio:** Councillor Andrew, Deputy Leader & Regeneration

**Related portfolios:** Councillor Garry Perry, Deputy Leader & Resilient Communities  
Councillor Bal Chattha, Personnel & Business Support  
Councillor Stephen Craddock, Health & Wellbeing

**Service:** Place & Environment

**Wards:** All

**Key decision:** Yes

**Forward plan:** No

#### **1. Aim**

- 1.1. To provide a transit site to support the Gypsy, Roma and Traveller (GRT) community and to mitigate the community disruption and cost impact of unauthorised encampments (UEs).

#### **2. Summary**

- 2.1. The Economy and Environment Overview and Scrutiny Committee set up an Unauthorised Encampment Working Group which reported back on the 20<sup>th</sup> February 2020. The report made a number of recommendations including the development of a Gypsy, Roma and Traveller (GRT) transit site.
- 2.2. In April 2020 and again in November 2020, Lord Greenhalgh, Communities Minister, wrote to local authority chief executives to highlight the support needed by some members of the GRT communities. A transit site, whether temporary or permanent, would provide a location which would better facilitate the Council's offer to the GRT community.
- 2.3. This report considers the following options:
  - Option 1 - Do nothing

- Option 2 - Create a temporary transit site at Narrow Lane
- Option 3 - Create a permanent transit site at Narrow Lane
- Option 4 - Look for alternative sites

### 3. **Recommendations**

- 3.1. That Cabinet approve Option 2 and consequently, the submission of a planning application to construct a temporary traveller transit site at Narrow Lane.
- 3.2. That, subject to planning approval, Cabinet approve a budget of £160k for the construction of a traveller transit site in accordance with the planning consent.
- 3.3. That Cabinet delegate authority to the Executive Director for Economy, Environment and Communities in consultation with the Deputy Leader of the Council, to award a contract for the provision of a traveller transit site at Narrow Lane.
- 3.4. That Cabinet delegate authority to the Executive Director for Economy, Environment and Communities to enter into the contract, and to subsequently authorise the sealing, signing or variation of any deeds, contracts or other related documents for such services, within the approved budget envelope.

### 4. **Report detail - know**

#### ***Context***

- 4.1. The Economy and Environment Overview and Scrutiny Committee set up an Unauthorised Encampment Working Group to establish a long-term strategy to reduce the numbers of UEs in the borough and to explore options for a transit site.
- 4.2. In gathering its evidence, the working group spoke with representatives from different organisations and invited the National Federation of Gypsy Liaison Groups (NFGLG) to take part in discussions.
- 4.3. The working group noted that there is a shortage of transit sites across the country. 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 disrupts schooling, access to healthcare and employment.
- 4.4. In 2020 there were 53 unauthorised encampments (UEs) in the Borough, 33 on Council Land and 20 on private land (which were dealt with by the

respective landowner). The number UEs has varied significantly from year to year, averaging around 60 per year over the last 8 years. Typically, each UE costs the Council around £8.5k although this does not include the costs incurred by the Police, partner organisations and the potential opportunity costs such as investments by businesses or loss of income.

- 4.5. Quality homes are a key element of any thriving, sustainable community. This is true for the settled and Gypsy, Roma and Traveller (GRT) communities alike. In conjunction with the National Planning Policy Framework, DCLG's Planning Policy for Traveller sites sets out the Government's aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- 4.6. Construction of a transit site will allow the Police to use powers, prescribed in section 62 of the Criminal Justice & Public Order Act 1994, to move UEs to transit sites. These section 62 powers can only be used if the transit site is located within the borough and managed by either the Council or Housing Association.
- 4.7. The working group recommended that a set of criteria should be used to assess the suitability of potential transit sites. These criteria are detailed at **Appendix A**.

***Option 1 – Do nothing.***

- 4.8. If the Council decides to do nothing, it will have to continue to manage UEs in the community setting. In some instances, this creates a risk of increased community tensions. More widely, there are the ongoing challenges and costs arising from the occupation of unsuitable sites, lacking the facilities to support the basic day to day needs of the GRT community.
- 4.9. It should also be noted, whilst the Covid-19 pandemic continues to impact the region and indeed the county, management of an outbreak within a UE would be more difficult if an appropriate location, that supports self-isolation, is not identified.
- 4.10. From April 2021, the Council propose to employ bailiffs as part of their response to UEs due to the potential risks to Council staff arising from community tensions. The cost of managing UE's in 2021/22 using the Council's new process is estimated to be £245k in bailiff costs and £70k in clean-up costs.

***Option 2 – Build a temporary transit site at Narrow Lane***

- 4.11. A temporary transit site would allow the Council the opportunity to assess the effectiveness of transit provision in managing unauthorised activity. It would also offer further time to confirm the most suitable site for longer term, permanent provision within the borough. As far as possible, the proposed design encompasses infrastructure that can be easily removed and reused.
- 4.12. A high-level desktop review of 583 development sites has been carried out on the basis of the criteria detailed at **Appendix A**. This review and a further evaluation based on a refined set of criteria, has identified Narrow Lane, adjacent to the junction of Darlaston Road and Pleck Road, as a potentially suitable transit site.
- 4.13. The brownfield site is owned by the Council and is not currently in use although the site was previously utilised as a compound for highway works. Planning permission would be required to develop a transit site at this location, as it would at any other location.
- 4.14. The site area is 0.48Ha, which can comfortably accommodate six caravans and 12 accompanying vehicle spaces, meeting with the NFGLG preference for fewer, smaller transit sites rather than one single site. As there would be no designated pitches, there would be flexibility to accommodate alternative combinations.
- 4.15. The site is situated near to local amenities and in close proximity to a range of primary and secondary school provision that is Ofsted rated “Good” and “Outstanding”. Furthermore, the site offers access to healthcare, welfare and employment in the immediate surrounding area.
- 4.16. The site is located within Flood Zone 1 and approximately 290m from the nearest higher risk area. It allows for the provision of safe and direct access to the A4038 (Darlaston Road) and is less than 2 miles from M6 Junction 9. Bus services can be accessed close by and there are rail links from both Bescot Stadium Station and Walsall Station.
- 4.17. Costs associated with this option are:
- £55k on design work and surveys (excluding any additional works identified by the surveys or arising from the planning process).
  - £105k for the construction of the site.
  - Operational costs, including management, utility provision and maintenance costs will be off-set by rental payments from the site occupants.
- 4.18. The impact on the revenue costs for bailiffs and the clean-up of council owned land is largely unknown. An initial assumption of a 20% reduction in



bailiff costs and a £30k reduction in clean-up costs has been used. The temporary arrangement will present the opportunity to ascertain more accurately the impact on revenue expenditure.

- 4.19. The delivery of temporary transit provision could, within a reasonably short timescale, facilitate the Council's offer of support to the GRT community whilst giving them a safe and secure place to stay. It would also give the Council and the Police the opportunity to use new powers to address unauthorised incursions when the need arises.
- 4.20. **Appendix B** details the proposed site layout for a temporary transit site.

### ***Option 3 – Build a permanent transit site at Narrow Lane***

- 4.21. The suitability of the site is described above. However, rather than applying for a temporary consent, an application could be made for a permanent consent.
- 4.22. Costs associated with this option are:
- £55k on design work and surveys (excluding any additional works identified by the surveys or arising from the planning process).
  - £310k for the construction of the site.
  - Operational costs, including management, utility provision and maintenance costs will be off-set by rental payments from the site occupants.
- 4.23. As noted in respect to Option 2, the impact on revenue expenditure is largely unknown. The first 12 to 24 months of permanent site operation will provide an opportunity to more accurately determine the likely revenue saving in the long term.
- 4.24. **Appendix C** details the proposed site layout for a permanent transit site.

### ***Option 4 – Recommence a search for a more appropriate site***

- 4.25. Further work could be carried out to identify the most suitable location for a transit site. This could involve expanding the search criteria and include land not currently in the Council's ownership with a view to finding a more appropriate site.

- 4.26. It is important to note that such a search would delay the provision of appropriate transit facilities for the GRT community. There are also no guarantees that a more appropriate and viable alternative could be found.
- 4.27. The costs associated with this option would be determined by the breadth of the search and the extent of the evaluation criteria to be considered. Further work would be needed to extend the search, in addition to acquisition costs, planning costs and the costs associated with laying out the site and rendering it suitable for the use.

### ***Other considerations***

- 4.28. The Council and West Midlands Police will update their protocol on the Management of UE's to ensure it is appropriate for any new arrangements if options 2 or 3 are approved.
- 4.29. If the Council approves options 2 or 3 there will be a need for an amendment to the capital programme. This amendment will need approval by Full Council.
- 4.30. The adoption of options 2 or 3 allows for more effective support for members of the GRT community, including a better opportunity to support healthcare, welfare and education needs.
- 4.31. A transit site would not eliminate UEs or all the associated bailiff and clear up costs. The required speed and availability of police resources may mean the Council needs to take its own enforcement action, however costs should be significantly reduced.
- 4.32. The site must be managed by either the Council or a Housing Association to be considered a transit site and facilitate the Police in using their section 62 powers.
- 4.33. Consideration needs to be given to the sustainability of the Council's injunctions against unnamed persons. The Council has an excellent record of achieving appropriate injunctions, but their future cannot be guaranteed. If injunctions were not in place the length of time for eviction would be increased which could increase community tension and cost. The legal implications are outlined in greater detail below.

### ***Council Corporate Plan priorities***

- 4.34. Providing a transit site supports the following Council priorities:

- People
  - People live a good quality of life and feel that they belong

- People know what makes them healthy and are encouraged to get support when they need it.
- People have increased independence, improved health and can positively contribute to their communities.
- Communities
  - Housing meeting all peoples' needs is affordable, safe and warm.
  - People are proud of their vibrant town, districts and communities.
  - Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion.
- Children
  - Children thrive emotionally, physically and mentally, and feel they are achieving their potential.
  - Children grow up in connected communities and feel safe everywhere.
  - Children have the best start and are safe from harm, happy, healthy and learning well.

4.35. The transit site will enable a more focused level of support across these priorities within a Resilient Communities approach.

## **Risk Management**

- 4.36. If the decision is made to do nothing, the Council would be the only Black Country authority without a transit site creating operational, financial and reputational risks. Operational risk from a lack of resources within the authority and within West Midlands Police to manage transit sites which, as evidenced this year, is proving increasingly challenging. Financial risk through increased pressure on service budgets to manage the operational risk. Reputational risk both from a failure to provide a transit site and the increased tensions in our communities.
- 4.37. If the decision is made to develop a transit site, there are a number of risks will need to be managed. Failure to secure planning permission would impede development meaning that the immediate progression of a planning application and associated consultation is essential. Linked to this, a failure to communicate effectively with both the GRT and settled the communities, local businesses and other key stakeholders could not only impact the planning process but also have a reputational impact on the Council. Although there was some initial engagement by the working group with the

NFGLG, a bespoke communications plan will be required to mitigate these risks.

- 4.38. Site usage is not something that can be easily predicted and in neighbouring boroughs demand for transit sites has been low and in one case, non-existent. Nevertheless the provision of satisfactory site management arrangements need to be assured to ensure adequate service provision to both the GRT community and the local settled community.
- 4.39. In respect to the construction of the site, initial surveys have commenced in respect to the site topography, ecology and service connections. However any unchartered services, unidentified geological issues or unforeseen disruption to progress on site could result in additional cost and an extended programme for delivery.
- 4.40. Finally, if the decision is taken to recommence a search for a more appropriate site, there is no guarantee that such a site will be identified. If such a site can be identified, there would be financial risks associated with the negotiation of the lease or purchase of the site that would need to be considered

### ***Financial Implications***

- 4.41. Cabinet are asked to consider three options in relation to transit sites in the borough.
- 4.42. Option 1 (do nothing) will incur increased costs due to the proposed use of Bailiffs to deal with UEs in the borough. The additional cost net off small savings from clear up costs due to the use of the bailiff model will be in the region of £215k. Expenditure will vary year on year subject to the number of UEs in the borough and on Council owned land. The 2021/22 cost would need to be funded from earmarking of current year's reserves for 2021/22 with an adjustment to the medium term financial plan required for 2022/23 onwards to meet the ongoing costs.

<b>Option 1 Do Nothing</b>	<b>Year 1 21/22</b>	<b>Year 2 22/23</b>	<b>Total</b>
<b>Revenue</b>			
UE response Bailiff Costs	£245,000	£245,000	£490,000
UE response Clean up	£70,000	£70,000	£140,000

Site operation (management, utilities, routine maintenance and provision of temporary welfare facilities)	£0	£0	£0
Site rental income	£0	£0	£0
<b>Total Revenue</b>	£315,000	£315,000	£630,000
<b>Expenditure</b>			
<b>Potential Funding</b>	(£100,000)	(£100,000)	(£200,000)
Clean & green clear up budget			
<b>Revenue Unfunded</b>	<b>£215,000</b>	<b>£215,000</b>	<b>£430,000</b>

- 4.43. Option 2 (temporary transit site at Narrow Lane) requires capital expenditure of £160k and revenue expenditure of £512k over two years. Capital funds have been identified to fund the capital expenditure. There is currently £200k revenue and £40k will be recovered from the tenants leaving an unfunded revenue balance of £272k. The table below shows details of the total spend, the funding currently available and the additional/unfunded expenditure that is required.
- 4.44. The likely impact on revenue costs remains largely unknown. An initial assumption of a £49k (20%) reduction in bailiff costs and a £30k (40%) reduction in clean-up costs has been applied..
- 4.45. The unfunded shortfall on revenue is recommended to be funded from earmarking of current year's reserves.

<b>Option 2</b> Temporary Site	<b>Year 1</b> <b>21/22</b>	<b>Year 2</b> <b>22/23</b>	<b>Total</b>
<b>Capital Investment</b>			
Design (inclusive planning application submission)	£39,000	£0	£39,000
Site Surveys	£16,000	£0	£16,000
Construction	£105,000	£0	£105,000
<b>Total Capital</b>	<b>£160,000</b>	<b>£0</b>	<b>£160,000</b>
<b>Revenue</b>			
UE response Bailiff Costs	£196,000	£196,000	£392,000
UE response Clean up	£40,000	£40,000	£80,000

Site operation (management, utilities, routine maintenance and provision of temporary welfare facilities)	£20,000	£20,000	£40,000
<b>Total Revenue</b>	<b>£256,000</b>	<b>£256,000</b>	<b>£512,000</b>
<b>Potential Funding</b>			
Capital Programme 2021/22 – Health and safety	(£160,000)	£0	(£160,000)
Revenue - Reduction in clean-up costs	(£100,000)	(£100,000)	(£200,000)
Site rental income	(£20,000)	(£20,000)	(£40,000)
<b>Revenue Unfunded</b>	<b>£136,000</b>	<b>£136,000</b>	<b>£272,000</b>
<b>Capital Unfunded</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>
<b>Unfunded balance to be funded by reserves</b>	<b>£136,000</b>	<b>£136,000</b>	<b>£272,000</b>

- 4.46. Option 3 (permanent transit site at Narrow Lane) requires capital expenditure of £365k and revenue expenditure of £512k over two years. Capital funds have been identified to fund the capital expenditure. There is currently £200k revenue and £40k will be recovered from the tenants leaving an unfunded revenue balance of £272k. The table below shows details of the total spend, the funding currently available and the additional/unfunded expenditure that is required.
- 4.47. As with Option 2, the extent to which Option 3 will reduce the bailiff and clean ups costs is largely unknown. An initial assumption of a £49k (20%) reduction in bailiff costs and a £30k (40%) reduction in clean-up costs has been applied. This would be refined in the first 12 to 24 months of operation.
- 4.48. The unfunded shortfall on revenue is recommended to be funded from earmarking of current year's reserves for 2021/22 with an amendment to the medium term financial plan from 2022/23 onwards to incorporate an on-going budget to meet this on-going commitment.

<b>Option 3</b> Permanent Site	<b>Year 1</b> <b>21/22</b>	<b>Year 2</b> <b>22/23</b>	<b>Total</b>

<b>Capital Investment</b>			
Design (inclusive planning application submission)	£39,0000	£0	£39,000
Site Surveys	£16,000	£0	£16,000
Construction	£310,000	£0	£310,000
<b>Total Capital</b>	<b>£365,000</b>	<b>£0</b>	<b>£365,000</b>
<b>Revenue</b>			
UE response Bailiff Costs	£196,000	£196,000	£392,000
UE response Clean up	£40,000	£40,000	£80,000
Site operation (management, utilities, routine maintenance and provision of temporary welfare facilities)	£20,000	£20,000	£40,000
<b>Total Revenue</b>	<b>£256,000</b>	<b>£256,000</b>	<b>£512,000</b>
<b>Potential Funding</b>			
Capital Programme 2021/22 – Health and safety	(£332,000)	£0	(£332,000)
Capital –Willenhall Travellers Site (current year allocation)	(£33,000)	£0	(£33,000)
Revenue - Reduction in clean-up costs	(£100,000)	(£100,000)	(£200,000)
Site rental income	(£20,000)	(£20,000)	(£40,000)
<b>Revenue Unfunded</b>	<b>£136,000</b>	<b>£136,000</b>	<b>£272,000</b>
<b>Capital Unfunded</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>
<b>Unfunded balance to be funded by reserves</b>	<b>£136,000</b>	<b>£136,000</b>	<b>£272,000</b>

### ***Legal implications***

#### **Gypsy Roma and Traveller (GRT)**

- 4.49. The council needs to provide a transit site for a variety of reasons. Paragraph 001 of the Planning Policy Guidance, entitled “Addressing the need for

different types of housing” (Rev. 22.7.2019) requires plan making authorities to “identify and plan for the housing needs of particular groups of people” and “the extent to which the identified needs of specific groups can be addressed”. In doing so, authorities must take into account the overall level of need (using the standard method), the extent that can be translated into a housing requirement figure for the plan period and the deliverability of the different forms of provision. Authorities must also consider the implications of their duties under the Equality Act 2010 and the Public Sector Equality Duty.

- 4.50. The Equality Act 2010 defines GRT communities as ethnic groups and, consequently, they are protected against race discrimination. Race discrimination occurs when there is unfair treatment because of colour, nationality, national origin or ethnic origin.
- 4.51. If planning authorities are unable to demonstrate a five-year supply of deliverable GRT sites, this in turn may make it more difficult for them to justify reasons for refusing planning applications for temporary pitches at appeal. The national Planning Policy for Traveller Sites (August 2015) states, “The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.” It sets out a series of aims in respect of traveller sites including:
- a) that local planning authorities should make their own assessment of need for the purposes of planning
  - b) to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
  - c) to encourage local planning authorities to plan for sites over a reasonable timescale ...
  - f) that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective ...
  - h) to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
  - i) to reduce tensions between settled and traveller communities in plan-making and planning decisions
  - j) to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
  - k) for local planning authorities to have due regard to the protection of local amenity and local environment

... amongst others.



### Unauthorised Encampments

- 4.52. A transit site would assist in removing unauthorised encampments which have been set up in the borough. Under the provisions of Section 62A of the Criminal Justice and Public Order Act 1994 the Police have power to move on those who have trespassed on land with vehicles. That power is, however, exercisable only if there is a suitable pitch on a relevant caravan site to accommodate the trespassers. The provision of a transit site would thus enable the Police to have greater powers to deal with those setting up unauthorised encampments on any land across the borough.
- 4.53. The Council currently has a number of injunctions in place to prevent UEs on land which it considers should be safeguarded against such use. There is a risk that if the council were to continue to be unable to provide any short term stopping place for travellers within the borough it might be refused an injunction to remove travellers who have set up an unauthorised encampment. The grant of an injunction is a discretionary remedy.
- 4.54. In a legal case this year involving the London Borough of Enfield, the High Court Judge, Mr Justice Nicklin, adjourned the application, without granting an Interim Injunction, relisting it for hearing in January 2021. Mr Justice Nicklin has also ordered 37 other councils who have obtained injunctions to deal with the problems caused by unauthorised encampments to be joined in these proceedings. Those councils include Walsall Council. The cases which have been brought by all 37 councils have been transferred for consideration by the same Judge in the Queen's Bench Division of the High Court. There is a rigorous set of directions which require us to carry out a substantial amount of work and submit documents and legal arguments to the High Court on various dates during the course of November and to attend a hearing in the middle of December. One direction from this case is to consider the Court of Appeal decisions in *Bromley LBC -v- Persons Unknown* [2020] PTSR 1043 and *Canada Goose UK Retail Ltd -v- Persons Unknown* [2020] 1 WLR 2802 and their relevance to Walsall Council injunctions. This matter has now been listed for a substantive hearing on 27 and 28 January 2021 to consider the legal issues and the court's powers to grant such injunctions. Judgment is likely to be reserved and given at a later time. It is only when judgment has been handed down that matters will become clearer.
- 4.55. This review by the High Court is a major challenge to the council's operational response to UE's and therefore it is vitally important that the council, as soon as possible, makes proper provision by way of a transit site.

### Planning permission

- 4.56. As set out in the Risk Management Section, it will not be possible to carry out works, or to use the site, for the purposes of a transit site until planning permission is obtained. To do so would be unlawful and the Council cannot knowingly act unlawfully. (Art 1 Constitution) As a minimum, the planning process will take two months, with a requirement for the application to be considered by Planning Committee. It should be noted that this timeframe may be extended if it is necessary to deal with an appeal or challenge.
- 4.57. There can be no guarantee that planning permission will be granted, or that a decision to grant would not be challenged. Transit sites (temporary and permanent) are controversial planning applications, which generate considerable interest and thus greater potential for challenge.

#### ***Procurement Implications/Social Value***

- 4.58. Due to the time constraints associated with the project, outline design and site surveys have been commissioned via the Highway Infrastructure Services Contract (HISC) with Tarmac on an Option E basis [Cost Reimbursable Contract]. Subject to a Cabinet decision, this commission will be extended to include detailed design and the submission of a planning application in respect to either Option 2 or Option 3 on behalf of the Council.
- 4.59. The procurement exercise and associated contract award will be conducted in accordance with the Public Contracts Regulations 2015, the Public Services (Social Value) Act 2012 and Walsall Council's Social Value Policy and Contract Rules.

#### ***Property implications***

- 4.60. The Narrow Lane site is wholly owned by the Council and has previously been used as a site compound to facilitate the Darlaston Strategic Development Area Access Project highway improvement works in 2015.

#### ***Health and wellbeing implications***

- 4.61. Improving Health and wellbeing outcomes amongst some members of GRT communities is challenging because of a nomadic lifestyle. The provision of a temporary transit site will enable a more structured and robust approach of support which will positively impact the health and wellbeing of GRT communities. To understand the full extent to which this is the case, further negotiations and information are required in respect to access to local health and education facilities in order to ensure that the community do not become more marginalised.
- 4.62. If a Covid-19 infection was identified in a GRT Community, who were temporarily in the borough, it would be prudent to identify a transit site where

social isolation of the index case and associated contacts could be directed to protect themselves and others whilst allowing appropriate health support services to be offered.

### ***Staffing implications***

- 4.63. There are no staffing implications of this report.

### ***Reducing Inequalities***

- 4.64. The GRT community are a recognised ethnic group and are protected from discrimination. Like any other section of society, they have their own ethnic identity, differences and traditions and what is true of one group of travellers is not necessarily true for all others. All GRT groups do however share common cultural values of independence and a strong emphasis on the family group. Many still lead a nomadic or semi nomadic lifestyle; some have no fixed base and are constantly travelling between one temporary stopping place and another. Community tensions can arise between the traveller and the settled communities because of the difference in lifestyle and a lack of understanding of culture and customs.

- 4.65. Article 8 of the European Convention on Human Rights (incorporated into British law in the **Human Rights Act 1998**) protects the right to respect for private and family life and home and the right of Gypsies and Travellers to respect for their traditional way of life, an integral part of which involves living in caravans. Indeed, in *Chapman v United Kingdom* (27238/95) (2001) 33 E.H.R.R. 18, the European Court of Human Rights held that art.8 imposed a positive obligation on the State to facilitate the Gypsy and Traveller way of life:

*"96. ...The vulnerable position of gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases ... To this extent, there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the gypsy way life."*

- 4.66. Romany Gypsies and Irish Travellers are ethnic groups protected by the **Equality Act 2010**. Section 149 of that Act lays down what is known as the "public sector equality duty" and provides that:

*'(1) A public authority must, in the exercise of its functions, have due regard to the need to—(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic*

*and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it ..’*

4.67. Further to this the Equality and Human Rights Commission has noted<sup>1</sup> that:

“The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low”.

4.68. The Equality and Human Rights Commission states that:

“The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities. If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect. This can contribute to greater inequality and poor outcomes. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

### **Consultation**

4.69. Plans for a transit site have been developed over a lengthy period and work has been carried out through a Scrutiny working group formed by the Economy and Environment Overview and Scrutiny Committee on 20<sup>th</sup> June 2019.

4.70. The working group reported back to the Economy and Environment Overview and Scrutiny Committee on 20th February 2020 with a series of recommendations for a transit site.

4.71. A temporary transit site, by its nature, may require compromises in terms of build and facilities as it has a short term nature, however representatives of the GRT community have been and will continue to be engaged in supporting the build and operation of any temporary or permanent traveller site.

## **5. Decide**

- 5.1. It is recommended that Cabinet approve the development of a temporary traveller transit site at Narrow Lane. The site complies with the acceptance criteria set out by the Scrutiny Working Group, minimises revenue costs and support the GRT community.
- 5.2. The provision of a temporary site will facilitate a better understanding of the impact a transit site will have on UEs in the borough. The lessons learned will be used to inform a future recommendations to Cabinet on the need, size and location of permanent provision.

## **6. Respond**

- 6.1. Subject to Cabinet approval of the recommended option, officers will submit a planning application for a temporary transit site at Narrow Lane. It is envisaged that the site will be operational within 2 months of the granting of planning consent, subject to any conditions that may need to be discharged prior to first use.

## **7. Review**

- 7.1. Any investment in a transit site, either permanent or temporary, needs to be measured against the following PROUD criteria:
  - Improve outcomes and customer experience through a reduction in Unauthorised Encampments and Improved health outcomes in the Gypsy, Roma, Traveller communities whilst they stop in Walsall.
  - Improve employee satisfaction and engagement by reducing the high risk work associated with unauthorised encampments.
  - Improve service efficiency and performance through delivering an effective infrastructure for supporting the Gypsy, Roma, Traveller community and putting on place a legal framework for managing Unauthorised Encampments.

## **Background papers**

Report of the Unauthorised Encampment Working Group – 20/2/2020  
Arcadis

## **Author**

Dave Brown  
Director of Place & Environment

✉dave.brown@walsall.gov.uk

A stylized, handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Simon Neilson  
Executive Director

2 February 2020

A handwritten signature in blue ink, featuring a series of connected loops and a long horizontal stroke.

Councillor Adrian Andrew  
Portfolio holder

2 February 2021

Appendix A - Transit Site Criteria  
Appendix B – Proposed Layout – Temporary Site (Option 2)  
Appendix C – Proposed Layout – Permanent Site (Option 3)

## **Appendix A– Transit Site Criteria**

The Economy and Environment Overview and Scrutiny Committee Unauthorised Encampment Working Group recommended that the following criteria should be used to assess the suitability of potential transit sites:

- The site(s) should have sufficient pitch capacity to cater for different GRT Communities whilst considering the surrounding population's size and density;
- The deliverability and development viability of the site(s) should be considered including planning conditions and site ownership. In particular, feedback from the NFGLG indicated a preference for fewer smaller transit sites rather than one single site;
- Careful site management should be secured and adequate maintenance 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 should not overload schools and health services and be situated away from local housing estates;
- The site(s) should be attractive to users and enable support services to assist residents and reduce the health and socio-economic inequalities aid integration into the community and reduce tensions between the settled and traveller communities;
- The site(s) should be suitable, safe places to live and promote peaceful community integration with the local area;
- The site(s) should not be within flood plains with a rating of 2 – 3, as caravans would be particularly susceptible to damage from resulting flooding;
- The site(s) should be built to a moderate specification (good standard) and provide sufficient toilet/shower facilities for all families and create an enjoyable living space without requiring a disproportionate financial investment;
- There should be safe and convenient access to road infrastructure and the site(s) should be located so as to cause minimum disruption to surrounding communities;
- The site(s) selection should protect existing Green Belt land from any inappropriate development;
- The site(s) should accommodate specific welfare needs from existing GRT Communities in the area;
- The site(s) should 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) should be able to provide sufficient accommodation for travellers for up to 15 years;

- The site(s) selection should 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) should have adequate storage and parking areas;
- The site(s) should have access to basic utilities such as power, water, data, telephones and mains sewage if possible;
- The site(s) boundaries should be suitably secured to ensure the safety of the GRT communities.



## Appendix B – Proposed Layout – Temporary Site (Option 2)



## Appendix C – Proposed Layout – Permanent Site (Option 3)



## Equality Impact Assessment Screening

<b>Title:</b>	Options for a transit site within Walsall	
<b>Officer completing:</b>	Kathryn Moreton	
<b>Description of proposal and/or objective:</b>	To provide a transit site to support the Gypsy, Roma and Traveller (GRT) community and to mitigate the community disruption and cost impact of unauthorised encampments (UEs).	
<b>Screening Questions</b>	Yes/No	Comments:
<b>Could the impact of the report affect one group less or more favourably than another on the basis of:</b>		
Age?	No	
Disability?	No	
Gender reassignment?	No	
Marriage or civil partnership?	No	
Pregnancy or maternity?	No	
Race?	Yes	Romany Gypsies and Irish Travellers are ethnic groups protected by the Equality Act 2010. The provision of a transit site is intended to enable a more structured and robust approach of support which will positively impact the health and wellbeing of GRT communities. The temporary nature of the recommended site will enable the authority to assess the extent to which the site achieves this.
Religion or belief?	No	
Sex?	No	
Sexual orientation?	No	
If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	Yes	The discrimination identified is positive in nature.
Is the impact likely to be negative?	No	
If yes, can it be avoided?	N/A	
Are there any alternatives that achieve the same objectives	N/A	

<b>Title:</b>	Options for a transit site within Walsall	
<b>Officer completing:</b>	Kathryn Moreton	
<b>Description of proposal and/or objective:</b>	To provide a transit site to support the Gypsy, Roma and Traveller (GRT) community and to mitigate the community disruption and cost impact of unauthorised encampments (UEs).	
<b>Screening Questions</b>	Yes/No	Comments:
without the impact?		
Can the impact be reduced by taking a different action?	N/A	
If you have identified a potential discriminatory impact you will need to complete a full equality impact assessment.		
Is an EIA required:	No	

# Unauthorised Encampments Working Group



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



**Walsall Council**

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## 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.

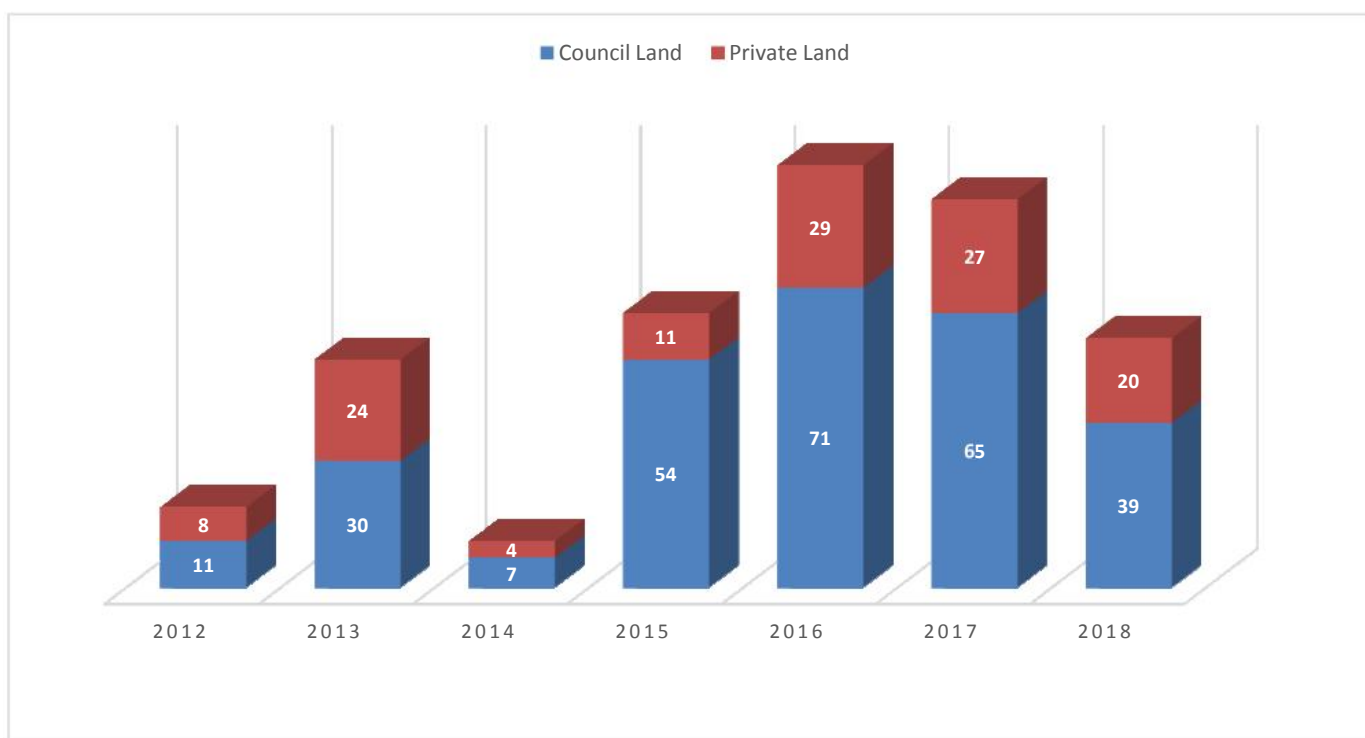
# Unauthorised Encampments Strategy

## 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.

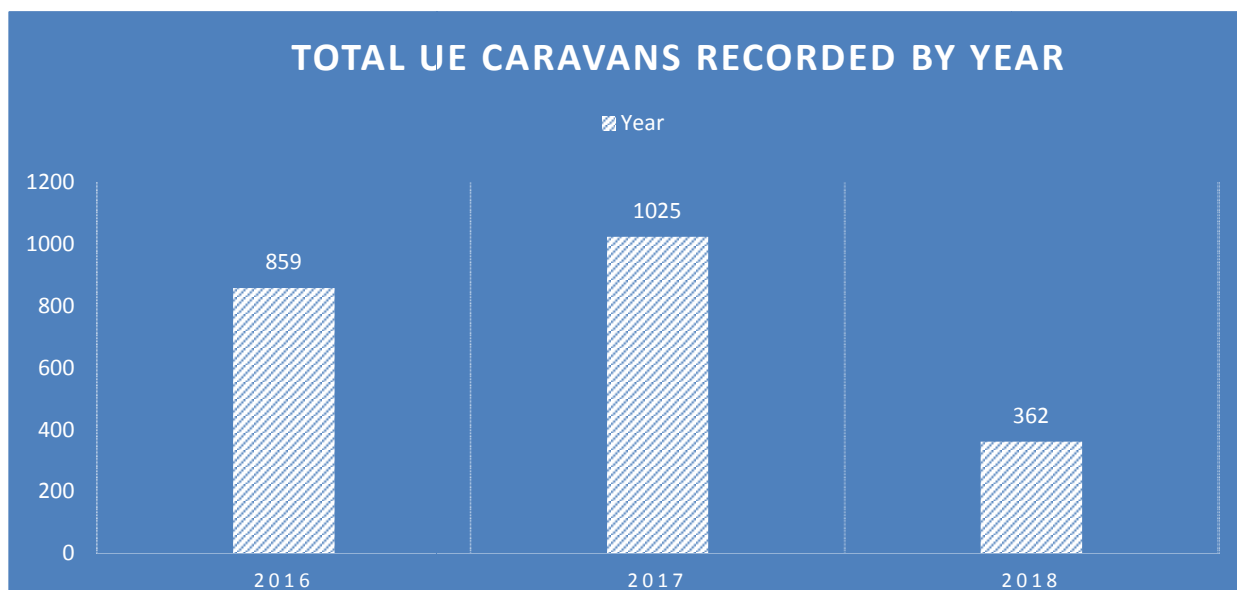
In September 2016, the Council successfully applied for and obtained an injunction from the County Court with respect to 12 sites across Walsall. Consequently it became one of the first local authorities in the country to secure a multi-site injunction. The injunction meant that, in addition to this 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 Evictions Complaints from Elected Members and the Public
Money Home Job	Welfare Needs Assessments Response to homelessness claims
Legal Services	Conveyancing Checks Making the Court Application
Clean and Green	Clean up and Waste Disposal Repairs Maintenance of fences and gates
Management	Managing process Supervision of Officers Making Strategic and Operational decisions
Communications	Media Statements Corporate Social Media Enquiries
Disbursement	Court Fees Bailiff Costs 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

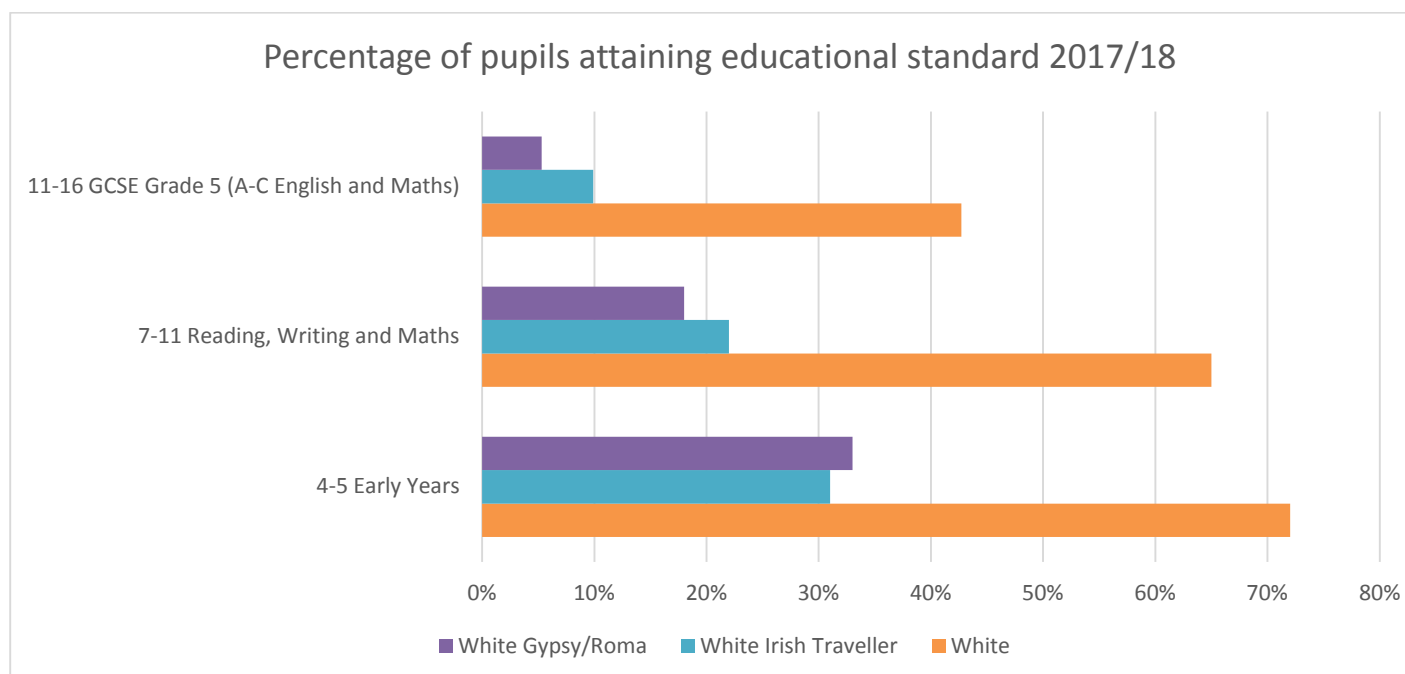
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<sup>3</sup> <https://travellermovement.org.uk/phocadownload/userupload/equality-human-rights/last-acceptable-form-of-racism-traveller-movement-report.pdf>

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 Matt Powis
<b>Membership:</b>	Councillor Bott Councillor Shires Councillor Singh Sohal 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 Community Protection Team Equalities and Cohesion Team Police Walsall CCG WHG Residents Traveller Groups Children Services Traveller Education Support Service – Walsall Legal Services – both the enforcement team and the team that carries out land searches Communications Planning 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  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.