

**9 April 2015**

**Managing Unauthorised Encampments**

**Ward(s)**                      All

**Portfolios:**    Councillor Hussain – Community, Leisure & Culture

**Executive Summary:**

The number of unauthorised encampments within the borough increased significantly in 2013 at odds with the experience in surrounding authorities. Figures up to 1st December 2014 now show that the borough has seen a significant fall over the past 12 months. However, it remains a fact that this illegal activity continues to cause a strain on resources for many of the partnership members.

The purpose of the report is to provide members with information about unauthorised encampments in the borough during the period 1st January 2014 – 1st December 2014, together with the procedures that are in place to deal with it. Members may wish to explore the procedures currently in place and consider any other actions that may be taken to assist with this problem.

**Reason for scrutiny:**

Unauthorised encampments always generate high levels of concern amongst the public and with elected members. This is combined with high levels of media coverage. This report is brought to scrutiny in order that members can be satisfied that unauthorised encampments are being managed in an objective and proportionate way for the benefit of residents whilst recognising the ethnic status of many people who follow a travelling lifestyle and the human rights of people who follow such a lifestyle.

**Recommendations:**

**That:**

- 1. Consideration is given to the processes followed by officers in managing unauthorised encampments.**
- 2. Members identify any improvements to the process they consider would be beneficial.**

**Background papers:**

None

**Resource and legal considerations:**

The primary responsibility for this work rests with the licensing enforcement officers in particular a small team of four within the trading standards service. This is supported by the housing standards team who undertake the welfare needs assessment. There is a small budget for this service of about £8,000. However, should there be a large, repeated or difficult uncooperative occupants, this could prove to be inadequate in one eviction.

**Citizen impact:**

The service provided is responsive to the demands of residents whilst being sensitive to the needs of the travelling community and the legislation governing their management.

**Environmental impact:**

Some occupants of unauthorised encampments can leave sites with litter and cause damage to sites, for example churning the grass and damaging gates and barriers at the entrance to sites. Reinstatement of any Council owned land affected in this way is undertaken where appropriate.

**Performance management:**

The officers in the team are very experienced in this field and have excellent negotiating skills which mean that, in the majority of cases, possession of the land is re-secured on a timely basis.

**Equality Implications:**


No Equality Impact Assessment been carried out in relation to this report.

**Consultation:**

No consultation has been carried out on the preparation of this report.

**Contact Officer:**

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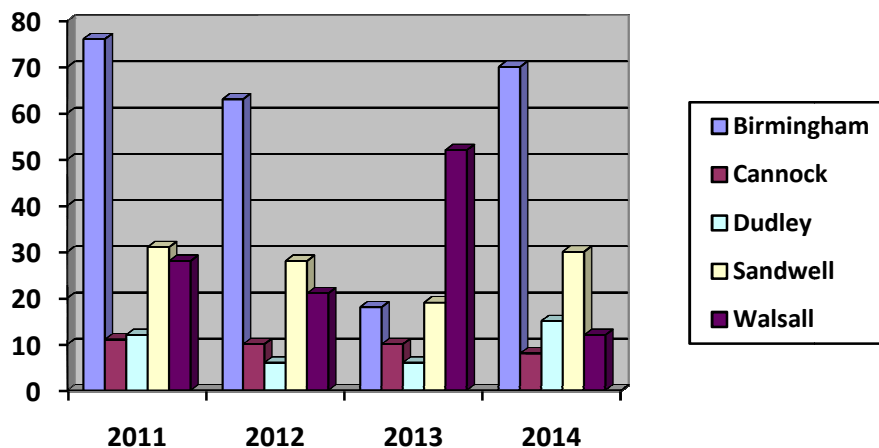


## 1. Report

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

The number of unauthorised encampments in Walsall reached its peak in 2013 to over 50. This was against the trend of the number of caravans on unauthorised sites in neighbouring authorities and indeed across the country as a whole which was decreasing. There would not appear to be any single identifiable reason, as to why this was the case.

**Figure 1 - Number of Unauthorised Encampments in each Local Authority**



In 2014, 14 encampments have been reported resulting in 25 telephone complaints (176 in 2013) to the Licensing Enforcement (LE) team, although 2 were found not to be unauthorised encampments at all. Residents tend to have increased anxiety when they see a caravan and have reported other residents who have pulled their caravan on to the highway to clean it along with a number of homeless rough sleepers as unauthorised encampments.

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

Walsall Council and West Midlands Police have a joint protocol to deal with illegal encampments. The lead authority for all encampments on council land and highway is the Local Authority Licensing Enforcement team. The police do have powers to seek eviction of the encampment if it is on highway or there are issues relating to crime and/or disorder. The Licensing Enforcement team

are called on more and more by the police to assist them in dealing with the encampments.

For encampments on private land officers will make every effort to contact the landowner to ascertain if the encampment has permission or not. Officers will provide advice and guidance to the landowner as required. If requested they will also act on behalf of the landowner to carry out welfare assessments and evict the unauthorised encampment. Any costs incurred by carrying out this work may be recovered, but in practice this has never been the case. The number of complaints from local residents is quite substantial and it is seen as far more expedient to act without recharge, for the benefit of the residents. The amount of work in assisting landowners to date has been manageable within the available resources. No evictions on behalf of private landowners were requested in 2014.

Walsall has a well tested joint protocol and process for dealing with encampments both on council land and on the highway. The County Court is no longer used, the Magistrates Courts being a preferred route, as it is a more expensive and lengthier process for the issue of an eviction order. It costs £175.00 to lay information in the County Court, whereas it is only £20.00 in the Magistrates Court and the order can usually be granted within the same week. In 2013 Legal Services laid information 17 times, whereas in 2014 they have laid information only twice. By using Magistrates instead of County Court, savings of £310 have been made.

Walsall Council does not use external Bailiffs to evict encampments. Licensing Enforcement officers deal with every aspect from the initial risk assessment, attendance at court for the eviction order, organising tow trucks etc, to carrying out the eviction of the unauthorised encampments, saving the Authority on average £2000 per eviction. The exception to this is that the supported housing team undertakes the welfare needs assessment. The team have obtained and served one eviction order in 2014 saving the Authority £2000. The other sites have been vacated after the summons has been served but prior to the grant of the eviction order. The campers are very familiar with the process and move off the site usually the night before the court date. In some cases, the occupants do not actually leave the borough but form a new unauthorised encampment. In such cases, the whole process has to start again from stage one, even if, as has been the case, the occupants of the camp move just 50 yards over the road.

The encampments within Walsall in 2014 have been spread across 10 sites in the Borough. A breakdown of the number of sites dealt with by individual wards shows:

**Table 1 – Sites by Ward and Location**

<b>Palfrey</b>	Bescot Trading Estate Walstead Road
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	Broadway West Bescot Crescent x 2
<b>Birchills/Leamore</b>	Bloxwich Lane Brindley Close
<b>Blakenall</b>	Goscote Lodge Crescent x 2
<b>Pelsall</b>	Goscote Lane
<b>Darlaston South</b>	High Street, Moxley
<b>Bloxwich West</b>	Willenhall Lane

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

To raise awareness with Elected Members who are sometimes the first point of contact for residents or the press, a briefing note has been produced that goes out to them every time there is an encampment in their ward. A copy is attached as **Appendix 1**. In 2013, training was delivered to them on the history and culture of the travelling community and the work the team does. An information sheet for residents along the same lines has also been produced to be circulated via social media and also be included on the council website and this is produced as **Appendix 2**. This will answer a lot of the questions we get from residents and educate them in the history and culture of the travelling community. Updates on encampments are also now given on the service's Facebook and Twitter profiles to try to inform the residents and members of progress in dealing with the encampment in a timely manner and to minimise the need for them to contact the Authority in person for updates.

Officers are always keen to identify alternative approaches to the effective management of unauthorised encampments and in 2013 officers attended a seminar on an alternative approach of 'Negotiated Stopping' which has been piloted by Leeds City Council. Details are given in **Appendix 3**. This process has been evaluated and deemed not appropriate for Walsall at the current time. There are new measures in the Anti-Social Behaviour, Crime and Policing act 2014 such as Public Space Protection Orders and Closure Notices. If the circumstances around any unauthorised encampments are appropriate, then full consideration will be given to utilising these powers.

**Appendix 1**  
Copy of briefing note for Elected Members

# Regulatory Services

## Unauthorised encampments

### Briefing note for Elected Members

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

#### History and culture

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

#### Impact on the Local Community

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

#### Encampments on council land

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



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



**Walsall Council**





### **Encampments on private land**

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

### **Role of elected members**

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

### **The Role of the police**

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

### **The Welfare Assessment**

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

### **Communication**

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

### **Consequences**

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

### **And Afterwards**

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

### **Contacts**

Email: [Licensingenforcement@walsall.gov.uk](mailto:Licensingenforcement@walsall.gov.uk)  
Tel: 01922 653060

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

Manager: Lorraine Boothman

Walsall Council Press Office – Natalie Greenway  
Tel: 01922 650853



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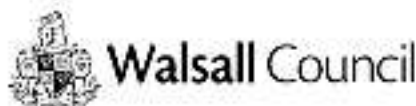
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**Contacts**

Email: [Licensingenforcement@walsall.gov.uk](mailto:Licensingenforcement@walsall.gov.uk)  
Tel: 01922 653060  
West Midlands Police – 101

-  [walsallcouncilandcouncildown](https://www.facebook.com/walsallcouncilandcouncildown)
-  [@walsallshopper6](https://twitter.com/walsallshopper6)



### **Alternative Approaches**

Officers attended a seminar on an alternative approach of 'Negotiated Stopping' which has been piloted by Leeds City Council.

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

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

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

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