

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2022
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 10 November 2021.
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 10 November 2021.
- 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.

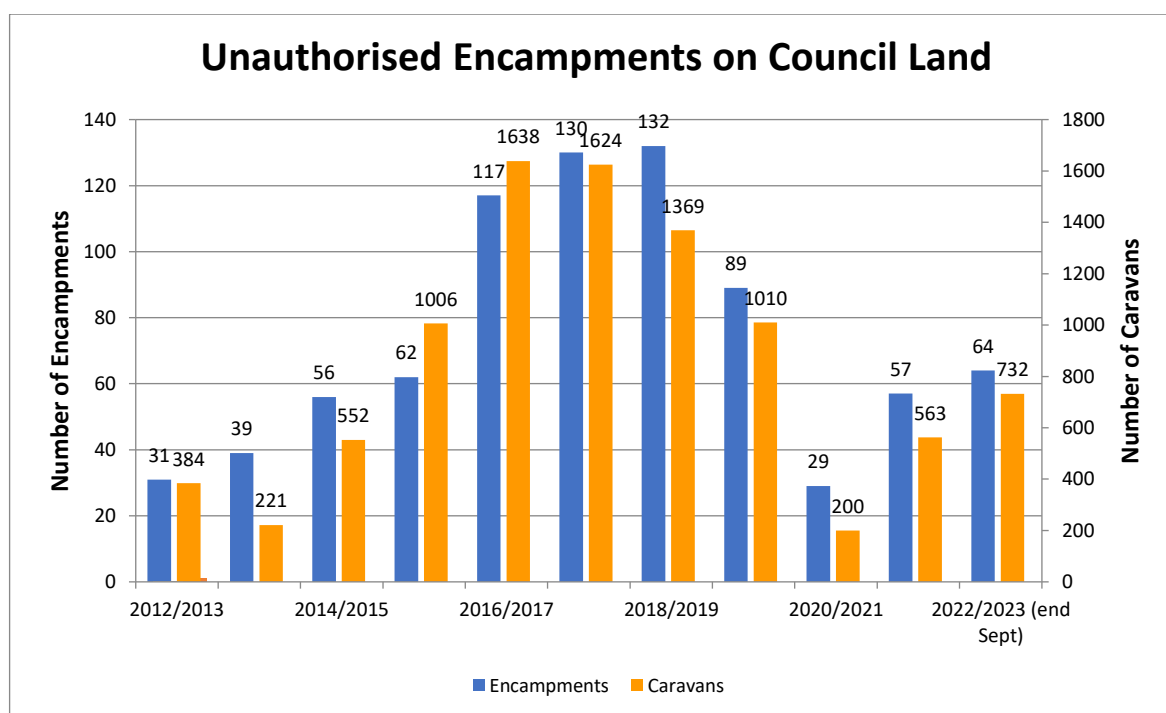
4. Transit Sites

- 4.1. As previously reported, colleagues in Housing and the Inclusive Growth Directorate have applied for capital funding to develop the two transit sites identified in the Birmingham Development Plan (BDP).
- 4.2. Proctor Street transit site has been operational since 1st November 2020 and has seen almost constant use. Prior to the advent of the pandemic that use was normalised with a small number of families occupying the site and adhering to the conditions of occupancy.
- 4.3. During the Covid pandemic, the generalized lockdown and the requirement not to undertake evictions, saw the transit site under constant use. This also led to problems where non-compliance with the site usage rules e.g. where payments were not received or antisocial behaviour became prevalent, the Council could not evict from the site. Those on the site became unauthorised encampments whilst on the transit site.
- 4.4. During this time, the site has suffered significant damage to the toilet block and drainage system requiring the site to be closed whilst repairs were undertaken. During this closure several forced entries were made, preventing repairs and causing further damage to the partially repaired toilet block. Court orders had to be obtained to recover possession of the site each time, following which increased protection was added to the site to prevent further occupation but unfortunately this failed and further court orders were required.
- 4.5. The incidents around maintaining the sites in a usable condition have clearly shown the need for better day to day management of the sites. Your officers (1.8 FTE but also undertake other roles within environmental Health) are very much focused on the legal process of recovering land from unauthorised encampments. This is very different from managing the tenancy and daily needs of a transit site.

- 4.6. It has been clarified that the identification and approval of transit sites lies with colleagues in the Inclusive Growth Directorate. 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 to focus on recovery of land.
- 4.7. The site at Aston Brook Street is presently vacant awaiting development. There is no update from housing on this.
- 4.8. Legal advice on Tameside Drive site has been requested but cannot be reported. as the matter remains with legal services.

5. Unauthorised Encampments

- 5.1. The number of incursions is recorded in the graph below. This shows the trend data for total encampments per year since 2008 with the data for 2022/2023 being up to the end of September 2022.



- 5.2. Although the number of encampments on Council land has dropped since 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'.

- 5.3. It should also be noted that the use of the transit site has done much to alleviate some of the pressures on open spaces and nearby settled residents. It is however also true that the use of solely Proctor Street Transit Site has led to increased pressure on that neighbourhood and both EH and WM Police have attended a ward forum in September as part of a reassurance and engagement piece. Having additional Transit sites would enable some pressures being alleviated in and around Proctor Street.

6. Strategic Management of Unauthorised Encampments

- 6.1. 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'.
- 6.2. As well as the regulatory aspect, colleagues in Housing are leading on devising a mechanism for management of occupancy on the transit site, having regards to fee collection and the issuing of occupancy agreements.
- 6.3. Furthermore, 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.
- 6.4. The GTAA identified the need for 20 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

- 6.5. 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.

7. Consultation

- 7.1. The report is for information and, therefore, no consultation has been undertaken.
- 7.2. 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.

8. Implications for Resources

- 8.1. 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.
- 8.2. The resources required for developing and managing transit site operations is the responsibility of the Housing Department.

9. Implications for Policy Priorities

- 9.1. 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.
- 9.2. 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'.

10. Public Sector Equality Duty

- 10.1. 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