

**BIRMINGHAM CITY COUNCIL**

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

**16 JANUARY 2019**  
**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 24 October 2018.

2. Recommendations

- 2.1 That the report is noted and outstanding minute number 1071 be discharged.
- 2.2 That Committee requests a further report to 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 the last report to your Committee on 24 October 2018.
- 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. Injunctive Action

- 4.1 An injunction is a legal remedy obtained in a civil or criminal court. It takes the form of a Court Order that compels a named person or an identified group to refrain from specific acts. All of the injunctions currently obtained by your officers have been obtained under antisocial behavior powers and have the power of arrest attached. A person that fails to comply with an injunction may be fined, imprisoned or have their assets seized.
- 4.2 Currently all of the injunctions that your officers have applied for have been obtained from the High Court in Birmingham. In every instance there has to be sufficient evidence of antisocial behavior causing alarm, harassment and or distress for an application to be made. Following the application, the hearing Judge will consider whether the very significant step of imposing an injunction is a proportional and fair step to take. Although we have been successful in our applications significant attention has to be given to prove that it is a proportionate action to grant the injunction, due to there being no operational alternative sites for the GRT community in the borough.
- 4.3 On 26<sup>th</sup> November 2018 your officers and Legal Services have successfully applied for the injunctions covering parks in the city to be extended to also include.
  - 1) Parks adjacent to Sarehole Mill, (Hall Green North ward);
  - 2) Chinn Brook Recreation ground (in both Billesley & Hall Green South wards) and
  - 3) The Dell (Druids Heath and Monymhull ward).It is now a breach of the injunction to reside on these parks and there is a power of arrest for anyone who does.

### 5. Proposed Transit Sites

- 5.1 Colleagues in Housing and Economy Directorates have applied for capital funding to bring the two transit sites in the BDP forward and into operational use, Proctor Street and Hubert Street, Nechells. Currently £50k has been approved from the Homes England Grant and a further capital expenditure of £290k has been identified for 2019/20 and 2020/21 to bring all of this work forward.
- 5.2 Officers are completing the relevant authorities to enable spending to begin on the Proctor Street site first. It is anticipated that vacant possession of that site will be on

or before the 1<sup>st</sup> March 2019. It is hoped that the developers will then undertake development from the 1<sup>st</sup> March 2019.

- 5.3 The work stream to bring Tameside Drive transit site back into operational use proceeds slowly. This matter has now been forwarded to Legal Services to as it does not appear to be able to be completed by way of negotiated agreement.

## 6 Gypsy, Romany, Traveller Needs Assessment

- 6.1 A GRT needs assessment was undertaken for inclusion in the current Birmingham Development Plan (BDP). The BDP identified both of the sites detailed in paragraph 5.1. It became clear that the needs assessment carried out in 2014 is out of date due to a much higher rate of unauthorised encampments occurring in in the city during 2015, 2016 and 2017.
- 6.2 The final GRT needs assessment document is expected to be with planning colleagues by the ended of January 2019. It is intended that this document is then circulated through the normal procedures within planning and then to Licensing and Public Protection Committee.
- 6.3 This report will assist in ensuring the council provides sufficient suitable spaces for the GRT community wishing to visit Birmingham. It will also assist in the proportionality assessment for the city-wide injunction to protect all our parks as we should be able to demonstrate there is sufficient alternative and more appropriate space to be used.

## 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.

9. Implications for Policy Priorities

- 9.1 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.

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil