

**Birmingham City Council**  
**Report to Licensing and Public Protection**  
**Committee**

26 JUNE 2024



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<b>Title:</b>	<b>UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS</b>
<b>Lead Cabinet Portfolio:</b>	Not Applicable
<b>Relevant Overview and Scrutiny Committee:</b>	Not Applicable
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<b>Authorised by:</b>	Sajeela Naseer, Director Regulation & Enforcement City Operations Directorate
<b>Is this a Key Decision?</b>	Not Applicable
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Not Applicable
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in?'</b>	Not Applicable
<b>If not eligible, please provide reason(s):</b>	Not Applicable

**Wards:** All

**Does this report contain exempt or confidential information?** No

**Has this decision been included on the Notification of Intention to consider Matters in Private?** Not Applicable

**Reasons why not included on the Notification:** Not Applicable

## **1 EXECUTIVE 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 13 March 2024
- 1.2 This report comprises input from Environmental Health (site repossession), Planning (planning policy and site identification) and Housing (site development and management).

## **2 COMMISSIONERS' REVIEW**

- 2.1 This section, as confirmed by the Lead Commissioner, is not required for reports submitted to Licensing and Public Protection Committee.

## **3 RECOMMENDATIONS**

### **That the Committee:**

- 3.1 Note the report.

## **4 KEY INFORMATION**

### **Context**

- 4.1 This report is an update on activities since the last report to your Committee on 13 March 2024.
- 4.2 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.
- 4.3 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.
- 4.4 A transit site is an authorized 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.

- 4.5 Birmingham City Council presently has one developed transit site at Proctor Street affording space for 12 caravans, this having been reduced from 15 recently following an updated Fire Risk Assessment, 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 but requires formalising of the occupancy of the current occupants.
- 4.6 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 within Environmental Health to focus on recovery of land.

#### **Site Provision Update**

- 4.7 In order to identify the future need for both permanent and transit pitches, a revised Gypsy and Traveller Accommodation Needs Assessment (GTANA) has been carried out by RRR Consultancy to assess current needs (2023-2028) and future needs (2028-2042). The GTANA recommends requirements for site provision for permanent and transit GRT pitches over the coming years to guide planning and housing policy decisions going forward.
- 4.8 In terms of transit provision, the GTANA recommends that, as well as maintaining the existing transit site at Proctor Street, that the local authority adopts a negotiated stopping policy. This is land temporarily used as authorised short-term stopping places, particularly when Proctor Street is not available or is unsuitable. The requirements for such stopping places reflect the fact that the site will only be used for a proportion of the year and that individual households will normally only stay on the agreed location for a few days. Amenities such as portable toilets and wheelie bins should ideally be made available for the duration of the agreed period.
- 4.9 The Consultants have experience of carrying out similar assessments in local authority areas throughout the country over a number of years and have built up a relationship with representatives of GRT communities across all regions through this work. From this contact and experience, they have concluded that negotiated stopping is a balanced and flexible approach which is favoured by, and results in a reduced social cost to GRT communities themselves. This has also been substantiated by research carried out in Greater London and Leeds and has been successful in those areas, favoured both by local authorities and the GRT community alike.

- 4.10 Other recommendations made in the GTANA for the City Council to consider in terms of other provision include:
- Liaising with occupiers of existing underused sites to see how the expansion / extension of such sites can help meet future accommodation needs.
  - Working with existing GRT communities and their representatives to help them identify permanent sites and investigating alternative methods of bringing them forward such as a community land trusts, shared ownership, local authority rental.
  - Considering alternative site funding mechanisms such as site acquisition funds, loans for private site provision through Community Development Financial Institutions and joint ventures with members of the different community groups.
  - Continue to liaise with relevant enforcement agencies including the police to develop a common approach to dealing with unauthorised encampments including negotiated stopping.
  - Better sharing of information between agencies in relation to GRT communities.
  - Continuing to provide a holistic vision for GRT community groups within the City Council's Community and Homelessness Strategies.
- 4.11 To ensure that these recommendations are being duly considered and implemented, as well as consideration of the wider needs of GRT communities, officers have set up a fortnightly GRT Strategy and Operational working group. Chaired by the Housing Directorate and made up of housing, planning and environmental health officers, this group will be a vehicle to oversee existing transit and permanent GRT sites; liaise with occupiers of existing sites to establish future need; help set up the corporate procedures and protocols for negotiated stopping (including putting together a rolling programme of sites); liaise with relevant enforcement agencies and share information and; establish better communication with representatives of the GRT community to identify future needs and ways in which additional sites can be brought forward.

#### Transit Site Update

- 4.12 Proctor Street transit site became operational on 1<sup>st</sup> November 2020 but, following significant damage and vandalism, in January 2023 the site was forced to be closed to undergo substantial repairs. Due to the level of damage to both the welfare unit and electrical feeder pillar, coupled with unforeseen complications with the electrical supply, lengthy contractor response times and new spend control processes, repairs have taken longer than anticipated. Repairs are now nearing completion with mobilisation works now being instructed. It is anticipated that all required works to render the site ready to open will be completed before the end of May.

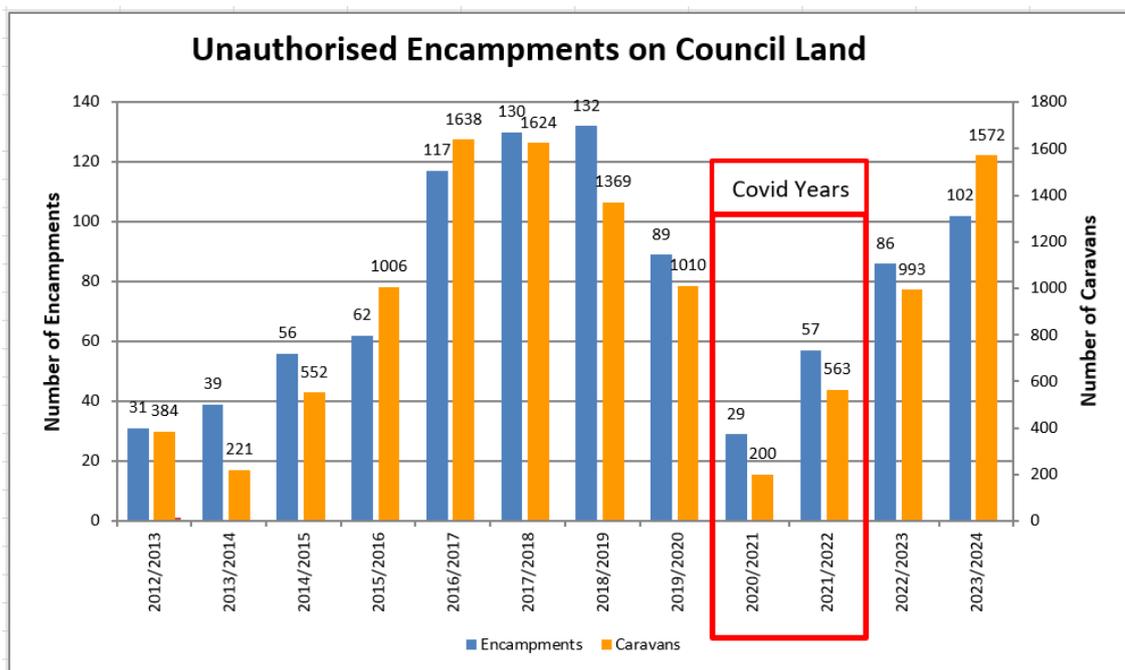
- 4.13 There has been a further delay caused by an unauthorised encampment gaining access to the site in mid-April however an eviction took place on 26 April. Since the eviction, there has been an issue with fly-tipping due to the site being left unsecured; an order has been raised by Housing Management for the removal of this fly-tipping ahead of the site opening.
- 4.14 Positive progress has been made in developing processes for the operational management of Proctor Street. A full risk assessment has highlighted several concerns and these are being addressed. As confirmed at paragraph 3.5, a fire risk assessment has identified a need to reduce the number of pitches from 15 to 12 in line with revised safety guidance post-Grenfell; revised pitch markings have been installed as part of the remedial works to ensure compliance. Draft occupancy agreements have been drawn up.
- 4.15 Operational arrangements have been made for the collection of pitch fees at Proctor Street via the Ringgo app; this will alleviate the need for officers to attend the site to take cash payments.
- 4.16 Due to the revised fire safety regulations post-Grenfell, the viability of the Aston Brook Street transit site has been reviewed. It is likely that this site will be suitable for a maximum of two pitches under the revised regulations and this reduction in provision, coupled with the likely cost of works required to bring the site into use means that it is not viable to use this site going forward. Exploratory works have commenced on a planned disposal of this land either to Midland Heart (who own the adjacent housing estate) for affordable housing, or via auction on the open market.
- 4.17 The transit site at Tameside Drive has been problematic for several years, due to issues in gaining access. This was in the main due to a breakdown in the relationship between the long-term occupants of the site and the Council. In recent months, significant progress has been made in re-building this relationship and in gaining access to the site to carry out inspections and assess the scale of works required to bring the site back into use. The current occupants have indicated a willingness to sign occupancy agreements and adhere to the terms of occupation, and the condition of the welfare blocks has been inspected with orders raised by Housing Management for remedial works to enable the works to be carried out. A site visit by the Council's contractors is planned 14 June 2024 to continue with the planned maintenance and fire precautions programme.

4.18 There is a plot of land adjacent to the Tameside Drive site that is currently owned by Education but has been unused for around 50 years since the demolition of a school. Enquiries have been made around this plot and Education have indicated that they are willing to dispose of the land to City Housing; works have commenced on gaining a valuation of the land and the necessary permissions to progress this proposal. If this land is obtained, the intention is to make this a permanent site for the current occupants of Tameside Drive and to then free up the entirety of the Tameside Drive site for transit purposes. In the alternative, work will continue to negotiate suitable arrangements with the current occupants to enable the existing site to be used for both permanent and transit purposes.

4.19 A business case has been drafted and is due for review by City Housing Directors to approve the budget requirement; this will then need to be submitted for approval by the S151 Board.

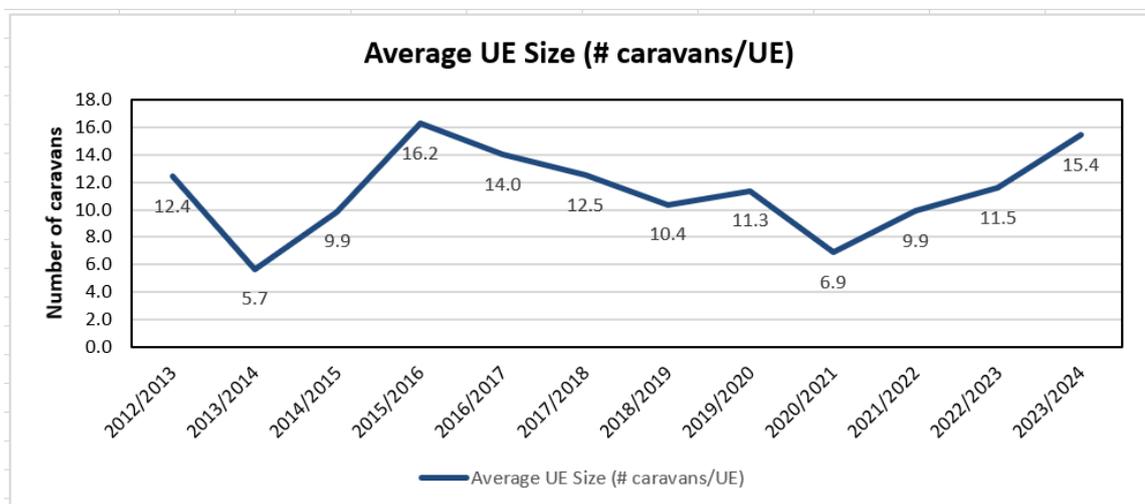
Unauthorised Encampments

4.20 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 2012/2013 with the final column showing data for 2023/2024 up to the end of March 2024.



4.21 Although the number of encampments on Council land has dropped in the years after the transit site opened in November 2019 it should be borne in mind that this also covers the period encapsulated by the pandemic and as such the circumstances have not been 'normal'.

- 4.22 The numbers of unauthorised encampments in 2022/23 is 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.
- 4.23 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.
- 4.24 During 2023/2024 the numbers of UE is the highest post the pandemic and is likely reflecting a continuance of the trend from 2016/17 to 2018/19 before the start of the pandemic. This increase exists even with what appears to be a drop in expected UE numbers in January through March likely due to the poor weather reducing site accessibility. The increasing numbers of UE was one of the reasons behind the establishment of the transit site and clearly shows the need for such a site(s) to afford the regulatory agencies the ability to better manage UE.
- 4.25 A point to note is that the number of caravans to UE suggests a slight shift to larger encampments either as larger single travelling groups or smaller groups combining when a UE is established. Analysis suggests more the latter. Although this has meant that officers have to deal with more ‘family heads’ on individual sites, there has been limited impact arising from this. Officers have also suggested that there has been less need for WMP support when accessing sites which is a good reflection of the competency of the officers involved and their developed relationships with the various family groups.



### Strategic Management of Unauthorised Encampments

- 4.26 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’.

- 4.27 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.
- 4.28 An action plan is also in place covering the management of the transit site with contribution from relevant stakeholders.

#### GRT Strategy 2024+

- 4.29 The Council's current GRT Strategy is at 2019 edition. A new strategy will be produced for 2024 onwards, to reflect the current position in relation to provision of transit and permanent sites. Work on the strategy has been delayed until the outcome of the GTAA (as detailed at paragraphs 4.7- 4.11) is finalised.
- 4.30 Officers from Strategic Enabling have commenced work on benchmarking other LA strategies and have held initial meetings with the Travellers' Movement in relation to a critical friend role in the development of the strategy and in providing links to lived experience groups to provide insight to inform the strategy. Whilst the current strategy focuses solely on accommodation provision, there is a desire to develop a more holistic strategy that details the support and services available to travellers across a wider range of services such as Education and Health. It is hoped that the revised strategy will be brought to cabinet in late 2024.

## **5 IMPACT AND IMPLICATIONS**

### **Finance**

- 5.1 Regulation and Enforcement is responsible for the assessments leading up to legal action, the service of notices and arrangement of resources for an eviction to occur. The default costs (bailiff actions), the repair of land and its cleansing, is borne by the land owning departments. Presently there is a contract in place for the provision of enforcement agents from 01 September 2023 to 31 August 2024 for the value of £255,000. A new invitation to tender is presently out to market and expected to be completed for mobilisation in September. The Environmental Health resources employed in carrying out the work detailed in this report are contained within the approved budget available to your Committee.
- 5.2 The resources required for identifying and gaining strategic approval for the allocation of transit sites lies with colleagues within Planning Policy. The funds for commissioning the GTAA are contained within the approved local plan costs, whilst the day-to-day staffing costs are drawn from existing staff resources contained within approved revenue budgets.

- 5.3 The resources required for developing and managing transit site operations is the responsibility of the Housing Department. The resources to manage the transit site are presently drawn from existing staff resources although there is a recognised need for approved revenue to undertake this function; an application for dedicated staff resource and a contingency for maintenance and repair of the transit site to the value of £262,000 per annum has been submitted.

### **Legal**

- 5.4 The Mobile Homes Act 1983 provides the legislative framework for the occupancy of GRT permanent and transit sites Part 1 Schedule 1 Chapter 3 and Chapter 4, including setting out implied terms of any occupancy agreement and the obligations and responsibilities of the Council as site owner and occupiers.
- 5.5 The Home Office has provided statutory guidance which should be considered when the taking action against unauthorised encampments including under the Criminal Justice and Public Order Act 1994 and the Anti social behaviour Crime and Policing ACT 2014.
- 5.6 Specific regard should be had to Article 14 of the European Convention on Human Rights (ECHR (the prohibition on discrimination) and Article 8 ECHR (the right to private life) and the possibility of unjustified discrimination against Gypsies and Travellers.
- 5.7 The Council has powers to hold and appropriate land under the Sections 120-122 of the Local Government Act, 1972. The general appropriation power is section 122(1) of the Local Government Act 1972 (the 1972 Act).
- 5.8 This states that Councils "may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation ..."

### **Equalities**

- 5.9 The management of unauthorised encampments comprises processes that affect groups and individuals who are (mostly) from specific and defined ethnic minorities e.g. Romany Gypsies, Irish Travelers.
- 5.10 The specific decision-making element e.g. commissioning a new "Gypsy & Traveller Accommodation Assessment" or reviewing the "Joint Protocol on Managing Unauthorised Encampments" will require an Equalities Assessment. This report is an informative report and contains no decision making aspect.

**Procurement**

5.11 Not applicable

**People Services**

5.12 There are no staffing implications arising from the recommendations in this report.

**Corporate Parenting**

5.13 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations of this report.

**Other**

5.14 There are no other implications arising from the recommendations of this report.

**6 APPENDICES**

6.1 NIL

**7 BACKGROUND PAPERS**

7.1 NIL