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## **CALL FOR EVIDENCE REPORT: WEST MIDLANDS UNAUTHORISED ENCAMPMENTS SUMMIT**

*Report of consultation responses to inform the agenda of the West Midlands Unauthorised Encampments Summit taking place on 21<sup>st</sup> September 2018.*

“I am very grateful to all those who responded to my call for evidence, which demonstrates both the scale of the issue and the progress that different agencies have made in addressing it.

When I hosted the first Unauthorised Encampments Summit in February 2017, the public purse was incurring huge costs despite neither the settled nor travelling community being content with the response to unauthorised encampments. While it is encouraging to note some real successes since that summit, it is clear that there remains much more to be done.

Many of the issues and proposals in this call for evidence will be explored at the second Unauthorised Encampments Summit. As we combine our ideas and resources, we can all work together to reduce the cost and harm of problematic unauthorised encampments in the West Midlands.”

- **David Jamieson**, West Midlands Police and Crime Commissioner

Submissions, themes and full responses are detailed below:

<b>PCC’s Unauthorised Encampments Call for Evidence</b>	
<b>9 submissions</b>	<b>Open 18<sup>th</sup> July – 11<sup>th</sup> September 2018</b>
<b>Five Questions Asked:</b>	
<b>1) What has changed in your area regarding unauthorised encampments since the summit of 10<sup>th</sup> February 2017?</b>	
<b>2) What do you see as the major successes in your area relating to unauthorised encampments since the summit of 10<sup>th</sup> February 2017?</b>	<b>3) What do you see as the major challenges in your area relating to unauthorised encampments?</b>
<b>4) Are there any changes to existing legislation that you feel would make a difference to the situation in the West Midlands?</b>	<b>5) Are there any cross-border issues that you feel would be more effectively dealt with at the Combined Authority level?</b>
<b>Submissions (by invitation) from:</b>	
<ul style="list-style-type: none"> <li>• West Midlands Police</li> <li>• Birmingham City Council</li> <li>• Coventry City Council</li> <li>• Dudley Metropolitan Borough Council</li> <li>• Sandwell Metropolitan Borough Council</li> </ul>	<ul style="list-style-type: none"> <li>• Solihull Metropolitan Borough Council</li> <li>• Walsall Council</li> <li>• City of Wolverhampton Council</li> <li>• National Federation of Gypsy Liaison Groups</li> </ul>

The call for evidence responses were from some of the key agencies involved in dealing with unauthorised encampments, and there were a number of clear themes that developed. These themes are listed below. The inclusion of ideas in this list does not mean that the PCC or any particular agency endorses them, but instead offers a reflection of the links between consultation responses.

<b>Call for evidence submission themes</b>		
<ul style="list-style-type: none"> <li>• Transit Sites</li> <li>• Joint protocols</li> <li>• Gypsy Roma Traveller Needs Assessments</li> <li>• Combined Authority role</li> <li>• Communications</li> </ul>	<ul style="list-style-type: none"> <li>• Injunctions banning individuals</li> <li>• Injunctions protecting land</li> <li>• Defending at-risk sites</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of evictions and clean-ups</li> <li>• Review of eviction process</li> <li>• Negotiated stopping</li> </ul>

The number of travelling groups staying on unauthorised encampments in the region has changed since the previous summit. Sandwell have seen the most significant reduction in unauthorised encampments, following their opening of the region's first transit site in May 2017. Coventry and Solihull have seen a slight decrease in unauthorised encampments since last year, while Birmingham have experienced roughly the same number. Wolverhampton are reporting a significant increase, which they link directly to the reduction in Sandwell.

The total number of unauthorised encampments in the West Midlands fell from 519 to 430 between 2016 and 2017. This was a decline of just over 17%. It is expected that this year there may be a further slight decline in the number of unauthorised encampments.

<b>Total Number of Unauthorised Encampments per Borough 2016 - 2018</b>			
<b>Local Authority</b>	<b>2016</b>	<b>2017</b>	<b>2018 (to August)</b>
Birmingham	157	168	103
Coventry	79	46	28
Dudley	37	23	12
Sandwell	84	33	13
Solihull	21	38	12
Walsall	88	72	34
Wolverhampton	33	34	38
<b>West Midlands Total</b>	<b>499</b>	<b>414</b>	<b>240</b>

Costs of dealing with unauthorised encampments vary depending on the nature of the encampment, the length of the process, and the borough in which evictions take place. Wolverhampton estimate that each unauthorised encampment costs the local authority an average of £7,000. As Wolverhampton are also experiencing the largest rise, they expect that they will unauthorised encampments will cost £420,000 to deal with this year, compared to £238,000 last year. By contrast, Sandwell has seen the greatest reduction in cost, which they largely credit to their transit site. This is a reduction from roughly £250,000 in the year prior to the PCC's summit, to an ongoing anticipated cost of £10,000 a year associated with unauthorised encampments. The cost of establishing the transit site (£172,000) has more than paid for itself within the first year. Costs in other areas also vary, with Birmingham at roughly £250,000, Coventry at £64,000, Dudley at £55,000 and Solihull at £140,000 last year.

At the previous Unauthorised Encampments Summit, there appeared to be a consensus that transit sites offered a balanced way forward to resolve a number of issues. In particular, transit sites offer travelling groups a legitimate space to stay, while also unlocking more powers for the police to deal

effectively with individuals that are causing serious issues for both the settled and travelling communities. Here is a summary of progress on establishing transit sites, with a Red/Amber/Green rating, in each local borough over the past year and a half.

Transit sites	
Birmingham	Planning applications submitted for two transit sites.
Coventry	Visited Sandwell's site and exploring options locally.
Dudley	A site identified and a planning application provisionally approved.
Sandwell	Operational transit site in place since May 2017.
Solihull	No change.
Walsall	Discussion ongoing, incl. formal engagement with travelling community.
Wolverhampton	Cabinet decision to seek suitable land, with a shortlist drawn up.

Injunctions have been pursued by the majority of local authorities to either protect land or ban problematic individuals from trespassing in their borough. Birmingham, Sandwell, Solihull, Walsall and Wolverhampton all refer to injunctions in their submissions to this call for evidence.

Work towards joint protocols appears to have been effective between individual local authorities and West Midlands Police. However, there remains a lack of agreement on a consistent joint protocol between West Midlands Police and all seven local authorities. Nonetheless, individual steps towards greater collaboration are being taken, such as Dudley looking to align its processes with neighbouring Sandwell.

Most responses relating to legislation mentioned s62A of the Criminal Justice and Public Order Act 1994. This related to unlocking new policing powers to evict unauthorised encampments where there is an available transit site.

Majority call for change to the law – extending s62A powers	
Birmingham, Coventry, Dudley, Walsall and Wolverhampton support the PCC's proposal to extend s62A legislation, enabling police to direct an unauthorised encampments to transit sites across borough boundaries. The National Federation of Gypsy Liaison Groups (NFGLG) also supports this change, provided the PCC's caveat of 'proportionate distances' is met, whereby groups cannot be directed unreasonable distances. Sandwell do not mention this legal ask in their submission, but the PCC is aware they have some concerns about the use of an expanded s62A resulting in more groups being directed to Sandwell simply because other boroughs do not have transit site provision. West Midlands Police also support the expansion of s62A, while recognising there are some mixed views.	
Other suggestions for changes to the law	
Solihull focused their submission on expanding civil law through changes to s77 of the Criminal Justice and Public Order Act. This includes using these local authority powers to ban individuals from the borough, rather than specific pieces of land. Walsall have similarly mentioned the need for s77 to be streamlined.	The NFGLG are calling on the Government to set a legal requirement for local authorities to provide more permanent and temporary stopping sites. They also call for the planning definition of "Gypsy/Traveller" to be scrapped. West Midlands Police are calling for more awareness of "Traveller" as an ethnicity and protected characteristic.

A final issue mentioned in several submissions was that of communications. It appears that communications across the region have been improved, particularly with the sharing of intelligence,

but there remain further opportunities to develop consistent and effective communications. An important concern raised is the ability of partners to effectively manage public expectations during an incursion.

*See below the submissions to the PCC's unauthorised encampments call for evidence in full:*

<b>Contents of Full Submissions</b>	
Birmingham City Council	p. 5
Coventry City Council	p. 7
Dudley Metropolitan Borough Council	p. 11
Sandwell Metropolitan Borough Council	p. 13
Solihull Metropolitan Borough Council	p. 21
Walsall Council	p. 25
City of Wolverhampton Council	p. 28
West Midlands Police	p. 30
National Federation of Gypsy Liaison Groups	p. 32

# Birmingham City Council

## 1) What has changed in your area regarding unauthorised encampments since the summit of 10<sup>th</sup> February 2017?

*This may include...*

- Number of unauthorised encampments (comparable annual data if available or trends noticeable in your area).
- Cost to your organisation of dealing with unauthorised encampments (comparable annual data if available).
- Changes in permanent or transit site provision for the travelling community.
- Any other changes (positive or negative) in working practices or local pressures.

### Changes

Birmingham has obtained 2 High Court injunctions preventing anyone from residing on 5 Parks in Birmingham. In addition 2 injunctions have been obtained for two individual's; one following violence to a bailiff and the other preventing an individual from residing in Birmingham following prolonged harassment, of officers and bailiffs and threats of violence.

Birmingham has submitted 2 planning applications to develop transit sites in Birmingham. The first has been approved in Aston Brook Street in Nechells. The second in Proctor Street, Nechells will be considered by the Planning Committee in October 2018. In addition work is being undertaken to bring the existing transit site at Tameside Drive back into use.

Birmingham is updating its GRT needs assessment as there has been a substantial increase in unauthorised encampments since 2014 when the last assessment was undertaken.

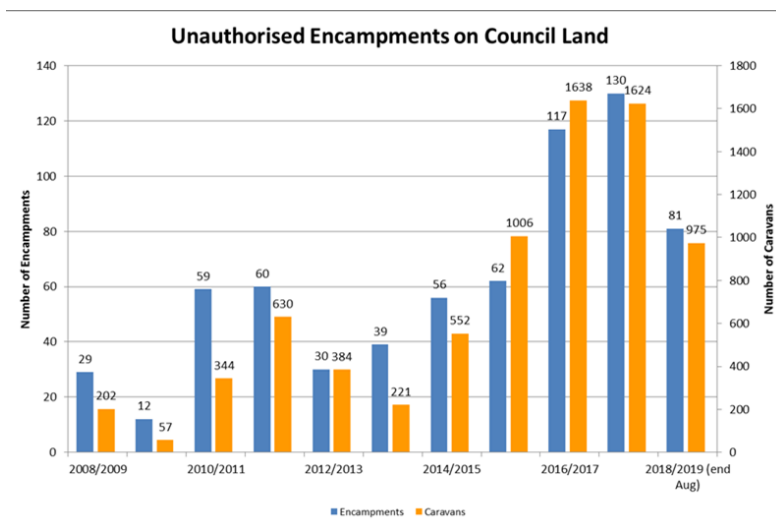
### Costs

The costs are estimated to be approximately the same. Costs including repair to sites, clean-up and bailiffs are around £250k per annum.

### Transit site provision

It is anticipated that subject to planning approval and development the 3 sites at Aston Brook Street, Proctor Street and Tameside Drive will provide 25 to 30 transit pitches.

### Trends



**2) What do you see as the major successes in your area relating to unauthorised encampments since the summit of 10<sup>th</sup> February 2017?**

The proactive steps to develop transit site provision and the commissioning of an updated GRT needs assessment.

**3) What do you see as the major challenges in your area relating to unauthorised encampments?**

Residents and elected members feedback to officers indicates their dissatisfaction to responses to crime and antisocial behaviour especially where there are demonstrable peaks. The greatest challenge is managing expectations and meeting the settled community's legitimate needs.

**4) Are there any changes to existing legislation that you feel would make a difference to the situation in the West Midlands?**

The proposed changes to Sec 62 allowing unauthorised encampments to be directed to any transit site in WMP area as proposed by the PCC is supported by BCC.

The whole process of eviction and recovery of land by land owners should be reviewed and simplified. It would be better to have one process so that all land owners, the travelling community and Police fully understands the eviction process. There should also be an offence of not leaving by the specified time and date.

**5) Are there any cross-border issues that you feel would be more effectively dealt with at the Combined Authority level?**

The combined authority has a strategic role in this matter and should be assisting in consistency and provision of resources. However the reality of an unauthorised encampment is the impact it has on a specific neighbourhood and the land they are on. This is always best dealt with by local teams.

# Coventry City Council

- 1) **What has changed in your area regarding unauthorised encampments since the summit of 10<sup>th</sup> February 2017?**

*This may include...*

- a) **Number of unauthorised encampments (comparable annual data if available or trends noticeable in your area).** See briefing note below.
- b) **Cost to your organisation of dealing with unauthorised encampments (comparable annual data if available).** See briefing note below.
- c) **Changes in permanent or transit site provision for the travelling community.** None at present, but visited Sandwell's site and exploring options locally.
- d) **Any other changes (positive or negative) in working practices or local pressures.**

Working practices have not changed, although we have not received as many unauthorised encampments in the current financial year when compared to last year.

I have attached a report which was recently discussed at a Council Scrutiny Committee, which gives a lot of background information of what is happening in Coventry. I have also attached the resulting action note (see note 5).

- 2) **What do you see as the major successes in your area relating to unauthorised encampments since the summit of 10<sup>th</sup> February 2017?**

Very little has changed in the way that we manage unauthorised encampments

- 3) **What do you see as the major challenges in your area relating to unauthorised encampments?**

The growth in the use of transit sites in the West Midlands may mean that some potential unauthorised encampments in neighbouring authorities are displaced into Coventry.

- 4) **Are there any changes to existing legislation that you feel would make a difference to the situation in the West Midlands?**

Currently for the Police to use S.62A of the Criminal Justice and Public Order Act 1994, a transit site would need to be within Coventry. This prevents the opportunity of working regionally with neighbouring authorities to create 'joint' transit sites and share the cost of creating purpose built facilities.

## Briefing Note

**To: Communities and Neighbourhoods Scrutiny Board (4)**

**Date: 11<sup>th</sup> July 2018**

**Title: Unauthorised Encampments**

## **1 Purpose**

1.1 The purpose of this paper is to provide an overview of unauthorised encampments in the city.

## **2 Recommendations**

2.1 The Communities and Neighbourhoods Scrutiny Board (4) are recommended to:

- 1) Endorse the actions taken by officers to protect land owned by the city council and deal with unauthorised encampments.
- 2) Provide further comment or suggestions for consideration by Cabinet Member (Policing and Equalities).

## **3 Information/Background**

3.1 In recent years, various areas of the city have experienced regular unauthorised encampments, some of which have caused concern, uncertainty, disruption and, on occasions, conflict locally.

3.2 Unauthorised encampments tend to be seasonal in nature and occur between the months of April – September. Peak periods tend to occur locally around the Kenilworth Horse Fair which, is held in April and September. Where possible the Council seeks to protect its land with fortifications. This is a major undertaking, given the variety and number of parcels of land that we own and for which we have responsibility. Some of these defences are vandalised and breached, but proving responsibility for these criminal acts is problematical. Appendix 1 contains details of the number of unauthorised encampments. Appendix 2 details money invested in site protection, clean-up costs and eviction costs.

3.3 Addressing the issues arising from such encampments often requires significant resources from the Police and the Local Authority. These agencies seek to ensure a positive, coordinated and informed approach to all aspects of management of unauthorised encampments, whether that relates to initial identification of such encampments, making assessments of the needs of persons on site (legal requirement for public bodies), assessing and deciding upon the correct and proportionate course of action and, where necessary, taking enforcement action.

3.4 All actions and decisions will take into account the needs of all individuals concerned and ensuring that their actions are reasonable, justifiable and proportionate and in accordance with the Human Rights Act 1998 and The Equality Act 2010.

## **4 Eviction process and practice.**

4.1 There will generally be three possible courses of action in relation to unauthorised encampments on highways, council owned land or common land:

4.1.1 Decision Not to Evict Immediately. There is a decision to tolerate the unauthorised encampment for a period of time and a mutually acceptable date for leaving the site has been agreed. This must be considered whenever there is an unauthorised encampment and has been used occasionally for a few days' particular sites.

4.1.2 Decision to Evict (Local Authority Powers). We utilise the court processes under sections 77 – 79 of the Criminal Justice and Public Order Act 1994. The process involves the service of a Direction/Notice to Leave followed by a court hearing to apply for a court order to facilitate eviction. In practice, evictions are usually achieved within 3-4 working days where the land is within Coventry.



4.1.3 Decision to Evict (Police powers). West Midlands Police may decide to evict an unauthorised encampment under section 61 of the Criminal Justice and Public Order Act 1994. These powers will only be exercised if a number of aggravating factors are in evidence and a number of other conditions are satisfied. Generally, the police may decide to evict where there is an immediate danger to the community, or unauthorised campers. They may also take the decision to evict where there is clear evidence of crime, anti-social behaviour, environmental damage, or significant community unrest as a result of the encampment.

4.2 In determining the course of action, a balancing exercise is undertaken between the rights of those encamped, the rights of the landowner, the rights of those lawfully entitled to use the land and the rights of the local community.

## **5 Practice elsewhere in the region**

5.1 In 2017 Sandwell MBC created a purpose built transit site for the travelling community. This action was accompanied by court injunctions prohibiting unauthorised encampments at 17 specific sites in their borough; this has been subsequently increased to a whole borough court injunction. In the event of an unauthorised encampment, the Police have agreed to use their powers under s.62A of the Criminal Justice and Public Order Act 1994, to immediately evict the unauthorised campers and direct them to the transit site. For the Police to be able to use these powers, the local authority must have a transit site within their borough. To date, it has not been necessary for the Police to use these powers in Sandwell MBC.

5.2 This has had an impact on neighbouring local authorities. Wolverhampton MBC has seen a 24% increase in unauthorised encampments in their area. Wolverhampton have subsequently identified an area for their own transit site and are proceeding with this course of action. It is likely that other local authorities in this area will follow suit.

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## Appendices

### Appendix 1 – Unauthorised encampments 2013/14, 2014/15, 2015/16, 2016/17, 2017/18 and 2018/19 (to date)

The number of unauthorised encampments

	Q1	Q2	Q3	Q4
2013-2014	1	10	1	2
2014-2015	1	15	1	1
2015-2016	6	6	0	0
2016-2017	2	2	0	0
2017-2018	11	13	0	0
2018-2019	4			

### Appendix 2 – Costs associated with unauthorised encampments 2015/16, 2016/17 and 2017/18

	Other* (£)	Legal (£)	Total (£)
2015-2016	122,398	6,500	128,898
2016-2017	41,156	8,158	49,314
2017-2018	38,645	25,038	63,683

\* Site protection and clean-up costs

This table details actual money spent. There is an opportunity cost for Environmental Services and Legal Services in concluding evictions and Street Pride and Green Spaces in site protection and cleaning up the site of the unauthorised encampments.

# Dudley Metropolitan Borough Council

## 1) What has changed in your area regarding unauthorised encampments since the summit of 10<sup>th</sup> February 2017?

*This may include...*

- a) Number of unauthorised encampments (comparable annual data if available or trends noticeable in your area).
- b) Cost to your organisation of dealing with unauthorised encampments (comparable annual data if available).

### Summary of Green Cares costs and involvement in traveller incursion over the last 3 years

Year	No. of Incursion	Total no. of Days	Total Costs
2016/17	18	160	£ 83,450.17
2017/18	15	86	£ 55,681.99
2018/19	7 (to date)	73	£ 9,052.87

Previous years costs are higher due to more sites requiring significant clean up (clean-up costs), provision of toilets on some sites, and inclusion of security costs.

### c) Changes in permanent or transit site provision for the travelling community.

Dudley Council has been pursuing the potential for a Transit site within the Borough over the past 18 months. A site has been identified and, following public consultation, a planning application was provisionally approved in April 2018 but is currently with the Ministry of Housing, Communities and Local Government following a “call-in” request. MHCLG are currently assessing whether or not they will call the decision in for scrutiny.

### d) Any other changes (positive or negative) in working practices or local pressures.

We are working with colleagues in Sandwell in order to learn from their experience both in terms of provision of a Transit Site and responding to unauthorised encampments within the Borough.

## 2) What do you see as the major successes in your area relating to unauthorised encampments since the summit of 10<sup>th</sup> February 2017?

None.

## 3) What do you see as the major challenges in your area relating to unauthorised encampments?

The opportunity to revise Dudley’s approach to unauthorised encampments in partnership with the Police once a transit site is in place.

**4) Are there any changes to existing legislation that you feel would make a difference to the situation in the West Midlands?**

Section 62a of the Criminal Justice and Public Order Act to be applied where “a *suitable pitch or relevant caravan site is available within the region*” (ie Black Country) rather than “*within the same local authority area*”. This would allow local authorities without a Transit Site to redirect to those areas that do have a Transit Site, which may prevent unauthorised encampments within the Black Country rather than neighbouring Council’s pushing the problem over the border.

**5) Are there any cross-border issues that you feel would be more effectively dealt with at the Combined Authority level?**

Inconsistencies in the approach to unauthorised encampments between neighbouring local authorities means that there is a disparity in the number of such encampments in each Borough. A consistent Combined Authority approach across all Boroughs would reduce the disparity in numbers as well effectively reducing the overall numbers across the whole Combined Authority area. As a step towards this Dudley are looking to align processes with those of Sandwell. This would benefit from a WMCA group being established in order to extend the sharing of good practice.

# Sandwell Metropolitan Borough Council

## Sandwell Council's approach to unauthorised encampments

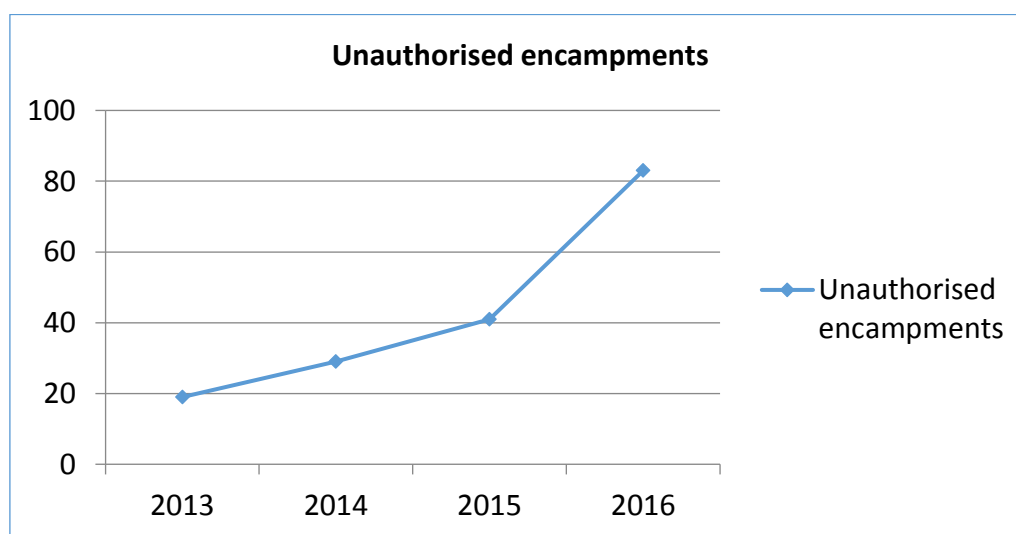
This document sets out the Council's approach to preventing and managing unauthorised encampments within the Sandwell borough. 'Unauthorised encampments', as a term is used in this document to describe encampments of caravans and/or other vehicles on land without the landowner or occupier's consent thus constituting trespass.

The council has an established joint protocol with Police to structure the management of unauthorised encampments and continues to take a partnership approach across its current interventions.

The document also provides analysis on previous unauthorised encampment activity and demonstrates the impact of current interventions.

### Background

The council has experienced unprecedented growth in unauthorised encampments over recent years. The table below demonstrates how the number of unauthorised encampments in Sandwell increased from 19 in 2013 to 83 in 2016.



This increase saw the number of days occupied by unauthorised encampments rise from 196 in 2013 through to 620 days in 2016. Dealing with unauthorised encampments of this volume takes up considerable time and resources for both the Council and the Police, whilst also having a significant impact upon the lives of local residents.

The cost alone to the Council of dealing with unauthorised encampments, including clean-up, site security, bailiffs and court costs is estimated to be more than £251k in 2016/17.

The council has historically used a combination of;

- **Part 55 of the Civil Procedure Rules** – enabling the Council to start legal proceedings to seek possession of the land when an unauthorised encampment has been established on Council land without permission.

- **Criminal Justice and Public Order Act (CJPOA) 1994 – Sections 77 & 78 -**  
Section 77 gives the council eviction powers if it appears that persons are for the time being residing in a vehicle or vehicles on the highway or on Council land.

Section 78 gives Magistrates Courts the power to make a removal order in circumstances where the unauthorised encampment has contravened a direction to leave issued by the Council. This order would give the Council the power to remove vehicles and property from the land.

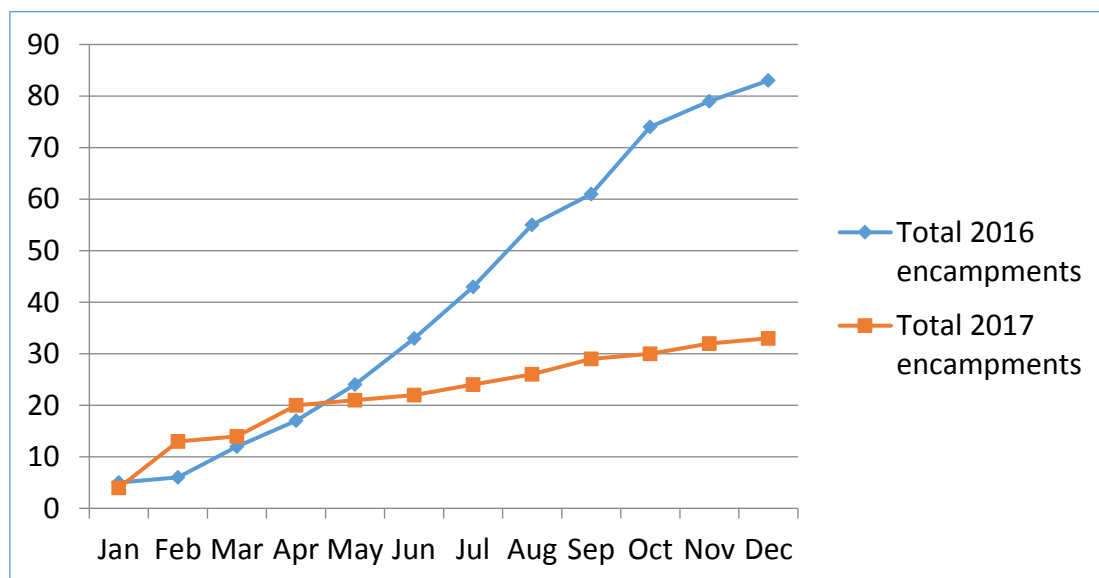
- **Common law powers** - as a land owner to remove trespassers from its land using no more force than is reasonably necessary. The Council would instruct certificated bailiffs and/or other suitably qualified enforcement officers to assist it in this task.

### Current approach

The increasing impact of unauthorised encampments in the borough meant that toward the end of 2016/17 the Council and West Midlands Police were forced to re-evaluate its approach and develop a more proactive set of interventions to both prevent and manage unauthorised encampments.

From April 2017, this approach has seen a significant reduction in the number of unauthorised encampments in Sandwell when compared to 2016 activity.

(84 encampments from January to November 2016 – 33 from January to December 31st, 2017)



Alongside the reduction in encampments the number of days that an encampment occupies borough has been significantly reduced with the vast majority of encampments displaced within 24 hours of establishment.

In partnership with the Police, the Councils new approach is focussed around the following key interventions;

- Mapping of historic unauthorised encampment sites and potential future sites
- Investment in environmental defences
- One Council response
- Increased use of Enforcement Agents, (previously Bailiffs) under common law
- Injunction under Section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014, Section 187 (b) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972.
- Temporary Transit site

### **Mapping of historic unauthorised encampment sites and potential future sites**

Since 2013 the Council has held a record of all unauthorised encampments. This information identified 86 sites in both public and private ownership that had been subject to an encampment. This information was then plotted on a map of the borough alongside the location of all school, leisure and open space sites.

This map is now used for planning purposes to identify the vulnerable sites that could be accessed following the eviction of an unauthorised encampment either within or outside the borough.

Identified sites are then monitored by council officers alongside the deployment of temporary defensive measures (The Council has 96 Concrete blockers available) until the risk of an encampment has diminished.

### **Investment in environmental defences**

The mapping described above also helped inform the instillation of environmental defences to specifically vulnerable sites. The council deployed a combination of bollards, concrete blockers and grassed bunds to such sites to deter and prevent unauthorised encampments.

### **One Council response**

From April this year the Council moved to a position where it would deploy the entirety of its available resource to support the management and prevention of unauthorised encampments. This has included;

- Increasing awareness across the Council of unauthorised encampments so that damage to site defences are reported and acted on in a timely manner and encampments are responded to as soon as possible.
- Having a substantial visible presence at unauthorised encampments from the point of establishment to the point of eviction to reassure local residents that the Council is proactively working with the encampment to reduce the impact on the local community.
- Environmental Health and Trading standards teams working with all unauthorised encampments to take enforcement action in the event of fly tipping or rogue trading.

- Social workers available to support needs assessments
- Appointment of a Corporate Coordinator to manage the deployment of such resources.

### **Increased use of Enforcement Agents, (previously Bailiffs) under common law**

Towards the end of 2016 the Council increased its use of its common law powers as a land owner to remove trespassers from its land using certificated bailiffs and/or other suitably qualified enforcement officers to assist it in this task.

Adopting this approach significantly sped up the process of eviction once the needs assessment had been completed as opposed to seeking support for eviction through Courts.

Generally once the needs assessment has been completed the use of common law results in the eviction of unauthorised encampments within 24 hours. The use of common law could also be seen as a deterrent to the setting up of unauthorised encampment due to the speed at which it can be used to support eviction.

The Council has also offered and with permission acted on behalf of private land owners to take forward a consistent response using common Law on the management of unauthorised encampment.

### **Injunction under Section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014, Section 187 (b) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972.**

For a number of years a local family consistently set up unauthorised encampments and engaged in anti-social behaviour within Sandwell including large scale disorder, threats, intimidation and fly-tipping.

The encampments would further cover wide areas including parks and business estates which had an impact upon local residents who were unable to use the amenities and businesses were unable to conduct their businesses.

Between March 2016 to November 2016 there were 36 unauthorised encampments by this family within the Borough. On the majority of occasions whenever the encampment were requested to leave sites, it resulted in a large police response due to the anti-social behaviour perpetrated and the threat of large scale disorder.

The unauthorised encampments resulted in either the Council having to seek possession orders or the Police exercising their powers under Section 61 of the Criminal Justice and Public Order Act 1994.

The Council sought the Injunction under Section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014, Section 187 (b) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972.

The Council's position was that the leader of the family should be excluded from the Borough in its entirety due to him engaging in anti-social conduct including violence, threats



of violence, verbal abuse, intimidation, setting up unauthorised encampments and fly-tipping.

In respect of the remainder of the family, a general prohibition of setting up unauthorised encampments within the Borough was deemed to be sufficient with further terms in respect of environmental damage such as fly-tipping.

17 sites in particular were also prohibited for use as unauthorised encampments due to the number of encampments on these sites and a general term was required prohibiting persons unknown setting up unauthorised encampments on these sites.

The injunction was granted for 12 months by court on the 6 June 2017 and served on the 21 August to the family. Since the injunction was granted the family have not been visible or active within the borough.

### **Temporary Transit Site**

On the 22 March 2017 the Council's Cabinet approved a report presented by the Cabinet member for Regeneration and Economy Investment to develop a temporary transit to help tackle unauthorised encampments.

The site was modelled upon a similar approach established by Telford and Wrekin Council who saw over a 50% reduction in the number of unauthorised encampments with the introduction of a temporary transit site.

The provision of a transit site was strongly supported by the West Midlands Police as it enables them to utilise their "Power to Direct" using Section 62 of the Criminal Justice & Public Order Act. Under this section of the act, groups forming unlawful encampments can be ordered by the police to move their caravans and vehicles to a transit site if there is one available.

Any group that refuses to leave when directed to do so by the police under Section 62, or that return to any site in the local authority area within three months of being directed to move to a transit site, would be committing a criminal offence.

Those relocated from unlawful encampments to the transit site would be charged £80 per caravan per week, as well as a security deposit of £250 for each caravan within a group.

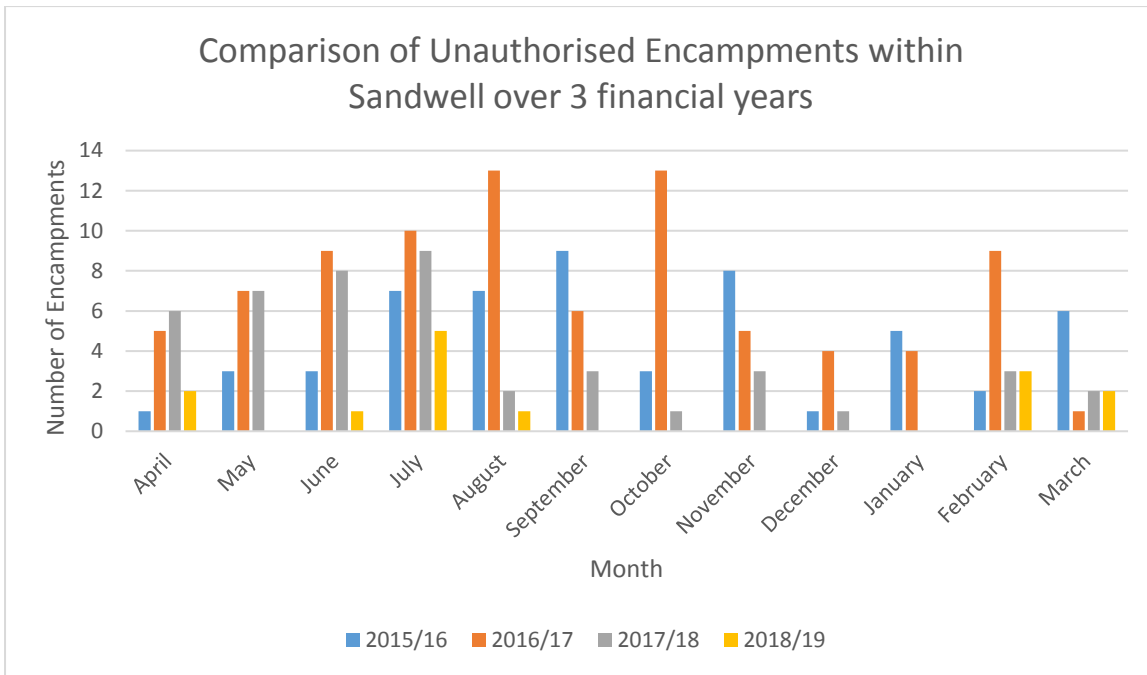
The temporary transit site at Boulton road, Smethwick was completed in August 2017 and provides 34 individual caravan pitches and a toilet block.

It is anticipated that the transit site will support a continued reduction seen in 2017 of unauthorised encampments. The approach will be made available to private landowners again to ensure a consistent approach.

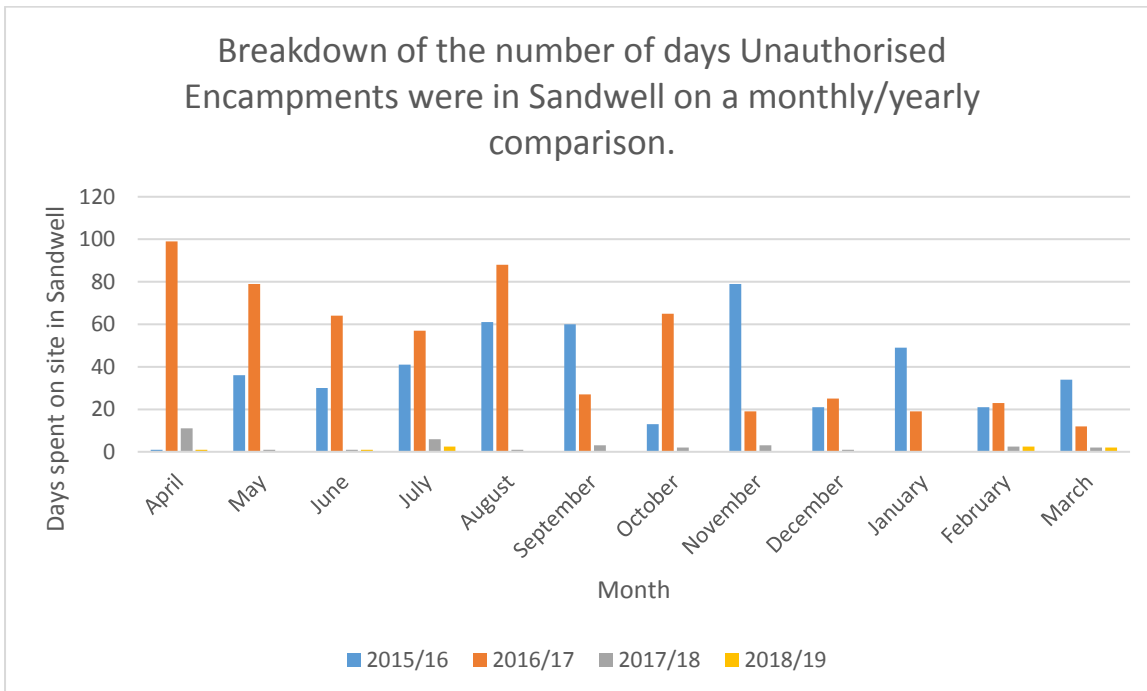
### **Conclusions**

As depicted in this document the interventions above have resulted in a significant reduction in unauthorised encampments in 2017. The introduction of the temporary transit site is expected to maintain the momentum.

## Briefing note (statistics)

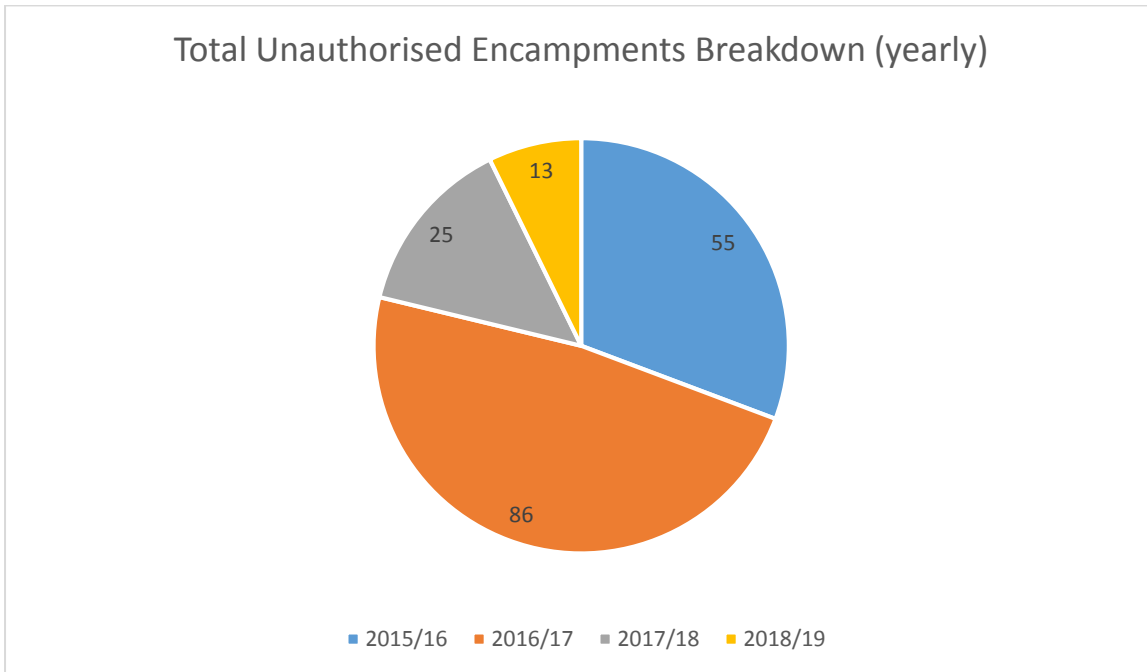


This chart identifies and compares the number of encampments over 3 fiscal years. From this data, you can see where the number of encampments have increased from April through to September in the 2015/16 financial year. This is duplicated through 2016/17 with an increase in the number of encampments between April and August. For 2017/18, the information shows the most encampments happened in April and the rest of the year maintaining a steady change in 2018.

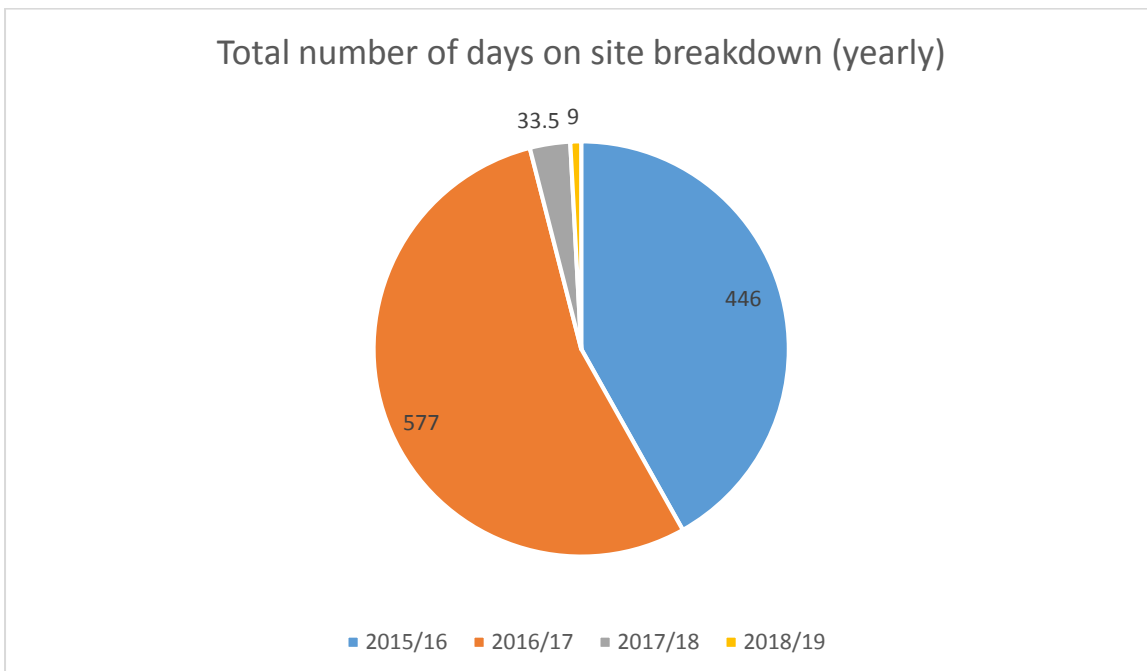


This chart identifies and compares the number of days the encampments were on site over the course of 3 fiscal years. 2015/16 shows an increase from May through to September. The number

of days decrease in the October and increase massively in November. 2016/17 shows a decline in the number of days site before it becomes steady during the latter part of the fiscal year. 2017/18 starts off with a low number in comparison to the year before and decreases significantly throughout the year. This current year has seen another decline in the number of days, to only 9 days so far in 2018.



This chart compares the number of encampments between 4 financial years. Between the start of the fiscal year of 2015 and current in 2018/19, 179 encampments took place in Sandwell. From this information, you can see the decrease in the encampments for the latest fiscal years when compared to previous years.



This chart compares the number of days unauthorised encampments from previous fiscal years. 2015/16 show unauthorised encampments were in Sandwell for a total of 446 days. Between 2016/17, the total number of days increased to 577. These figures were reduced significantly between 2017/18 to 33.5 days with unauthorised encampments being located within Sandwell. This current year, it has dramatically reduced to only 9 days spent on site, as of August 2018.

Month/ year	2015/16	Days on site 15/16	2016/17	Days on site 16/17	2017/18	Days on site 17/18	2018/19	Days on site 18/19
April	1	1	5	99	6	11	2	2
May	3	36	7	79	1	1	0	0
June	3	30	9	64	1	1	1	1
July	7	41	10	57	2	6	5	2.5
August	7	61	13	88	2	1	1	0
September	9	60	6	27	3	3	N/A	N/A
October	3	13	13	65	1	2	N/A	N/A
November	8	79	5	19	3	3	N/A	N/A
December	1	21	4	25	1	1	N/A	N/A
January	5	49	4	19	0	0	N/A	N/A
February	2	21	9	23	3	2.5*	N/A	N/A
March	6	34	1	12	2	2	N/A	N/A
Total	55	446	86	577	25	33.5	9	5.5

Information in this table is updated up to August 2018. This table shows a monthly breakdown in the figures over previous financial years. This information is split in to the number of encampments and how many days they were on site for each month. The information indicates an increase in the number of encampments between May and November, with many days being spent on site each time. However, 2017/18 breaks this pattern as the number of encampments and the amount of time spent on site at each location is reduced significantly compared to previous fiscal years. This can be used to predict the number of encampments for the 2018/19 fiscal year. In current months of 2018, there are only 9 unauthorised encampments with only 5.5 days staying on site.

# Solihull Metropolitan Borough Council

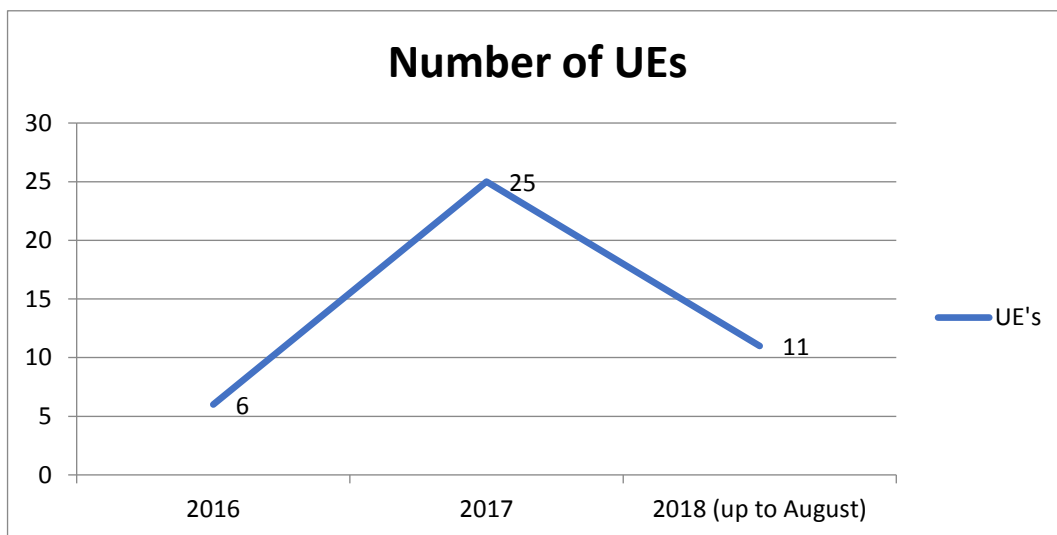
## Solihull Metropolitan Borough UE Summit Call for Evidence Council Return



### 1) What has changed in your area regarding unauthorised encampments since the summit of 10<sup>th</sup> February 2017?

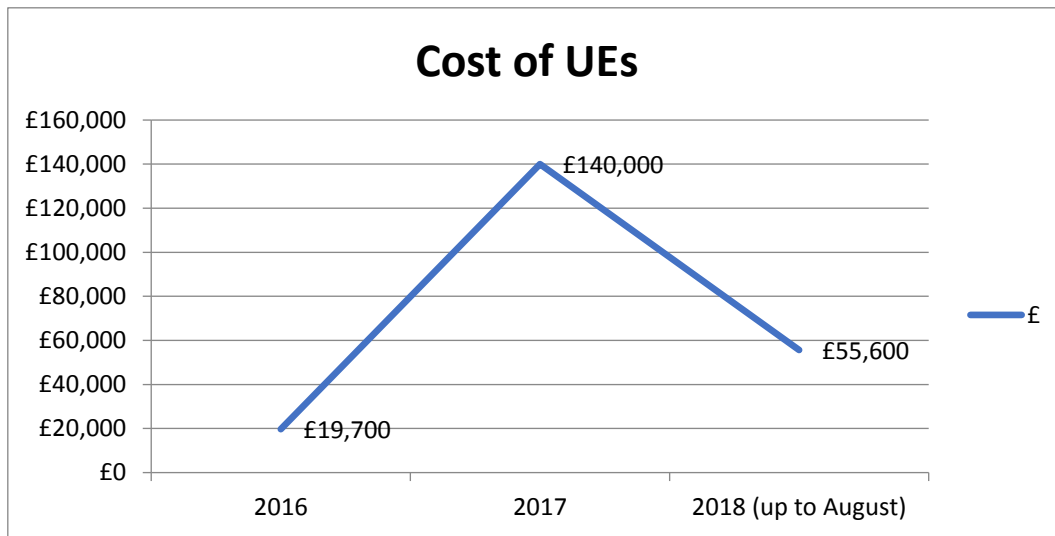
#### a) Number of unauthorised encampments (comparable annual data if available or trends noticeable in your area).

The following information shows the pattern of unauthorised encampments in Solihull since 2016. The data clearly shows that Solihull experienced a significant increase in 2017 in comparison to 2016. The cumulative pattern for 2018 to date is slightly lower than 2017.



#### b) Cost to your organisation of dealing with unauthorised encampments (comparable annual data if available).

The following graph outlines the approximate cost to the organisation since 2016 (please note – this does not take into account officer and administration resource costs).



**c) Changes in permanent or transit site provision for the travelling community.**

No specific significant variance in trend in terms of this question.

**d) Any other changes (positive or negative) in working practices or local pressures.**

**Streamlined Process**

In line with the relevant legislation, Solihull MBC has continued to streamline and improve operational processes in terms of responding to and managing unauthorised encampments. Therefore providing a quicker more efficient response.

Solihull MBC are also now more reliant on Bailiffs to assist in resourcing and managing unauthorised encampments.

**Site Security Measures**

Solihull MBC has completed a full and comprehensive review of all accessible public open space and has implemented security measures to prevent and deter access for unauthorised encampments. Many sites now benefit from new gates, locks, height restriction barriers, earth ditch and mound barriers and bollards.

Solihull is now considering unauthorised encampments more in terms of developing existing and new public open space, specifically in terms of designing in measures that naturally deter and prevent unauthorised encampments such as natural landscaping and tree planting.

**Injunction**

Solihull MBC has secured an injunction, which was granted on 13 March 2018, is for three years and will prevent 14 members of a specific travelling family from entering or occupying 37 sites across the borough.

This injunction follows a series of unauthorised encampments in 2017, whereby the family in question caused significant damage and disruption to parks, facilities and local communities.

## **2) What do you see as the major successes in your area relating to unauthorised encampments since the summit of 10<sup>th</sup> February 2017?**

As per question 1d above, Solihull has undertaken positive changes in terms of streamlining process, site security measures and gaining an injunction on a specific traveller family that presented considerably issues in 2017.

## **3) What do you see as the major challenges in your area relating to unauthorised encampments?**

Solihull MBC believes there are a number of emerging trends associated with unauthorised encampments that present potential challenges for the future. The following information outlines these emerging trends:

### Cultural Shift

It is important to stress that there is still a number of transient Gypsy, Roma and Traveller communities that travel through Solihull peacefully and are a pleasure to work with, support and that are welcomed by our communities. However, Solihull MBC believes there has been an emerging pattern over the last 5 years in terms of an increase in larger, aggressive, disruptive, lawless groups that force entry to land and enter in numbers up to 60 Caravans, create ongoing issues for surrounding settled communities and the environment.

### Community Tensions

Solihull MBC believes there is increasing tension between settled and travelling communities and there is increasing evidence presented on social media to suggest the risk of conflict such as the potential for localised vigilantism.

### Managing Unauthorised Encampments

Managing unauthorised encampments on site continues to prove increasingly challenging and resource consuming for both the Council and Police. Solihull MBC finds in their experience, engaging with unauthorised campers increasingly more challenging, with some travelling communities being more wary and less receptive to authority. This presents issues in terms of both managing encampments and in providing assistance to travelling communities.

## **4) Are there any changes to existing legislation that you feel would make a difference to the situation in the West Midlands?**

Solihull MBC has responded to the recent Government Consultation on unauthorised encampments and has set out areas of legislation improvement that would help both Solihull MBC and potentially other authorities in terms of future unauthorised encampment management.

In terms of key themes, Solihull MBC believe the following changes would be beneficial in terms of existing legislation:

- Section 77 notices to cover the whole borough rather than the land in question. This would prevent the ongoing and resource intensive movement across various pieces of land within a specific area.
- The 3 month S77 notice should be extended to cover a longer duration, for example 12 months.
- Police are given powers of arrest for breach of Section 77 notices without having to go to court.

- A Statutory power equivalent of the common law power to evict.
- Powers to take deposits to cover clean-up costs and other reasonable costs.

**5) Are there any cross-border issues that you feel would be more effectively dealt with at the Combined Authority level?**

Solihull believes that general communications across authorities on an operational level have improved and Officers now communicate more regularly within the region than they have done previously.

However there are always opportunities to work smarter across borders both in terms of managing unauthorised encampments on an operational and legislative basis and in terms of how local authorities support and assist genuine Gypsy, Roma, Travelling communities with general services, but also being appreciative of their nomadic lifestyle.



# Walsall Council

## 1) What has changed in your area regarding unauthorised encampments since the summit of 10<sup>th</sup> February 2017?

*This may include...*

- a) **Number of unauthorised encampments (comparable annual data if available or trends noticeable in your area).**

10/2-31/12/17: 82

1/1-14/9/18: 53

- b) **Cost to your organisation of dealing with unauthorised encampments (comparable annual data if available).**

Costs not available.

- c) **Changes in permanent or transit site provision for the travelling community.**

None – discussions continue re provision of a transit site. Formal active engagement with travelling community is taking place to support this.

- d) **Any other changes (positive or negative) in working practices or local pressures.**

Currently have a total of 26 injunction sites/locations.

## 2) What do you see as the major successes in your area relating to unauthorised encampments since the summit of 10<sup>th</sup> February 2017?

Increased total number of injunction sites to 26.

## 3) What do you see as the major challenges in your area relating to unauthorised encampments?

Identification and set up of appropriate transit site and consideration of negotiated stopping provision.

Education programme around travelling community to increase public awareness and improve community cohesion

## 4) Are there any changes to existing legislation that you feel would make a difference to the situation in the West Midlands?

The provisions in the Criminal Justice and Public Order Act are relatively simple and easily understood and can be actioned in a reasonable time. However, due to the need to carry out welfare assessments prior to the service of the s77 notice this results in a delay in obtaining an eviction order. The local authority would request a change in the law permitting local authorities to serve s77 directions and also issuing applications under s78 to evict at Magistrates Court either prior to or in tandem with carrying out welfare assessments.

Another difficulty that local authorities face are when a family moves from site to site within the borough a local authority has to re start afresh the s77 procedure of serving directions and subsequently applying for a s78 order. We have instances in Walsall where a family group has occupied up to 5 sites consecutively. This has resulted in the council spend a great deal of time and precious resources in having to evict this group on 5 occasions in a small duration of time. It would be beneficial if the s77 and or court order issued under s78 could apply to the particular group on any site in the borough. Therefore the group or individual would be barred from setting up an unauthorised encampments anywhere in the borough. We would request a three month time limit be imposed on the order

These orders could be akin to injunctive orders and or Criminal Behaviour Order (CBO). It could be left to the Magistrates Court to determine on any section 78 application whether any additional restrictions need to be imposed.

It can also be frustrating where the family vacate the land on the eve of the court hearing. Currently, in these circumstances the court hearing is cancelled as there are no occupants to apply for an order against. It would be beneficial to be able to continue with the hearing in such circumstances so that an injunction or CBO could be considered.

Locally, the courts are usually able to fit a hearing into the schedule within appropriate time limits, but occasionally, there is a delay of a few days.

Whilst there are the provisions in the Criminal Justice and Public Order Act, these do take some time to follow, to ensure that welfare needs are not inhibiting an eviction, giving notice to vacate the land (s77), having to wait for this period to expire before the application to court can be made, giving notice of the date of the hearing.

This is compounded when a family moves from site to site within the borough and causes ASB. We have instances in Walsall where a family group has occupied up to 5 sites consecutively. It would be beneficial if the s77 and or court order issued under s78 could apply to the particular group on any site in the borough or an injunction or Criminal Behaviour Order (CBO) could be attached to the hearing.

It can also be frustrating where the family vacate the land on the eve of the court hearing. Currently, in these circumstances the court hearing is cancelled as there are no occupants to apply for an order against. It would be beneficial to be able to continue with the hearing in such circumstances so that an injunction or CBO could be considered.

Currently the powers for the police under s62 only come into play when there is a suitable pitch available within the local authority's area. There needs to be more flexibility with this provision as there may be pitches available on a site in a neighbouring area where local authorities have agreed reciprocal arrangements. In some instances a transit site in a neighbouring Authority only a mile or so away may be more convenient for the families on the UE than one within the actual LA area but which is across the other side of town and 8 or 10 miles away. In general housing supply land, there is a duty on local authorities to co-operate and the planning authority can agree for part of its supply to be provided in another authority's area. This is the case in the Black Country (Walsall, Wolverhampton, Dudley and Sandwell) where the four local authorities have a Joint Core Strategy. Similarly under legislation which deals with homelessness, a family can be housed outside the local authority's area.

Further, an eviction can take many hours with Council Officers, Police and Bailiffs on site and resulting in costs of expenditure and time when other work cannot be attended to. This is often

because the towing vehicles are off site with those occupiers who are at work. This can be a deliberate tactic to delay the eviction as long as possible. The ability to treat this as an obstruction offence would assist in making the eviction process more efficient and reduce costs to the local authorities and police.

**5) Are there any cross-border issues that you feel would be more effectively dealt with at the Combined Authority level?**

Regional transit site provision and changes in the law (as detailed above) to facilitate this.

# City of Wolverhampton Council

In response to your request for the above 'call for evidence', please find our responses to the issued raised.

## 1) What has changed in your area regarding unauthorised encampments since the summit of 10th February 2017?

*This may include...*

### a) Number of unauthorised encampments (comparable annual data if available or trends noticeable in your area).

See attached data supplied by WM Police showing an increase of unauthorised encampments in Wolverhampton since last year with a commensurate reduction in Sandwell.

### b) Cost to your organisation of dealing with unauthorised encampments (comparable annual data if available).

It is estimated that each incursion costs around £7,000 to deal with.

2017: 34 incursions costing £238,000

2018: estimated to have 60 incursions costing £420,000

### c) Changes in permanent or transit site provision for the travelling community.

A Cabinet decision has been made to actively seek suitable land on which to construct a transit site. A shortlist of candidate sites has been drawn up and undergone a feasibility study. Negotiations with a landowner are underway. No changes in permanent site provision since 2017.

### d) Any other changes (positive or negative) in working practices or local pressures.

There remains strong and increasing pressures to deal with incursions. Since Feb 2017 a major change has been the work to secure a High Court Injunction to protect 60 vulnerable locations. Wolverhampton has a High Court Hearing 2 October 2018 to decide this.

Wolverhampton are looking to use bailiffs more owing to the increasing threats and abuse aimed at Council employees.

## 2) What do you see as the major successes in your area relating to unauthorised encampments since the summit of 10th February 2017?

The work underpinning the Injunction application and Transit Site.

## 3) What do you see as the major challenges in your area relating to unauthorised encampments?

The increasing volume of UE's and associated costs to the public services as a whole.

Managing public expectations during an incursion. We have reviewed and improved our communication strategy during live incursions with daily email updates and regular updates on Twitter and Facebook.

Managing the public's frustration over repeat incursions at the same location, especially where travellers have damaged infrastructure to gain access.

**4) Are there any changes to existing legislation that you feel would make a difference to the situation in the West Midlands?**

Amend the Criminal Justice and Public Order Act 1994 section 62 A(s) [Power to remove trespassers: alternative site available]

62(A)s currently states:

*The [Police] officer must consult every local authority within whose area the land is situated as to whether there is a suitable pitch for the caravan or each of the caravans on a relevant caravan site which is situated in the local authority's area.*

*Amendment suggestion:*

*Where consultation has taken place and it has been determined that no suitable pitch is available in the local authority's area but suitable pitches are available on a caravan site in a neighbouring local authority within the same Combined Authority, this site becomes a relevant site for the purposes of the Police using s62A.*

**5) Are there any cross-border issues that you feel would be more effectively dealt with at the Combined Authority level?**

Finally, I can confirm that I will be attending the West Midlands Unauthorised Encampments Summit on 21 September 2018 and will be joined by Ross Cook (Service Director for City Environment) and Shaun Walker (Service Lead, Environmental Protection).

Yours Sincerely,



**Councillor Steve Evans**

**Cabinet Member for City Environment**

CC: Ross Cook — Service Director for City Environment

Colin Parr — Head of Business Services

Shaun Walker — Service Lead

# West Midlands Police

## 1) **What has changed in your area regarding unauthorised encampments since the summit of 10<sup>th</sup> February 2017?**

Generally areas have seen a decrease in the number of unauthorised encampments compared to previous years other than Birmingham who have seen steady numbers continue, and Wolverhampton where numbers have increased.

Improved working relationships between Police and Local Authority colleagues.

A number of areas are in the process of scoping out areas for transit sites and some are in the planning stages. Sandwell has had an established Transit site for just over a year now.

A case study from Birmingham:

Insp. Crowley together with Mark Croxford from BCC have come up with a new breed of civil order and have put these in place on a number of parks and green spaces across the city. This has established a new legal precedent upon which anyone can apply to the high court. Through his work with local land owners Insp Crowley has worked with Bournville Village Trust and they have injunctioned land that they own to better protect their vulnerable residents. Others in the business community have seen this example and have taken note. These orders have also been used to differentiate more effectively between the good and the bad occupants of unauthorised encampments and target individuals who are actively engaged in crime and disorder. This allows us to police the UE community much more like we police the settled community.

## 2) **What do you see as the major successes in your area relating to unauthorised encampments since the summit of 10<sup>th</sup> February 2017?**

The issue is now on more of a national agenda rather than just local agenda.

Closer partnership working between WMP and LAs. New orders and new ways of working.

## 3) **What do you see as the major challenges in your area relating to unauthorised encampments?**

Public perception around encampments, including agencies and inappropriate language that is sometimes used. The issue extends into the use of social media.

Local opposition to transit sites in areas where not already established during public consultation phase.

Specifically to Walsall – amount of open areas that seem to attract UEs that have not and cannot be fenced or protected any better due to cost to the council even those that are protected by injunctions.

Specifically to Birmingham - Lack of any provision in the city meaning that the police and travelling communities come into conflict far more than would be liked.

**4) Are there any changes to existing legislation that you feel would make a difference to the situation in the West Midlands?**

From Bham - If s.61 and s.62 were revised to allow officers to direct travellers to proper provision in adjacent local authority areas this would be useful... this view is not shared by all areas.

If relevant amendments could be made to the Housing Act 2004 and the Housing Act 1985 to not only compel local authorities to consider what the appropriate provision for Travellers should be but also compel them to act on these considerations, this would resolve a great many of the conflicts currently being experienced in the city of Birmingham.

Increasing awareness of the Equality Act 2010 categorising 'Travellers' as a race would afford them additional protection but also start to shift the public discourse around them. All too often they are subjected to racist abuse but do not always receive much needed protection. This is still seen by many in our communities as the "last form of acceptable racism" and this has to change. Anything that a legislative programme can bring to this would be appreciated.

**5) Are there any cross-border issues that you feel would be more effectively dealt with at the Combined Authority level?**

Regarding cross border, we need to communicate to ensure that all NPUs know when an encampment arrives on an area, this also extends over the border to Staffordshire, West Mercia and Warwickshire so they know what may be coming to them and also what may be coming to us from them.

Supply of proper provision. Parity of enforcement tactics. Sharing knowledge more easily around best practice. This will require ownership and would benefit from a lead both within WMP and from the combined authority.

# National Federation of Gypsy Liaison Groups

## **1) What has changed in your area regarding unauthorised encampments since the summit of 10<sup>th</sup> February 2017?**

We do not have a specific “area” as we are a national organisation. We do, however, work extensively in the West Midlands. In our perception there has been a fall in the number of UEs in some of the areas in which we have been working (e.g. Walsall). This may be due to the use of injunctions on specific areas and/or against specific families, greater use of Police powers (such as Section 62) where pitches are available in a given local authority area or possibly families travelling less or alternatively travelling to other parts of the UK) as it has become harder to find anywhere to stop whilst travelling.

## **2) What do you see as the major successes in your area relating to unauthorised encampments since the summit of 10<sup>th</sup> February 2017?**

One success has been greater willingness on the part of local authorities to look at forms of temporary stopping provision, whether this be via providing transit sites or through adopting practices such as Negotiated Stopping. In Walsall at least UEs are not seen as a problem that must be shifted out of the borough but rather as representing a need that has, to date, been insufficiently addressed.

## **3) What do you see as the major challenges in your area relating to unauthorised encampments?**

A key challenge is converting the discussions shown under 2 above into actual action. We are aware of only one transit site that has been provided in the West Midlands (and that is massively under-utilised) and no official use of Negotiated Stopping (although we know that ad hoc “tolerated stopping” approaches have been used)

If transit sites are to meet the needs of the travelling community, rather than merely act as an enabler for Section 62 powers, then consideration must be given to the following: location and accessibility; facilities provided; design and cost (how are rents and deposit charges determined and are these within the range of the families living on UEs?)

## **4) Are there any changes to existing legislation that you feel would make a difference to the situation in the West Midlands?**

We would like to see Central Government setting a requirement for local authorities to provide both more permanent sites and sites (whether transit sites or Negotiated Stopping) for temporary stopping. The “local authorities know best” approach has demonstrably failed to deliver.

We would also like to see the scrapping of the current definition of “Gypsy/Traveller” for planning purposes which forces people to travel if they want to retain “Gypsy Status”. This has been a key driver in the increase in the number of UEs over the past few years.

In addition to the above, the current situation where a transit site in one local authority can sit empty while the neighbouring authority has families on UEs with no official place on which they can stop is clearly absurd. We would support moves to change the legislation in this



respect as long as any change incorporates “proportionality” – that is that a family on a UE in (for example) Wolverhampton would not be expected to move to (again for example) Coventry, if a vacant pitch was available on a transit site there.

**5) Are there any cross-border issues that you feel would be more effectively dealt with at the Combined Authority level?**

UEs are not Borough-specific. The families occupying them will often have no idea where one Borough stops and another begins. This summer we have seen clear indications of travelling families being moved off a UE location in one borough into another borough then turning up in the initial borough a few days later having been moved on from the second borough in a never-ending merry-go-round.

See also our comment under 4 above regarding cross-borough use of transit sites.