

6 December 2016		ITEM: 8
Cleaner, Greener and Safer Overview and Scrutiny Committee		
Responding To Unauthorised Traveller Encampments (U/Es) in Thurrock		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Jim Nicolson, Community Protection Manager		
Accountable Head of Service: Julie Rogers, Head of Environment		
Accountable Director: Steve Cox, Corporate Director of Environment and Place		
This report is Public		

Executive Summary

The arrival of an unauthorised traveller encampment (U/Es) can be the cause of significant concern amongst local residents. Over the past three years, Thurrock has had more U/Es than many other local authorities in Essex, most of which appear during the period March to October, each year. Of those in Thurrock a disproportionate number are due to a small number of travellers who move from one site to another within the Borough.

This paper outlines the current response to U/Es in Thurrock and examines options to reduce the number of these encampments and their perceived impact on the community.

1. Recommendation(s)

- 1.1 That work in hand to seek a number of legal deterrents to those travellers who are responsible for multiple U/Es is expedited.**
- 1.2 That scope for further cost-effective, proportionate target-hardening, subject to funding, is undertaken.**
- 1.3 That the contents of this report be noted.**

2. Introduction and Background

- 2.1 This report has been requested by Members in order to be updated on officers' actions to reduce the number of U/Es and on the measures to take effective action against those that do occur. Over the last three years the number of U/Es, both in Thurrock and the rest of Essex has increased significantly, as indicated below;

Table 1 – Number of U/E's in last three years in Thurrock and the whole of Essex

	THURROCK	ESSEX TOTAL	THURROCK AS % OF TOTAL
2014/15	47	255	18.5%
2015/16	58	262	22.2%
2016/17 (Apr-Sep)	44	254	17.2%

- 2.2 Due to the seasonality of this practice, whereby most U/Es occur between March and October, it is difficult to predict accurately the year-end totals; it should be considerably lower than just doubling the figure from the first six months, as recorded above. The total number of U/Es in Thurrock, by the end of 2016/17, is estimated by staff in the Essex Countywide Traveller Unit (ECTU) to be between 60 and 70 encampments. A similar level of increase across Essex would see the County total to range between 350 and 400 encampments.

Essex Countywide Traveller Unit (ECTU)

- 2.3 The ECTU was formed In 2014, with a membership of seven local authorities, of which Thurrock was one, as well as Essex County Council, Essex Police, and Essex Fire and Rescue. There are now ten local authorities with membership of the ECTU, with one more looking to join. If that happens, the only Essex local authorities that will not be in the ECTU will be Epping, Harlow and Southend.
- 2.4 Each of the member local authorities currently pays an annual subscription of £6,462.90p. In return, Thurrock Council is able to refer all U/E's, on land for which it is responsible, to the ECTU, who then take on the responsibility of getting the U/E's moved. They aim to do so within a target time of between seven and ten working days. In 2014/15 the average time to clear Thurrock U/Es was 7.1 days; in 2015/16 it was 6.25 days; and in the current year it is 7.1 days.
- 2.5 Set out in Appendix 1 is the flowchart explaining the various stages of this process. The power to do so is contained within Section 77/8, Criminal Justice and Public Order Act 1994.

Police Use of S.61

- 2.6 The police have additional powers to move U/Es immediately, under S.61 of the same legislation, if there is evidence of any of specific criteria. These are that the travellers;
- have damaged the land; or
 - have used threatening, abusive or insulting behaviour to the occupier, the occupier's family, employees or agents; or
 - have 6 or more vehicles on the land.
- 2.7 Following discussions between the Council's senior managers and Essex Police earlier this year, a more robust use of S.61, is now being seen, which is greatly welcomed. The police used their powers under this section twice in 2014/15; once in 2015/16; and six times already in the first six months of 2016/17. This is further supported by an agreed protocol to cover the joint response during out of office hours, which has, in the past considerably delayed possible use of S.61, as well as starting the process under S.77/8, by the ECTU.
- 2.8 However, it is not the case that enforcement action by the ECTU or police is always needed. Staff from the ECTU were able to negotiate early departures in 26 cases in 2014/15; 4 cases in 2015/16; and 11 cases in the first six months of 2016/17.

Unauthorised Encampments on Privately Owned Land

- 2.9 When a U/E is on private land the responsibility of removing them rests with the landowner, not the Council. ECTU staff members are, nevertheless, happy to offer advice on the process to be followed.

Site Clearance

- 2.10 When U/Es are moved on by the ECTU or police, the sites are always inspected and photographed to record any damage, or rubbish which will need to be collected by Street Services staff. Staff from that the Environment Team report that in the first six months of 2016/17, these clear-up costs have totalled £24,700, an average of £561 per encampment. It is found that the level of rubbish left behind can vary significantly between encampments.

Target Hardening

- 2.11 In October 2015, a budget of £30,557 was approved to install security measures as part of an on-going programme of target-hardening of those car parks which have been used for U/Es by travellers. These include height and width restrictors and stronger locks and have been installed in the following car parks;
- Crown Road
 - Darnley Road
 - Thames Road

- Kilverts Field/Argent Street
- North Road (Fondu Club)
- Princess Margaret Road
- Feenan Highway/Daisey Field
- Anchor Field

3. Issues, Options and Analysis of Options

3.1 Progress is being made to make maximum use of the powers available to police and Thurrock Council to deter U/Es. National guidance is contained in the summary of available powers entitled “Dealing with Illegal and Unauthorised Encampments”, issued by DCLG for police and local authorities and available on the following link;

- <https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments>

3.2 Local measures being put in place include;

1. Seeking full recovery of court costs.

The ECTU have been asked to apply for costs from travellers of £250, every time a repossession order is granted by the courts. This covers the court charges for granting such an order. This is currently paid by the ECTU and do not fall to Thurrock Council. It is expected that, if unpaid, these costs can be recovered by bailiffs from any travellers who set up U/Es in Thurrock.

2. Public Space Protection Orders (PSPO)

Where a specific location has been frequently used by travellers for U/Es, it is proposed to issue PSPOs to cover them. If a U/E is then set up Fixed Penalty Notices can be issued. Negotiations are underway to establish the processes to pursue non-payment before this can be implemented.

3. Injunctions

In December 2015, Harlow Council obtained an injunction against travellers setting up U/Es, since when very few have been reported. In response to a Council Motion, the feasibility of seeking a similar injunction to cover Thurrock has been carefully examined and work is now advanced to seek an injunction.

Due to the significantly greater logistical issues, it is expected that unlike Harlow, this would not be a universal ban, but focused on one specific family of travellers responsible for a significant proportion of the U/Es in Thurrock. There are costs associated with obtaining and enforcing an injunction that are not yet fully identified and will need to be met corporately.

4. Target Hardening

As reported at para 2.11, a programme of target-hardening has been undertaken and further measures will be put in place if thought to be proportionate, cost-effective and robust enough to prevent further U/Es. Additional target-hardening will inevitably accrue further costs to those already met.

A capital bid has been submitted to provide budget for target hardening against fly tipping. If successful, by its nature this will also help target harden against other activities such as unauthorised encampments.

4. Reasons for Recommendation

- 4.1 The Recommendations are designed to ensure Members are fully briefed about the issues connected with U/Es and the actions being taken to reduce the number in Thurrock by making best use of the available legal options and physical measures.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Staff in the ECTU and in Essex Police have been fully consulted on preventative and enforcement options, as well as national good practice.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 If the Recommendations in this report are fully implemented they will have a positive impact on the following of the Council's Priorities;

- Build pride, responsibility and respect to create safer communities

The arrival of U/Es can heighten some residents' concerns about safety and possible anti-social behaviour.

- Protect and promote our clean and green environment

Whilst it is not true in all cases, many U/Es do generate rubbish and waste, as well as damage to green areas. Additionally there can be noise pollution from electricity generators and travellers' pets.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Business Manager, Corporate Finance

The costs of extra target hardening measures are the subject of a current capital bid. The cost of the propose injunction, which have yet to be fully identified, will be met from corporate budgets.

7.2 Legal

Implications verified by: **Adam Rulewski**
Barrister – Litigation and Prosecutions

The LA has a number of options and powers in dealing with unauthorised encampments. The usual power is that contained in s.77/78 of the Criminal Justice and Public Order Act 1994 and is used by ECTU. The LA may also seek injunctions pursuant to s.222 of the Local Government Act 1972 or s.187B of the Town and Country Planning Act 1990. The LA also has an obligation to consider its equality duties.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

There are implications for those members of the travelling community who set up U/Es, but those complying with the law will be unaffected by the measures proposed within this paper.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

This report has implications to promote great community cohesiveness by reducing the negative view of travellers that can for some residents, be caused by U/Es.

It will also reduce concerns about anti-social behaviour and fly-tipping seen on some U/Es.

In other authorities it has been reported that a high number of U/Es has been seen to be a disincentive for people to move into an area or for businesses to invest in it. It follows that reducing the number will increase the attractiveness of Thurrock as a place in which to live and work.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- <https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments>

9. **Appendices to the report**

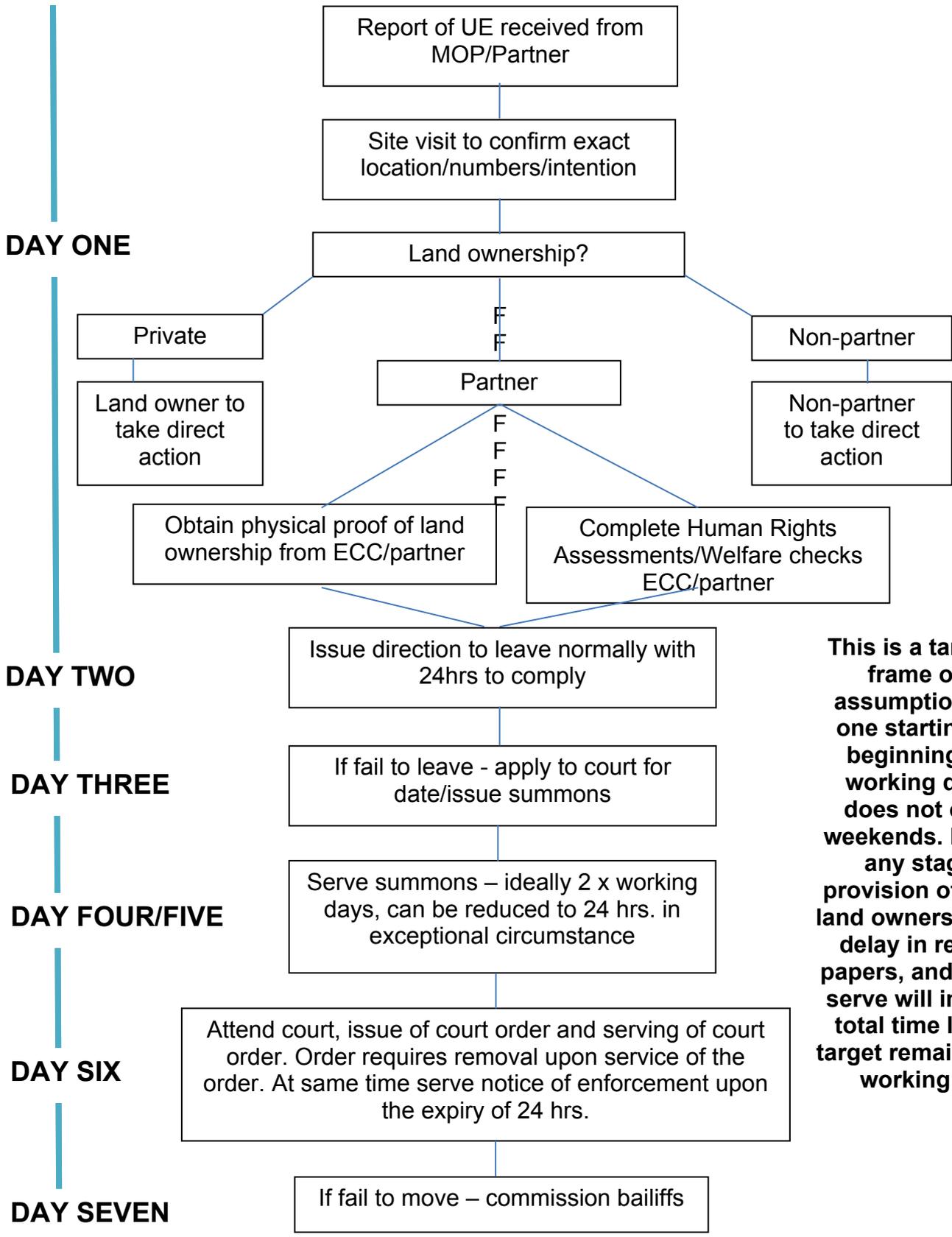
- **Appendix 1** - Process for managing unauthorised encampments using/meeting the legal requirements of Section 77/8, Criminal Justice and Public Order Act 1994

Report Author:

Jim Nicolson, Community Safety Manager

Appendix 1 - Process for managing unauthorised encampments using/meeting the legal requirements of Section 77/8, Criminal Justice and Public Order Act 1994

TIME -LINE



This is a target time frame on the assumption of day one starting at the beginning of the working day and does not overlap weekends. Delays at any stage i.e. provision of proof of land ownership, court delay in returning papers, and ability to serve will impact on total time line. Our target remains 7 to 10 working days.