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ASHFIELD DISTRICT COUNCIL



Council Offices, Urban Road, Kirkby in Ashfield Nottingham NG17 8DA

Agenda

Scrutiny Panel A

Date:Thursday, 12th March, 2020Time:10.00 amVenue:Committee Room, Council Offices, Urban Road,
Kirkby-in-AshfieldVenue:For any further information please contact:
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SCRUTINY PANEL A Membership

Chairman: Vice-Chairman: Councillor Melanie Darrington Councillor John Smallridge

Councillors: Ciaran Brown Lauren Mitchell David Walters

Trevor Locke Warren Nuttall

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SUMMONS

You are hereby requested to attend a meeting of the Scrutiny Panel A to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.

CA Cauthin

Carol Cooper-Smith Chief Executive

AGENDA

To receive apologies for absence, if any.

1.

2.	Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.	
3.	To receive the minutes of the meeting of the Panel held on 23 January 2020.	5 - 8
4.	Scrutiny Review: Bus Provision in Ashfield.	9 - 18
5.	Unauthorised Encampment Protocol.	19 - 36
6.	Scrutiny Review of Community Engagement.	37 - 44

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Agenda Item 3

SCRUTINY PANEL A

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

on Thursday, 23rd January, 2020 at 10.00 am

Present: Councillor David Walters in the Chair;

Councillors Ciaran Brown, Trevor Locke, Rachel Madden, Lauren Mitchell, Warren Nuttall and Caroline Wilkinson.

Officers Present: Lynn Cain, Mike Joy and Shane Wright.

SA.8 Minutes

RESOLVED

that the minutes of the meeting of the Panel held on 12th September, 2019, be received and approved as a correct record.

SA.9 <u>Declarations of Disclosable Pecuniary or Personal Interests</u> and Non Disclosable Pecuniary/Other Interests

Councillor Warren Nuttall declared a Non Disclosable Pecuniary/Other Interest in relation to agenda item 4 (Introduction to Local Bus Provision in Ashfield.) His interest arose from the fact that he currently holds the position as the Council's representative on the Our Centre Board.

SA.10 Introduction to Local Bus Provision in Ashfield

The Service Manager, Scrutiny and Democratic Services introduced the report and reminded Panel Members that the topic had been added to the Scrutiny Workplan following consideration at an Overview and Scrutiny Committee meeting during 2019.

The Panel acknowledged that a generic review of 'local bus provision in Ashfield' might prove to be quite far reaching with Members having limited powers to influence any particular outcomes that could benefit Ashfield residents. It was therefore agreed that the review should focus on how public transport has the potential to make an impact on areas affecting quality of life for local people including:

- social inclusion
- accessing jobs
- promoting the local economy
- environmental implications.

The County Council, being the responsible authority for setting the direction and objectives of the County's public transport network, had produced a Nottinghamshire Local Transport Plan that would run until 2026. The Plan had recognised that there was still significant scope to improve the County's transport network to ensure the provision of reliable services whilst improving access to services and minimising any negative impact on users.

In relation to the District Council, Members were asked to note that the recent funding allocation of £25m to both Kirkby and Sutton through the Town Centres Fund would enable the Council to invest a portion of the funding into enhancing local infrastructure and transport provision in conjunction with the proposed regeneration of the town centres.

As part of the review, the Service Manager, Scrutiny and Democratic Services felt it might be beneficial for the Panel to talk to the following representatives to gain a further understanding of partner provision and perspectives:-

- Nottinghamshire County Council's Transport Manager;
- a Trent-Barton (national bus company) representative;
- an Our Centre (local voluntary bus service) representative;
- the Council's Assistant Director, Planning and Regulative Services.

Members took the opportunity to debate the preferred direction for the review and considered, amongst other things:-

- the rising prices being charged for bus travel within Nottinghamshire and the resulting reduction in patronage;
- the excellent service being provided by Our Centre (local voluntary bus provision) and the challenges the organisation faces in obtaining ongoing funding and support;
- concerns regarding social exclusion and how isolation and loneliness can contribute towards failing mental health;
- the recent lobbying of Nottinghamshire County Council in reaction to their cutbacks to bus services on primary routes;
- a suggestion to raise the issue of increased bus provision to prevent social exclusion at the next Joint Health Scrutiny Committee meeting with a request for any available funding to assist with ;
- the inadequate bus service provision within Skegby, Huthwaite and Stanton Hill;
- Trent-Barton's recent reduction in valuable bus route provision and its perceived lack of investment in new buses resulting in regular breakdowns and disrupted services;
- the inequality in provision of public transport infrastructure i.e. the lack of electronic information boards, shelters and seating within the Rural areas;

- the excellent public transport system that serves Hucknall including bus, tram and train provision but its inability to reach the outer estates within Hucknall West Ward;
- the gaps in provision relating to providing transport at key times to enable workers to access jobs in more remote areas and business estates and a suggestion to consider this aspect when engaging with both local and county wide bus providers;
- the need for bus companies to keep abreast of new estate developments with a view to extending bus routes to encompass them within their larger transport networks;
- acknowledgement of the current Ashfield demographic and the fact that many residents do not have access to cars and require decent public transport provision to access family, work and social activities.

RESOLVED that

a) the following terms of reference be agreed for the Scrutiny review of local bus provision within Ashfield:-

"To undertake a review to consider the current gaps in local bus provision within Ashfield and how this impacts on social exclusion issues and the health and wellbeing of residents. To also give consideration to environmental sustainability issues in relation to future bus provision."

- b) the Service Manager, Scrutiny and Democratic Services be requested to extend a Panel meeting invite to the following representatives to assist Members with the review:-
 - Nottinghamshire County Council's Transport Manager;
 - a Trent-Barton (national bus company) representative;
 - an Our Centre (local voluntary bus service) representative;
 - the Council's Assistant Director, Planning and Regulative Services;
- c) the Scrutiny Research Officer email all Members requesting their individual views in relation to current bus provision within their wards and whether there are any particular gaps in service that are impacting on particular groups or residents.

SA.11 Community Engagement Review Update

The Service Manager, Scrutiny and Democratic Services reminded Members that the Panel had originally commenced the review into Community Engagement at its last meeting held on 12th September, 2019. As part of the review, it was intended that the Health and Wellbeing Team Leader, Andrea Stone, would continue to develop the Council's Community Engagement Strategy and present an update of the document to the next meeting.

However, due to emerging priorities within the Health and Wellbeing Team including the Towns Centre Funding opportunities and the development of the new Leisure Centre in Kirkby in Ashfield, officers had been redirected to other work streams and development of the Community Engagement Strategy had been held in abeyance to be completed at a more appropriate time.

It was therefore intended that an update report would be presented to a future meeting of the Panel.

The meeting closed at 10.45 am

Chairman.

Agenda Item 4



Report To:	SCRUTINY PANEL A	Date:	12 MARCH 2020
Heading:	SCRUTINY REVIEW: BUS F	PROVISIO	N IN ASHFIELD
Portfolio Holder:	NOT APPLICABLE		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The purpose of this report is to present Scrutiny Panel A Members with further information regarding the ongoing review of bus provision in Ashfield. Members have previously held an introductory meeting on the topic at the January meeting of Scrutiny Panel A.

Recommendation(s)

Scrutiny Panel A Members are recommended to:

- a. Note the information contained in this report.
- b. Identify further areas for review.

Reasons for Recommendation(s)

Bus provision in Ashfield was added as a topic for review to the Scrutiny Workplan 2019/20 by the Overview and Scrutiny Committee in June 2019.

Alternative Options Considered

No alternative options have been considered at this stage of the scrutiny review process.

Detailed Information

Background

An introductory meeting was held on 23 January 2020 by Scrutiny Panel A on bus provision in Ashfield, where Members considered a report setting out regional context, the impact of buses on social inclusion, community transport schemes, and review objectives.

Regional Context

Nottinghamshire County Council are the responsible authority for setting the direction and objectives of the public transport networks Countywide. Nottinghamshire County Council sets out their strategy for transport through the Nottinghamshire Local Transport Plan (NLTP). The established plan is Countywide and runs until 2026.

The NLTP recognises that within the County there remains significant scope to reduce the number of short car journeys, and encourages healthier active travel for these journeys. The NLTP further identifies there is an opportunity for increased public transport patronage Countywide.

Nottinghamshire County Council have also developed, alongside the NLTP, an Integrated Passenger Transport Strategy (IPTS). The IPTS was developed in recognition of the vital role passenger transport plays in the development of a sustainable transport system for Nottingham. The aim of the IPTS is to ensure the development of an integrated passenger transport system that is:

- Available to all
- High quality
- Easy to use
- Affordable

The IPTS identifies various real and perceived barriers to the use of public transport, including:

- Service coverage, periods of operation, and frequency
- Lack of direct routes
- Length and speed of journeys
- Poor perceptions of public transport
- Fear of crime
- Cost of services
- Vehicle and driver standards
- Service reliability
- Lack of information regarding services

Nottinghamshire County Council works in partnership with commercial bus operators and other stakeholders to ensure bus services serve as many local communities as possible.

It is Ashfield District Councils responsibility, as local leaders for Ashfield, to make representations to Nottinghamshire County Council and bus operators on behalf of residents and community groups in the District.

Social Inclusion, Isolation, and Loneliness

Bus services can contribute significantly to accessibility of jobs, education, and services to people experiencing, or at risk of, social exclusion. Improving social inclusion is a key objective for Nottinghamshire County Council, and for many other partners and agencies. Rural isolation is also common, with commercial transport services often difficult to provide.

Community Transport Schemes

The community and voluntary transport sector offers services for people who have limited access to, difficulty using, or are unable to use public transport services. Ashfield District Council provides grant funding for a community transport service in Ashfield named Our Centre. Our Centre is a local community transport service that provides transport solutions for individuals or groups in Ashfield and wider areas.

Our Centre supports residents and community groups in areas such as:

- Annesley
- Jacksdale
- Hucknall
- Huthwaite
- Kirkby in Ashfield
- Selston
- Skegby
- Stanton Hill
- Sutton in Ashfield
- Teversal
- Underwood

Our Centre also supports people and community groups outside of Ashfield, in areas such as Mansfield, Rainworth, and Warsop.

Review Objectives

At the outset of the review, Scrutiny Panel A Members agreed a set of objectives and areas of interest as guidelines for the review process. These included:

- Seeking involvement from representatives at Nottinghamshire County Council, Trent Barton, Our Centre, and the Council's Planning Department
- Considering how public transport impacts work accessibility
- How public transport can impact the local economy
- Environmental implications of current and future bus provision in Ashfield
- Funding opportunities for Ashfield through the Future High Streets and Towns Funds, and how they could influence public transport in the District
- Social exclusion, isolation, and loneliness
- Areas of need
- Information sharing regarding bus services

Members also agreed a terms of reference for the review as follows:

"To undertake a review to consider the current gaps in local bus provision within Ashfield and how this impacts on social exclusion and the health and wellbeing of residents. Consideration will also be given to environmental sustainability issues in relation to bus provision."

Legislation

The Bus Services Act 2017

Buses are England's most used form of public transport, accounting for more than 60% of all public transport trips. Buses are a fundamental part of every day for millions of people. Buses help commuters get to work, students to school, college, and university, and shoppers to high streets and town centres. Ultimately, buses enable people, wherever they are, increased opportunity to access and enjoy a wide range of services and leisure opportunities. The benefits of reliable and innovative bus services are clear, greater productivity, reduced congestion, and communities that are more greatly connected.¹

The Bus Services Act 2017 introduced advanced quality partnership powers to provide a framework for authorities to work side by side with operators, with the aim of setting a shared vision for bus service in their area. These powers were introduced with new ticketing powers, allowing easier use of buses for passengers, easier movement between different modes of public transport, and increased access to information regarding timetables, fares and routes.² The 2017 Act was introduced with the intention of enabling authorities to consider how bus services can help achieve economic, environmental, and social objectives.

New Options

Main Options

The Bus Services Act 2017 set out listed a set of desired outcomes for bus operators and authorities to improve local bus services and realise untapped growth potential in cities, regions, and rural areas. These outcomes include:

- Better Journeys
 - Buses with Wi-Fi and USB sockets
 - Improved bus networks serving more and different locations
 - Easier payment, including contactless
 - Tickets that work across different operators
 - Increased information
 - o Enhanced accessibility for passengers with disabilities

• Better Places

- o Better links to opportunities
- Increased productivity
- Fewer car journeys
- Low emission buses
- Thriving community transport services

• Better Value

¹ Department for Transport, *The Bus Services Act 2017: New Powers and Opportunities,* 2017.

² Department for Transport, *Bus Services Act,* 2017.

- Wider range of discounts for apprentices, job seekers, and other groups
- Better competition between operators
- Fares that are easier to compare
- More joined up services bringing regular bus services, school services, and health transport together

Advanced Quality Partnerships

Within The Bus Services Act 2017, new standards were established that bus operators are required to meet.

• Better Journeys

- Better buses
- Minimum service frequency
- Improved passenger information
- Route or area branding and/or marketing
- Better payment options

• Better Places

- Better transport connections
- o Improved environmental awareness

• Better Value

• Maximum fares for routes and services

Advanced quality partnerships focus on the relationship between bus operators and authorities. Good working relationships must be established, with a degree of trust on what needs to be done and that all members of the partnership will deliver. Through an advanced quality partnership, an authority will take steps to support bus operators and ensure specific local standards are met through their service.

An authority's side of an advanced quality partnership could include providing bus related facilities such as: bus stops, shelters, stations or depots, and committing to take measures to encourage bus patronage. Measures could include:

- Parking policies that encourage local transport
- Traffic management policies
- Advertising and marketing campaigns

Guidance for Authorities

Providing an Inclusive Service

On average, disabled people take ten times as many trips by buy as they do by rail. With one in twelve people being disabled, the Act states that it is essential that bus services meet the needs of everyone using them.³

Authorities, bus operators, and partners are asked to consider the steps that need to be taken to ensure services are accessible and inclusive, including:

• Designing an inclusive service

³ Department for Transport, *Bus Services Act,* 2017.

- Consult at an early stage with disabled people and groups that represent them
- Ensure that vehicles meet acceptable accessibility standards and roadside infrastructure aligns with equality legal duties and best practice
- Consider requiring or encouraging the provision of enhanced accessibility features such as:
 - A second wheelchair space on vehicles
 - Acceptance of assistance cards
 - Audible and visible information identifying routes and upcoming stops
 - Acceptance of mobility scooters
 - Ensuring ticketing systems are accessible
- Driver disability awareness
 - Bus drivers should be adequately trained to respond to the needs of disabled people and those with reduced mobility
- Information for bus passengers
 - Authorities should require or encourage bus operators to make publically available information on features of their service that assist disabled passengers. This could include information regarding:
 - Locations of accessible stations and stops
 - Accessibility features of vehicles
 - Information on concessionary bus passes and the accessibility of ticketing machines
 - Information on disability awareness training provided to drivers and other customer facing staff
 - Information on what assistance will be provided in the event of travel disruption

Improving Environmental Outcomes

The Bus Services Act 2017 reiterates that buses have a key part to play in addressing some of the country's air quality problems. Diesel buses make up the majority of bus fleets and contribute to the UK's level of carbon and nitrogen dioxide emissions.

Poor air quality is the largest environmental risk to public health in the UK, having more severe effects on vulnerable groups and people already suffering from pre-existing health conditions such as respiratory and cardiovascular conditions.

Through The Bus Services Act 2017, the Department for Transport encourages all authorities to think about ways to improve air quality in local areas.

Maximising Social Value

The Public Services Act 2012 requires authorities who commission public services to think about how they can also secure wider social, economic, and environmental benefits. The 2012 Act is a tool for authorities to get more value for money from the services they provide or procure.

Improving the Safety of Bus Services

The Department for Transport encourages authorities to think about how bus safety measures could be implemented as part of partnerships with bus operators. Local authorities are advised to consider releasing bus safety incident data from operators, such as data involving pedestrians, vehicles, and cyclists.

Tackling Congestion

Congestion has a significant impact on the usage of bus services, both to new and existing passengers. Time taken to make a journey drives transport choice, determines the efficiency of bus services, and is important to customer perceptions and satisfaction levels. Traffic in the UK has risen seven-fold since the 1950s, seeing decreased average speeds, and increased delays and journey times. Authorities, working with bus operators and partners, must consider what measures should be taken to minimise the effects of congestion on the service to passengers, and how the bus service could be used to help reduce congestion more generally.⁴

Meeting the Needs of Rural Communities

The loss of a local bus service, particularly in rural areas, can leave people isolated or dependent on others for travel. Rural areas can also be the most difficult to provide bus services for, as the passengers required for a regular service can be difficult to achieve.

Authorities can step in and subsidise additional services, reflecting local needs and available budget. Between 2014 – 2017, local authorities spent an average of £330 million a year supporting bus services.

Community transport operators can play a major role in the solution to transport issues in rural areas. Community transport operators can provide crucial services that both encourage growth and reduce isolation by linking people to existing transport networks, work, education, shops, and services. In the absence of commercial services, community services can offer bespoke services that address local needs and serve isolated communities.⁵

Authorities are advised by the Department of Transport to encourage and integrate community transport services into the wider network of services within an area.

Nottinghamshire County Council Transport Review

Nottinghamshire County Council is currently undertaking a transport review through its Communities and Place Committee, amidst national transport development and in preparation of National Bus Strategy bids.

Some of the key information set out within the report: ⁶

- Nottinghamshire County Council's local bus support was benchmarked against 26 other County Councils in 2018, and the Council's net expenditure per head of population was £5.14 compared to the national average of £4.19 per head of population.
- The County Council's current budget for local bus support is £3.9 million.
- As set out in the County Council's Transport Update, approximately 85% of bus services Countywide are commercial and 15% supported, with variation across the County.
- 83% of households Countywide are within 800 metres/10 minutes' walk of a bus stop with an hourly and better bus service on weekdays, Mondays to Saturdays, 0600-1800 hours.

⁴ Department for Transport, *Bus Services Act,* 2017.

⁵ Department for Transport, *Bus Services Act*, 2017.

⁶ Nottinghamshire County Council, *Communities and Place Committee – Transport Update*, March 2020.

• In 2018, Nottinghamshire's overall satisfaction with bus journeys is 93% and the second highest in England.

National Bus Strategy and Increased Funding for Bus Services

On the 6 February 2020, the Government announced further details of the National Bus Strategy due to be published later this year and bidding opportunities for local authorities. The developing National Bus Strategy is focussed on passenger priorities and how national and local government and the private sector can work together to address growing connectivity needs of local communities.

The strategy is to be accompanied by long term funding commitments and a review of existing funding for bus operators, including the Bus Service Operating Grant.

On 11 February 2020, the Government pledged £5 billion of investment to improve bus and cycling services in England over the next five years. The investment was announced with aims of providing more frequent services and simpler, more affordable fares. The announcement came as the Government gave the green light to the HS2 project.⁷

As part of these announcements, there are several funding opportunities:

- All electric bus town: The Department for Transport will be seeking expressions of interest for an all green bus town or city with air quality issues.
- **Rural mobility fund:** A further £20 million to be allocated for Demand Responsive Transport, looking at alternatives to fixed bus routes.
- Funding for Supported Bus Services: Central Government is looking to allocate a further £30 million to local authorities from 2020/21 to improve current services or restore local services. £648,608 has already been confirmed for Nottinghamshire.⁸
- **Superbus fund:** To support the introduction of a package of measures to increase bud patronage with emphasis on bus priority, fare caps, and increased frequencies. The available funding is £70 million for up to three locations with populations over 75,000.

Next Steps

In progressing the review, Members of Scrutiny Panel A should give consideration to the following:

- Consider potential questions to Our Centre representatives
- Explore gaps in bus provision within the district
- Assess the impact of any gaps in provision
- Consider funding opportunities available
- Assess the effectiveness of working relationships with partners

⁷ BBC News, Government Pledges £5bn for Bus Services and Cycling Routes, February 2020.

⁸ NCC, *Transport Update*, 2020.

Implications

Corporate Plan:

Consideration of this review topic aligns with Ashfield District Council's commitment to:

- Health and wellbeing of residents
- Economic and town centre regeneration
- Place and communities

Legal:

There are no direct legal implications resulting from this report. Any legal implications identified over the course of this review will be explored and addressed in collaboration with the appropriate Officers.

Finance:

There are no direct financial implications resulting from this report. Any financial implications identified over the course of this review will be explored and addressed in collaboration with the appropriate Officers.

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	None.
Housing Revenue Account – Revenue Budget	None.
Housing Revenue Account – Capital Programme	None.

Risk:

Risk	Mitigation
None at this stage.	None at this stage.

Human Resources:

There are no direct HR implications resulting from this report. Any HR implications identified over the course of this review will be explored and addressed in collaboration with the appropriate Officers.

Environmental/Sustainability:

There are no direct environmental or sustainability implications resulting from this report. Any environmental or sustainability implications identified over the course of this review will be explored and addressed in collaboration with the appropriate Officers.

Equalities:

There are no direct equalities implications resulting from this report. Any equalities implications identified over the course of this review will be explored and addressed in collaboration with the appropriate Officers.

Other Implications:

There are no direct other implications resulting from this report. Any other implications identified over the course of this review will be explored and addressed in collaboration with the appropriate Officers.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

The following background papers have been used:

- BBC News, Government Pledges £5bn for Bus Services and Cycling Routes, February 2020.
- Department for Transport, The Bus Services Act 2017: New Powers and Opportunities, 2017.
- Nottinghamshire County Council, *Communities and Place Committee Transport Update,* March 2020.

Report Author and Contact Officer

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Agenda Item 5



Report To:	SCRUTINY PANEL A	Date:	12 th MARCH 2020
Heading:	SCRUTINY CONSIDERATION ENCAMPMENT PROTOCOL		AFT UNAUTHORISED
Portfolio Holder:	CLLR JOHN WILMOTT		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

To provide an update to Members in respect of the Unauthorised Encampment Protocol that was approved in January 2019 following Scrutiny Panel A consideration.

To advise Members of recommended changes to the Protocol, the reasons for these proposed changes and to seek approval of the revised Protocol.

Recommendation(s)

Panel Members are requested to:

- Note the information contained in this report.
- Consider the proposed changes to the Unauthorised Encampment Protocol.
- Approve the revised Unauthorised Encampment Protocol attached at appendix A.

Reasons for Recommendation(s)

The Protocol has been operational for 12 months. To ensure continuous development and improvement it is important that we review and update the Protocol, reflecting on our experiences and lessons learnt during the past year.

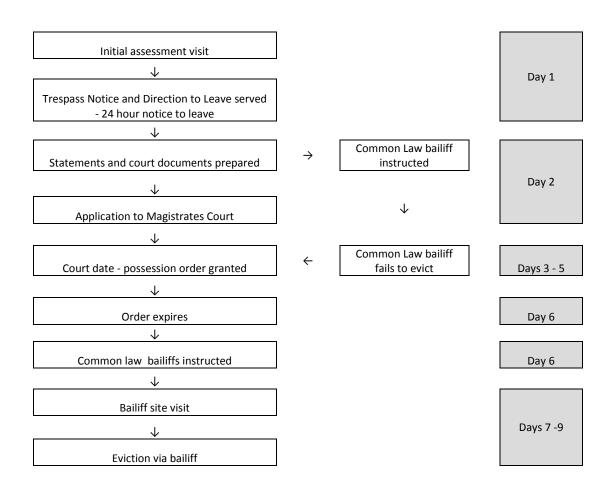
Alternative Options Considered

To not review the Protocol. This was rejected because there is a need to make minor changes based upon our experience of the last 12 months.

Detailed Information

A Protocol for managing unauthorised encampments was implemented in January 2019 following consideration and comment from Scrutiny Panel A. As part of their recommendations Members asked the Protocol be reviewed 12 months after implementation.

The Protocol established a default process for dealing with unauthorised encampments on ADC land, a summary of which is as follows;



To cover all possible scenarios the Protocol identified a need to issue both Trespass Notice and a Direction to Leave on the occupiers on day 1. Both of these set out a need for the occupiers to leave by a given time and date.

The benefit of serving both was that officers could then decide on the most appropriate course of action should the occupiers fail to adhere to the instruction to leave and court action was needed to move them on.

The Direction to Leave is served on known vehicles whereas the Notice relates to any unauthorised person occupying the site. Assuming no other vehicles join the encampment the Protocol assumes possession will be pursued through the Magistrates Court, utilising the Direction to Leave.

Alongside court action the Protocol states that common law bailiffs will be instructed to remove the encampment. The idea being that this would take place between the Notice being served and a Court Order being secured.

Since the implementation of the Protocol in January 2019 the Private Sector Enforcement Team has dealt with 22 unauthorised encampments, including 10 on ADC land and 12 on private land. By comparison there were 15 encampments in 2018/19 and 21 in 2017/18. There were more encampments on ADC land last year compared to previous years but this figure is skewed somewhat by one group of travellers who moved between 4 ADC sites over a short period of time.

Soon after the Protocol was implemented it became apparent that serving 2 instructions on day 1, the Direction to Leave and Trespass Notice, could be confusing as each came with their own set of instructions. This could have potential implications for any legal action the Council intended to take. In response to this there was a slight change of approach with just the Direction to Leave being served on day 1.

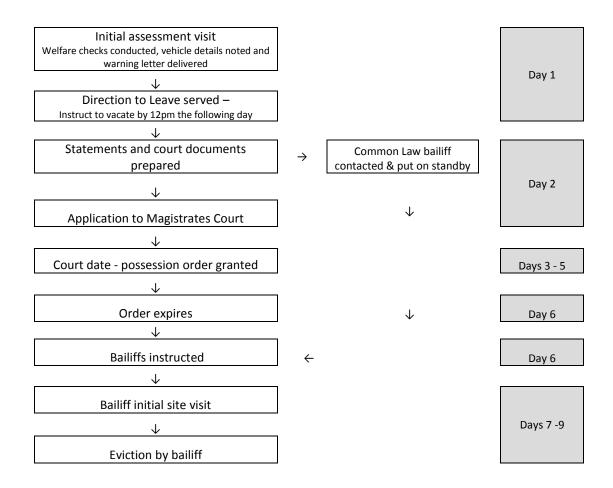
In most cases the threat of court action was enough to move the encampment on. Where court action was needed, the process of applying to court and obtaining an order happened within the space of a few days meaning there was relatively little benefit in instructing common law bailiffs to act in the intervening period.

Of the 10 encampments on ADC land 9 moved after the initial Direction to Leave was served (and before court action was taken) and 1 moved after a court order was secured and bailiffs were instructed.

Whilst most encampments were moved on in a quick and orderly manner problems were experienced at one particular site. On this occasion a Direction to Leave was served on day 1 but then at different times over the course of the next day or so other vehicles joined the encampment. Court action was delayed as new Direction to Leave notices had to be served on vehicles joining. The encampment was on a high profile site, one used for leisure purposes by local residents. During their stay the behaviour of the occupants was increasingly challenging and aggressive. In view of the circumstances, whilst court action was being pursued common law bailiffs were instructed to attend (without a court order) and use reasonable force to move the encampment on. This action failed and the encampment stayed until a court order was obtained and bailiffs could move them on.

Following recent conversations with our Legal Services Team it was agreed that where there is evidence to believe other vehicles may join the encampment, rather than serve a new Direction to Leave the original Direction and its accompanying covering letter can be used as a basis to pursue possession action through the County Court (as opposed to the Magistrates Court). Although the County Court process takes slightly longer, time will be saved by not having to re-serve Directions.

The revised Unauthorised Encampment Protocol, attached at appendix A, includes a new, simplified default procedure for dealing with encampments on ADC land, this is summarised overleaf.



In addition to removing reference to serving a Trespass Notice the new procedure also removes reference to common law bailiffs being instructed to evict the occupants on every encampment before a court order is sought. The court process or threat of action has brought a speedy solution in most cases. Within the revised Protocol it has been stated that common law bailiffs can be considered on a case by case basis and will be instructed to remove an encampment (without a court order) when the site is high profile and/or there are significant problems associated with the site, such as ASB.

Most other elements of the Unauthorised Encampment Protocol remain unchanged. In respect of factors such as meeting the welfare needs of occupiers, communicating to Members, officers and local residents and managing the encampment whilst on site, these are working well and so few changes have been suggested.

Looking more broadly at the issue of unauthorised encampments, the Government is currently consulting on increasing Police powers to evict gypsy and travellers. With any additional powers there could be an expectation that local authorities will need to be in a position to offer encampments 'move-on' options elsewhere within the district. The idea on these 'negotiated stopping' sites; that is alternative sites which are in out of the way locations, that would be suitable for encampments to stay at for a short period of time, may need to be given further consideration.

In addition, colleagues in Planning are leading on a Gypsy and Traveller Accommodation Needs Assessment. This is being conducted on a countywide basis.

Finally, local authorities are increasingly considering injunctions to prevent encampments, these can be on designated sites or districtwide. The matter is contentious and is currently being tested through the courts. At this point in time the Council is not in a position to apply for an injunction on any of its sites but it is something that is being monitored and will be considered in future.

Implications

Corporate Plan:

The revised Protocol is in keeping with the following Corporate Plan purpose

- The Council exists to serve the communities and residents of Ashfield.
- We will provide good quality, value for money services.

Legal:

The draft Unauthorised Encampment Protocol has been developed in collaboration with Legal Services. Powers relating to unauthorised encampments including the power to issue a Direction to Leave Notice derive from the Criminal Justice and Public Order Act 1994. The power to seek possession derives from Part 55 of the Civil Procedure Rules.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Unable to recover possession of ADC owned land	The Protocol clearly sets out a step by step process that will ensure recovery of ADC land.

Human Resources:

None

Environmental/Sustainability

The revised Protocol minimises the number of officer site visits thereby doing what is possible to reduce carbon from car usage.

Equalities:

The Protocol takes into account the needs of the occupiers including the requirement to conduct welfare checks and consider possible exemptions to

Other Implications:

None

Report Author and Contact Officer

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Ashfield District Council Unauthorised Encampment Protocol (Feb 2020)

1. About this Protocol

This Protocol sets out Ashfield District Council's approach to dealing with any illegal unauthorised encampment. That is, any persons who trespass on land owned by someone else (public or private) with an intention to reside, either on a temporary or permanent basis.

An unauthorised encampment occurs where any person camps (in vans, trailers or any other moveable accommodation) or moves on to land that they do not own and where they do not have permission to reside. This includes, but is not limited to traveller sites, protest camps and squatter sites.

2. Principles

The Council has adopted a coordinated partnership approach to managing unauthorised encampments which is based on the following:

- The protocol is commenced immediately when an unauthorised encampment is identified/reported and this is co-ordinated by Private Sector Enforcement Team.
- All illegal unauthorised encampments will be treated fairly and openly in accordance with our duties and protocol procedures regardless of who the groups or individuals illegally encamping are.
- From the powers available to us, we will work with the Police to determine and utilise the quickest and most appropriate method of dealing with any illegal unauthorised encampments. This will be determined by the nature and conditions of each case.
- The Council will always liaise with the Police who do have more immediate powers available if circumstances are exceptional and where they choose to exercise them.
- The Council is duty bound to undertake a welfare check, this will be under taken as part of a site visit assessment.

- The Council will continually engage with the encampment to negotiate their move on, this will continue alongside legal action to recover possession.
- This protocol will be carried out in accordance/compliance with the public authority duties and legal requirements set out in the Human Rights Act 1998 and Equality Act 2010.
- The legal process is outside the Council's control and is dependent on the availability of Bailiffs and Court dates.
- The Council will consider other potential sites that the travellers may move to or be directed to, any security/property concerns, plans for future clean up and security of the site once travellers have left.
- Communication will take place with key officers/partner agencies/residents/Councillors/the media etc.
- Gypsies and Travellers are protected by the law from unlawful discrimination.
- The District accepts that the Gypsies and Travellers community have their own needs; however it will adopt a robust approach to managing unauthorised encampments.
- For clarity the default position of Ashfield District Council is to use its powers under the Criminal Justice and Public Order Act 1994, this being the most expedient means of vacation if the encampment is on ADC land and unauthorised.

3. The Protocol Process

There are a number of legislative powers available to local authorities and the Police to tackle unauthorised encampments, these are detailed in the Government publication 'Dealing with illegal and unauthorised encampments'.

The remainder of this section will detail the default procedure for the Council. That said, each encampment will be considered on a case by case basis and changes to the procedure will be considered as appropriate. Changes to the default procedure will be agreed and approved by the Director of Housing & Assets.

• Establish the ownership of the land

New encampments will be reported to the Private Sector Enforcement (PSE) Team who will work with Legal Services to determine the ownership of the land.

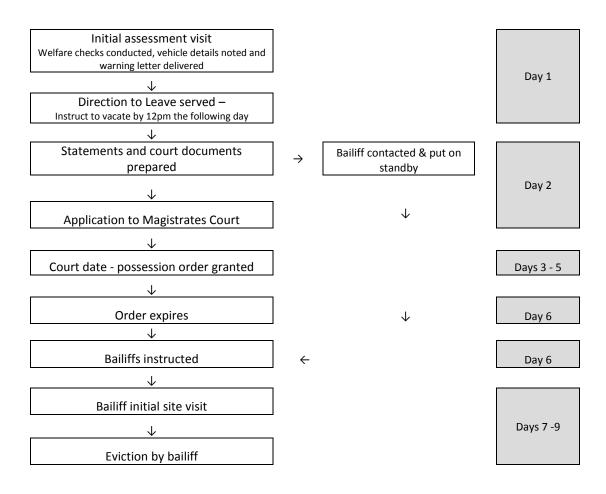
• Unauthorised encampment on private land

The PSE Team will make contact with the landowner as soon as ownership is established, this will normally be on day 1. Advice and support will be provided to assist the landowner to recover possession of their land. It is the responsibility of the landowner to take appropriate action and to determine the timescale for recovery.

The PSE Team will conduct a site visit to undertake welfare checks. If welfare or safeguarding issues are identified appropriate support and assistance will be provided. (If the land is owned by Nottinghamshire County Council they will undertake the checks themselves)

Unauthorised encampment on Council land

A summary of the steps that will be taken to recover possession of the land and approximate working day timescales associated with this is provided below.



An initial assessment visit will be conducted as soon as possible on the first working day. The purpose of this will be to;

- Establish a positive working relationship with the encampment
- Understand their plans and negotiate their move-on
- Conduct mandatory welfare checks of all occupiers
- Advise about standards expected whilst resident on Council owned land
- Take vehicle and registration number details
- Hand deliver a warning letter (appendix 1) advising the occupants they are trespassing on ADC land and informing them of the process the council intends to follow to recover possession of the land.

Time allowing, on day 1 a Direction to Leave will be served. The Direction requires vehicles to vacate the land. If it is not complied with proceedings can be pursued via the Magistrates Court under s77/78 of the Criminal Justice and Public Order Act 1994.

The Direction will require all vehicles to leave by 12noon the following day. This will enable officers to check the site and to instigate court proceedings if the encampment remains.

Upon failure to comply with the Direction an application will be made to the Magistrates Court. The intention will be to seek the earliest possible Court date. Typically, because of the need to process the request, serve summons, etc, it will be 2-3 working days from application to Court date.

Upon expiry of the order requiring the vehicles to leave the Council will instruct bailiffs to evict the vehicles. The bailiff will conduct an initial site assessment visit before returning to evict the vehicles.

In exceptional circumstances the default process may not be appropriate and a different approach may be necessary. Such circumstances include:

• The encampment is on land considered to be an essential community facility where its presence will cause considerable local disruption. Typically this will include well used public parks, hired sports pitches, etc.

Appropriate approach: With the prior approval of the Director of Housing and Assets, after the initial warning letter has been served common law bailiffs will be instructed to remove the encampment

Bailiffs have common law powers to remove encampments using reasonable force.

Additional vehicles join the encampment after the Direction to Leave has been served.

Appropriate approach: Where additional vehicles have joined the encampment following the serving of the original Direction to Leave or there is strong evidence to suggest vehicles will be joining civil action through the County Court will be considered. Legal action will relate to all vehicles on ADC land. No additional Direction to Leave notices will be required. The County Court process is slightly longer, meaning a short delay in securing vacant possession of the land.

If problems on site escalate it may be considered appropriate for the Police to instigate action under sections 61- 62 of Criminal Justice and Public Order Act 1994. This would normally be in exceptional circumstances, when there is evidence of threatening, abusive or intimating behaviour. In such circumstances the PSE Team will liaise directly with Police colleagues.

Alongside legal action the PSE Team will continue to negotiate with the occupiers. Experience has shown that most encampments do move before being evicted.

Welfare needs

The Council is obliged to conduct welfare checks on all occupants.

As part of the checks we must consider pregnancy, ill health, educational needs, child and adult protection and animal welfare. The PSE Team will conduct the checks and will co-ordinate any referrals, signposting or appointments needed.

The Council will not delay the serving of notices but enforcement action through the Court may be put on temporary hold if there are urgent welfare issues that need to be addressed before occupants are moved on. Any delay will be kept to a minimum and will be discussed and agreed with the Director of Housing & Assets.

Management of the encampment (Council owned land)

Whilst action is ongoing to move the encampment on it is important that site is managed effectively.

The PSE Team will maintain regular daily visits in order to deal with issues that occur, to address welfare issues, to advise the occupants of our enforcement action and to continue to negotiate their move on.

The Waste and Environment Team will conduct daily site visits, providing refuse materials and removing waste and rubbish.

Police and Community Protection Teams will receive daily updates and will conduct regular patrols. The frequency and visibility of these will be determined and agreed on a case by case basis and will be based upon the number and nature of reported incidents, including anti-social behaviour (both by and against occupants) and alleged criminal activity.

A 'What we expect from you while you are here' leaflet (appendix 2) will be given to each household so they understand the expectations of the Council.

When the encampment moves the PSE team will ensure there is a coordinated response from officers and other relevant agencies so the site is tidied, secured and returned back to its normal use. Photographs of the vacated land will be taken prior to clean-up commencing. Consideration will also be given to any additional measures that can be taken to secure the site against a future encampment.

Out of hours reporting

If the encampment arrives at the weekend or overnight the Council's out of hours' operative will take details and email the PSE Team and the Waste and Environment inbox. They will also advise the on-call Community protection Officer.

Monitoring will be conducted and the Waste and Environment Team will commence daily visits but the formal process to recover possession will not commence until the start of the working week.

Communications

Unauthorised encampments create a great deal of media interest. It is important that Councillors and residents are regularly informed of any actions / progress which are on-going.

Likewise, it is important that there is effective internal communication to ensure officers understand and are able to respond to the circumstances in a prompt manner.

The principles of the Protocol must be applied in relation to all communication with illegal site/land occupants. In particular, Gypsies and Travellers are protected by law from racial discrimination. No personal information obtained from welfare checks or subsequent visits will be disclosed.

Day 1 – notification of unauthorised encampment

- An email will be sent to the Leader, the Deputy(s) other Cabinet Members, Ward Member(s), the CEO and Director of Housing and Assets to notify them of the encampment.
- Email sent key officers/partner agencies (as per agreed list) to notify them of the encampment and to
- Email sent to Leader, Deputy and Ward Member post initial assessment visit.
- Message added to website (Unauthorised encampment pages) to advise residents we are aware of the encampment and we are taking appropriate steps to deal with it.

Day 2 onwards

- Daily email to Leader, Deputy(s) other Cabinet Members and Ward Member to advise them of any issues and action being taken
- Ad-hoc email to Leader and Deputy(s) to advise of any emerging information or intelligence.

 On sites where residents have reported issues or made a number of complaints a letter (appendix 2) will be posted to properties in the immediate vicinity of the encampment to advise residents that the Council is aware of the encampment and that action is being taken to resolve the issue. The letter will encourage residents to contact the Council if they are experiencing any issues. The content of the letter will reflect if the land is Council owned and we are taking enforcement action or if is privately owned.

The Council will maintain a Question and Answer Section on its website relating to unauthorised encampments.

Appendix 1 – Initial warning letter.



WARNING

To Whom It May Concern Being Any Person Occupying

Any Part Of:

444 Nowhere Street adjacent to the Leisure Centre, Sutton in Ashfield, Nottinghamshire NG17 xxxx

The land is owned by:

Ashfield District Council of the Council Offices, Urban Road, Kirkby in Ashfield, NG17

- 1. That your occupancy of such land is without consent of the said owners and as such is unlawful.
- **2.** You are requested to remove yourself and all your belongings from the said land forthwith.

Dated:

Signed

Designation :

Unauthorised Encampments WHAT WE EXPECT FROM YOU WHILE YOU ARE HERE

YOU MUST

- Put all rubbish in the red bags provided.
- Keep numbers of trailers and vehicles to a minimum.
- Use toilets if provided and advise us on the number listed below if they need emptying.
- Be cooperative with our staff and other agencies.
- Keep the site in the condition you found it.
- Keep your animals under control.

YOU MUST NOT

- Leave any waste on the site or break other rules about fly tipping.
- To limit all noise on site at all times.
- Damage any of the facilities provided.
- Be aggressive, rude or unhelpful to our staff or other agencies.
- Damage this site.

We may use monitoring methods to ensure that the land you have stopped on is clean and tidy and that you are not breaking any laws. If you have any information about anyone else bring waste onto this site or you have any trouble with people being rude or racist towards you please contact us on 01623 457345.



To all local residents

Contact: insert Direct Line: insert Email: Our Ref: Your Ref:

Date:

Insert date

Dear Sir/Madam

Unauthorised Encampment – INSERT LOCATION

I write to advise you that the Council is aware of the unauthorised encampment on INSERT LOCATION and is taking appropriate action to move the occupants on as soon as possible.

This process is not instant, it can take a number of days to bring to a conclusion as there are legal steps we have to follow. For more information please visit our website www.ashfield.gov.uk/INSERT.

If you do experience problems relating to the encampment please report them to us on tel 01623 457345

Yours sincerely

Phil Warrington Service Manager – Strategic Housing & Lettings

Agenda Item 6



Report To:	SCRUTINY PANEL A	Date:	12 March 2020
Heading:	SCRUTINY REVIEW OF CO	MMUNITY	' ENGAGEMENT
Portfolio Holder:			
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

This report provides a progress update on the Community Engagement Scrutiny Review. The topic was added to the Workplan in 2019 to ensure that Ashfield District Council continues to develop and improve the methods it uses to engage the community.

The Panel have thus far held two meetings on this topic and worked with the Director, Place and Communities and the Health and Wellbeing Team Leader to establish a coordinated approach to community engagement.

Recommendation(s)

Panel Members are requested to:

• Discuss any further areas of development to improve community engagement

Reasons for Recommendation(s)

Community engagement was added as a topic for review to the Scrutiny Workplan 2019/20. Members of the Panel were informed that Ashfield District Council were in the early stages of the development of a Community Engagement Strategy, which would outline values, objectives and priorities for all types of community engagement.

Alternative Options Considered

Members of the Panel have considered all forms of community engagement methods throughout the course of this review. These are detailed in the report.

Detailed Information

In commencing this review, Members agreed that the primary purpose of investigating community engagement was to ensure that an effective mechanism for members of the public to help influence and shape Ashfield in a proactive and meaningful way was provided.

Throughout the initial meetings on the topic Members of the Panel have discussed a number of areas including;

- Different methods of engagement
- Creative ways of engagement with appropriate groups;
- Targeted liaison to support the inclusion of under represented and hard to reach groups;
- The importance of avoiding a tokenistic approach to consultation
- Impact of Digital and Service Transformation in engagement
- Measuring the effectiveness of engagement
- Aims and objectives of a Community Engagement Strategy.

Local Government Association's Guide to Engagement

The Local Government Association (LGA) uses 'engagement' as a term to mean anything that 'creates a stronger two-way relationship between the Council and the community. In 2017, the LGA published its guide to engagement 'New Conversations'.

The guide describes effective engagement as fundamentally being about creating dialogue between residents and the Council. Each side of this engagement poses separate challenges. When a Council is looking to undertake engagement on an issue, the LGA supports asking three fundamental questions;

- What views do residents have of the Council? Do we have sufficient insight to understand how residents see engagement? How will they respond when we talk to them?
- What do your Officers and Councillors think of engagement? Is there a shared view of its importance and how it should be done?
- Is there evidence of engagement influencing decisions? How does engagement 'live' within the organisation? (Documents? Training? Official roles?)

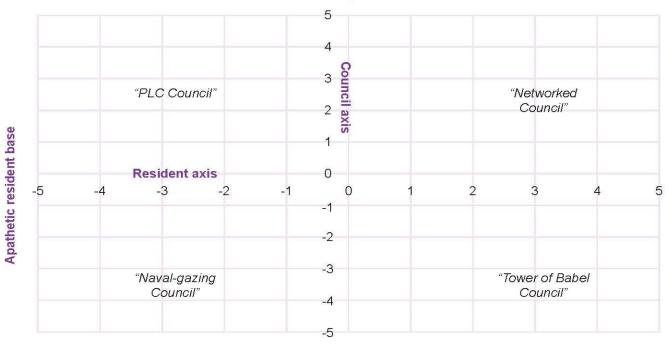
In answering these questions, Councils will be able to assess how consultation is used in their organisation and how it can be improved. The guide further sets out how to evaluate engagement, decide what type of engagement is required, and avoid things going wrong.

As a starting point, Councils should investigate attitudes to engagement within the council, considering how well it has gone and whether it has impacted on decisions or simply been a tokenistic exercise.

To assist in this, the guide provides a grid that was developed by local councillors for the New Local Government Network. The Grid helps Council's to establish how outward-looking or inward-looking the Council is, and how engaged or apathetic residents are.

The Council can then assess what description best fits the Council, how this can help us shape our engagement and anticipate potential problems.

Outward-looking council



Inward-looking council

19 'Future Councillors: Where next for local Politics?' 'Democratic Futures', Simon Parker and Liam Scott-Smith, NLGN, July 2013

Council Descriptions

PLC Council

- business-like, pragmatic and technocratic
- stable politics and a strategic view
- high performer able to push through services redesign
- executive members more like officers, perhaps with a business background
- entrepreneurial flair and paternalistic

Navel Gazing Council

- politically divided with regular hung or changing leadership
- low public activism
- likely to strip back services to bare minimum in the face of cuts
- unruly political groups with frontline councillors involved in high-energy scheming and plotting
- executive members struggle to get things done

Networked Council

- public able to do more for themselves
- councillors focused on economic growth
- devolution of many services to the neighbourhood level
- challenge to traditional councillor role: councillors have an entrepreneurial and activist skill set
- integration of

Tower of Babel Council

- navel gazing internal characteristics
- an active civil society ready to take on and challenge the internal scenario
- public protests
- electoral challenge from residents associations and independents
- pressure for extreme localisation
- councillors defensive
- highly political with political skills coming to the fore (negotiation, rhetoric, communication and mediation)

Different Methods of Engagement

Throughout the review, Members have set out the areas of engagement that could be used for different engagement exercises. These include;

- community mapping
- public meetings
- focus groups and workshops
- web based consultation
- consensus building
- citizens' panel
- street stalls
- questionnaires
- local community meetings

Members agreed that the type of topic or issue being raised should influence the kind of engagement exercise or input that is required. Furthermore, having an understanding of the target audience is key to whether the most appropriate type of exercise is a listening exercise, face-to-face interview or setting up an online questionnaire.

Hard to Reach Groups

Members acknowledged that not all approaches were suitable to support the inclusion of all residents. In the first meeting of the Panel, Members were concerned about the inability of certain groups to engage with the Authority due to barriers such as illiteracy, innumeracy, language barriers and other difficulties with written and digital mechanisms.

Often there will be stakeholders who need to be asked but who aren't IT literate enough to participate in an e-consultation, or physically mobile enough to attend a formal meeting of the Council or stakeholder events. Members agreed that knowing the audience and the type of engagement that may be most beneficial was key to any engagement exercise.

Meaningful Engagement

Ensuring that engagement is meaningful was a focus of discussion amongst the Panel Members. Key to ensuring engagement was successful is understanding what type of engagement the Council is undertaking, and ensuring the intended audience is also aware of the reason and intended outcome from engagement, whether that be to inform, influence or provide ideas. Members were informed that there were a number of key types of engagement and these could be broken down simply into 5 main levels. This is set out below.

Levels of Engagement

Level 1 - 5	What	Why	How
1. Informing	Provide information	To keep people informed	Brochures, websites, news releases,
2. Consulting	Obtain feedback to inform decision making Obtain feedback on proposals	To keep people informed, listen to their views and provide feedback on how their input influenced decision making.	Annual surveys, questionnaires, focus groups, interviews, surveys via social media/email/SMS mobile
3. Involving	Working directly with people to ensure that their issues, concerns and aspirations are understood and considered.	Engage with people to ensure that issues, concerns and aspirations are reflected in decision making. Provide feedback on how their input influenced decision making.	Public meetings, focus groups and forums, surgeries, network meetings
4. Collaborating	Working in partnership on all aspects of decision making including development of options and identifying preferred solutions.	To gain advice and innovation to find solutions from people, with the intention to incorporate contributions made to maximum extent.	Community needs analysis, focus groups, partnership groups, steering groups
5. Empowering	The final decisions are taken by the people engaged with.	To facilitate people taking responsibility for designing and delivering services/outcomes for themselves.	User led commissioning, direct service delivery, community asset transfer, skill development

Community Engagement Strategy

At a previous meeting of the Panel Members were advised them that a Community Engagement Strategy was in development and that Members of the Panel could have an input in establishing the objectives and methods of engagement to be set out to ensure that the Council's engagement was both meaningful, clear and measurable. In discussing a Community Engagement Strategy, Member may wish to consider the further development of a delivery plan, ensuring that there are appropriate mechanisms in place to assess the impact and success of engagement activity.

Next Steps

To progress this review and inform the development of the emerging Community Engagement Strategy, Members are asked to consider the following areas;

- Objectives of the Strategy
- Establishing the core principle of engagement
- Digital and Service Transformation
- Development of a clear Delivery Plan?
- Hard to reach groups

Implications

Corporate Plan:

The Corporate Plan 2019-2023 identifies "Putting People at the heart of what we do" and " being honest with people in an open and professional way" as being part of the Council's key values. This includes placing residents at the heart of our services and treating everyone fairly, involving people in decisions and asking them to shape their own futures. Listening and learning, whilst recognising individual needs.

Legal:

There are no legal implications arising from this report.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
Community Engagement	Work has been undertaken to consider best practice in
Strategy – monitoring and	community engagement and a draft strategy for
evaluating engagement is an	discussion has been developed. It is anticipated that
outstanding improvement action	the draft strategy will be ready for consideration in April

Human Resources:

There are no HR implications identified in this report

Environmental/Sustainability

There are no Environmental/Sustainability implications identified in this report

Equalities:

Scrutiny Panel A have considered community engagement in accordance with the Corporate Equality and Inclusion Policy 2017.

Other Implications:

There are no other implications arising from this report.

Reason(s) for Urgency

None

Reason(s) for Exemption

None

Background Papers

Local Government Association, New Conversations: LGA Guide to Engagement, February 2017.

Report Author and Contact Officer

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