

SCRUTINY PANEL A

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Tuesday, 13th November, 2018 at 7.00 pm

Present: Councillor Rachel Madden in the Chair;

Councillors Tony Brewer, Don Davis,
Lachlan Morrison and Nicolle Ndiweni.

Apologies for Absence: None.

Officers Present: Mike Joy, Martin Elliott, Phil Warrington and
Shane Wright.

SA.8 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.

There were no declarations of interest.

SA.9 To receive the minutes of the meeting of the Panel held on 31 July 2018

The Minutes of the meeting held on 31 July 2018 were approved as a correct record and signed by the Chairman.

SA.10 Scrutiny Consideration of Unauthorised Encampment Protocol

The Service Manager, Strategic Housing and Lettings attended the meeting to present the draft Unauthorised Encampment Protocol in order to enable members to comment and consider areas for improvement as well as to enable members to consider the potential impact of the draft Protocol on local communities in Ashfield, travellers and other stakeholders.

The Scrutiny Research and Support Officer had submitted a report which provided background information on unauthorised encampments, the issues that they created for communities and local authorities and the powers that local authorities had to deal with unauthorised encampments. The report also included information on unauthorised encampments in Ashfield and how they were currently dealt with. The draft Unauthorised Encampment Protocol was attached as an appendix to the officer's report.

The Service Manager, Strategic Housing and Lettings advised that during the summer of 2018 there had been a series of high profile unauthorised encampments which had led to concerns being raised about the length of time

that the current processes for dealing with them had taken. The Service Manager advised that consequently there had been a need identified for the current processes to be reviewed in order to expedite the procedures to enable unauthorised encampments to be dealt with more swiftly in future.

The Service Manager provided information on the current procedure for dealing with unauthorised encampments, noting that the entire process could take a total of two weeks from initiating actions to the site being cleared.

The Panel was advised that the proposed new protocol would enable the timelines to be reduced in order to enable unauthorised encampments to be moved on sooner, but did note that some aspects of the protocol were outside of the Council's control, such as the availability of court hearing dates.

The Service Manager advised that there were risks in the new protocol in that timelines could be negatively impacted by slippage and that the Council could incur increased costs by utilising bailiffs more frequently and/or at an earlier point in the process than was the case under current procedures.

Members were reassured that negotiation would still play a major part in the proposed protocol in how the Council worked clear unauthorised encampments and noted that negotiation was often a very effective tool in getting unauthorised encampments cleared. It was acknowledged that the proposed procedure, with its emphasis on court orders and the use of bailiffs, did have the potential to possibly increase tension and conflict with the occupiers of unauthorised encampments.

The Service Manager outlined in detail the processes involved in the proposed protocol and noted that the revised procedures could potentially enable unauthorised encampments to be moved on in a period of two or three days from the initiation of procedures. The Panel was also provided with information and examples of how negotiation with the occupiers of unauthorised encampments had successfully led to the occupants vacating the unauthorised site.

Members also noted their concerns about the financial impact of the proposed new protocol and asked how much the unauthorised encampments set up in Ashfield during 2018 would have cost to deal with, had the proposed protocol been in place. It was acknowledged that it was hard to provide a figure on what the cost would have been as the costs involved, as each case was impacted by numerous variables which made quantifying costs difficult, however it was estimated that the additional costs that would have been incurred would have been approximately between £10,000 and £15,000.

Members noted that, irrespective of the procedure for dealing with unauthorised encampments, there needed to be a strategic look at the provision of permanent traveller sites across Ashfield to see if there was sufficient provision in the district. The Panel was advised that there were numerous permanent sites across the district but that these were privately owned and not in the Council's control. It was also noted that the provision of permanent traveller sites often created complaints from local residents in proposed locations.

Members noted with concern that the proposed protocol could be both unnecessarily costly and confrontational, when negotiation with occupiers of unauthorised encampments had been proven to be a successful approach to moving them on in the past. Members also asked whether the Council has used services of agencies with specialist skills and experience in dealing with unauthorised encampments, such as Rural Community Action Nottinghamshire (RCAN).

The Service Manager advised that the Council has not used any external assistance when negotiating with the occupiers of unauthorised encampments and acknowledged that while a greater use of formal enforcement activities could potentially cause some problems, court orders and other formal enforcement activities were a proven and effective tool in getting unauthorised encampments moved on. It was acknowledged that negotiation was, and would continue to be a major tool when dealing with occupiers of unauthorised encampments.

Members asked whether formal enforcement powers were used in the manner proposed in the draft protocol by other local authorities. The Service Manager advised that a similar protocol was operated by Mansfield District Council and noted that they had not experienced any significant problems while doing so. The Chairman noted that it would be beneficial for the further development of the protocol that further benchmarking against other authority's protocols in dealing with unauthorised encampments be carried out.

The Service Manager noted that legal advice and examples of best practice had been sought in the development of the draft protocol and advised that the Panel would be updated on the benchmarking data that had been used.

Members Further noted with concern the problems that unauthorised encampments created for the Council and local communities and asked whether the number of incidents of unauthorised encampments had increased recently.

The Service Manager advised that the number of unauthorised encampments in 2018 had been less than during 2017, however some of the recent encampments had been very high profile and had received much media coverage which had created the perception of there being an increase in the number of unauthorised encampments.

Members concluding by enquiring whether there were any particular factors that encouraged unauthorised encampments to be set up in Ashfield. The Service Manager advised that there were no particular factors which encouraged unauthorised encampments in Ashfield. It was noted that the Council worked with neighbouring authorities to share information on the movements of gypsies and travellers who had set up unauthorised encampments when the encampment was moved on.

RESOLVED

that the following actions be undertaken in readiness for the next meeting of the Panel:-

- a) the Service Manager, Strategic Housing and Lettings circulates the report showing that there are sufficient allocated traveller sites in the district.
- b) the Service Manager, Strategic Housing and Lettings provides members of the committee with a breakdown of the of the number of unauthorised encampments and of the costs associated with their clearance during 2018 (and previous years), as well as an estimate of the costs which would have been incurred in clearing these unauthorised encampments had the proposed new protocol been in place.
- c) an officer from the Strategic Housing and Private Sector Enforcement team attends the next meeting of the committee to provide information on the negotiation processes used when dealing with unauthorised encampments.
- d) the Service Manager, Strategic Housing and Lettings provides members of the committee with information gathered as part of the benchmarking exercise in developing the draft protocol and that further benchmarking against other authorities takes place.
- e) further research be conducted and presented at the next meeting of the committee on the services, with regard to negotiation that are offered by other organisations such as Rural Community Action Nottinghamshire (RCAN).
- f) a representative from RCAN, or another organisation which offers support with regards to negotiation at unauthorised encampments be invited to the next meeting of the committee to provide information on the services that they offer and their experiences of negotiating at unauthorised encampments.

The meeting closed at 8.10 pm

Chairman.