

Central Bedfordshire Council

EXECUTIVE

Tuesday 1 August 2017

Gypsy & Traveller Sites - Billington

Report of: Cllr Ian Dalgarno, Executive Member for Community Services
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This report relates to a decision that is Key

Purpose of this report

The report sets out the background to a range of issues on the Greenacres and The Stables Gypsy and Traveller sites in Billington and makes a recommendation as to how the issues could be resolved in the longer term. The report seeks approval for the Council to begin formal consultation on the recommended and alternative proposals.

RECOMMENDATIONS

The Executive is asked to:

- 1. approve the start of formal public consultation on the recommended proposal to:**
 - acquire both Greenacres and The Stables Gypsy and Travellers sites, using a CPO if required**
 - acquire land, as close to the current site, to build a new Council owned and managed Gypsy and Traveller site**
 - dismantle the existing sites and apply for change of use on completion of a new site****and alternative proposals; and**

- 2. request that a report is submitted to a future meeting of the Executive advising of the outcome of the consultation and making recommendations about the future of the Greenacres and The Stables Gypsy and Travellers sites.**

Background

1. Central Bedfordshire has 40 Gypsy and Traveller sites and 8 Travelling Showpeople sites. Some are owned and managed privately and some are owned and managed by the Council. The majority of these sites, including all Council managed sites, are well run and well integrated into the local community with very few issues. There are two sites however, that have several ongoing issues that need to be addressed.
2. Greenacres and The Stables Gypsy and Traveller sites are located in Billington, Central Bedfordshire. These sites are privately owned. The site issues include breaches of planning permissions, absence of licensing, unsafe infrastructure (sewage, clean water to site and electricity supplies), anti social behaviour, crime and a recent history of Modern Day Slavery.
3. The Council refused the planning application for these sites originally but planning permission was granted from the Planning Inspectorate (PI) on appeal in 2003.

Issues/ impact

4. When the PI gave permission for the sites planning conditions were attached but these were not sufficiently robust to support enforcement of breaches. The Council cannot regulate the sites using the usual planning powers available to the Council and over time this has led to several issues.
5. The Council must follow planning legislation when there is a breach of planning consent. This can be a complex process and it does not generally support quick resolutions to breaches of conditions sometimes taking up to a year, following an inquiry, for an enforcement decision on a condition breach. During that time the situation can continue to deteriorate and this has happened on both Greenacres and The Stables sites.
6. It is unclear now who owns the land. When the PI granted permission the whole site was owned by one person but since then land and plots have been sub-divided and sold on and there is far less clarity about who owns plots on the sites and many of the ownership transfers have not been officially registered and plots do not have the necessary planning permissions and licenses.

7. The Council does not have a definitive list of those people who are entitled to live on the sites and this adds to the challenges of regulating the sites. There are more people living on the site than there should be. The original permissions granted across the two sites were for 56 pitches/plots. In January 2017 when the Gypsy and Traveller count was completed the total number of pitches/plots was 96 (See appendix A). A plan of the sites is attached at Appendix B.
8. The site is designated for Gypsy and Travellers residents only however the Council is aware that mobile homes and caravans on the sites are being rented out as affordable housing and there are now a number of people living on the site who are not Gypsy and Travellers having responded in good faith to rental adverts. This 'rental opportunity' has been maximised by adding caravans/mobile homes for this purpose leading to areas of the sites being densely populated with mobile homes/caravans raising concerns about health and safety of the residents. This rental activity is a breach of conditions but because of the difficulty of identifying who is renting the caravans/landowner taking enforcement action is extremely difficult.
9. In addition to these planning issues and breaches the sites do not have the necessary infrastructure in place to support the permitted caravans/mobile homes. Over a number of years there have been ongoing issues with insufficient sewage infrastructure, inadequate supplies of clean water and electricity supplies and the additional numbers on the sites are compounding these problems. Clearly these issue present both a health and safety risk to residents as well ongoing and often expensive action from the utility companies and other agencies.
10. Over a number of years the deteriorating position on the sites has impacted not just the residents on the sites but also the village of Billington and surrounding areas. The lack of essential infrastructure at the site has led to water supply problems for the village of Billington because people on the sites have illegally 'tapped' into the water supply which has led to water pressure problems in the village which Anglian Water has had to address. Private domestic electricity supplies have been accessed by people on the sites running up significant bills for the occupier.
11. The field adjacent to the sites, owned by Summerleys Farm, has had ongoing issues with sewage being emptied and piped onto the field. The Environment Agency has visited the sites to ensure the clean water supply is not being contaminated and continue to monitor the situation.

12. Summerleys Farm has, for many years, experienced fly tipping onto the adjacent land. The fly tipping has damaged the land, eroded the working acreage of some fields and farm machinery has been damaged because of it. The site has also encroached on the land by extending plot sizes onto otherwise productive farm land. A number of fires were lit on the field in August 2016 with Fire and Rescue Service attending. The fires were contained but had they spread to the site with the current density of caravans it is highly likely there would have been significant harm and potentially loss of life.
13. Similar encroachments have occurred on a strip of land, owned by a charity, adjacent to Greenacres. The Council has responded to the planning breaches and the fly tipping but again the landownership issues have made it very difficult to take enforcement action.
14. There is serious safeguarding concern about the sites. There have been three Police operations involving arrests in relation to Modern Day Slavery. In 2011, 24 vulnerable people were identified as being kept on the site through coercion, intimidation and abuse. In July 2012 four members of a family living on site were found guilty of keeping workers in a state of servitude and forcing them to perform unpaid work. Despite arrests being made, slavery continued and further operations were held in 2014 (7 people rescued) and again in 2015 with further arrests made.
15. Clearly, the health, safety and wellbeing of those on the sites is a primary concern but the Council also recognises the impact on the law abiding residents on the sites and the residents of Billington and the wider area
16. Billington Parish Council has, over a period of time consistently articulated residents concerns about how these sites impact on their quality of life. Residents refer to the anti social behaviour they see and experience from people living on site, the issues with water supplies and sewage, the Modern Day Slavery operations and fly tipping. Residents of Billington have told Council officers that they are 'fearful' going about their everyday lives and the constant anti social behaviour and criminality, including intimidation and threats, erodes their quality of life on a day-to-day basis.
17. Bedfordshire and Thames Valley Police Force areas have been able to track significant volumes of crimes to the sites and reports of anti social behaviour continue to be a concern along with the persistent breaches of planning consent.

Work to date

18. Over the last 6 years Council officers have been working with a range of partners to try and identify a sustainable resolution to the range of issues on Greenacres and The Stables. Multi-agency problem solving groups have been held over a number of years but these are reactive to particular issues and despite a multi agency approach have had very limited affect in delivering a resolution.
19. Not only has the current reactive approach not addressed the problems longer term but it is also costing significant sums of public funds. Various public sector organisations are involved on these sites which are ultimately paid for by our residents. The estimated cost of the Modern Day Slavery operations was in excess of £1million. Clearly, the current approach is neither effective nor an efficient use of public sector resources.
20. In late 2015, following the last slavery operation, the Council took the decision to review its response to the issues on the sites to see if any new options were available.

The review established that:

- The legislation available to the Council was limited and did not offer a long term solution in itself
- Agencies working on the sites were responding to 'symptoms' rather than dealing with core issues
- Dealing only with the 'symptoms' has caused further deterioration
- Gathering evidence to take enforcement action has become increasingly more difficult because of the complex ownership/resident status on the sites.

The review group agreed to explore more fundamental options to resolve the issues.

A multi-agency response

21. Identifying a resolution to the issues at Greenacres and The Stables is not just a matter for the Council to address. Any resolution needs a collaboration of key partners working together to be successful.
22. Council officers met with Chief Officers, or their delegates, from Bedfordshire and Thames Valley Police Forces, Office of the Police Crime Commissioner and Bedfordshire Fire and Rescue Service to discuss Greenacres and The Stables and talked about potential resolutions. All agencies confirmed their strategic support to work with the Council in developing a long term solution to address the issues at these sites.

Options considered

23. The working group considered a number of options:

- a. **Continue current practice:** This option means that the Council, Police and other agencies would continue as they have been responding to issues on the sites as and when they occur using the powers available to them.

If we continue in the same way the likelihood is that the situation will continue to deteriorate as it has been. This option does not offer a long term solution to the ongoing issues and impact that these sites are having.

This option increases the risk of there being a 'significant' incident of harm to those on/near the site in view of the issues set out in the report.

- b. **Discontinuance and Injunction:** This option involves the Council removing the existing planning permissions and replacing them with new planning permissions and conditions.

Injunctions would then be used to remove any occupants on site that are not legally entitled to be there. The Council's existing planning enforcement approach would then be used for any further breaches of conditions.

Discontinuance can be a lengthy process as there is a requirement to allow an owner/occupier to be heard at a public enquiry and it does not automatically deal with the operational development carried out at the site. It does not resolve the issues around landownership which will make enforcement challenging.

This option replaces the current permissions with new ones setting out how many caravans are permitted and who can live on the sites and the sites would remain in private ownership. It does not address the problems with the lack of basic amenities, health and safety and safeguarding concerns. Non-compliance can only be managed using the current planning enforcement framework which means enforcement can take long periods of time where no interim action is possible and the situation is therefore likely to deteriorate.

- c. **Develop a new Council owned and managed Gypsy and Traveller site:** This option involves the Council acquiring both of the sites either by negotiation or Compulsory Purchase Order. The Council would also acquire land in the area, as close to the current site as possible, to develop a new Council owned and managed Gypsy and Traveller site. Once completed the existing sites would be dismantled and a change of use applied for.

This option is a lengthy process and there may be statutory objection and an inquiry however at this time it appears to be the only option that gives the potential for a long term solution to the core issues. Attempts would be made to provide new locations for those having the existing right to occupy the plots at the existing sites. The infrastructure, planning permission and licensing issues would all be addressed in this option.

This option not only addresses the infrastructure and planning issues but anti social behaviour and criminal activity will not be tolerated on a Council owned site.

The Council manages three well run Gypsy and Traveller sites already and has positive experience of developing and refurbishing Gypsy and Traveller sites. Site managers are able to deal with issues quickly, ensure residents have access to the services and support residents may need and know the people living on the sites. The positive relationship supports good relationships on the sites but also with the wider community.

Recommendation

24. Having reviewed the options the senior officer working group recommends that the Council consults on the recommended approach set out below and the alternative options;
- acquire both Greenacres and The Stables Gypsy and Travellers sites, using a CPO if required
 - acquire land, as close to the current the current site, to build a new Council owned and managed Gypsy and Traveller site
 - On completion of a new site, dismantle the existing sites and apply for change of use.

The recommended option is supported by the various partner agencies involved in responding to the ongoing issues on the sites.

Reason/s for decision

25. The rationale for this recommendation is set out below:
- a) Maintain a Gypsy and Traveller provision in the area
 - b) Establish a well managed and compliant site
 - c) Enable the site to be fully compliant with Licensing regulations
 - d) Resolve breaches of planning control
 - e) Resolve infrastructure deficiencies – sewage etc.
 - f) Reduce criminality and anti social behaviour
 - g) Address safeguarding concerns/issues
 - h) Improve quality of life for residents on the sites and surrounding community
26. Having considered enforcement alternatives the acquisition of Greenacres and The Stables either by negotiation or CPO has been identified as the only long term solution to address the issues on these sites.

Next steps and timescales

27. The Council understands and fully acknowledges that the preferred option has a significant impact on the residents of both Greenacres and The Stables Gypsy and Traveller sites and in the surrounding area. It is important that the Council fully considers the impact of the preferred course of action, therefore we will consult all those directly affected and the wider community on the recommended approach. Executive will consider this feedback in December 2017 before making a final decision.
28. If a decision is made to go ahead this work will take a long time to deliver. An indicative timescale for the project is set out below although this is subject to change if the work commences.

Activity	Timescale
Public consultation	August – October 2017
Executive decision	December 2017
Seek planning permission for new site	Spring 2018
Site development	2019-2021
Completion of new site	Spring 2021
Closure of existing sites	Autumn 2021

Apply for change of use of the existing sites	Autumn 2021
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Corporate Implications

Community Safety

29. The Council has a statutory duty under the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. Evidence provided by both Bedfordshire and Thames Valley police forces show that a significant number of crimes are directly linked to both the Greenacres and The Stables Traveller sites.
30. The Council receives regular reports of fly tipping on to adjacent land and surrounding area from the sites and also ongoing anti social behaviour from young people linked to the sites. There have been three well documented Modern Slavery Operations on the Greenacres site since 2011. Thames Valley and Bedfordshire police forces are able to link a significant number of crimes to the sites. The proposed action would lead to a well managed and monitored Council owned site where criminality and disorder can be managed robustly.

Procurement

31. The Council will follow the Council's procurement procedures for procurement related to the proposal.

Risk

32. There are financial risks in the recommended proposal. The Council can apply for funding from the Homes and Communities Agency however this is not guaranteed. The funding for the proposal is not in the Council's current Capital Programme and approval will need to be given by Council to add the cost of the project into the Council's capital programme.
33. The Council has been working with partners to try to find a resolution to the issues on the sites for a number of years. During this time the Council has been seen as failing to act and failing to resolve the issues on these two sites. The Council does not have sole responsibility for finding a solution to the issues and concerns outlined in the report but continuing our current approach poses a reputational risk to the Council.

34. The report identifies health and safety risks and concerns for people living on the site because of the lack of infrastructure, absence of planning permissions and licensing and density of caravans in some areas on the sites. The recommended option has been proposed to reduce these risks in the longer term.

Legal Implications

35. Given the potential impact of implementation of the recommended proposal it is considered that the Council should undertake meaningful formal consultation on the option recommended in the report and the alternatives before making a final decision on the action to be taken. The consultation should comply with public law requirements and further consideration and/or advice may be needed on how to ensure this takes place.
36. There are additional duties and requirements detailed below in respect of equalities and human rights issues and these will require further consideration once the consultation has concluded. In particular the public sector equality duty in the Equality Act 2010 must be considered before a final decision is taken. This duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
37. If as a result of the consultation a CPO is considered the best solution for dealing with the future planning operation and use of the existing sites, alongside the provision of a new managed site a CPO is made.
38. A further authorisation to take CPO proceedings will then be asked for from the Council and details of the CPO process its purpose s and the interests in the land to be acquired reported to Members.
39. A CPO should be served on owners and lessees and occupiers Reasonable enquiries should be made to establish these. In the event of this information not being available/obtainable individual service may be dispensed with.

Human Rights

40. The rationale for the recommended option is to address the following serious human rights concerns:

Right to Liberty and Security: it is absolutely forbidden to subject any person to torture or to any treatment or punishment that is inhuman or degrading. This includes:

Torture – deliberate infliction of severe pain / suffering, to punish, intimidate, or obtain information.

Inhuman treatment – treatment which causes serious physical and/or mental pain or suffering.

Degrading treatment – treatment arousing feelings of fear, anguish and inferiority capable of humiliating and debasing the victim

Local authorities are required to intervene to stop torture, inhuman or degrading treatment or punishment as soon as they become aware of it, even if a private individual is carrying it out.

Prohibition of Slavery and Forced Labour: everyone has an absolute right not to be held in slavery or servitude or be required to perform forced or compulsory labour. A public authority must Intervene to stop slavery, servitude or forced or compulsory labour as soon as aware of it.

41. In addition other aspects of human rights will need to be considered:

Right to Respect for Private and Family Life: the right to enjoy living in their home without public authorities intruding or preventing them from entering it or living in it.

The Right may be restricted, provided such interference has a proper legal basis, is necessary in a democratic society and pursues one of the following recognised legitimate aims such as:

public safety

the economic wellbeing of the country

the prevention of disorder or crime

the protection of health or morals

the protection of the rights and freedoms of others.

Any action that is taken needs to be proportionate.

Prohibition of Discrimination: the right to protection from discrimination in relation to all the other rights guaranteed under the Convention.

42. It is considered that whilst the proposal, if implemented, would engage the human rights of the current residents, it would nevertheless be a proportionate interference with such rights in order to fulfil the legitimate aims set out in the report. As detailed, full consultation and equalities impact assessments will be carried out in order to identify and consider all relevant issues prior to any decision being taken.

Financial and Risk Implications

43. The estimated cost of the recommended proposal is £9m. The funding for the proposal is not in the Council's current Capital Programme and approval will need to be given by Council to add the cost of the project into the Council's capital programme. This estimated cost covers the cost of acquiring the sites and the costs of acquiring and building associated with a new site.
44. The development of a Council owned site will provide an income stream from pitch rental.
45. In terms of the other options considered:
 - Continue current practice: the current work the Council is involved in has a cost in terms of resources and our operational response to addressing issues of disorder, enforcement and planning breaches. The cost is significant and will continue to be so over the long term.
 - Discontinuance and injunction: the costs are estimated at £900k. This option does not provide a long term resolution and provides a point in time where permissions are correct. Costs associated with breaches and enforcement will be ongoing as will costs for the response to the range of issues that are currently being experienced.
46. In January 2017 the Homes and Community Agency (HCA) confirmed that the shared ownership and affordable housing programme funding stream was expanded to include bids for affordable rent schemes. The funding increased by £1.4 billion nationally.

47. The funding is intended for additional pitches, not re-development, however a multi-agency case could be made to demonstrate that the current site is not a 'fit for purpose' and the HCA have indicated that the proposal set out in this report would be considered for funding. Scheme completion timescales for the funding stream are March 2021. Based on a new Council site with 40 pitches the Council could apply for a minimum of £2.8m funding from this funding stream.
48. Key partners have confirmed their support for the proposal and will support lobbying of central government to seek additional funding for the proposal.
49. If the proposal is agreed 'stop' points will be built into the project and this will include a 'stop' point should a bid to the HCA be unsuccessful.

Equalities Implications

50. An Equalities Impact Assessment (EIA) will be developed and informed by the consultation feedback. The EIA will be considered alongside the consultation feedback before a decision is made on the approach in December 2017.
51. Gypsies and Irish Travellers are recognised racial groups under the terms of the Equality Act 2010. An initial screening of the proposal has highlighted that there are a range of vulnerable residents living on the site who might be likely to benefit from the proposal in terms of having the opportunity to live on a well managed and monitored Council owned site that will improve safety and wellbeing. However there is also a risk that vulnerable people who are not eligible to live on a Gypsy and Traveller site will need to look for alternative accommodation. The Council's Housing Options service will support any residents who need to find alternative accommodation.
52. The Council recognises that the people living on the site may need information in alternative formats in order to fully understand what is being proposed and to engage in the consultation. The council is liaising with specialists in this area to develop appropriate materials and mechanisms to enable full participation in this process.

Conclusion and next Steps

53. A long term resolution is needed to address the issues on and emanating from the Greenacres and The Stables Gypsy and Traveller sites in Billington. Despite a range of multi agency approaches to resolve the problems no tangible progress has been made and the situation continues to deteriorate.

54. The Council recognises that the proposal is challenging and carries a number of risks, however when considering these in terms of the ongoing risk to the health, safety and well being of residents on and around these two sites a long term solution should be implemented.
55. If the recommendations are agreed the Council will begin formal public consultation on the recommended and alternative options.

Appendices

Appendix A: Site Status

Appendix B: Site Plan

Background Papers

None

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