

BIRMINGHAM CITY COUNCIL

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

28 JUNE 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 15 March 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 15 March 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 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.
- 3.5 Birmingham City Council presently has one functional site at Proctor Street 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.

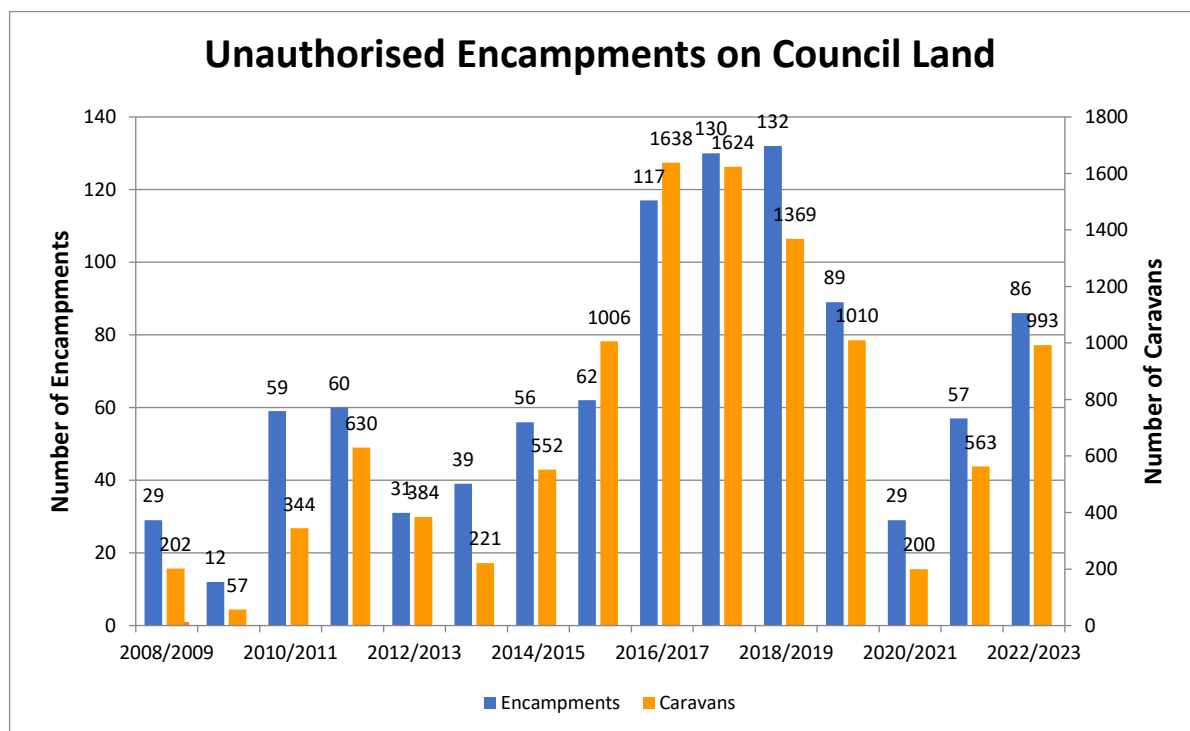
5. Transit Site Update

- 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. A full report has been compiled detailing the repairs required, however, significant damage to the main electrical intake and sub-distribution box will delay any works taking place. A site meeting is due to take place in the next couple of weeks to move this forward.
- 5.3. The site at Aston Brook Street is presently vacant awaiting development. The recent funding bid to Homes England was rejected due to the welfare facilities being deemed inadequate. A decision needs to be made with Planning colleagues as to whether this site is deemed viable given the size and structure of the site.

- 5.4. Legal advice on Tameside Drive site has been requested but cannot be reported as the matter remains with Legal Services. All I am able to report is that your officers are continuing to work with colleagues in Legal Services to bring the site back into use.
- 5.5. The incidents around maintaining the sites in a usable condition have clearly shown the need for better day to day management of the sites. As well as the regulatory aspect, colleagues in Housing are leading on devising a mechanism for management of occupancy on the transit site. An agreement is currently being approved which will implement a rental payment system that removes the need to exchange of cash on access and the occupancy agreement is being reviewed by Legal to ensure the fulfil any legal requirement. An overarching strategy in this area is being developed with contributions from all areas to ensure a cross Directorate co-design approach.

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.



- 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. In 2023/24 in April there have been 6 unauthorised encampments on Council land and 8 on Private land. In May, there have been a further 3 unauthorised encampments on Council land and 4 on Private land.

6.5. This unauthorised use of the Proctor Street Transit Site has led to increased pressure in 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.

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. 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. The Environmental Health resources employed in carrying out the work detailed in this report are contained within the approved budget available to your committee.

9.2. The resources required for identifying and gaining strategic approval for the allocation of transit sites lies with colleagues within Planning Policy

9.3. The resources required for developing and managing transit site operations is the responsibility of the Housing Department.

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. This supports the inclusive Birmingham priority.
- 10.2. This work also 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