

Report To:	SCRUTINY PANEL A	Date:	22 JANUARY 2019
Heading:	SCRUTINY CONSIDERATION OF DRAFT UNAUTHORISED ENCAMPMENT PROTOCOL		
Portfolio Holder:	CABINET MEMBER (OUTWARD)		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

In accordance with the Scrutiny Workplan, this item was agreed to consider the detail and potential impact of unauthorised encampments on parks and open spaces in the District. The draft Unauthorised Encampment Protocol is attached as Appendix A.

Recommendation(s)

Panel Members are requested to:

- Note the information contained in this report
- Review the draft Unauthorised Encampment Protocol attached as Appendix A
- Note the Ashfield Traveller Accommodation Needs Assessment attached as Appendix B
- Consider the potential impact of the draft Protocol on Local Communities, Travellers and other stakeholders

Reasons for Recommendation(s)

Consideration of the draft Unauthorised Encampment Protocol was added to the Scrutiny Workplan in October 2018.

Alternative Options Considered

No alternative options considered at this stage.

Detailed Information

At the previous meeting of the Panel, Members requested further information on incidents of unauthorised encampments in Ashfield.

Specifically, Panel Members requested the following:

- The number of unauthorised encampments in Ashfield in recent years
- Evidence of sufficient allocated Traveller sites within Ashfield
- Information on costs associated with unauthorised encampments under the existing protocol
- Estimations on potential costs associated with unauthorised encampments under the proposed new draft protocol
- Further information on the actions taken by the Council in the event of an unauthorised encampment on Council and/or privately owned land

Unauthorised Encampments in Ashfield

Whilst reviewing the draft Unauthorised Encampment Protocol, the distinction must be made between unauthorised encampments on Ashfield District Council land and privately owned land. This distinction is significant as the actions Ashfield District Council take differ depending on land ownership.

The following table shows the number of reported unauthorised encampments on both Council and private land in recent years:

	2015/16	2016/17	2017/18	2018/19 (To date)
Reported Unauthorised Encampments on Ashfield District Council Land	2	1	1	2
Reported Unauthorised Encampments on Private Land	13	8	20	13

Despite the relatively small number of encampments on Ashfield District Council owned land, unauthorised encampments are a significant issue in the District as the Council assists private land owners with move-on arrangements and deals with management issues associated with their encampment, this can include:

- Property damage;
- Increased litter, waste and fly-tipping
- Increased anti-social behaviour
- Trespassing
- Development without planning permission

Approximately 89% of reported unauthorised encampments in Ashfield occur on privately owned land.

Although Ashfield District Council does not have a duty to take enforcement action against unauthorised encampments on privately owned land, there remains the obligation for the Council to

conduct welfare checks via a welfare assessment report, as well as the responsibility to respond to any other pertinent issues caused by unauthorised encampments.

Initial checks that are carried out include:

- Size of the encampment
- Tidiness of the site
- Location of the site
- Level of disruption to residents and businesses
- Any specific activity reported to the Council

The Council also has a duty to perform these specific welfare checks on unauthorised encampments:

- How many adults are on site?
- How many children are on site?
- Do the children on site receive education?
 - If so, where from?
- Does anyone on site have on-going health conditions?
- Is anyone on site receiving treatment?
 - If so, where are they receiving treatment?
- Is anyone on site is pregnant?
 - If so, when is the baby expected?
 - If so, are there any complications or issues with the pregnancy?
- Are there any safeguarding concerns at the site?
- What is the intended length of stay?
- What is the intention of the visit?

Checks are also carried out on on-site facilities and vehicles such as:

- Water supply
- Electrical supply
- Waste disposal
- Sanitation
- Number of caravans on site
- Number of cars on site
- Number of lorries/vans on site

Lastly, checks must be made to identify the potential for nuisance at an unauthorised encampment:

- Access to the site and any damage on entering
- Fly-tipping
- Fire safety
- Horses/dogs and other animals under control

Further actions are then dependent upon the established ownership of the land.

If the land is owned by Ashfield District Council, the steps to recover possession of land detailed in the draft Unauthorised Encampment Protocol attached as Appendix A, as well as the previous Panel report on this topic, are commenced. It is important to note that the serving of enforcement

notices by the Council will not be delayed unless there are urgent welfare issues that need to be addressed.

Costs Associated with Unauthorised Encampments

The costs associated with each encampment have not been individually calculated. Outlined below is a summary of the typical costs associated with managing an encampment. It is based upon an assumption of ten caravans on site for ten days, dealt with under the pre-existing Protocol:

Officer Title	Estimated Number of Visits	Estimated Man-hours
1x Environmental Health Officer	10	20
1x Technical Officer	10	20
2x Community Protection Officers	4	8
2x Waste Services Officers	10	20
2x Waste Services Officers (following eviction)	1	8

The 76 man-hours estimated, at approximately £30 an hour (including on-costs), comes to an overall cost of £2,280. The revised Unauthorised Encampment Protocol is expected to reduce the length of time an unauthorised encampment is on-site, meaning a reduction in officer hours managing the encampment, freeing up officer time for other duties.

As the primary objective of the reviewed Unauthorised Encampment Protocol is to expedite the process of enforcement and eviction, it is unlikely to yield any financial savings. Moreover, costs associated with applications to Magistrates Court, the employment of Common Law Bailiffs, and the service of Notices and Court Papers will result in a more expensive process.

Ashfield Traveller Accommodation Needs Assessment

Attached at Appendix B is the Council's Travellers Needs Assessment which was undertaken in October 2015. The report considers current provision and seeks to estimate the number of additional pitches needed in future years.

The table below summarises the key findings from the report.

Ashfield District: Future Pitch/Plot Requirements 2014 to 2029

Period	Gypsy/Traveller Pitches	Showmen's Plots/Yards
2014 to 2019	0	0
2019 to 2024	1	0
2024 to 2029	1	0

Officers are mindful of the fact that needs can change, especially when considered over a long period of time. Future issues, including changes to demand and the supply of pitches may mean there is a need to look again at requirements.

Rural Community Action Nottinghamshire (RCAN)

Rural Community Action Nottinghamshire is a charitable company centred around rural communities and economic development. RCAN's areas of expertise include rural intelligence, community planning, health, and environment among others. RCAN has extensive experience

engaging and supporting Gypsies and Travellers across Nottinghamshire, with an intervention and solution based focus.

At the previous meeting of the Panel, Members requested that a representative from Rural Community Action Nottinghamshire attend the next meeting. At the time of writing this report, a response has not yet been received from RCAN regarding the invitation.

Next Steps

To progress the consideration of the draft Unauthorised Encampment Protocol, Members of the Panel will be required to:

- Consider any additional information required as part of the review process
- Consider Officers that may be able to add value to the review
- Consider timelines for the review and potential conclusions

Implications

Corporate Plan:

Ensure the foundations for a good quality of life are in place; reducing crime and anti-social behaviour and facilitating cleaner and more attractive neighbourhoods.

Legal:

The draft Protocol has been developed in collaboration with Legal Services.

The power to issue a Direction to Leave Notice derives from the Criminal Justice and Public Order Act 1994.

The power to seek possession derives from part 55 of the Civil Procedure Rules.

Powers in relation to planning enforcement derive from the Town and Country Planning Act 1990.

Police powers relating to unauthorised encampments derive from the Criminal Justice and Public Order Act 1994.

Finance:

Costs associated with the management and removal of an unauthorised encampments are not currently recorded, however an estimation based on a typical encampment and the potential staffing hours involved has been included to provide Members with an indication of estimated costs.

Associated costs relating to changes in the protocol will be consulted upon with Finance prior to consideration of the draft document by Cabinet.

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
Unauthorised encampments can often cause social tensions within communities.	The draft Unauthorised Encampment Protocol is aimed at working collaboratively with local and travelling communities to set out processes for management, welfare needs, environment and communication.

Human Resources:

None at this stage of the review. Any changes to staffing requirements associated with the renewed protocol will be consulted upon prior to Cabinet’s consideration of the Protocol.

Equalities:

The Equality Act 2010 defines Romany Gypsies and Irish Travellers as ethnic groups within its protected characteristics. Consideration of equality issues will be undertaken as part of the review process.

Other Implications:

To be considered as part of this review. These may include:

- Community Safety
- Waste and Environment
- Place and Communities

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

- Unauthorised Encampment Protocol (Draft – Dec 2018) attached as Appendix A
- Ashfield Traveller Accommodation Needs Assessment (Oct 2015) attached as Appendix B

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