

ADULTS AND COMMUNITIES SCRUTINY COMMITTEE

TASK AND FINISH GROUP

**REVIEW OF EMERGENCY STOPPING PLACE PROVISION FOR TRAVELLERS
WITHIN PETERBOROUGH**

7 MARCH 2017

Report of the Adults and Communities Scrutiny Task and Finish Group

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1. INTRODUCTION

At its meeting on 20 July 2016, the Strong and Supportive Communities Scrutiny Committee now called the Adults and Communities Scrutiny Committee recommended that a Task and Finish Group be established to review emergency stopping place provision for travellers within Peterborough and to present their recommendations back to the Committee at a future meeting.

The Strong and Supportive Communities Scrutiny Committee received a report at its meeting on 14 September 2016 to agree the Terms of Reference and membership of the Task and Finish Group to undertake the review.

The cross party Task and Finish group comprised the following members:



Cllr June Bull
Conservative, Orton Longueville Ward



Cllr John Fox (Chairman)
Independent, Werrington Ward



Cllr Stuart Martin
Labour, Bretton Ward



Cllr Bella Saltmarsh
Liberal Party, Dogsthorpe Ward



Cllr Asif Shaheed
Liberal Democrats,
Paston and Walton Ward



Cllr John Whitby
UKIP,
Fletton and Stanground
Ward

Cllr Chris Harper – Co-opted Member (Non voting)

Officers supporting the Task and Finish Group were:

- Clair George, Prevention and Enforcement Manager
- Adrian Chapman, Service Director Adult Services and Communities
- Paulina Ford, Senior Democratic Services Officer

2. SUMMARY OF RECOMMENDATIONS

Recommendation 1

Based on the number of unauthorised encampments across the city and the findings from the investigation it is recommended that the council provide four Temporary Stopping Places across Peterborough. Temporary stopping places should be properly planned and controlled, and their occupation time limited.

Based on the limitations experienced with the existing Emergency Stopping Place it is recommended that full planning permission is secured for the Temporary Stopping Places to allow the sites to be used for more than the current 28 days limit.

Recommendation 2

It is recommended that the Growth and Planning Team identify council land which is suitable for redevelopment and use for stopping places.

Recommendation 3

It is also recommended that as well as investigating council owned land that the Growth and Planning Team identify land suitable for purchase, if necessary under compulsory purchase.

Recommendation 4

That the Growth and Planning Team identify land suitable for leasing with a view to purchase at a later date should the site be successful as a Temporary Stopping Place.

Growth and Planning Team review land available by the end of April 2017. To report back the findings to Adult and Communities Scrutiny Committee June 2017 on recommendations 2 to 4.

Recommendation 5

The Task and Finish Group recommend that the Growth and Planning Team review the Local Plan with regards to provision in the city for transient gypsies and travellers.

Recommendation 6

To distribute a flow chart to all councillors which details the process of dealing with unauthorised encampments from assessment to removal.

3. PURPOSE AND TERMS OF REFERENCE

1. To review the use of the existing Emergency Stopping Place provision in Peterborough
2. To consider this and any other alternative solutions with a view to making a clear recommendation for the future
3. To identify a list of potentially suitable locations to temporarily accommodate Gypsies and Travellers based on the agreed characteristics determined through the previous Task and Finish group into this subject
4. To examine each potential site in order to agree advantages and disadvantages, and identify current ownership
5. To make recommendations for appropriate solutions based on actions (i) to (iv) above
6. To review terms and conditions that Gypsies and Travellers will need to agree to before making use of Emergency Stopping Place provision.
7. To review the current partnership protocol for the management of illegal and unauthorised encampments, identifying the roles of all partners and the use of relevant legislation available
8. To review the support mechanisms required across various disciplines that ensure appropriate provision for unauthorised encampments is managed effectively, e.g. legal, financial, environmental, policing, communications, media etc

4. PROCESS AND METHODOLOGY USED FOR THE INVESTIGATION

4.1 Methodology

- o Desk top research and statistics
- o Review of previous Task and Finish Group report

- o Questioning of Key Witnesses
- o Local knowledge
- o Financial Information – Costs associated with dealing with unauthorised encampments

4.2 Process

The timetable of the events leading to the production of this report are set out below:

Meeting Date	Items discussed / Guests Attending
17 October 2016	Initial Meeting to agree terms of reference and scope the review
23 November 2016	Meeting to discuss baseline evidence available from other Authorities, current data available, review information and research provided: <ul style="list-style-type: none"> ● HCA Land Ownership Plan ● Emergency Stopping Places Recommendations Emergency Stopping Places Cabinet Report - Final ● Emergency Stopping Place Cabinet Report Appendix 1 (Criteria for selection) ● Emergency Stopping Review November 2015 ● Emergency Stopping Places Sites Visited <ul style="list-style-type: none"> a) Summary of powers - Dealing with illegal and unauthorised encampments b) Finance information for 2016/17 c) Number of authorised encampments and locations since 1st May 2016
19 December 2016	Meeting to discuss further information provided: <ul style="list-style-type: none"> ● Information on other authorities provision of emergency stopping places ● Updated information regarding any possible sites
31 January 2017	Interviewing expert witnesses
31 January 2017	Meeting to discuss conclusions and recommendations from research, data received and evidence seen and heard.
16 February 2017	Meeting to discuss draft report and finalise.

Key Witness's / Expert Advisers interviewed:

- Adrian Chapman, Service Director, Adults and Communities
- Paul Hamshere, Traveller Liaison Officer
- Nigel Joseph, Litigation Lawyer
- Chief Inspector Rob Hill, Head of Prevention and Enforcement Service
- Superintendent Andy Gipp, Area Commander

The Task and Finish Group would like to thank everybody who assisted them during the course of the review for their support and openness. This assistance was greatly appreciated.

5. BACKGROUND

Over the last several years, Peterborough has regularly experienced high numbers of unauthorised Gypsy and Traveller encampments. On occasions there have been reported incidents of ASB, fly tipping and community tensions. There is also the ongoing considerable cost and time associated with dealing with each encampment (including clean-up, defence measures and legal process).

Gypsies and Travellers are ethnic minorities recognised by the Race Relations Amendment Act. Under the terms of the Act they have a right to a nomadic lifestyle and equal access to services such as education, health and accommodation and protection from discrimination and harassment. However, Gypsies and Travellers do not have a right to occupy vacant land without agreement from the landowner. Where the council receives notification that there is an unauthorised encampment on council-owned land officers use powers under the Criminal Justice and Public Order Act to seek eviction.

A cross party Task and Finish group undertook a review in 2014 to investigate locations for possible transit-style provision, the outcome of which was a recommendation to create Emergency Stopping Places. During the review 75 sites were assessed using approved criteria, with three sites eventually being approved by Cabinet. Unfortunately following approval two of these sites became unusable, and so the Council has had the use of one location known as land adjacent to the Dogsthorpe Triangle as an Emergency Stopping Place for the past two years.

As part of the assessment process of unauthorised encampments the decision on whether or not to offer an encampment the chance to relocate to the ESP for a short period is considered, however this offer has frequently been refused due to the site's proximity to the Householders Waste facility and the current condition of the area. We have no powers to compel an encampment to move to the ESP.

The current Emergency Stopping Place can only be used up to 28 days in any 12 month period as it has no formal planning consent in place. It has no permanent infrastructure, however temporary facilities are supplied such as waste facilities, temporary toilets and water when in use. If an encampment move to the ESP our normal eviction procedures commence as per any other location although we would be more likely to tolerate the encampment on the ESP for a slightly longer period.

The city continues to see a high number of unauthorised encampments across the city which are at their highest during the summer months. The former Strong and Supportive Communities Scrutiny Committee identified the need to provide additional provision in the form of either transit sites or temporary stopping places to assist with the management of unauthorised encampments.

The current Task and Finish group focused on identifying options for potential new locations and not on the process of moving encampments on through the use of legal powers. This though is subject to a separate review by the Prevention and Enforcement Service, however powers available to agencies will also need to be considered depending on the outcomes of the cross party review.

6. FINDINGS AND CONCLUSIONS

6.1 Current Situation

The Task and Finish group reviewed the documents produced by the last Task and Finish group which had been established in 2014 as well as the current volumes and costs associated with unauthorised encampments in the city since April 2016. Discussions also took place around the impact unauthorised encampments have on local communities.

The City Council currently has one Emergency Stopping Place adjacent to the Dogsthorpe Triangle which has been available for the last 2 years. Although during 2016 it was used for the full 28 days available to us, Travellers still frequently refused to go to the site due its location and the current issues with lack of infrastructure.

6.2 Need for provision

With only one site in Peterborough the Task and Finish group agreed there is a clear need for additional temporary provision within the Peterborough boundary. More temporary provision would assist with the management and moving on of unauthorised encampments.

6.3 Type of provision

The Task and Finish group took into consideration the type of provision which could be provided in Peterborough including looking at transit and temporary stopping place provision and the advantages and disadvantages of each.

In summary, they concluded the following:

- Transit Site - Permanently provided sites used to temporarily accommodate their residents. Lengths of stay vary but are usually set at between 28 days and three months. They are

advertised and have permanent facilities, require planning permission and need site management.

After speaking with other local authorities they have experienced issues with facilities being vandalised and if not managed correctly transit sites can quickly become permanent sites.

- Temporary Stopping Places/Emergency Stopping Places - Pieces of land in temporary use as authorised short-term (e.g. less than 28 days) stopping places for all travelling communities. They do not require planning permission if they are in use for fewer than 28 days per annum. The requirements for temporary stopping places reflect the fact that the site will only be used for a proportion of the year.

After listening to experiences from other local authorities and from key witnesses the Task and Finish group concluded that the way forward would be to recommend formal Temporary Stopping Places, with the land meeting previously set criteria and the sites being properly managed with full planning consent in place to allow use for longer than the current 28 days of the year.

The Task and Finish group also concluded that four locations would be required in different parts of Peterborough as during the summer months there can be a number of families travelling through Peterborough at any given time.

6.4 Locations

The Task and Finish group reviewed the documents produced by the last Task and Finish group, this also included looking at the previous assessment criteria applied. An approach was also made to strategic property to see if any new land had become available since the last review, but unfortunately nothing was deemed suitable.

At the current time the Task and Finish group was unable to identify and recommend new locations for Temporary Stopping Places, but have recommended that the Growth and Planning Team investigate any land across the city in both public and private ownership for adaptation, purchase or lease which would be suitable for a Temporary Stopping Place. If land is identified, officers in the Prevention and Enforcement Service will assess suitability and make recommendations around operational use.

Any land identified for use would be subject to discussions with ward councillors and local consultations.

6.5 **Conclusions**

It was the conclusion of the Task and Finish group that the local authority needs to provide more temporary stopping places for gypsies and travellers when they are travelling through the city. Providing alternative stopping places will assist with the management of unauthorised encampments, however it is noted by the Task and Finish group that there is limited land available. Temporary Stopping Places would however limit the impact some unauthorised encampments currently have on the community, will provide a more appropriate setting for the Traveller community and, through effective management, will reduce costs currently incurred when dealing with unauthorised encampments.

Any Temporary Stopping Place should be properly managed with temporary facilities and a nightly occupation agreement and fee in place.

Whilst work is ongoing to identify new land, the council should invest in the current Emergency Stopping Place at Dogsthorpe, converting it to one of the four Temporary Stopping Places and making it more acceptable for use. This should include the submission of a planning application which, if approved, would allow for it to be used more than the current 28 days per annum.

It should be noted that alongside the potential for investment to be made in Temporary Stopping Places, a full review of enforcement action is being undertaken with our partners to ensure that unauthorised encampments are removed from public land as expediently as possible to reduce the impact on local communities and reduce the costs involved. This could for example include the introduction of local byelaws to protect council land.

7. **RECOMMENDATIONS**

Recommendation 1

Based on the number of unauthorised encampments across the city and the findings from the investigation it is recommended that the council provide four Temporary Stopping Places across Peterborough. Temporary stopping places should be properly planned and controlled, and their occupation time limited.

Based on the limitations experienced with the existing Emergency Stopping Place it is recommended that full planning permission is secured for the Temporary Stopping Places to allow the sites to be used for more than the current 28 days limit.

The specification for the stopping places to include an appropriate nightly charging structure, be an

area of 100m², have a suitable hard standing and have water, toilets and waste provision provided when in use. Temporary Stopping Places should be properly managed and remain protected unless an officer from the Prevention and Enforcement Service is directing travellers to one of the places. The council will be required to use their normal enforcement powers to ensure the sites are protected and not abused.

Whilst this work is being undertaken a review of the current stopping place in Dogsthorpe is undertaken and the site upgraded with a view to convert from Emergency Stopping Place to a Temporary Stopping Place as above which will allow for use in excess of 28 days each year.

Recommendation 2

During the investigation it became apparent that the council has limited land available which is suitable and meets previous criteria for temporary stopping places. It is recommended that the Growth and Planning Team identify council land which is suitable for re-development and use for stopping places. The Team is also asked to consider, amongst other areas, converting areas of the city centre car parking and the purchase of part of an existing permanent site to be used as a transit/temporary stopping place.

Recommendation 3

As stated in recommendation 2 the Task and Finish group notes limited council land available. It is also recommended that as well as investigating council owned land that the Growth and Planning Team identify land suitable for purchase, if necessary under compulsory purchase. The team should approach the Diocesan Advisory Committee as large landowners in the city, and approach Parish Councils for assistance in identifying any suitable available land. Further, the possibility of land becoming available when businesses relocate should also be investigated.

Recommendation 4

That the Growth and Planning Team identify land suitable for leasing with a view to purchase at a later date should the site be successful as a Temporary Stopping Place.

Growth and Planning Team to review land available by the end of April 2017. To report back the findings to Adult and Communities Scrutiny Committee June 2017 on recommendations 2 to 4.

Recommendation 5

The Task and Finish Group recommend that the Growth and Planning Team review the Local Plan with regards to provision in the city for transient gypsies and travellers.

Recommendation 6

To distribute a flow chart to all councillors which details the process of dealing with unauthorised encampments from assessment to removal.

8. FINANCIAL IMPLICATIONS

- 8.1 Investment in the current Emergency Stopping Place is recommended, and it is estimated that a budget of £20k would be required to clear the site and to prepare it for its planning application.
- 8.2 If successful in identifying land which is available but not in council ownership, a budget to purchase or lease that land will need to be identified. At this time we are unable to confirm the value.
- 8.3 Investing in properly managed Temporary Stopping Places will, over time, reduce ongoing revenue costs as, for example, eviction and clear up costs will be significantly reduced.

9. LEGAL IMPLICATIONS

- 9.1 Formal legal advice will be sought if the recommendations contained in this report are agreed, in order to ensure full compliance with relevant equalities legislation.

10. List of background papers and research sources used during the investigation

Documents used to prepare the final report includes:

Review of documents produced from the 2014 Task and Finish Group
Peterborough Local Plan Dealing with Illegal Encampments: A Summary of Available Powers, *Department for Communities and Local government*

Further information on this review is available from:

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Governance Directorate
Town Hall
Bridge Street
Peterborough
PE1 1HG

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