

BIRMINGHAM CITY COUNCIL

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

15 NOVEMBER 2017
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken to improve the response to unauthorised encampments in the city since the last report on the 12 July 2017.

2. Recommendations

- 2.1 That the report is noted and outstanding minute number 882(ii) be discharged.
- 2.2 That Committee agree to a further report be brought in 3 months to update on the various work items contained within this report.

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3. Background

- 3.1 This report is an update on activities since July's Licensing and Public Protection Committee.
- 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.

4. Update on the Provision of a Transit Site

- 4.1 Committee is aware that the Bromford Green Recycling Centre was being considered as a possible transit site. Advice from planning colleagues is that this cannot be pursued as the Birmingham Development Plan (BDP) includes a projection of GRT housing needs for the city. This assessment includes a projection for Gypsy Romany Travellers who are likely to come to the city.
- 4.2 The BDP identifies Proctor Street car park and the extension to Aston Brook Street North permanent site as being sufficient to meet the need. As such until these two sites are brought into operation it would be contrary to planning policy to consider alternative sites unless a new housing needs assessment were carried out.
- 4.3 The focus of the working group will now turn to bring the identified sites into operation. In addition the group has requested Development to reconsider the needs assessment.

5. Injunctive Action

- 5.1 Further to the verbal updates in July and September, committee is aware that there are now a number of injunctions aimed at reducing the effects of unauthorised encampments. As a formal written record the two injunctions operate until the 27 June 2019 and cover the following parks:
 - i. Alexander Stadium and Perry Park.
 - ii. Selly Oak Park, Selly Park Recreation Ground and Hazelwell Park.
- 5.2 As of the 27 September 2017, a successful application was made to the County Court to vary the second of the above two injunctions. Swanshurst Park in Billesley is now also covered by the terms of the injunction and a copy of this is in the attached appendix. A Power of Arrest was also granted; therefore, anyone setting up an encampment with a purpose to reside in any of the 5 parks could be arrested and taken before the court.
- 5.3 In August the High Court Sheriff, acting as our agent, was assaulted when recovering land occupied by an unauthorised encampment. Accordingly prompt action was taken to obtain an interim injunction, now a full injunction prohibiting Mr. John Connors from assaulting; verbally abusing; or encouraging others to abuse or

assault; any council officer, their agent or Police Officer. Strong action will continue to be taken against individuals if behaviours warrant such interventions.

6. Briefings

- 6.1 On the 7th September two Member's Briefing sessions were held in the Council House to advise members on all aspects of unauthorised encampments. The sessions covered the wider powers available to the council and the Police; the necessity to undertake welfare assessments; and the duties placed on the Local Authority. The feedback from the members who attended was very positive.

7. Cabinet Member Summit

- 7.1 On the 2nd of October Cllr Trickett, the Cabinet Member for Clean Streets, Recycling and Environment, held a summit on unauthorised encampments to engage with Members of Parliament. In attendance were Richard Burden MP, Steve McCabe MP, The Chair and Deputy Chair of Licensing and Public Protection Committee, the Police and Crime Commissioners Office and the Cabinet Member.

- 7.2 Both MPs requested some comments for the Parliamentary debate on the 9th October. We suggested that:

- i. the duty for LA's to have a transit site should be better defined;
- ii. a change in the law to allow for regional transit sites to maximize efficiencies of such developments;
- iii. that the welfare needs duty be better defined and that the "need" should be positively evidenced, not "just claimed";
- iv. that there should be an updated and one process for eviction for all authorities to give a consistent approach across the country;
- v. that an obstruction offence was consider as part of this updated process;
- vi. that a fee should be chargeable for all unauthorised and tolerated stopping whether or not the land was designated for camping to enable repairs or facilities to be provided.

- 7.3 The Cabinet Member and the meeting as a whole considered a strategic solution with sufficient spaces on a transit site would be the best option to follow and to this end a joint EMT report has been requested by the Cabinet Member from Place (Housing and Environmental Health) and Development Directorate. This is planned for the December meeting.

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 seek 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 are 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 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.

10. Implications for Policy Priorities

- 10.1 The protocol contributes to fulfilling the Council's vision (Vision 2020) set out in the *Council Business Plan for 2016*, specifically to provide 'thriving local communities' and to work towards delivering 'a healthy, happy city'.
- 10.2 The 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.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil