WARWICK DISTRICT COUNCIL	**Executive** **Wednesday 28th June, 2017**	**Agenda Item No.** **12**

Title	**Gypsy and Traveller Protocol and update on Proposals to prevent Unauthorised Encampments**
For further information about this report please contact	Chris Elliott chris.elliott@warwickdc.gov.uk 01926 456000
Wards of the District directly affected	All
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	December 11th, 2013 Minute No. 105 March 7th 2017
Background Papers	Review of Security of Open Spaces within Warwick District to Prevent Unauthorised Encampments, December 11th, 2013 Report on Unauthorised Encampments March 2017

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No
The report recognises the impact on residents of the behaviours of some groups making unauthorised encampments and the expectation on the authority and partners to do all it reasonably can to prevent crime and disorder whilst recognising the rights of the Gypsy and Traveller Communities.	

Officer/Councillor Approval		
Officer Approval	**Date**	**Name**
Chief Executive/Deputy Chief Executive	06/07/17	Chris Elliott
Heads of Service	06/07/17	Marianne Rolfe, Tracy Darke, Rob Hoof, Bill Hunt (acting Head of Housing)
CMT	06/07/17	Andy Jones, Bill Hunt
Section 151 Officer	06/07/17	Mike Snow
Monitoring Officer	06/07/17	Andy Jones
Finance	06/07/17	Mike Snow
Portfolio Holder(s)	06/07/17	Cllr Moira-Ann Grainger, Cllr Peter Phillips, Cllr Andrew Thompson Cllr Alan Rhead

Consultation & Community Engagement	
WDC is working in partnership with Warwickshire County Council, the other Warwickshire district and boroughs and Warwickshire Police in a joint approach to dealing with unauthorised encampments. WDC has attended a few county wide meetings convened by the Police & Crime Commissioner and has liaised with other authorities within and outside of Warwickshire.	
Final Decision?	Not entirely
Suggested next steps (if not final decision please set out below) • To receive a report on site provision in the autumn of 2017.	

1. Summary

1.1 This report provides an update following the decisions the Executive made in early March 2017 in respect of unauthorised encampments and highlights that a revised joint county wide protocol is proposed to be agreed and that a programme of preventative measures is to be put in place this financial year. The Council still needs to address the issue of permanent and transit sites but it is anticipated that this will be addressed by engaging with Parish and Town Councils and receiving a report in the Autumn of 2017.

2. Recommendation

2.1 That the revised joint protocol attached at Appendix 1 be approved.

2.2 That the programme of preventative measures be noted.

2.3 That a special meeting of the planning Forum be organised to discuss Gypsy and Traveller Site Provision and that a further report be brought in the Autumn to address the issue of site provision.

3. Reasons for the Recommendation

3.1 At its meeting on 7th March 2017 the Executive agreed a number of recommendations including:

"……

4 Agree to the principles of a new joint protocol with partners as set out in Appendix 4 and delegate to the Chief Executive, Head of Health and Community Protection in consultation with the Health and Community Protection Portfolio Holder to negotiate a detailed protocol and report back to the Executive for approval.

5 That the Executive delegates authority to the Chief Executive, Head of Health and Community and Head of Neighbourhood Services, in consultation with the Portfolio Holders for Health and Community Protection, Housing and Property Services and Neighbourhood Services, to agree the prioritisation of the list at Appendix 5 upon which it proposes to install preventative measures within a year from 1st April 2017, in order to prevent unauthorised encampments, to be funded from the Community Projects Reserve up to a maximum of £174,000 plus 5% contingency.

6 That the Executive notes the limitation on the use of powers because of the absence of a transit site within the District and asks Officers to prepare a report on site provision at the earliest opportunity. ……"

3.2 This report provides an update on recommendations 4; 5; and 6 above.

3.3 In respect of the revised protocol proposed in 4 above, Council officers and members have been involved in dialogue and a draft is attached at Appendix 1 for the Executive's approval. The draft attached has addressed this Council's Portfolio and Officer comments.

3.4 In respect of recommendation 5 above a programme of works has been prepared and is ready now to be discussed and agreed with the portfolio holders as per the agreed delegation. It is anticipated that the programme can

be implemented this financial year. Since the previous report was considered and decided upon, there have been 2 sites subject to incursions of significance which do not feature in the programme. One is Edmondscote athletics track for which a solution will be sought but if possible will be brought within the programme. The other was a site in Whitnash which highlighted the problem that Parish and Town Councils may have in protecting their open spaces but do not have any resources. It has been suggested to Whitnash Town Council that they may wish to apply for a RUCIS grant and so the principle could therefore apply to other Councils faced with similar scenarios.

3.5 In respect of recommendation 6 above, a report will be brought in the autumn to the Executive for its consideration. However, it is proposed that a special meeting of the Planning Forum be arranged to discuss site provision with the District's Parish and Town Councils in recognition of the difficulty and sensitivity that this issue generates. In the meantime, the Council's decision on Europa Way and to progress the work for relocating Leamington Football Club (LFC) opens the opportunity to create a permanent site on the current site of the Club should be noted as an important step in the context of this report. LFC agreed the principles at its Emergency General Meeting (EGM) on 31st May 2017.

4. Policy Framework

4.1 **Sustainable Community Strategy** –The Council has a vision to make Warwick District a great place to live, work and visit. Ensuring that our local communities are safe is a vital part of achieving that vision. Crime and disorder significantly impacts on the quality of life of residents, businesses and visitors. The level of crime and disorder is cited as the top consideration when deciding on where to live. Consequently, work in tackling crime and disorder is a significant part of the Council's vision for Safer Communities:

Protecting our communities from harm with an emphasis on the prevention of incidents, whilst focusing on the most vulnerable to make them feel safer

4.2 Regrettably, many unauthorised encampments have often been accompanied by other criminal acts. There have also been impacts on the local environment and on health conditions, some of which impact on the Gypsy and Traveller communities as well as the resident communities.

4.3 It is anticipated that the revised protocol and the installation of preventative measures will help to minimise further unauthorised encampments and to better manage them when they do occur.

4.4 **Fit for the Future (FFF) -** The issue faced impacts on the Service and Money Strands of the Council's FFF programme in that the unauthorised encampments have an impact on normal service delivery, diverting staff time and in some cases preventing Council services from being delivered and so affecting income. Clearing up after the unauthorised encampments also costs the Council money that could be better spent.

4.5 **Impact Assessments** – the report considers the impact on residents, officer time and budgets but recognises that a dialogue with representatives of Gypsy and Traveller communities is essential if we are to develop a clear and effective policy. The development of the County wide protocol will need to address equality impacts more definitively.

4.6 **Local Plan**

The draft Local Plan, which has now been through the examination, includes the following policies for Gypsy and Traveller site provision:

* Policy H7 states that a Development Plan Document (DPD) allocating sites to meet the proven need through the GTAA, will be published soon after the adoption of the Local Plan.
* Policy H8 lists the criteria that the Council will use in assessing potential sites for their suitability.
* Policy H9 relates to the potential for the Council to invoke its powers of compulsory purchase as a last resort, should no suitable sites be forthcoming.

5. **Budgetary Framework**

5.1 The total cost of situational measures at key sites was estimated to be in the region of £174,000 and was agreed plus a 5% contingency to be funded from the Community Projects Reserve.

6. Risks

6.1 The proposed joint approach looks to avoid conflict and minimise risk by producing a clear and effective policy following dialogue with representatives of the Gypsy and Travelling Communities. Inappropriate use of powers, or failing to follow due process and procedure in dealing with the Gypsy and Traveller communities could expose the Council and its partners to legal action. An agreed joint protocol will help avoid such a risk.

6.2 We have evidence from the works carried out at Harbury Lane that preventative measures can prevent unauthorised encampments but we also recognise that it is not possible to defend all our sites and there will inevitably be some displacement. Preventative measures must also allow legitimate use of our amenities for larger vehicles including contractors. There is potential for loss of car parking income.

6.4 The continued lack of identified sites for Gypsy and Travellers both permanent and transit does expose the Council and the community to either an unwanted planning application(s) or a repeat of the Kites Nest Lane scenario. There is also the potential for challenge for failing to accord with the Local Plan. Such scenarios could cause the Council to incur costs and in the absence of providing such sites over many years may lead to success planning wise, even at appeal, for such groups. Hopefully the report in July will help mitigate this risk.

7. Alternative Option(s) considered

7.1 We could develop a policy independent of neighbouring authorities but a joint approach is necessary for intelligence sharing and enforcement. A joint approach should reassure residents and businesses that we are working together and have a coordinated, prompt and effective approach to dealing with unauthorised encampments.

7.2 We could continue to simply `move on' but this is not any sort of deterrent. The current approach does not address the responsibilities on this authority or key partners to do all it reasonable can to prevent crime and disorder.

7.5 The Council could decide not to provide any sites, permanent or transit but the risks set out above suggest that, notwithstanding the difficulties of finding such sites, the risks set out in paragraph 6.4 above preclude Officers from recommending such a course of action.