

SCRUTINY PANEL A

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

on Tuesday, 22nd January, 2019 at 7.00 pm

Present: Councillor Rachel Madden in the Chair;

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

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

In Attendance: E Wood - Development Officer - Rural
Community Action Nottinghamshire

SA.11 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.

There were no declarations of interest.

SA.12 To receive the minutes of the meeting held on 13 November 2018

RESOLVED

That the Minutes of the meeting held on 13 November 2018, be received and approved as a correct record and signed by the Chairman.

SA.13 Scrutiny Consideration of Unauthorised Encampment Protocol

Pursuant to Minute No. SA.10 (2018/19) the Service Manager, Strategic Housing and Lettings and the Senior Environmental Health Officer attended the meeting to provide further information on the draft Unauthorised Encampment Policy as requested by the Panel at the meeting held on 13 November 2018.

The Scrutiny Research and Support Officer had submitted a report that provided the further information regarding unauthorised encampments that the Panel had requested, including:

- 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

The draft Unauthorised Encampment Protocol and the Ashfield Traveller Accommodation Needs Assessment (October 2015) were attached as appendices to the officer's report. The Senior Environmental Health Officer provided details of the number of unauthorised encampments on both Council owned and private land over recent years and also provided information on how this data had been collected and recorded.

Panel Members were informed that while the actual numbers of unauthorised encampments in Ashfield did seem lower than the number of encampments that residents perceived there had been, this could be due to the very high profile nature and media coverage of a small number of encampments, as well as encampments that had been set up near to the boundaries of Ashfield in local authority areas such as Gedling and Mansfield.

The Senior Environmental Health Officer also advised that there had been an increase in the number of unauthorised encampments county wide which may have led to the perception of higher numbers on encampments in Ashfield than the actual recorded figures showed.

The Service Manager, Strategic Housing and Lettings provided information on the procedures that officer's followed when an unauthorised encampment was reported and went through a summary of the steps that would be taken, and the approximate timescales for regaining possession of land under the proposed Unauthorised Encampment Protocol. Members were reassured that while the proposed Protocol detailed the legal steps that could be taken, that negotiation with the occupiers would continue to be used in parallel with any required and appropriate legal action.

During the discussion Members queried the potential costs that could be incurred by the Council in operating the proposed Protocol. The Service Manager advised that while the revised protocol could potentially result in fewer visits by officers to the sites of unauthorised encampments the cost of administering and utilising legal procedures at an earlier stage in the process would mean that the proposed Protocol could potentially incur increased costs for the Council.

The Panel were informed that under the proposed protocol, negotiation with the occupiers of unauthorised encampments would still be carried out on a daily basis as it was an essential tool in dealing with the encampments to ensure action was being taken while court orders were being obtained.

Members were also provided with information on how legal notices were served on the occupiers of unauthorised encampments and noted that it was important that careful consideration was given to how and when they were served, as they have the potential to enflame the situation on some encampments.

During the debate, Members asked about the legal exemptions that applied to unauthorised encampments which meant that in certain circumstances the

encampments could not be moved on whilst the exemption still applied. The Senior Environmental Health Officer advised that these exceptions related to health and welfare issues relating to the occupiers, such as a child receiving ongoing medical treatment at a local hospital.

In considering the Protocol. Members expressed concern regarding potential costs associated with increased use of formal legal action such as court orders and the use of bailiffs, and also had the potential to increase confrontation at the sites of unauthorised encampments when such actions were implemented.

Members also enquired whether the issue of permanent traveller sites was being addressed county wide following concerns that with whatever processes were used, the problem of unauthorised encampments was effectively just moved elsewhere. The Senior Environmental Health Officer advised that the Council was part of the North Nottinghamshire Travellers Group where experience and best practice was shared, and noted that the group was currently looking at the potential for transient sites in Nottinghamshire where travellers could go after being moved on from an unauthorised encampment.

Ellie Wood, Delivery and Development Officer from Rural Community Action Nottinghamshire (RCAN), who was attending the meeting at the request of the Panel, noted that there was a need for formal enforcement action but that the main focus for dealing with unauthorised encampments should be on negotiation, as in RCAN's experience this had proven an effective tool in moving unauthorised encampments on.

Members noted the excellent work that was done by Council officers in working with the occupiers of unauthorised encampments to move them on with as little disturbance to neighbouring residents as possible. However, the Panel expressed the view that it was important that reaction to some isolated and high profile cases and a perception of the public regarding unauthorised encampments increasing, did not trigger immediate hard line processes to be adopted that could be both costly and counterproductive.

Members were in agreement that antisocial behaviour caused by the occupiers of some unauthorised encampments was totally unacceptable and should not be tolerated under any circumstances, but that negotiation, with the support of legal procedures, if required, was the most likely way for unauthorised encampments to be moved on swiftly and peacefully, rather than using an approach primarily based on formal legal procedures.

The Chairman enquired as to what preventive actions were taken to stop unauthorised encampments being set up on sites. The Senior Environmental Health Officer advised that a National Traveller survey conducted annually, which included an analysis of potential sites that travellers could potentially set up unauthorised encampments, enabled preventive action to be put in place to make sites inaccessible to travellers. It was also noted that information on traveller activity and of sites at risk was shared at the North Nottinghamshire Travellers Group.

Members, while recognising the need for formal legal action to be available as a tool for officers in dealing with unauthorised encampments were in agreement that negotiation and relationship building with the occupiers of

unauthorised encampments should be the primary method of action used by officers. Members were also in agreement that the proposed Protocol should be amended to include an alternative course of action, focussed on negotiation in addition to the proposed process that focussed on formal legal action, and that officers be given the discretion to use their professional judgement on which course of action to pursue on a case by case basis.

The Chairman and members of the Panel thanked the Service Manager, Strategic Housing and Lettings the Senior Environmental Health Officer and Ellie Wood of RACN for attending the meeting and answering their questions.

RESOLVED

that the following recommendations be submitted to the next available meeting of the Cabinet for consideration:

- a) the Panel welcomes the revised draft Unauthorised Encampment Protocol and notes that many positive additions have been made to procedures.
- b) officers be thanked for their work in drafting the Unauthorised Encampment Protocol.
- c) the Protocol be amended to include two potential processes of action for dealing with Unauthorised Encampments, the primary approach focussing on negotiation and the other focussing on formal enforcement action.
- d) officers be given the appropriate delegation to use their professional judgement and expertise, along with set criteria to assess which process to utilise on a case by case basis.
- e) the possibility of utilising the services of external delivery partners such as Rural Community Action Nottinghamshire via Service Level Agreements in supporting the actions of the Council to negotiate with the occupiers of Unauthorised Encampments be considered.
- f) officers continue to enhance their work with the North Nottinghamshire Travellers Group to ensure effective and constructive cooperation between the member Councils in identifying further sites within the County.
- g) the Unauthorised Encampments Protocol be reviewed in order to assess its effectiveness after 1 year of operation.

The meeting closed at 8.08 pm

Chairman.