

Birmingham City Council

Licensing & Public Protection Committee

13 March 2024



Subject: Update report on unauthorised encampments
Report of: Director of Regulation and Enforcement
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Operations Manager Environmental Protection

Does the report contain confidential or exempt information? Yes No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

N/A

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 15 November 2023.
- 1.2 This report comprises input from Environmental Health (site repossession), Planning (planning policy and site identification) and Housing (site development and management).

2 Recommendation(s)

- 2.1 That the report is noted.

3 Background

- 3.1 This report is an update on activities since the last report to your Committee on 15 November 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 developed transit 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 but requires formalising of the occupancy of the current tenants.
- 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 within Environmental Health to focus on recovery of land.

Site Provision Update

- 3.7 In order to identify the need for both permanent and transit pitches, a revised Gypsy and Traveller Accommodation Assessment (GTAA) is currently being prepared by RRR Consultancy who are experienced consultants in this field to assess current needs (2023-2028) and future needs (2028-2042). The GTAA will inform requirements for site provision for permanent and transit GRT pitches over the coming years to be set out in the new Local Plan.
- 3.8 The GTAA also suggests an option to provide ‘informal’ negotiated stopping sites. These would be sites which are only temporarily available due, for example, to the fact that they are awaiting development or currently disused and could be utilized to direct unauthorized encampments for a short, negotiated period. This would enable such encampments to be directed immediately away from sites more widely used by or having a greater impact on local residents such as parks. This approach has been used successfully in local authorities such as Enfield and Leeds and provides additional flexibility to Councils, in addition to the provision of transit sites, to deal with unauthorized encampments more effectively. This option

will require further consideration as to whether it will be appropriate or beneficial for Birmingham as part of its overall strategy for dealing with unauthorized encampments.

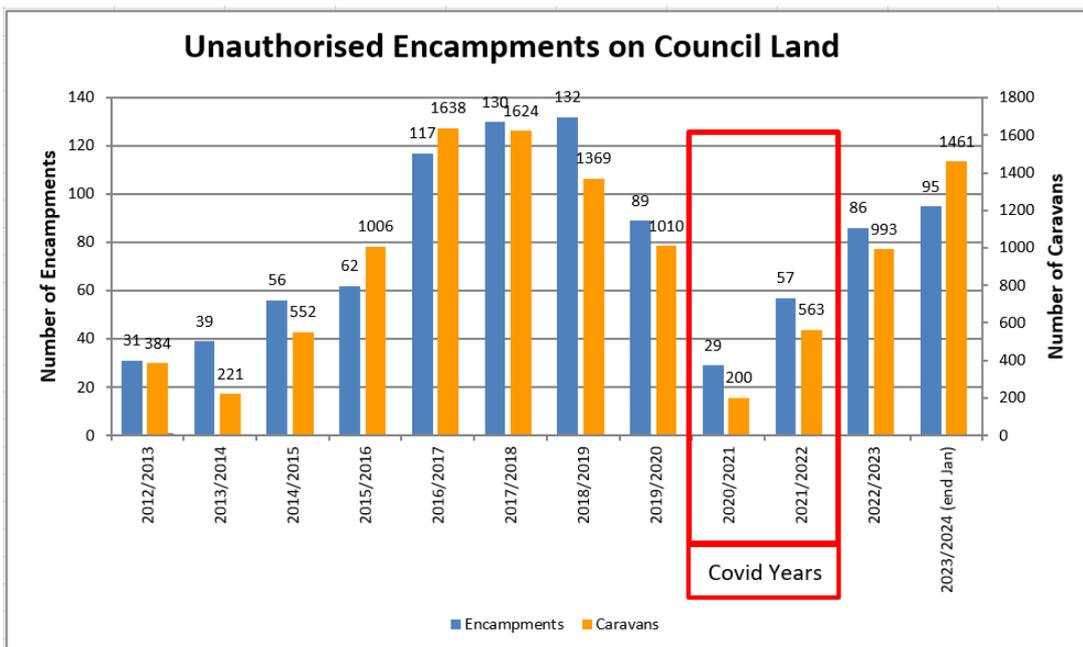
- 3.9 Alongside the GTAA and resulting from its findings, an extensive site search is continuing to identify potential sites for pitches to be allocated within the new Local Plan to meet needs through both permanent and transit sites. A draft of the Local Plan is due to be published in May 2024 which will contain proposals for potential sites for this purpose and the site search itself is focusing on Council-owned sites across the city. A shortlist of six sites is currently subject to further investigation which will be narrowed down for the consultation on the Local Plan in May 2024 following Cabinet approval.

Transit Site Update

- 3.10 Proctor Street transit site became operational on 1st 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. The site is due to reopen within the month.
- 3.11 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. In particular, fire safety has been raised and a meeting has taken place on site with the fire service; it is very likely that the site will lose a number of pitches due to new spacing requirements from the government post Grenfell.
- 3.12 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

- 3.13 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 January 2024.



3.14 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'.

3.15 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.

3.16 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.

3.17 Presently, 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 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.

Strategic Management of Unauthorised Encampments

3.18 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'.

- 3.19 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.
- 3.20 An action plan is also in development covering the management of the transit site with contribution from relevant stakeholders.

4 Options considered and Recommended Proposal

- 4.1 The report is for noting and no proposals are being submitted for decision.

5 Legal Implications

- 5.1 The identification of required site provision for permanent and transit GRT pitches over the coming years to be set out in the new Local Plan. The preparation of the Birmingham Local Plan is a requirement of the Planning and Compulsory Purchase Act 2004 and is prescribed under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF is also to be applied in conjunction with the Government's Planning Policy for Traveller Sites (2015), both of which refer to the need to assess and then address the accommodation needs of those who are ethnically recognised Gypsies and Travellers (as in line with the Equalities Act 2010).
- 5.3 In relation to housing provision, Birmingham City Council allocations policy would be applicable for any traveller looking for permanent accommodation and would be assessed by those current policies in place. The housing management team provide day to day management of transient traveller sites, namely Proctor Street, and conditions of tenancy are currently being agreed prior to site reopening.
- 5.4 Whilst regaining possession of land from unauthorised occupiers is a non-statutory function, it does remain the right of a land-owner such as the City Council to enact in order to ensure the proper use of its own land, much of which has public amenity. This service is delivered by Environmental Health in partnership with West Midlands Police in line with an agreed strategy.

6 Financial Implications

- 6.1 Environmental Health is responsible for and funds the assessments leading up to legal action, the service of notices and arrangement of resources for an eviction to occur.
- 6.2 The default costs (bailiff actions), the repair of land and its cleansing, is borne by the land owning departments.
- 6.3 The resources required for identifying and gaining strategic approval for the allocation of transit sites lies with colleagues within Planning Policy
- 6.4 The resources required for developing and managing transit site operations is the responsibility of the Housing Department.

7 Public Sector Equality Duty

- 7.1 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.

8 Other Implications

- 8.1 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.
- 8.2 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'.

9 Background Papers

- 9.1 NIL

10 Appendices

- 10.1 NIL