

Wards Affected: All

Report considered by Cabinet – 10 July 2018

UNAUTHORISED ENCAMPMENTS

Responsible Cabinet Member: Councillor O'Neill, Cabinet member for Health and Wellbeing

Report Sponsor: Duncan Sharkey, Corporate Director Place
Author and contact: Duncan Sharkey, Corporate Director Place
01908 253411

Executive Summary:

To agree a range of activities that deliver short, medium and long term outcomes, mitigations and solutions to the issue of unauthorised encampments and reassures communities that action is being and will be taken to minimise consequences.

1. Recommendation(s)

1.1 That Cabinet:

- (a) Recommend to Council that capital funding of £250,000 is made available to improve physical security at sensitive sites to protect against unauthorised encampments;
- (b) Monitor the effectiveness of new physical barrier projects and, if appropriate, to seek funding for further work if needed;
- (c) Agree to work with partners to agree a common process to ensure enforcement activity and removal of unauthorised encampments is as fast as possible;
- (d) Work with police and other agencies to ensure any criminal or anti-social behaviour is recorded and dealt with properly, with input from the Environmental Crime Team;
- (e) Agree to obtain independent legal advice on securing wide ranging injunction(s) and make this advice available to councillors;
- (f) Investigate other appropriate means of protecting communities from unauthorised encampments;
- (g) Establish a Traveller Liaison Partnership to share intelligence, co-ordinate appropriate actions and responses, seeking input from all relevant agencies and organisations, including local residents and the Gypsy and Traveller Community;
- (h) Seek funding to identify, design and deliver sites to meet the assessed legal requirement of MK Council;
- (i) Investigate the need and effectiveness for a transit traveller site;

- (j) Improves communication with residents and the community on this issue; and.
- (k) Agree revenue funding of £65,000 for a Gypsy and Traveller Coordination resource to deliver a number of these activities.

1.2 That the Cabinet notes:

- (a) Officers are already gathering evidence to assess whether any action can be taken against any individuals related to unauthorised encampments and environmental crime;
- (b) Extra resources were allocated to the Environmental Crime Enforcement Team at the June Cabinet which made a commitment to review this pressure during the budget process; and
- (c) The significant and supportive partnership working with the Thames Valley Police.

2. Issues

- 2.1 Milton Keynes has, like most other places in the country, a number of gypsies and travellers living in the Borough who do not have permanent sites on which to camp. Such unauthorized encampments are defined by the Government as "encampments of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass". Unauthorized camping is not a criminal offence. It is a civil offence, giving landowners the right to repossess their property using the due process of law.
- 2.2 As of 20 June 2018 Milton Keynes Council was aware of five unauthorized encampments with a total of twenty six caravans involved. This is roughly in line with the 'average' number seen throughout 2018. Over the course of 2018 to date there have been 107 unauthorised encampments.
- 2.3 Most of these incidents of unauthorised encampments involved families who had been moved on from a different site in Milton Keynes by the landowner. Effectively the same families are repeatedly moving from site to site as enforcement action compels them to move on.
- 2.4 Responsibility for planning for the provision of sufficient gypsy and traveller pitches lies with local authorities. Currently Milton Keynes has eighteen pitches and as at 20 June 2018 sixteen were occupied. The two vacant pitches are in the process of being let.
- 2.5 Local authority powers to enforce planning law and police powers are set out in the Government guidance, "Dealing with illegal and unauthorised encampments" (March 2015). This emphasises in the introduction that authorities should not "gold plate" equalities and human rights legislation, and should be considering the harm that unauthorised encampments can cause communities. Milton Keynes Council has repeatedly used its enforcement powers to move on families who are camping on land without permission but as those families wish to stay in the area this just moves the unauthorised encampment to another site.

- 2.6 There is considerable community tension around this issue at present in some wards. Despite the Council committing to undertake specific measures to protect sensitive sites and work towards minimising the impact of unauthorised encampments the length of time such actions can take has not given confidence to local communities of the Councils commitment to resolve this issue, fairly and permanently.
- 2.7 The Council currently has no significant liaison with the gypsy and traveller community outside of enforcement activity and providing services to those travellers using permanent pitches.
- 2.8 This matter was raised in a motion to Council on 20 June 21018 and the following was resolved.

1. Council notes this issue is of utmost concern to residents;
2. Thanks residents for bringing this issue to the council attention and for their time addressing council;
3. Notes Council has listened to residents.

Therefore asks:

- a) Cabinet take immediate action on this issue at the next Cabinet meeting;
- b) Notes the Leader's commitment to independently all options, including physical barriers, legal injunctions and any other practical options;
- c) The Leader will convene an urgent cross party meeting to establish common ground on this issue.

This report is in response to the Council resolution.

3. **Options**

- 3.1 The Council has clear responsibilities to all communities affected by unauthorised encampments and recognises the damage that unauthorised encampments can do to settled communities and the environment. The Council also recognises the impact on the travelling community of regularly being 'moved on' and having to occupy inappropriate sites.
- 3.2 The Council therefore has identified that a long term solution needs to be delivered that stops unauthorised encampments and provides appropriate, safe pitches for gypsies and travellers. If a long term solution is not provided then unauthorised encampments will continue.
- 3.3 The Council also recognises that this long term solution will take several years to deliver and that steps must be taken now to deal with the impact of unauthorised encampments on both communities. These measures will include protecting sites, exploring the legal options to reduce the number of unauthorised encampments through injunction or other legislation and working with communities to reduce the impact of repeated unauthorised encampments.

3.4 There are multiple actions that will be taken but overall they are summarised as below.

(a) Do Nothing

(i) This option will not address the negative consequences of unauthorised encampment or the community tension that currently exists, and as such cannot be considered further

(b) Deliver immediate solutions to reduce negative consequences.

(i) Unauthorised Encampments Protocol - Thames Valley Police have recently issued a protocol suggesting the process and response to unauthorised encampments. The "Thames Valley Police and Local Authority Joint Protocol for dealing with Unauthorised Encampments" has not been agreed formally by the Authority and is still being considered. Whilst overall the process steps highlighted are accepted there are discussions about the balance of responsibility between Thames Valley Police and the Council. This protocol is under review but if agreed clearly relates to the aims of this report. Target - determine by September 2018.

(ii) Site protection - Initial inspections of a number of affected sites indicate a wide range of costs and the major risk is that protection on one access can be avoided by access elsewhere on the site. It is believed an initial programme of £250,000 would allow protection of around ten sites. A matrix assessment is being created to target this work and other means of securing sites (i.e. not bunds and bollards) are being investigated that might make this money stretch further. Target – initial sites work commenced July 2018.

(iii) Tackling anti-social behaviour /Prosecutions for environmental crime – As already shared with the relevant local community, evidence gathering is underway to assess what action will be taken to target environmental crime. Whilst not concluded it is likely this will include injunctive or other powers being used against individuals or specific group. This work will continue. Target – ongoing.

(iv) Consideration of 'global' injunctions against all unauthorised encampments or other measures as recommended by the independent legal advice – attached, as Annex A, is the draft requirement for counsel advice. This is a matter for the instructing solicitor, who would welcome comments from Cabinet. Target – advice sought July 2018, circulation to all Councillors September 2018.

(c) Deliver Long Term Solutions

(i) Seek funding to identify, design and deliver sites to meet the assessed legal requirement of MK Council. Target – identification December 2018, design and delivery ongoing.

- (1) Officers will work to identify the potential costs and any available funding for site provision.
 - (2) Officers will specify the programme of works needed to bring the current sites up to the required standard recognising there is a backlog of repairs;
 - (ii) Ask officers to develop a Traveller Liaison Partnership to coordinate and enhance liaison across partners and communities. The Partnership would be operational in nature and focussed on coordinating response and action to combat unauthorised encampments, provision of permanent sites and all other issues within the arena. Target - October 2018.
 - (1) Liaison with local communities and gypsy and traveller communities;
 - (2) Coordinating with the management of the authorised sites, including leading the developing and implementing of local lettings plan (within the new allocations policy); and developing and implementing a fees and service charges which will ensure the sites are self-funding with provision for future investment;
 - (3) Partnership working with the police to maintain and improve community cohesion;
 - (4) Improve access to education and healthcare for the traveller community;
 - (5) Improve cultural awareness across communities;
 - (6) Involvement in data gathering, government returns and evidential needs.
 - (iii) Resource a new post to coordinate the activity highlighted in this report regarding Gypsy and Traveller communities, further measures against unauthorised encampments and improved liaison with all communities. Target - September 2018.
- 3.5 The recommended options are (b) and (c) as neither option (b) or (c) alone deals with the negative consequences of unauthorised encampment and the impact, on both the settled and the gypsy and traveller communities, of the lack of safe and appropriate sites.
4. Implications
- 4.1 Policy
- (a) This report if agreed sets out an action plan to develop direction on unauthorised encampments and permanent pitches.
- 4.2 Resources and Risk

- (a) This is a large, complex and high paced area in which to undertake activity. The Council effectively withdrew from the work in previous years leaving very little resource with which to implement the proposals.
- (b) Capital funding amounting to £250,000 is requested within the report to facilitate short term action to protect sites. This spend will create assets that will require future maintenance, increasing the strain on current revenue funding. The requirement for capital funding will need to be recommended to Council as an amendment to the capital programme.
- (c) Revenue funding of £65,000 per annum is sought to provide officer resource to coordinate this work. It is likely that this resource can be scaled back once the Council has completed its work and delivered additional pitches. As there is no provision in the budget for this work reserves will fund the costs in the current year. The 2019/20 budget process will incorporate a time limited budget pressure for the associated future years' costs.

Y	Capital	Y	Revenue	Y	Accommodation
N	IT	N	Medium Term Plan	Y	Asset Management

4.3 Carbon and Energy Management

- (a) Not directly applicable

4.4 Legal

- (a) The Council has duties in respect of all residents of the borough to ensure that their rights as citizens are protected. The Council respects the needs of all groups and takes all decisions in line with article 8 of the Human Rights Act and further, in consideration of the Equality Duty placed on public bodies by the Equality Act 2010.

4.5 Other Implications

- (a) An Equalities Impact Assessment has been undertaken on this report and is attached as Annex B. It will be finalised in light of the Cabinet decision.

Y	Equalities/Diversity	N	Sustainability	Y	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder

Background Papers: None

Annexes: Annex A – Draft Scope of Requirement – Independent Legal Opinion

Annex B – Draft Equalities Impact Assessment