

Central Bedfordshire Council

Executive

4 December 2018

Gypsy and Traveller Responsiveness

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This report relates to a decision that is Key

Purpose of this presentation

1. The purpose of the report is to seek support from the Committee for proposals for additional Council resources to support our response to Gypsy and Traveller matters in Central Bedfordshire.

RECOMMENDATIONS

The Committee is asked to:

1. **support the proposal set out in the report and approve the draw down on the Community Safety earmarked reserve, as set out in paragraphs 27-30 below.**

Issues

The report sets out the proposed approach and the required resources for consideration.

Council Priorities

2. Developing the Councils response to Gypsy and Traveller matters supports the following priorities:
 - a. Enhancing Central Bedfordshire – the approach set out in the presentation will enable the Council to take a more proactive stance on a range of G&T issues that impact on the physical environment and will work towards developing improved community cohesion.

- b. A more efficient and responsive Council – the approach will enable improved join up and will seek to drive out a more efficient response to dealing with Gypsy and Traveller matters in Central Bedfordshire by setting clear policy and procedure that will facilitate more efficient working and budget management.

Context

3. In determining and managing its response to Gypsy and Traveller matters the Council has many responsibilities that it must consider including:
 - a. Plan for future accommodation needs for Gypsy and Travellers
 - b. Enforcement of planning and licensing breaches
 - c. Health and welfare
 - d. Community safety
 - e. Equality Duty to advance equality of opportunity, eliminate discrimination and foster good relations.

These responsibilities are reflected in the proposals set out in the report.

4. There are 49 Gypsy and Traveller sites in Central Bedfordshire broken down as follows:
 - 38 permanent Gypsy and Traveller sites
 - 9 Travelling Showpeople sites
 - 4 Council owned Gypsy and Traveller sites
5. The majority are well run and integrate well with the local community with very few issues reported although some sites are more complex, pose more challenges and need more input.

Billington

6. The on-going project at two sites in Billington reflect the complexities that both the Council and our partners face in addressing concerns and issues raised by the community, residents local to sites and partner agencies. The challenges include:
 - a. Breaches of planning permissions
 - b. Absence of licensing
 - c. Sub-letting of caravans
 - d. Infrastructure (sewage, clean water and electricity)
 - e. Crime and anti-social behavior, including previous reports of modern day slavery
 - f. Local community concerns and impact

7. As complex as the issues are the multi-agency approach the Council is leading with key agencies has supported action that is driving, and will continue to support, improvements on the sites:
 - a. Stakeholder groups for residents and Parish Council are established and working effectively
 - b. Significantly improved information and intelligence about plots, owners and interested parties
 - c. Sustained reduction in fly-tipping around the sites
 - d. Abatement notices served on some unsafe caravans
 - e. Alternative accommodation provided for some tenants
 - f. Regular visits and engagement with site residents
 - g. Enforcement work is underway:
 - i. Planning Contravention Notices issued to all residents
 - ii. Personal Circumstance Questionnaires issued to all residents
 - iii. Enforcement Notices against breaches are being drafted

8. The Councils decision to give site residents the opportunity to engage and work collaboratively with us and partners in the project has provided tangible benefits and learning about how to work with sites in a positive way.

9. Officers understand that the local settled community want to see a reduction in the number of dwellings and residents on these two sites as quickly as possible. However, the Council and its partners must work within legal frameworks that are often complex and take time to progress.

Unauthorised Encampments (UAEs)

10. In addition to the work on the Billington sites the Council has made progress in the last two years at managing and reducing the number of UAEs in Central Bedfordshire:

Jan- Sept. 2017	95 UAEs (54 on CBC land)
Jan -Sept. 2018	70 UAE's (25 on CBC land)
26% reduction in encampments to date (46% reduction on CBC land)	

11. To achieve this the Council:
 - a. Recruited a full time UAE Officer
 - b. Carried out target hardening (e.g. barriers, ditches etc.) to prevent UAEs at 15 locations
 - c. Obtained a High Court Injunction prohibiting 11 individuals from setting up UAEs in our area and protecting parcels of land from UAEs
 - d. Continues to Lobby Government with MPs to strengthen legislation

Opportunities

12. The work on Billington has shown that a collaborative approach encourages and supports site residents to work with us to improve issues. The experience and knowledge gained from this work can be used to help inform the Councils approach to working with other sites in Central Bedfordshire.
13. The Councils progress on its UAE work can be developed further by using Temporary Stopping Sites thereby enabling the use of additional police powers to support further reductions.
14. Working with the Gypsy and Traveller community needs a cohesive approach from the Council, and our partners, to ensure that we are working as effectively as possible. Bringing together some of our current work strands will drive a more effective and holistic Council approach.

Temporary Stopping Sites (TSS)

15. Using TSSs in Central Bedfordshire will facilitate further reductions in UAEs. UAEs are costly in terms of time and resource to affect removal, cost of legal action and clear up and the impact on local communities.
16. A TSS provides a site for Gypsy and Travellers to stay for a short period of time (normally 28 days). The site has toilets, electricity, water, waste collection and is regularly patrolled.
17. TSS are generally located in non-residential areas with good access and egress and within a reasonable distance of core services. Occupants pay weekly rent and a deposit to stay on the TSS.
18. Gypsy and Travellers sign a License to Occupy and this is supported by police S.62 powers which ensures that occupants move off the TSS within the agreed stay period.
19. Any Gypsy and Travellers that set up a UAE in Central Bedfordshire would be directed to the TSS (subject to available space). If they refuse to use the TSS then the police can use their S.62 powers to remove the UAE which then moves the Gypsy and Travellers out of Central Bedfordshire and they are prohibited from returning for 3 months.

Gypsy and Traveller Unit

20. Several Council services work across Gypsy and Traveller communities on a wide range of issues that are not just about planning and enforcement. Gypsy and Travellers are often more disadvantaged than any other ethnic group in terms of access to healthcare and education as a result of not being able to find authorised sites to live on.

21. The Council has a duty 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. For our Gypsy and Traveller communities this requires a balanced approach between how we engage and how we enforce and it also needs the Council to have the necessary resource in place to support its approach.
22. Creating a central hub, in the form of a Council Gypsy and Traveller Unit, managing engagement, enforcement and looking at broader Gypsy and Traveller issues would support a balanced approach that is better co-ordinated, better informed and more effective.
23. The unit's functions would include:
 - a) management of both engagement and enforcement (UAEs and regulatory breaches) approaches ensuring a consistent and agreed approach by the Council.
 - b) management of Temporary Stopping Sites
 - c) improving access by the G&T community to Council services by working across the Council and partner organisations.
 - d) support the development of collaborative working between the Council and the G&T community.
 - e) develop networks with specialist G&T organisations (nationally & locally) to inform and develop best practice in Central Bedfordshire.
 - f) develop specialist legal networks to ensure enforcement is successful

Proposals

24. The Council's commitment to addressing Gypsy and Traveller matters is clearly set out in the report. The investment in the work to date has proved effective but there remains a significant amount of work to be done in terms of engagement, community cohesion, regularisation of sites and UAEs.
25. To continue to build upon the progress made to date it is proposed that:
 - a) the Council introduces Temporary Stopping Sites
 - b) the Council creates a Gypsy and Traveller Unit

Corporate Implications

Legal Implications

26. There are no direct legal implications arising from this report.

Financial and Risk Implications

27. Subject to approval and subsequent post evaluation the anticipated cost of the unit per year is £342k. This figure includes two existing posts already funded by base budget. The additional costs of £250k (including £50k operational budget) will be funded from the Community Safety reserve of £500k for a period of two years. After this time £250k would be built into the base budget in the MTFP.

28. A capital Business Case and Project Initiation Document is being developed for the TSS. The capital funding, estimated at £450k, has been included as part of the current MTFP process which will be presented to Council for final decision in February 2019.
29. Gypsy and Traveller issues are a key concern for communities in Central Bedfordshire and the Council is a key stakeholder in responding to them. The Council has responsibilities around planning applications, enforcement (planning breaches and unauthorised encampments), vulnerability, social care and community safety. There is significant risk to the Council reputationally if it fails to respond effectively to G&T matters. The work on Billington and ongoing concerns being raised from Parish Councils, residents and MP about the Councils failure to effectively manage future supply of G&T sites and breaches of planning permission reflect the challenge for the Council.
30. Managing the level of outstanding breaches of permissions will require additional resources at a cost of £75k for two additional interim planning enforcement officers for a period of six months. Reserve funding has been identified for this cost and legal costs of the enforcement work will be covered within Planning Delivery budgets.

Equalities Implications

31. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
32. 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.
33. Gypsies and Travellers can sometimes find themselves in a cycle of 'enforced' nomadism, being continually moved on by the authorities because of the shortage of authorised sites. As a result, Gypsies and Travellers are often more disadvantaged than any other ethnic group in terms of access to healthcare and education. The lack of authorised public sites and the difficulties associated with getting planning permission for private sites, has meant that Gypsies and Travellers have set up home on land belonging to others or on their own land without permission.

Conclusion and next Steps

34. The presentation sets out some of the key challenges facing the Council regarding Gypsy and Traveller issues, and sets out a recommended approach to improve the Councils Gypsy and Traveller approach and responsiveness.
35. The next steps will involve:
 - a. Completing Project Implementation Document and Business Case for TSS for approval and prioritization.
 - b. Identifying suitable land for TSS
 - c. Complete job descriptions for evaluation and begin recruitment process
 - d. Subject to sign off initiate the TSS Project

Appendices

None

Background Papers

None

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