



# EXECUTIVE BOARD DECISION

**REPORT OF:** Executive Member for Resources and Executive Member for Neighbourhoods and Prevention Services

**LEAD OFFICER:** Director of Legal, HR and Corporate Services

**DATE:** 8<sup>th</sup> February 2018

**PORTFOLIO/S AFFECTED:** All

**WARD/S AFFECTED:** All

**KEY DECISION:** YES  NO

**SUBJECT:** Managing Unauthorised Encampments/Sites Protocol

## 1. EXECUTIVE SUMMARY

To seek the Executive Board's approval of the reviewed and updated joint protocol for managing and dealing with unauthorised traveller encampments in the borough.

## 2. RECOMMENDATIONS

- 2.1 To approve the updated multi-agency protocol for dealing with unauthorised encampments.
- 2.2 To delegate further reviews and minor amendments to the Director of Legal, HR and Corporate Services, in consultation with the Executive Members.

## 3. BACKGROUND

Since 2011/12 Pennine Lancashire has experienced a sharp rise in unauthorised encampments. This has resulted in significant cost to local authorities and other resources e.g. policing. Private landowners, businesses and local morale can also be affected.

Via a PLACE meeting, BWDC encouraged the facilitation of a meeting with other authorities and constabulary partners to explore finding solutions.

Following a number of meetings a protocol was produced using Rossendale Borough Council's strategy as a starting point. This provides a clear methodology and consistent approach to dealing with traveller encampments.

This protocol was approved by Executive Board in September 2015 and has recently been reviewed and updated with minor amendments.

### Rationale

To ensure that dealing with unauthorised encampments is undertaken in a fair, systematic and

consistent way and that the settled community is kept informed of developments.

A multi-agency response will be more effective and consistent in dealing with unauthorised encampments.

The tools in the protocol make clear which agency has responsibility in the relevant area.

The tools will ensure that the needs of the travelling community as well as the settled community are met in a fair and consistent way

#### **4. KEY ISSUES**

The protocol clarifies our powers to deal with illegal encampments. The protocol has not resolved the whole issue of illegal encampments but it has assisted in reducing workloads and speeding up the process.

The Pennine Lancashire Division of the Lancashire Constabulary have been consulted during the review and update of the protocol.

The only main changes to the protocol have been in relation to a job title, the agencies to contact at Appendix 5 and welfare assessment reporting. Accordingly the amendments are not extensive.

Travellers are protected by law from racial discrimination under Equalities and Human Rights legislation. Their welfare must always be considered when deciding whether to arrange removal from a site.

This protocol sets out a coordinated partnership approach between Capita Property Management and the Council .It commences immediately upon notification of an encampment and covers all actions required, through to clearing any waste off the land as necessary, following possession. There is liaison with the police on every occasion as well as communication with ward Councillors and the switch board etc. to promote intranet/internet update coverage.

The protocol explains the process of notification and options, ensuring the correct legal procedure is followed to arrange removal of travellers and repossession of Council owned land, as appropriate. Roles and responsibilities are clearly set out and a brief overview is provided to signpost private land owners, should travellers set up an encampment on non council owned property. There are also precedent forms included within the document

#### **5. POLICY IMPLICATIONS**

None

#### **6. FINANCIAL IMPLICATIONS**

Possible minor costs regarding the provision of welfare and skip facilities on the site. Any costs would need to be monitored closely as currently there is no specific budget provision. Compensatory savings on other services would be investigated but if appropriate, recovery action would be sought in accordance with the Code of Conduct

#### **7. LEGAL IMPLICATIONS**

The legal issues are outlined in the attached protocol and body of this report.

## 8. RESOURCE IMPLICATIONS

This protocol will be administered within existing resources. It is aimed at streamlining the procedure for dealing with illegal encampments, thus reducing workloads and costs, whilst speeding up the process

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (insert EIA link here)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (insert EIA attachment)

The link below is to the previous EIA undertaken in 2015, when the Protocol was first approved.

<http://www.blackburn.gov.uk/General%20EIA/RT6ManagingUnauthorisedEncampments.pdf>

## 10. CONSULTATIONS

Consultation has taken place with the Pennine Lancashire Division of the Lancashire Constabulary and relevant officers who deal with administering the protocol at the Council and Capita.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

**VERSION:** 1

<b>CONTACT OFFICER:</b>	<b>Sian Roxborough</b>
<b>DATE:</b>	2 <sup>nd</sup> January 2018
<b>BACKGROUND PAPER:</b>	

