

**BIRMINGHAM CITY COUNCIL**

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

**10 NOVEMBER 2021**  
**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 12<sup>th</sup> February 2021.

2. Recommendations

- 2.1. That the report is noted.

Contact Officer: Mark Croxford, Head of Environmental Health  
Telephone: 0121 303 6350  
E-mail: [mark.croxford@birmingham.gov.uk](mailto:mark.croxford@birmingham.gov.uk)

### 3. Background

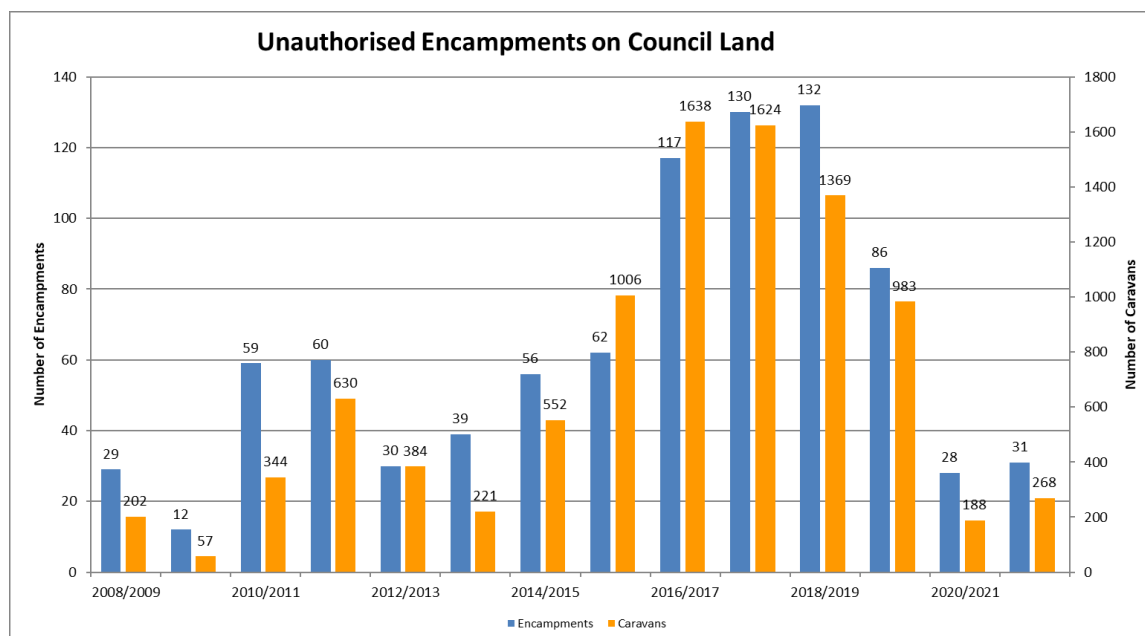
- 3.1 This report is an update on activities since the last report to your Committee on 12<sup>th</sup> February 2021.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, 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). 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.
- 4.2. Proctor Street transit site has been operational since 1<sup>st</sup> 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 pandemic the instruction from Government was to tolerate encampments and avoid moving groups to comply with lockdown provisions. The cycle of lockdown and easing of restrictions allowed groups to travel in-between and resulted in difficulties in managing the transit site. Groups would be effectively become stuck on the transit site when restrictions were brought in. Unfortunately with the Council having no provision to move them on, this resulted in the groups not paying fees and effectively becoming unauthorised encampments on the transit site.
- 4.4. During this time, the site has suffered some damage to the toilet block and drainage system necessitating full closure in order to effect repairs. The Environmental Health service has had to recover the site on three instances, whether by resorting to bailiffs or court action and this has repeatedly delayed the repairs and is having a resultant impact in an increase in unauthorised encampments in the cities’ parks (see following section). Following each recovery the site has been increasingly secured with chains, padlocks and concrete obstructions but in each instance access has been forced, preventing the repairs.
- 4.5. The site at Aston Brook Street is presently vacant awaiting development.
- 4.6. 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 has dropped markedly since the opening of the transit site as evidenced by the following graph which shows the trend data for total encampments per year since 2008 with the data for 2021/2022 being up to the end of August 2021.



- 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 issues arising from unauthorised occupancy of the transit site have been disproportionate in effort than compared to a typical encampment on other public land e.g. parks land. That is to say, the regulatory effort involved in repossessing the transit site and associated management of the site has been a greater burden on Environmental Health. This has however protected residents from antisocial behaviors associated with some unauthorised encampments.
- 5.4. Despite the uncertainties at 5.2 and the issues outlined at 5.3 the advent of the transit site remains a success as it has seen a reduction in encampments on the cities' parks and other public open space.

## 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 or 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. At present the transit site needs to be repossessed and repaired, following which the new normal service can commence. Given the issues we have experienced on the site from members of the travelling community there may be a need to review the joint protocol in conjunction with WMP. In conjunction with this Environmental Health are reviewing how we deal with unauthorised encampments on the transit site and in the wider city with a greater reliance on injunctions to ban identified individuals from establishing unauthorised encampments in Birmingham once an evidence base is obtained.
- 6.3. 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. An invitation to tender (ITT) will be released in the near future to seek third party support in delivering this function.
- 6.4. 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.
- 6.5. 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

- 6.6. 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 small sites for smaller groups.
- 6.7. The GTAA also recommended the use of injunctions against identifiable individuals who have been found to have caused problems in the past as a result of fly-tipping or other anti-social behaviour.
- 6.8. The GTAA is in the process of being refreshed.

## 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.
- 8.1. The resources required for developing and managing transit site operations moving forward is currently being explored with a preferred solution being to outsource this provision through a procurement exercise. City Housing and City Operations are working collectively to take this forward.

## 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.

## **INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil