

## PLYMOUTH CITY COUNCIL

**Subject:** Cooperative Scrutiny Review – Unauthorised Encampments  
**Committee:** Cabinet  
**Date:** 17 June 2014  
**Cabinet Member:** Councillor Penberthy  
**CMT Member:** Carole Burgoyne (Strategic Director for People)  
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**Ref:**

**Key Decision:** No

**Part:** I

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### **Purpose of the report:**

The report responds to the recommendations made following a Cooperative Scrutiny Review of Unauthorised Encampments. Work that is already in hand is identified and options are presented where appropriate for the implementation of the recommendations.

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### **The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:**

Our Policies and Procedures for the management of Gypsy and Traveller Unauthorised Encampments must be:

- fair and treat both Gypsies and Travellers and the wider community with dignity and respect
  - pioneering in their delivery of an efficient process with best use of scarce resources
  - able to provide strong community leadership through our agreed multi-agency procedure
  - openly published on our website setting out relevant responsibilities
  - able to ensure that Plymouth City Council staff deal effectively with Unauthorised Encampments that occur on our land.
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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

#### Implications for MTFP

- The review recommended the establishment of a weekend service, there is no budget or capacity to support this and we have therefore proposed this recommendation is not accepted.
- Changing the criteria under which we consider interim site clean ups could increase the frequency with which they are conducted and lead to unplanned and increased pressure on the corporate facilities budget. This will be controlled through budget monitoring.

#### Resource Implications

- Our support for Gypsy and Traveller History month would be likely to have a financial implication but it is envisaged that this could be met from existing resources.
- There are no implications which cannot be met from within existing human resources.

- There are implications to the use of increased use of social media and IT systems to improve communications. The work to develop appropriate systems will be scheduled and be aligned with wider improvements within our transformation programme.
- Unauthorised encampments will always impact on land use and there will continue to be a consequent loss of amenity to the wider community of residents and businesses however the proposals anticipate mitigating this by maintaining the status quo in relation to the broader operation of our policies and procedures.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

- **Community Safety**  
There is no evidence associating increased crime and disorder with unauthorised Gypsy and Traveller encampments, however there is a significant public perception and fear of crime generated by their presence. This will be better managed by the recommended improvements in communication processes and measures to address negative stereotypes of Gypsy and Traveller culture.
- **Health and Safety**  
There are health and safety issues associated with additional clean-up operations. Staff carrying these out are appropriately trained and covered by operational risk management processes. Site visits are conducted within the lone working policy and staff have recently undertaken conflict resolution and breakaway training.
- **Risk Management**  
Risk registers are routinely updated as required with risks arising from unauthorised encampments.

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**Equality and Diversity**

The Gypsy and Traveller community are protected by the Equality Act 2010 from unlawful discrimination on grounds of their ethnic identity. Unauthorised encampments are the visible manifestation of the lack of an adequate local and national supply of permanent and transit sites to meet their needs. Much of the hostility of the wider community towards Gypsies and Travellers stems from this unmet need.

The lack of sites and alienation by wider society make this a vulnerable community and are at the root of the significant barriers they face in accessing appropriate services, which in turn limit their life chances. In recognising the importance of maintaining a balance between the reasonable expectations of the wider community and the needs of Gypsies and Travellers the recommendations in this report are consistent with the delivery of our Public Sector Equality Duty.

Has an Equality Impact Assessment been undertaken? Yes

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**Recommendations and Reasons for recommended action:**

1. Cabinet thanks the members of the Cooperative Scrutiny Review of Unauthorised Encampments and the Cooperative Scrutiny Board.
2. Cabinet notes the recommendations contained in the Your Plymouth Scrutiny Report on Unauthorised Encampments and acts upon them as proposed below.
  - Accept recommendations 1, 3,5 & 6.

- Accept recommendation 4 subject to the requirement for incontrovertible proof of condition being met through the publication of a notice, e.g. via social media, advising that the site has been cleaned and inspected.
- Accept recommendation 7 noting that the funds required to celebrate Gypsy and Traveller History month will be subject to future arrangements for allocating the equality budget in the context of our Welcoming City plan.
- Not accept recommendation 2.

Recommendation 1 (Accept) - The current policy should be reviewed when a transit site (currently being progressed) is up and running. Until then the current policy is appropriate in terms of ensuring that UE's are moved on without undue delay.

Reason – The recommendation recognises the importance of a transit site to our strategy to manage Unauthorised Encampments.

Recommendation 2 (Not accept) - That consideration is given to provide weekend support with particular regard to provision of bins and toilets, located for convenient use by the Gypsy and Traveller community.

Reason – After careful analysis of the cost benefits of alternative delivery options it is considered that the significant additional resources required to implement a weekend cover system across a range of services are not cost effective.

Recommendation 3 (Accept) - Consideration is given to improving communications with residents and Councillors in areas that are affected by UE's so that they are kept informed of the eviction process throughout, this could be by letter drop or publication of a timeline for each event on the council's website (including consideration of a self-service portal for reporting UE related incidents).

Reason - This is consistent with our wider commitment to transforming services and this work is already in hand.

Recommendation 4 (Accept conditionally) - The quality assurance process in place around clean-up operations should be evidenced in order to provide incontrovertible proof of condition of site following move on of UE's.

Reason – The review suggests collecting photographic evidence which would not provide incontrovertible proof. Health and Public Health England advice suggests that some waste is more safely dealt with by being appropriately treated on site and this will not be removed. Publishing a notice that the site has been cleaned and inspected will reassure the public that action has been taken promptly.

Recommendation 5 (Accept) - Consideration of interim clean-ups for UE's on a case-by-case basis, with degree of cleanliness and accumulated rubbish on the site, impact on the local community, and vulnerability of travellers on the site being key factors in this decision.

Reason – Interim clean ups will benefit both residents and Gypsies and Travellers.

Recommendation 6 (Accept) - Development of a map of land that is owned by PCC so that responsibility for action can be established with greater speed.

Reason – A map already exists in the form of the Corporate GGP system.

Recommendation 7 – (Accept) That Plymouth City Council should be role models for equality and inclusivity, for example by celebrating Gypsy and Traveller month; encouraging positive reflection of Gypsy and Traveller culture within the media; and providing training and awareness raising for PCC staff involved with Gypsy and Traveller sites.

Reason – The recommendation is consistent with our cooperative values and objectives and will help to deliver our Public Sector Equality Duty. Celebration of Gypsy and Traveller History Month will be contingent on resources being allocated from the Equality Budget.

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**Alternative options considered and rejected:**

There is insufficient capacity within the Social Inclusion Unit, which coordinates UE's, to support a weekend response and interdependence with other services that do not currently provide weekend cover make this impractical.

We considered devolving weekend cover responsibility to a service area that already provides out of hours cover. We rejected this option because:

- The need to establish land ownership and supply bins would still require support from other services not currently operating at these times, e.g. Corporate Property and Waste Services, and the cost of extending these services to cover weekends was not considered justified in terms of the benefits realised.
- To enable them to perform the coordinating role the staff involved would also need training and time to absorb and understand our practices and procedures for managing UE's.
- Existing out of hours services would either, have a conflicting role, e.g. Security or Public Protection and Enforcement, or have an incompatible service model, e.g. out of hours Social Services and Homelessness.

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**Published work / information:**

- [Unauthorised Encampments](#) a report of the Your Plymouth Scrutiny panel.
- A report from the Social Inclusion Unit reviewing current practice and their management of Unauthorised Encampments incorporated as appendix C.
- Plymouth City Council Gypsy and Traveller Unauthorised Encampment procedure. [Unauthorised Encampment Procedures](#)
- EIA on this report

**Background papers:**

None

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**Sign off:**

Fin	People F HC141 5 001 NC 28/05/ 14	Leg	DVS/20 400	Mon Off	DVS/20 400	H R		Assets	CJT /134 /230 514	IT		Strat Proc	
Originating SMT Member – Stuart Palmer													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

## **1.0 Introduction**

- 1.1 In October 2013 a cross party task and finish group was established to conduct a cooperative review of our current procedures for managing unauthorised encampments, with the aims of:
- a) clarifying current processes and procedures against a backdrop of legal, social and financial considerations.
  - b) attempting to ensure community cohesion and public reassurance.
- 1.2 The cooperative review was called following a particular unauthorised Gypsy and Traveller encampment (UE) at Horsham Fields, Plymstock in May/June 2013. Concerns were raised by ward Councillors who questioned whether current procedures ensured that Unauthorised Encampments were moved on speedily and effectively.
- 1.3 The review, which was held over 3 days, called as witnesses:
- Officers from Plymouth City Council departments with operational and other responsibilities for UE's.
  - Devon & Cornwall Police
  - Ward Councillors, local residents, the Gypsy and Traveller community and the business community
  - The Cabinet member for Cooperative and Community Development
- 1.4 The following written evidence was also considered:
- A report from the Head of Community Services which summarised the legal, social and financial considerations.
  - Our published operational procedure for managing unauthorised encampments.
  - A response from Plymouth and Devon Race Equality Council
- 1.5 The findings of the Cooperative Review were published in a report which was endorsed by the Cooperative Scrutiny Board on 26<sup>th</sup> March 2014. The report [Unauthorised Encampments](#) concluded that:
- Current policy and procedures are cost effective and efficient.
  - A policy that made speed of eviction the overriding consideration would lead to more frequent encampments, increase demand on resources and have a negative impact on race relations.
  - High levels of public concern could be addressed by improvements to operational practice.
  - Negative portrayals of Gypsies and Travellers needed to be addressed to improve race relations and community cohesion.

## **2. Recommendations from the review**

- 2.1 The report made seven recommendations. Our proposed actions to address them and progress to date is reviewed in relation to each of them below.

### **Recommendation 1**

The current policy should be reviewed when a transit site (currently being progressed) is up and running. Until then the current policy is appropriate in terms of ensuring that UE's are moved on without undue delay.

### **Action/Progress**

This recommendation is welcomed and we continue to make significant progress towards delivering a Transit Site.

### **Recommendation 2**

That consideration is given to provide weekend support with particular regard to provision of bins and toilets, located for convenient use by the travelling community.

### **Action/Progress**

The prompt provision of bins and toilets can significantly reduce the cost of managing a UE and help to limit the impact on local residents. Our current practice ensures we attend 95% of UE's the same working day as we receive the report.

The minimum requirements to have in place in order to provide effective weekend cover would be:

- An officer with adequate training to understand the legal complexities surrounding Gypsy and Traveller UE's who was able to visit the site and coordinate a response.
- The means to establish whether the occupied land was in our ownership.
- The means to provide basic services e.g. bins and toilets.

If this was to be a simple extension of the weekday system an officer from the SIU team would have to be on standby at weekends to attend the site. There is very limited capacity and resources in the team. We have considered whether a service area that already provides out of hours cover could pick up the role but we have not identified an existing service with a suitable service model.

An officer from the Corporate Property team would also be required to provide support so that land ownership could be established.

It might be possible to negotiate with our corporate contractor for the weekend delivery of toilets an additional payment would probably be required.

In order for bins to be provided waste services would need to attend the site to deliver them this would require a refuse crew to be on standby and it would also require renegotiating employee contracts with a likely requirement to make additional contractual payments.

After careful consideration of the cost benefits we feel that the provision of weekend cover is not justifiable.

### **Recommendation 3**

Consideration is given to improving communications with residents and Councillors in areas that are affected by UE's so that they are kept informed of the eviction process throughout, this could be by letter drop or publication of a timeline for each event on the council's website (including consideration of a self-service portal for reporting UE related incidents).

### **Action Progress**

We welcome this recommendation. Currently we carry out a letter drop to neighbouring residential and commercial properties and send an email to ward Councillors with a similar content. We will review our written communications and our webpages to give indicative timelines for stages in the eviction process and additional contact information. We will also offer an improved explanation of how we will clear up the site when it is vacated.

Updating web pages with live information is impractical because of the lead in time to get new material live on the page. However we are considering whether social media may offer a useful additional channel to ensure local residents are kept informed. The content of any such communication would need to be sensitive to the potential to increase community tensions and for official messages to be reproduced out of context.

The recommendation that we develop a self-service portal for reporting UE related incidents is an excellent idea. We are already using dynamics to share information internally allowing all

customer reports of incidents to be linked to a central record for each unauthorised encampment. There is a long term objective as part of the wider transformation programme to make the Dynamics system accessible to the public through a self-service portal. This would allow customers to track our progress in responding to reported incidents and allow us to target live updates to interested customers.

#### **Recommendation 4**

The quality assurance process in place around clean-up operations should be evidenced in order to provide incontrovertible proof of condition of site following move on of UE's.

#### **Action/Progress**

We welcome the recommendation that quality assurance of clean up procedures is needed. It was for this reason we instituted a post clear up inspection, carried out by appropriately trained Terrier Officers from our Corporate Property service, following the Horsham fields encampment.

Collecting photographic evidence would not provide the incontrovertible proof that the recommendation envisages. This is because certain materials will not be removed as they can more safely treated in situ and left to biodegrade over time. It may also be necessary to leave fly tipped material in situ for a short period so that any evidence that may be necessary to establish a case for prosecution can be collected. Any hazardous material left on site may require a risk assessment and the use of specialist equipment.

Proactive management of UE's is necessary to minimise the accumulation of such waste and to minimise the need for clean up. It is for precisely this reason that we provide bins and toilets and encourage the occupants of sites to make use of them. We have recently instituted a normal weekly collection of bins we supply to ensure these don't overflow.

Although we face these challenges, we recognise the reasonable public expectation that the site, once vacated, will be returned to normal use as speedily as possible and make every effort to do this. We will in future publish a notice e.g. via social media, to advise that the site has been cleaned and set out in our communications what will be removed immediately, what may be left in situ for a short period and what will be treated and left to biodegrade.

#### **Recommendation 5**

Consideration of interim clean-ups for UE's on a case-by-case basis, with degree of cleanliness and accumulated rubbish on the site, impact on the local community, and vulnerability of travellers on the site being key factors in this decision.

#### **Action/Progress**

We already carry out interim clean ups where it is likely to prove more cost effective in the long run or there are over riding issues of safety for either the local community or site residents. Changing the criteria under which these are carried out could lead to more frequent deployment of clean-up crews. The cost will fall mainly on the corporate facilities budget and will be subject to normal budget monitoring.

#### **Recommendation 6**

Development of a map of land that is owned by PCC so that responsibility for action can be established with greater speed.

#### **Action/Progress**

A map already exists in the form of the Corporate GGP system. We have agreed with Corporate Property that in future our request for support in identifying land ownership will be treated as a high priority request ensuring that a map of the locality identifying our land is provided within 4 hours.

Sometimes this is insufficient to establish responsibility for action, e.g. we may be in the process of selling, purchasing or adopting the land and have to establish legal liability. In cases where this is unclear we tend towards a positive assumption to facilitate action.

A related problem is that to secure a possession order to remove an Unauthorised Encampments we need to prove ownership to the Court. This requires a Land registry title number and we will sometimes have to resort to a land registry search to secure this evidence.

**Recommendation 7**

That Plymouth City Council should be role models for equality and inclusivity, for example by celebrating Gypsy and Traveller month; encouraging positive reflection of Gypsy and Traveller culture within the media; and providing training and awareness raising for PCC staff involved with Gypsy and Traveller sites.

We welcome this recommendation which is consistent with our Corporate values and objectives and our Public Sector Equality Duty. Gypsies and Travellers face considerable hostility from the wider community and it is right that we should challenge the media driven stereotypical view of this community. We will seek to deliver a programme to celebrate Gypsy and Traveller History month subject to future arrangements for allocating the equality budget in the context of our Welcoming City plan. We will ask the Gypsy and Traveller Communications Group, which we established to manage consultation and communications on our site building programme, to consider how we can encourage positive media stories about Gypsy and Traveller culture. We will discuss with our Learning and Development team how we can best deliver a staff training and awareness programme.