

TRAFFORD COUNCIL

Report to: Executive
Date: 20th June 2022
Report for: Decision
Report of: Executive Members for Housing and Neighbourhoods,
Environmental Services and Economy and Regeneration

Report Title

Scrutiny Committee – Gypsy & Travellers Task & Finish Group

Summary

The Scrutiny Committee has considered the issue of visits by Gypsy, Roma and Traveller people in Trafford following a number of temporary encampments in the Summer of 2021. A Task and Finish Group was established and reported its findings in March 2022 (see Appendix 1). This report sets out a proposed response to the recommendations of the Scrutiny Committee

Recommendation(s)

It is recommended that that the Executive:

- (i) Notes the recommendations of the Scrutiny Committee Task & Finish Group**
- (ii) That in response to the recommendations of the Task & Finish Group, directs the Corporate Director, Place to:**
 - a. Investigate in more detail the siting of temporary toilet provision at encampments**
 - b. Investigate suitable consultees on Gypsy, Roma and Traveller issues within the Local Plan**
 - c. Explore the feasibility of providing a Temporary Stopping Place within the Borough and provide a further report on the matter by December 2022**

Contact person for access to background papers and further information:

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Background Papers: None.

Implications:

Relationship to Policy Framework/Corporate Priorities	Suitable accommodation or facilities for Gypsy, Roma and Traveller people supports the objective Reducing Health Inequalities. A range of evidence suggests that these communities generally suffer worse health outcomes when compared to the settled population.
Relationship to GM Policy or Strategy Framework	The 2018 Greater Manchester Gypsy and Traveller and Travelling Showperson Accommodation Assessment Update 2018 provides a strategic context for identifying Gypsy, Roma and Traveller needs.
Financial	There is a cost to the provision of bins – although this is more cost effective than incurring clean-up costs after visits are completed. However, it still represents an overall cost burden for which there is no current budget provision. Costs associated with the provision of sites or facilities will vary considerably according to location and circumstances. A negotiated stopping place might cost in the tens of thousands – a more sophisticated temporary site is the hundreds of thousands – and a permanent residential or transit site at least £1-2 million. Rent is normally payable for the use of such facilities. The incurring of additional costs would need to be addressed through the Medium Term Financial Plan process, with consequent savings or funding identified to avoid adding to the Council's financial budget pressure.
Legal Implications:	The Council addresses unauthorised encampments under Sections 77-78 Criminal Justice and Public Order Act 1994. The Police possess powers under sections 61 of the same Act.
Equality/Diversity Implications	Gypsy, Roma and some Traveller people are protected against discrimination under the Equality Act 2010 in England (Travelling Show People and 'New Age' Travellers do not enjoy protection). Section 149 of the Act provides that public authorities, when exercising their functions, must have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons with protected characteristics and those that do not share them. Where exercising public functions such as the provision of education and health services, public authorities are required to have due regard to this equality duty.
Sustainability Implications	The Provision of suitable accommodation supports the 'social' element of sustainable development.
Carbon Reduction	None directly arising

Resource Implications e.g. Staffing / ICT / Assets	Each visit by Gypsy, Roma and Traveller people requires significant input from Council staff, notably amongst Environmental Health, Environmental services and where necessary Adults and Children's services. Providing suitable temporary accommodation is also a complex and resource intensive activity.
Risk Management Implications	Unauthorised incursions on to public or private land can pose risks for the public or individuals through the deposition of refuse or lack of adequate sanitation
Health & Wellbeing Implications	Providing suitable accommodation promotes better health amongst people who are travelling through a locality – by providing better sanitation, clean water and refuse facilities
Health and Safety Implications	The cleaning up of sites following encampments may have implications for health & safety

1.0 Background

- 1.1 The Scrutiny Committee on 16 March considered the Interim Report of the Gypsy, Roma, and Traveller Visits Task and Finish Group. This group was established in November 2021 following a summer of several unauthorised encampments by visiting gypsies and travellers.
- 1.2 The Report sets out the key conclusions from a training session for Councillors as well as some of the issues faced by Gypsy, Roma, and Traveller Communities in the United Kingdom. The Report also makes a series of recommendations to the Executive; according to this report now responds to each of those recommendations.

2.0 Matters Raised and Response

Recommendation One: Purchase a set of mobile facilities (including bins and toilets) with Trafford Council branding for rapid deployment on any area of land that the Gypsy, Roma and Traveller community are temporarily visiting.

- 2.1 The deployment of euro bins / waste bins is already in place for temporary visits via Amey. Upon notification of the encampment this is actioned and collection and clean-up of litter and waste then follows. Some encampments utilise the bins but recent experience demonstrates that some sites still require clean ups as the bins have not been used by all of the travellers.
- 2.2 The provision of Toilets is a more complex issue – it is more difficult in terms of storage, collection and clean up. Toilet facilities would need a specialist contractor to handle and deal with the waste – with consequential costs arising. It is recommended that the siting of temporary toilets is investigated in more detail.

Recommendation two: In accordance with Section 10 of the Planning Policy for Traveller Sites 2015 the Council identify specific sites within Trafford for use by the Gypsy, Roma and Traveller communities for the next 5 years, to be included in the Local Plan.

- 2.3 In 2018 the GMCA commissioned an update of the [Greater Manchester Gypsy & Travellers Accommodation Assessment](#). This provides a strategic overview of the need for pitches across the City region – and concluded that there was a need for 44 residential pitches and 59 Transit pitches at that time across Greater Manchester
- 2.4 It is a key role of the Local Plan to ensure that the housing needs of the Borough are fully met – and this includes accommodation for Gypsies, Roma and Travellers. As part of the preparation of the Local Plan, the Council undertakes a full Housing Needs assessment – a subset of which is Gypsy & Travellers Accommodation Assessment – this will consider the need for residential pitches (a permanent base for a group) and also for transit pitches – to accommodate those who are passing through the Borough.
- 2.5 The need to identify sites is dependent on the results of the assessment – which will take a long-term view of the issue. Should a need be found then it will be the task of the Local Plan to identify and allocate a suitable site(s) to meet that need. Permanent sites are frequently in private hands but can be provided via a Local Authority or Registered Housing Provider; Transit sites are most commonly run by (or on behalf of) a Local Authority.
- 2.6 Accordingly, this recommendation will be met by existing programmed activity.

Recommendation three: Ensure that Ward Councillors are contacted as soon as a Gypsy, Roma, and Traveller community visit is known about and ensure they are kept up to date on action being taken.

- 2.7 Officers from Regulatory Services already ensure that ward councillors are contacted as soon there is a traveller encampment on Council land in their ward, and they are also regularly kept up to date on action being taken.
- 2.8 Accordingly, this recommendation is met by current practice on the issue.

Recommendation Four: Take a proactive approach to communications around Gypsy, Roma, and Traveller community visits via positive messaging through local and social media.

- 2.9 There will be the opportunity to provide positive messaging in connection with the Local Plan and provision of suitable sites. The ability to provide positive media on visiting encampments will depend significantly on the location and circumstances of such visits.

Recommendation Five: Arrange for Gypsy and Traveller Cultural Awareness Training to be rolled out to Councillors, staff, and partners.

- 2.10 The Scrutiny Committee has already arranged cultural awareness training via a specialist provider. It is recommended that further cultural awareness training be integrated into the Council's overall approach to equality and diversity.

Recommendation six: Ensure that either local representatives of the Gypsy, Roma, and Traveller community or the Charity Friends, Families, and Travellers are consulted on any plans affecting Gypsy, Roma, and Traveller communities in Trafford.

2.11 The Local Plan consultation database has historically contacted and consulted [The Showmen's Guild of Great Britain](#).

2.12 The Strategic Planning and Growth Team is currently contacting the [Friends, Families and Travellers](#) charity and [The Traveller Movement](#) to establish whether they and/or their members wish to be contacted and consulted on future plans regarding the identification and allocation of additional pitches within the borough.

Recommendation seven: Assess the feasibility of implementing a negotiated stopping policy within Trafford for Gypsy, Roma, and Traveller communities and to produce a report detailing the findings for the Scrutiny Committee to consider by the end of 2022.

2.13 A negotiated Stopping Policy usually allows gypsies and travellers passing through an area to resort temporarily to an unofficial site, usually in Council ownership. This could be disused land or an underused section of highway where basic temporary facilities are provided. A limit of 28 days is frequently set for any stays in these facilities.

2.14 The benefit of such a policy is that it provides somewhere for visiting gypsies and travellers to stay, without inconveniencing users of other land (for example playfields or parks). The difficulty often arises in seeking to identify any suitable site for this use.

2.15 It is suggested that the matter be explored further and a report be submitted to The Executive and Scrutiny Committee by December 2022 in line with the Committee's recommendation.

Recommendation Eight. Explore and clarify Trafford's response to the Police, Crime, Sentencing and Courts Bill in relation to unauthorised encampments

2.16 Under the Police, Crime, Sentencing and Courts Bill, the Government is legislating to create a new offence for England and Wales, and an accompanying power for the police to seize property (including vehicles), where individuals reside or intend to reside on land with a vehicle without permission. The offence will be committed if a person who resides or intends to reside with a vehicle on land fails to leave the land or remove their property without reasonable excuse when asked to do so by the occupier of the land, their representative or a constable and they have caused, or are likely to cause, significant damage, disruption, or distress (including anti-social behaviour).

2.17 A person guilty of this offence will be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale (currently £2,500), or both.

2.18 The Bill also amends the Criminal Justice and Public Order Act 1994 ("the 1994 Act") to broaden the list of harms that can be subject to the direction to leave under

section 61(1)(a) (these replicate the damage, disruption and distress included in the new offence but will not be “significant”) and increase the period in which persons directed away from land must not return from three months to 12 months. Amendments to the 1994 Act will, in addition, allow police to direct trespassers away from roads.

- 2.19 Currently, Section 61-62 of the 1994 Act provides the police with two powers to remove unauthorised encampments where:
- The unauthorised campers have caused damage to the land or property on the land (except highways).
 - They have used threatening, abusive or insulting words or behaviour to the occupier, a member of the occupiers’ family, or their employee or agent.
 - There are six or more vehicles on the land.
- 2.20 The 1994 Act also gives local authorities powers to evict unauthorised encampments under sections 77 and 78 of the Act. These powers are not affected by the proposals in the Bill.
- 2.21 Once enacted, the Bill will create a new criminal offence for intentional trespass, and will extend the powers the police have to direct trespassers to leave land.
- 2.22 The Government’s view is that criminalisation of intentional residence on land without consent, and the extension of existing powers in the 1994 Act, will provide police with sufficient powers to effectively and efficiently enforce against a range of harms caused by some unauthorised encampments. The offence and strengthened police powers could also deter unauthorised encampments from being set up in the first instance.
- 2.23 The Act received Royal Assent on 28 April 2022. The Council did not comment on the Bill during its provisional stages.
- 2.24 The Act will now complement the approach taken by the Council when visits are made to public land. Currently The Environmental Health Team have delegated powers to deal with illegal traveller encampments on Council land. Officers from Regulatory Services must first carry out a site visit to confirm the location of the encampment and clarify whether it is Council owned land. They then carry out another visit accompanied by the Police, for a site assessment and welfare enquires to be made.
- 2.25 If there are no welfare needs, officers then seek approval from the Corporate Director to initiate legal action to remove the travellers under section 77 of the Criminal Justice and Public Order Act 1994. A revisit to the site with the Police will then be made to issue the travellers with a legal notice, giving them 24 hours to leave the site. If the travellers are still on site after this period, officers would then need to apply for a Court Order from Manchester Magistrates Court which will give the Council the legal powers to evict the travellers.
- 2.26 The whole process under Section 77 can take 7 days, however, if the Police utilise their powers under Section 61 of the Act, they can move them within 24 hours.

2.27 Recently Environmental Health have added a further option of using a bailiff company to evict the travellers. Private Bailiff Companies utilise common law to move encampments and this can be executed within 24 hours for immediate removal. Private Bailiffs are a more costly option for evictions, and therefore the use of the Section 77 powers will be the normal, default process that will be followed in the majority of cases, with Private Bailiffs only being used in exceptional circumstances. For example, in cases where Environmental Health resources are stretched, where there is a group of travellers moving from site to site within the borough and a quick eviction may discourage this, or where there is an urgent need to move the travellers from a site (for example, the encampment will prevent an organised event taking place on Council land) and the Police are not willing to use their Section 61 powers. With the new powers of the Act the police may be better able to move visiting groups off land, where appropriate, without the Council having to step in.

Other Options

The Executive could choose not to explore the issues in more detail.

Consultation

No Consultation required to produce this report. Consultation will be undertaken as part of the Local Plan as set out in the report

Reasons for Recommendation

To fully respond to the recommendations of the Scrutiny Committee

Urgency of Decision

Not applicable

APPENDIX 1 – attached.

Key Decision (as defined in the Constitution): No
If Key Decision, has 28-day notice been given? N/A

Finance Officer Clearance - PC
Legal Officer Clearance TR

[CORPORATE] DIRECTOR'S SIGNATURE

(electronic) 

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.