

BIRMINGHAM CITY COUNCIL

**REPORT OF THE DIRECTOR OF
REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

20 SEPTEMBER 2023
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. **Summary**

- 1.1 This report provides Committee with an update on work being undertaken to further manage unauthorised encampments in the city since the last report on the 28 June 2023.

2. **Recommendations**

- 2.1 That the report is noted.

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3. Background

- 3.1 This report is an update on activities since the last report to your Committee on 28 June 2023.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, Traveller or other ethnic groupings and are collectively known colloquially as “travellers” or more correctly GRT.
- 3.3 The strategy employed by the City Council to manage unauthorised encampments is contained within a Memorandum of Understanding between the City Council and West Midlands Police (WMP) and is entitled a “Joint Protocol on the Management of Unauthorised Encampments” and is currently at edition 9 dated March 2020. This edition incorporates the presence of the transit sites.
- 3.4 A transit site is an authorised site where members of the travelling community can be directed when in the city area. A transit site typically provides a hard standing for holding caravans, a secure boundary and basic sanitary provision including potable water, often at a communal level. Most sites will have some measure of lighting and some will have provision for electricity.
- 3.5 Birmingham City Council presently has one functional site at Proctor Street (currently closed for repairs) affording space for 15 caravans, planning consent granted for a second site at Aston Brook Street East affording space for 4 caravans, and a further site at Tameside Drive which has space for around 11 caravans.
- 3.6 It has been clarified that the identification and approval for the allocation of transit sites lies with colleagues within Planning Policy. The details of the GRT need for both settled and transit site provision is contained within the Birmingham Development Plan and the GRT needs assessment within that. The operational provision of site(s) and the day-to-day services/operations is a housing function and is to be delivered by the Housing Department. This will leave your officers from with Environmental Health to focus on recovery of land.

4. Site Provision Update

- 4.1. As previously stated, colleagues in Planning are working on delivering the outputs specified in the most recent Gypsy and Traveller Accommodation Assessment (GTAA) from February 2019 which sought to identify need for the community in terms of permanent and transit pitch provision.
- 4.2. The existing GTAA (2019) identified the need for 19 additional permanent pitches up to 2033 with the spread by year show in the table below.

Years	0-5	6-10	11-13	13-15	Total
	2018-2023	2023-2028	2028-2031	2031-2033	
	15	1	1	2	19

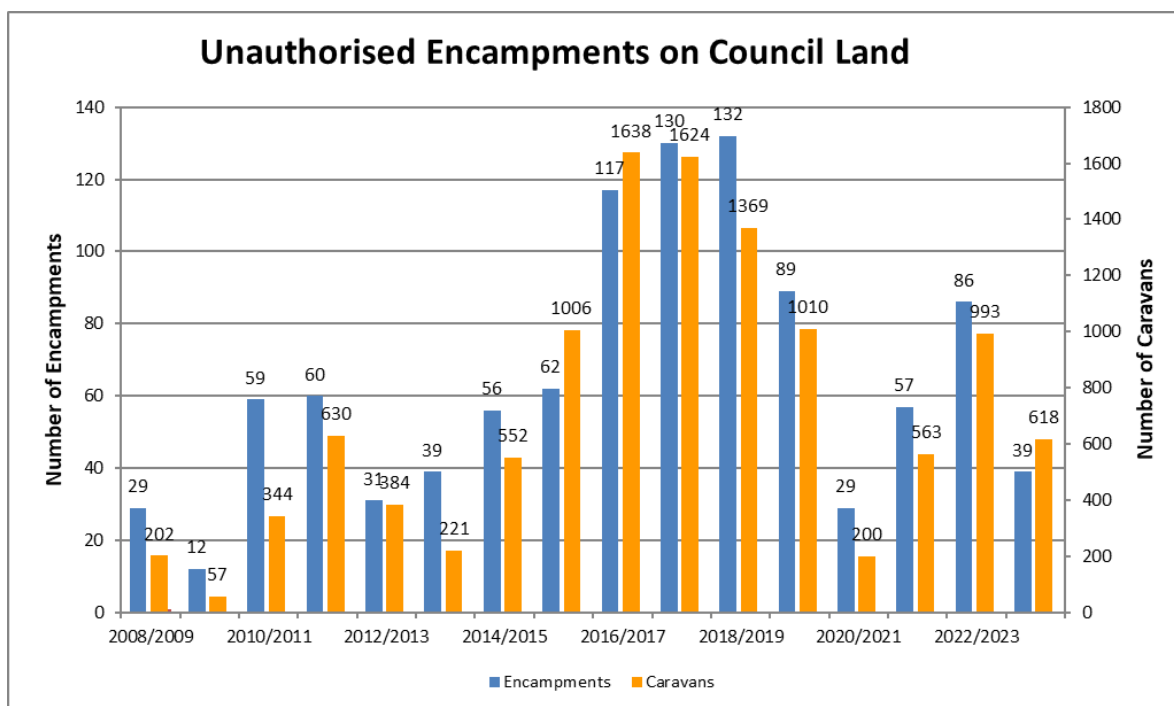
- 4.3. With regards to transit pitches the GTAA identified that the proposed provision of sites (Proctor Street, Aston Brook Street and Tameside Drive) “should be sufficient to either deal with smaller groups of Travellers stopping off in Birmingham or as a means of requiring households to leave Birmingham.” Furthermore, the GTAA recommended that for larger groups that “the Council consider establishing a larger overspill transit site(s)” that can be used in a similar vein to the smaller sites for smaller groups.
- 4.4. A coordinated site search is continuing as part of the new Local Plan for Birmingham to identify and allocate potential sites. The latest search has considered a shortlist of 18 possible sites which are currently vacant from an original longer list of 37 sites. Following consultation with Birmingham Property Services, only 4 of the 18 sites shortlisted were not already earmarked, and / or in the process of disposal, for other uses. Further detailed work is now being carried out to establish the suitability of these four sites and an update will be given once this detailed assessment has been concluded.
- 4.5. As well as the site search, an updated GTAA is also being carried out during 2023 as part of the evidence for the new Local Plan. Work on the new GTAA is already underway by RRR Consultancy, who are experienced and respected consultants amongst local authorities and GRT communities alike. The new GTAA will assess current need (2023-2028) and future need (2028-2042) and is due to be completed in September 2023. It will therefore give us a fully up-to-date picture of what the Council will need to provide over the coming years in both transit and permanent GRT provision.

5. Transit Site Update

- 5.1. As previously reported, colleagues in Housing and the Place, Prosperity and Sustainability Directorate have applied for capital funding to develop the two transit sites identified in the Birmingham Development Plan (BDP). The funding applications to Homes England and DLUHC were both rejected.
- 5.2. Proctor Street transit site has been operational since 1st November 2020 and has seen almost constant use, excepting when closed pending repairs. The report taken to your Committee last November explained how that use had evolved from normalised use pre-lockdowns through to the challenges brought about by the lockdowns and persisting through to the date of the report. There has been no change in the behaviour of the travelling community in Birmingham since November ultimately leading to the site having been repossessed and closed pending repairs since mid-January.
- 5.3. Housing colleagues have provided a briefing note explaining the current position with regards to the transit sites and this is appended to this report (Appendix 1).

6. Unauthorised Encampments

- 6.1. The number of incursions and associated caravans on council land is displayed in the graph below. This shows the trend data for total encampments per financial year since 2008/2009 with the final column showing data for 2023/2024 up to the end of July.



- 6.2. Although the number of encampments on Council land has dropped in the years after the transit site opened in 2019 it should be borne in mind that this also covers the period encapsulated by the pandemic and as such the actual benefit arising from the transit site cannot be clearly realized as the circumstances have not been 'normal'.
- 6.3. The numbers of unauthorised encampments in 2022/23 is now almost level with the numbers seen in the pre-Covid year of 2019/20 up to when the first lockdown commenced. During 2022/23 the transit site was occupied in seven instances.
- 6.4. This unauthorised use of the Proctor Street Transit Site has led to increased pressure on that neighbourhood and both EH and WM Police have come under pressure to deal with the behaviour of occupants of the site. Having additional Transit sites with effective management would alleviate some of the pressures being experienced in and around Proctor Street.
- 6.5. At present, during 2023/2024 the numbers of UE appear to be slightly down on previous years, although numbers of caravans appears on par suggesting that the average size of encampments has increased.

7. Strategic Management of Unauthorised Encampments

- 7.1. As noted in the background the strategic approach to managing unauthorised encampments is contained within a joint protocol between BCC and WMP. This protocol presently relies on the use by WMP of powers under the Criminal Justice and Public Order Act 1994 to direct groups to the transit site where their stay in the city can be 'managed'.

- 7.2. The current version of the protocol is edition 9 and incorporates the use of transit sites. Discussions are ongoing between BCC and WMP on effective management of the transit site in the event of a UE being established and the outcome from those meetings will likely give rise to an update to the protocol.
- 7.3. An action plan is also in development covering the management of the transit site with contribution from relevant stakeholders.

8. Consultation

- 8.1. The report is for information and, therefore, no consultation has been undertaken.
- 8.2. Information continues to be made available to MPs and elected members to offer support in reducing the impact on communities that unauthorised encampments have and to reduce the burden on land owning departments.

9. Implications for Resources

- 9.1. This report is for noting, there is no financial decision or implication as a result of the report recommendation. Following issuance of a S114 notice the Council is prevented, without explicit agreement of the Section 151 Officer, from entering into any new agreement or commitment for expenditure at this stage. All future expenditure decisions must follow the spend control process as per S114 arrangements.

10. Implications for Policy Priorities

- 10.1. The work to provide a good quality transit site provision meets with the statutory duties the council has for all residents of Birmingham, which includes the travelling community. It also means that Birmingham is an entrepreneurial city to learn, work and invest in.
- 10.2. This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

11. Public Sector Equality Duty

- 11.1. The management of unauthorised encampments is a process that affects groups and individuals who are (mostly) from specific and defined ethnic minorities e.g. Romany Gypsies, Irish Travelers.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Appendix 1 – Briefing Note from Housing

Updated 08 September 2023

To	Mark Croxford
Subject title	Update for the Licensing and Public Protection Committee
Date	21/07/2023
From	Gwen Haq, Senior Modernisation & Strategy Manager

Purpose of the Report

To provide an update in relation to Traveller site provision for the informal LPPC meeting taking place via Teams on 26th July 2023. An action plan has been previously submitted for review/discussion.

Background

The City does not currently have adequate transit site provision, which is needed to assist the Environmental Health team in 'moving on' unauthorised encampments. Although there are suitable numbers of sites allocated for this provision, the current condition and overall management of these sites needs to be addressed to ensure that processes are identified and formalised so entry is regulated, rental payments obtained, length of stay standardised and agreements signed. Discussions will need to take place between Housing and Environmental Health to ensure we are clear on where responsibilities lie.

Proctor Street

The site at Proctor Street has not been in operation since December 2022 and has experienced regular unauthorised access leading to extensive damage to the site, in particular the welfare block and significant fire damage to the electric feeder box.

Initial quotations for works have been received and a pre-meeting has taken place on site. Due to the extent of the damage to the electric feeder box, National Grid will need to attend site to install a new feed with cut out and meter. The repairs are programmed to start in September. National Grid are due on site 22/08/23 to quote for works and they will not action works until they have received payment – it is likely, once payment is received, that works won't take place until end of October / early November due to their own timeframes.

A quote has been received in relation to repairs to the automated vehicular gate, however, a further quote has been requested for more basic swing gates without automation as an alternative option. We are also pending a quotation for a gate lock with padlock protection for the pedestrian access gate.

Further discussions are taking place with the Housing Management Director in relation to the management of the site going forward. There is a need to ensure suitable management is in place once Proctor Street becomes operational to help deter further unauthorised access and damage.

There also needs to be a clear process in place setting out roles and responsibilities between housing service areas and enforcement.

In relation to rental payments for those wishing to use Proctor Street, an agreement has been approved for the provision of RingGo on site; this will allow payments of rent to be taken on a weekly basis with text reminders for any follow up payments for those wishing to stay for longer periods. Signage will also be provided and will set out minimum requirements and terms of stay so expectations are clear. There is a current tenancy agreement in place, but this is being reviewed by legal to see if improvements can be made.

Tameside Drive

The family that has been occupying this site since 1991 remain in occupation, however, progress has been made and the family have expressed a desire to sign a tenancy agreement. This is currently with legal. The site capacity is 14 pitches. A grant funding application was rejected by DLUHC in January 2023.

Aston Brook Street East

This site is not in operation. Planning was approved for 4 pitches with the erection of a single storey welfare building, installation of palisade fencing and gated access, however, a grant funding application was rejected in June 2022 and concerns have since been raised in relation to the feasibility of the site given the size and layout.

Strategic Project Plan

As part of a longer-term solution, a strategic project plan is being developed, which will require a cross-directorate approach, and includes developing a GRT strategy. The GRT strategy will support the management of sites but also the health, wellbeing and safeguarding responsibilities we hold for this community. It is a larger piece of work that will require writing of policies/procedures, engaging with key stakeholders, consultation and governance process.