

UNAUTHORISED ENCAMPMENT
PROGRESS BRIEFING PAPER
Place and Corporate Overview and Scrutiny Committee



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The purpose of this briefing paper is to inform members of the Place and Corporate Overview and Scrutiny Committee of the processes and responsibilities for the eviction of Unauthorised Encampment of Gypsies and Travellers from Plymouth City Council owned land where permission has not given.

Executive Summary

- Existing procedures for managing Unauthorised Encampments (UEs) aims to ensure that we deal with UEs that occur on Council owned land as effectively and efficiently as possible.
- Our procedure for managing UEs embeds our statutory duty to consider the welfare needs of Gypsies and Travellers.
- Gypsies, Roma and Travellers are protected from discrimination by the Equality Act 2010 and the Human Rights Act 1998, together with all ethnic groups that have a particular culture, language or values.
- The Joint Local Plan incorporated the commissioning of an Accommodation Assessment and Site Assessment Study.
- There has been an increase in media attention on UEs in the City, thus raising the profile of this community.
- There is a past history and tradition for Gypsies and Travellers to live in caravans or move around the country. However, encamping on land without the landowner's consent is unlawful, and in certain circumstances it is not just a breach of civil law but also criminal law.

UE statistics

- 18 UEs have been managed so far this year, against 19 for the same time period in 2016/17.
- Analysis of our UE data covering the period March 2014 to June 2017 indicates that:

Year	No. of UEs
2014/15	33
2015/16	36
2016/17	33
2017/18 (to date)	18

- The most frequently occupied sites were: Row Down Close, Language Business Park, Broadley Park Road, and Prince Rock Playing Fields.
- Average length of time to remove an Unauthorised Encampment is currently 7 days.

Gypsy and Traveller Procedure Review

- The current procedure for managing UEs was agreed by CMT in April 2009 and was reviewed in October 2013 by a Cross Party Task and Finish group.
- The Gypsy and Traveller procedure is currently being reviewed and will shortly be ready for consultation.
- An area being considered in this review is the Notice to Quit timeframe. Currently the procedure indicates that the notice gives 48 hours to vacate the site. In most circumstances it may be appropriate to give 24 hours to vacate the site; this change has been implemented as a pilot.

Permanent Site – Bayview Caravan Park

- All plots are currently licensed, giving no scope for UEs at Bayview Caravan Park.
- Issues around fly-tipping, damage, health and safety, and breeches of licenses are being addressed quicker and more efficiently.
- There is weekly engagement with residents , who have an excellent trusting and open rapport with officers, and more partners are involved with resident engagement e.g. Barnardo's (providing children's services), Fire Service, and Police, supporting residents to ensure the site is safe and that the wellbeing of residents is being improved.
- The allocations policy is currently being written to ensure a fair and equitably methodology for pitch allocation at Bayview Caravan Park.
- The license agreements are in the process of being reviewed by Legal Services to ensure they are robust, economic, and ensure that the asset is protected for future users.
- Works are currently being undertaken to make improvements to the amenities, and health and safety of the site.
- Vandalism prevention works are also underway, and a number of remedial works have been necessary following previous UEs on the site prior to full occupancy of the plots.

Powers and future considerations

- The power most frequently employed by Plymouth City Council to regain possession of land when dealing with an Unauthorised Encampment is under Part 55 of the Civil Procedure Rules.
- Consideration is currently being given to the use of Anti-Social Behaviour powers in regard to the use of a Public Space Protection Order to prevent the use of land for UEs. However, this consideration must be made in conjunction with our strategic opportunities for temporary and/or tolerated stopping spaces.
- Currently we are in discussion with Devon and Cornwall Police in regard to the use of their discretionary power under S61 and S62a of the Criminal Justice and Public Order Act 1994 to move an Unauthorised Encampment. However, in order to use this power an alternative site to move the Travellers to is required. Thus, we are working to secure temporary/tolerated stopping spaces, to make it possible to use this power.
- We are also liaising with South Hams and West Devon District Councils to discuss joint working opportunities, information sharing, and use of land for Gypsies and Travellers.
- Plymouth's preferred option for dealing with UEs is by negotiation and agreement around conduct of the occupants of the site; however, this solution can only be considered in conjunction with temporary and/or tolerated stopping spaces.

Unauthorised Encampment Site Review

- Community Connections are coordinating a plan putting into place preventative measures at sites across the City where UEs gain access.
- Site meetings were held in May where ideas were put forward between Street Cleansing and Grounds, Corporate Property, and Community Connections, and works are currently underway.

Strategic Opportunities

- Local Authorities are required to provide a five-year supply of deliverable sites for Gypsies and Travellers.
- A site assessment study (February 2017) for Gypsies and Travellers, and Travelling Showpeople is being examined for potential sites for temporary and/or tolerated stopping spaces.
- The report only identifies one site for future potential as a Gypsy and Traveller site, but there are number sites identified across the Joint Local Plan area that could be considered for specific temporary use.

- Whilst the Gypsy and Traveller Accommodation Assessment (GTAA) 2016 identified a total of 5 pitches for 'Travelling' Gypsies and Travellers in the Local Plan area, though specifically no pitches required in Plymouth, there is a clear need to provide suitable temporary/tolerated stopping spaces to prevent UEs occurring.
- Discussions with the Planning team have started in regard to searching for potential Gypsy and Traveller sites for.

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