

Central Bedfordshire Council

Sustainable Communities Overview and Scrutiny Committee

Date: 13 September 2018

Report title – Unauthorised Encampments

Report of: Cllr Ian Dalgarno, Executive Member for Community Services

Responsible Director(s): Marcel Coiffait, Director of Community Services

Purpose of this report

1. To provide an update on the Council's management and response to UAEs in Central Bedfordshire.

RECOMMENDATIONS

The Committee is asked to:

1. Consider and comment on the information in the report.

Central Bedfordshire Unauthorised Encampment (UAE) data

2. A complete data set of reported unauthorised encampments in Central Bedfordshire is only available from 2017 onwards. Prior to this, records were only kept for those on Council owned land:

Year	Number of encampments on CBC owned land
2009	1
2010	2
2011	15
2012	15
2013	12
2014	41
2015	37
2016	44
2017	66

3. Data of reported unauthorised encampments by month, by land type, for 2017 and up to July 2018 is shown in the table below:

	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Total
CBC Land	5	3	1	4	8	1	6	15	12	6	5	0	66
Privately Owned	6	0	0	1	3	4	4	6	5	3	2	0	34
Highways England	3	1	0	0	0	2	0	1	0	2	3	0	12
Town/Parish Council	0	0	0	0	0	2	1	0	0	0	0	1	4
Total:	14	4	1	5	11	9	11	22	17	11	10	1	116

	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	
CBC Land	3	1	3	0	0	1	3						
Privately Owned	0	1	0	0	4	1	5						
Highways England	0	0	0	0	2	2	2						
Town/Parish Council	0	0	0	0	0	3	1						
Total:	3	2	3	0	6	7	11						

4. A comparison of figures for 1 January to 31 July 2017 to the same period in 2018 reveals:

- A reduction in the total number of encampments of 41%
- A reduction of encampments on Council owned land of 63%
- Encampments locations on Council owned land have changed from mainly car parks in 2017 to verges in 2018

Costs for clearance of UAE associated waste

5. Clearance costs of waste from UAE locations is only available from 2017. Waste clearance costs to the Council for our land in 2017 was £144,000. In the same year Highways England spent over £200,000 on UAE associated waste clearance and site protection, with one encampment requiring over 100 grab lorries to clear it. Data for private landowners and town/parish councils is not available.

UAE management

6. Prior to October 2016, the process of managing unauthorised encampments within the Council was administered by the Assets team using bailiffs to conduct site based work including the completion of relevant assessments and serving of notices. Work was shared within the surveying team with no one officer having sole responsibility.
7. In October 2016, a new post of Gypsy and Traveller Unauthorised Encampment Officer (UAEO) was created in the Community Safety, Parking and Programme Service, and responsibility for the management of UAEs moved from Assets team to the Community Safety Team.
8. The UAEO provides a prompt, comprehensive, co-ordinated, and evidence based response, including on-site assessment and monitoring visits, land registry checks, consultation with partners, providing advice to private land owners, preparation of maps and papers, instructing LGSS to commence the legal process to seek a magistrates' court order for removal, together with service of various notices and orders.
9. A flowchart process map is shown at Appendix A.

Improvements to our approach:

New working practice with the NHS Health visiting service to improve service for Gypsies and Travellers suffering a health issue delaying the start of any eviction process

10. In order to progress enforcement action under Sections 77 and 78 Criminal Justice and Public Order Act, the Council as a local authority is required at the commencement to determine whether any person in the encampment has any pressing health, education and welfare needs.

'Local authorities should ensure that, in accordance with their wider obligations, and to ensure they comply with Human Rights legislation, proper welfare enquires are carried out to determine whether there are pressing needs presented by the unauthorised campers, and that where necessary the appropriate agencies are involved as soon as possible.'

Home Office and ODPM 'Guide to effective use of enforcement powers; Part 1 Unauthorised Encampments'

11. In assessing the merits of an application for a removal order, the Court will expect to see evidence of how we have met this obligation.

12. Private land owners frequently use common law powers and bailiffs to recover their land. There appears no requirement to consider health, education and welfare needs.
13. Prior to the appointment of the UAEO, and as part of our enforcement procedure, the bailiff company we instructed was responsible for arranging private health visitors, at additional expense, to attend encampments to carry out these assessments. This often resulted in long delays for out of hours visits to be arranged and there is little evidence of appropriate referrals were ever made back into the health system.
14. There is now an agreed process with the Health Visitor service to provide prompt and timely support, meaning that the health needs of the encampment are being properly addressed but there are no undue delays in the eviction process. For example, two young brothers were suffering from chronic asthma but were unable to access treatment. The health visitors made referrals to specialist teams, inhalers and other treatment was provided, and further check-up appointments made. It has also allowed the immunisation teams to check individual names with their records and carry out immunisations for those that require them.

Information Sharing Agreement between CBC, Police and Bedford Borough and links to surrounding areas

15. An Information Sharing Agreement (ISA) has been agreed with Bedfordshire Police and Bedford Borough Council, so that appropriate and relevant information regarding encampments can be shared. It includes sharing the initial police site assessments. This has assisted greatly in adding to the detail and quality of our court applications. It is hoped that Luton Council will become a party to the ISA.
16. The UAEO has developed strong communication links with officers in surrounding authorities outside Bedfordshire who have responsibility for unauthorised encampments. It has enabled information to be shared in relation to groups that has been useful for our own purposes. For example, in 2017 a group who had previously encamped in Northants moved into Central Bedfordshire and created a new encampment in our area. Evidence of their anti-social behaviour in Northants was promptly used to support our own court application for an order to remove.
17. The UAEO also provides a single point of contact for the public, Members, MP's and other relevant bodies.

Application for High Court injunction to prevent unauthorised encampments in Marston Moretaine and surrounding parishes

18. Following the significant number of unauthorised encampments in Marston Moretaine and surrounding parishes in 2017, the Council is applying for a court injunction to prevent a similar situation happening again.

19. The Council is applying for an injunction to prevent a named group of people from setting up unauthorised encampments within a specified area i.e. several defined parishes, and to protect certain parcels of land that have previously been camped on or are of significant sensitivity from being camped on by any persons.
20. The Council is working with a specialist barrister in this field to build our evidential case. As part of it, the Council's UAEO has provided a detailed witness statement detailing the background and community impact of the unauthorised encampments, together with other supporting documentation. Subject to final legal advice on evidential requirements and procedural matters, we anticipate the case going to the High Court in the autumn of 2018.
21. Details of the specific areas to be protected can be found at Appendix B.

Other initiatives to prevent UAEs, reduce their impact, or facilitate their removal:

22. A range of other work has been carried out to either prevent land being subject to encampments, reduce its impact, or assist and support the removal process:
- a. Significant work has been undertaken on Council, Highways England and private land to create physical defensive barriers to prevent access by a vehicle and towed caravan. This includes building soil bunds, digging ditches, and adding height barriers. Further details can be found at Appendix C.
 - b. UAEs are provided with black bags for waste collection each day at a designated pick-up point – there is a high degree of compliance
 - c. Use has been made of new ASB legislation (Community Protection Notice and warnings) to support our enforcement approach
 - d. Training has been provided by the UAEO to approximately 300 Bedfordshire police officers in relation to UAE law and procedure, which has led to improvements in information sharing and partnership working.

Council Priorities

23. UAE work supports the following Council priorities:
- Enhancing Central Bedfordshire
 - Protecting the vulnerable; improving wellbeing
 - A more efficient and responsive Council.

Corporate Implications

Legal Implications

24. There are no direct legal implications arising from this report. All references to legislation are quoted correctly.

Financial Risk

25. There is a significant cost to managing and removing UAEs in addition to the costs incurred in clean-ups and preventing UAEs accessing Council land. In 2015/16 the Council identified a reserve fund of £100k for these costs and the remaining reserve funds are now £12K. Additional funding is needed to support the on-going management of UAE work in Central Bedfordshire. Officer posts are funded through service budgets.

Reputational Risk

26. The Council is the primary agency to manage UAEs in Central Bedfordshire albeit private landowners have a legal duty to address UAEs on their land. Concerns and tensions in communities are heightened when UAEs are in the area and in the majority of cases the Council is the first port of call for complaints and issues being raised. Despite the progress that the Council has made in recent years there is a perception that the Council does not 'do enough' and this is a risk to the Council's reputation which is why it is essential that the Council continues to manage UAEs in a robust and effective way.

Equalities Implications

27. The Equality Act 2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. The following of a nomadic lifestyle is lawful and is recognised and protected through legislation. Romany gypsies and Irish Travellers have been granted protection under the previous Race Relations Acts. The Public Sector Equality Duty places a duty on the Council to have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different racial groups.

28. The establishment of an unauthorised encampment can raise concerns with the landowner and settled community. Some of these concerns may be unfounded, based on ignorance and prejudice. Others may be realised, with high levels of anti-social behaviour and disruption to the community.

29. The Council is working to adopt a balanced approach to this issue by ensuring that as unauthorised encampments are addressed, the health needs of people living in the encampment are assessed and treated.

Conclusion and next Steps

30. Significant progress has been made by the Council and partners in the last two years in providing a co-ordinated and managed response to unauthorised encampments. There has been a reduction in the frequency of encampments and those that have occurred have generally been in less problematic areas. Central Bedfordshire has become a less attractive place for unauthorised encampments.
31. Future work will include scoping out the potential for introducing Temporary Stopping Sites and a procedure for the seizure of vehicles involved in fly-tipping.

Appendices

Appendix A - Flowchart of unauthorised encampment process

Appendix B – Marston Moretaine and surrounding villages injunction application

Appendix C – Table showing locations subject to defensive works to prevent UAEs

Background papers

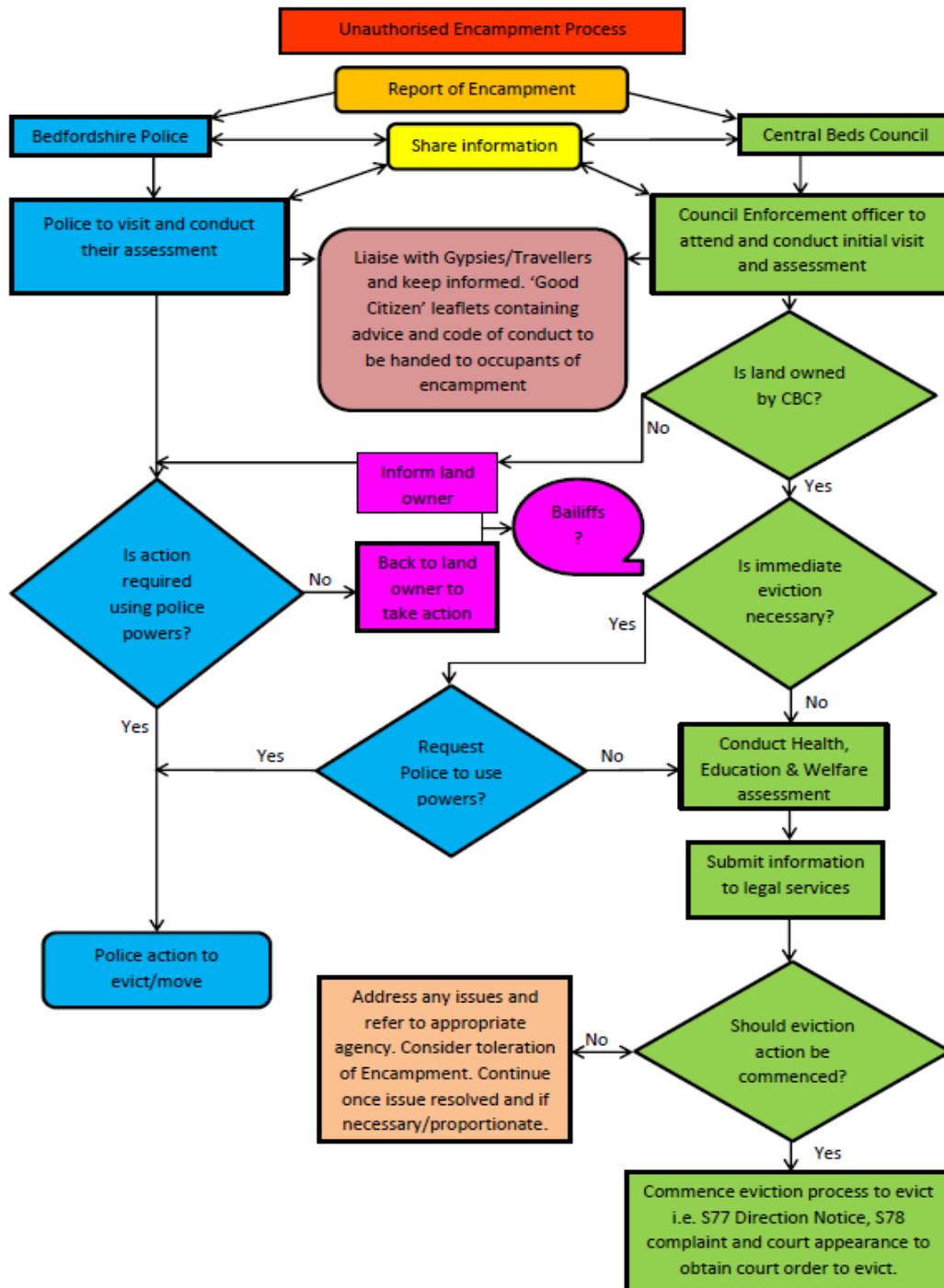
None

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Appendix A - Flowchart of unauthorised encampment process



Appendix B – Marston Moretaine and surrounding villages injunction application

The Injunction is intended prevent named individuals from being part of unauthorised encampments in the villages of:

- Ridgmont
- Husborne Crawley
- Brogborough
- Salford
- Lidlington
- Marston Moretaine.

In relation to specific parcels of land, we are seeking to protect the following from unauthorised encampments:

- Cricket pavilion Marston Moretaine
- Long verge on C94 near to Wood End, Marston Moretaine
- Verge on one way section of Woburn Rd, Marston Moretaine
- Marston Moretaine village green.
- Hoo Lane Wootton Green (Marston Parish)
- Bridleway and nature reserve Ridgmont
- The old Salford Road Brogborough
- Verge on C94 by Lidlington lake
- Verges at junction of A4012 Mill Rd and Station Rd Ridgmont.

Some of these locations have already had work carried out to reduce the risk of further unauthorised encampments, which has been successful so far.

Appendix C – Table showing locations subject to defensive works to prevent UAEs

Location	Protection work completed
Court House – Dunstable	Site blocked and bunded. Joint work with Assets Team
Grove Theatre – Dunstable	Height barriers installed
Skimpot Lane – Dunstable	Concrete blocks installed, purchased using reserve fund
Woodside Link Road – Houghton Regis	Protection works in conjunction with Highways Team
Go Bowling – Dunstable	Height barriers installed - Go Bowling paid half whilst other half was used from reserve fund
Newlands Road – Westoning	Bunded with help from local farmer
Bellsbrook – Biggleswade	Gate repaired and strengthened using reserve fund
C94 Verge – Marston Moretaine	Verge ploughed with help from local farmer
One way section verge – Marston Moretaine	Verge bunded with help from local farmer
Bridleway and nature reserve – Ridgmont	Bunding and ditching work completed
Old Salford Road – Brogborough	Bunding work completed using reserve fund and assistance from Pro-Logis
Verge – Lidlington	Bunding work using reserve fund
Verges at Mill Road and Station Road – Ridgmont	Bunding work using local company, enhanced using reserve fund.
Brewers Hill Car Park – Dunstable	Welding work to pre-existing height barrier using reserve fund.
B430 Lay-by – Kempston (CBC area only)	Bunding work, Waste Team covered cost.
Verges at High Street and Ireland Road – Southill	Bunding work conducted on our behalf by Southill Estates.
Old Baldock Road – Salford	Bunding work, soil purchased from reserve fund and bund built by local JCB operator. New gate installed at entrance, provided by Highways Team.