

Report to: **Executive**
Date: **22nd October 2020**
Title: **Gypsy & Traveller Report**
Portfolio Area: **Customer first – Cllr Bastone**
Wards Affected: **All Wards**
Urgent Decision: **N** Approval and clearance obtained: **Y**
Date next steps can be taken:

Author: **Alex Rehaag** Role: **Senior Specialist Placemaking (Affordable Housing)**
Contact: **01822 813722/email: alex.rehaag@swdevon.gov.uk**

Recommendations: That the Executive

- 1) Endorses a strategy of engagement with Devon County Council, to work towards identifying a Gypsy and Traveller site in South Hams.
- 2) Endorses a strategy of engagement with Registered Provider partners to identify and manage a Gypsy and Traveller site in South Hams.
- 3) Requests that the Senior Specialist Placemaking (Affordable Housing) reports back to Executive in Spring 2021 setting out progress and seeking approval to proceed with any site that has been identified.

1. Executive summary

- 1.1 South Hams District Council has seen a significant rise in the number of Unauthorised Encampments (UEs) around the District in recent years. This is an increase in both traditional Gypsy groups and the New Age Nomadic traveller groups. The Council does not have an authorised site that travellers can be directed

towards which makes the move on and eviction process complicated.

- 1.2 The Council has an adopted planning policy for dealing with sites that come forward for Gypsy & Travellers and this can be viewed in DEV10 of the JLP. This does not dictate how we deal with encampments that occur, or the people, only the way that we deal with sites that come in through planning process.
- 1.3 If the Council had access to a site, this would make the process of dealing with occupants who are parked illegally on land quicker and easier to deal with. Evictions could be dealt with immediately subject to bailiff availability, likely within the week.
- 1.4 As the Council does not have access to a site, it can prevent the Council from dealing with issues swiftly. This report sets out the benefits of identifying and setting up a managed site for Gypsies and Travellers, and seeks Executive endorsement of a strategy of engagement with Devon County Council and our Registered Provider partners to resolve this issue.
- 1.5 The costs associated with acquisition and maintenance / management of any identified site would need to be considered and a further report would need to be presented to members for a decision. Management costs could be recouped from the occupants in full or part, and this has proven to be successful in other LA areas.
- 1.6 The traditional travelling season is coming to an end and traditional travelling groups will settle for the winter. Due to Covid-19 there is unlikely to have been a travelling season as such, but there is a high risk of another unauthorised encampment. This will be costly to the authority in terms of potential fly tips and staff resource and more importantly will continue to impact on the wider community and local businesses.
- 1.7 Government guidance was provided in March 2020 about what Local Authorities should do with regard to travellers and providing sites throughout the pandemic. As the Council did not have any suitable sites the unauthorised encampment at Steamer Quay became a tolerated site throughout the pandemic.
- 1.8 As soon as the Council deemed it appropriate, in terms of Covid restrictions being lifted, the Council took legal action under section 77 of the Criminal Justice and Public Order Act 1994. Section 77 gives a local authority the power to order any person living in a vehicle within its area to move off any land that:
 - Forms part of a highway
 - Is unoccupied or occupied where permission has not been given to reside there.

- 1.9 Steamer Quay and other public car parks in the South Hams are not deemed to be appropriate for a future authorised stopping place, albeit temporary. Members will be aware of the implications that this had on the authority in terms of anti-social behaviour and complaints from the public in Totnes.
- 1.10 The Council does not have any other land holdings deemed appropriate for this use. Therefore other solutions need to be sought to prevent car parks and other landholdings being used for this purpose.

2. Background

- 2.1 The Council is in need of an updated process for dealing with unauthorised encampments for both Traditional Gypsy groups and New Age Travellers. This needs to be reviewed and communicated operationally.
- 2.2 The Council does not have a plan to address the recurring issues, such as traveller occupation on land at Langage. This will require partnership working between the Council, Devon County Council and the local businesses to identify solutions.
- 2.3 New Age Travellers and Gypsy groups have different values and traditions and do not co-habit on the same sites; they will require different types of sites and rules for each of the sites would need to be adhered to. Therefore project plans will need to be developed for sites once identified. The traditional Gypsy group needs to be the priority due to the impact on the wider community and the associated problems and cost implications we have experienced at Langage.
- 2.4 The settled community could be a lot more accepting to Gypsy & Traveller groups if they were on a managed site where they paid for services such as waste collection, rent and council tax. There needs to be an awareness by all involved of this emotive topic.
- 2.5 In terms of unauthorised encampments the costs to the authority are rising year on year and tensions within the community are additionally rising. There is significant pressure on the authority to resolve unauthorised encampments as soon as possible.
- 2.6 A clear understanding for communities, council staff and members of the legal and internal process needs to be reviewed and communicated.

- 2.7 Should transit sites be identified this would significantly reduce the costs the Council and Devon County Council incurs.

The immediate problem

- 2.8 The Council experiences a minimum of 3 – 4 encampments per year on the Devon County Council's land at Langage Business Park. This is the highest used unauthorised encampment location in Devon.
- 2.9 This figure is likely to be higher this year and it is not clear whether the Covid-19 pandemic has impacted on this or whether there are other reasons. Many of the festivals and events have been cancelled as a result of Covid-19 and this could be linked to the higher use of Langage as a stopping place.
- 2.10 There is the need for an urgent plan of action from both the Council and Devon County Council to identify land that could be identified as a transit site. The Council does not have land that could be utilised for this purpose.

3. Outcomes/outputs

- 3.1 It is clear that the Council will need assistance from Devon County Council in seeking a piece of land to be used for this purpose only.
- 3.2 There would need to be a charging fee to the occupants of that site. This would not generate a profit for the Council as waste collection and toilets would need to be provided. This would be collected as a management or service charge.
- 3.3 With the benefit of an available site, an encampment would be moved on swiftly with minimal input from staff and other agencies. It would enable either the Council or Devon County Council to use their powers to evict the unauthorised occupiers.
- 3.4 This will be easier if the authority can show that there is a reasonable and suitable alternative, ie transit site.

The courts will always ensure that the health and wellbeing of the occupants has been considered. By providing a suitable site, will mean that access to health and schooling can be provided on a temporary basis. In addition to this, the ability to provide specialist advice and support can be provided if required. It is well documented that Gypsies are more disadvantaged than

other groups and struggle to gain access to health and social care services which impacts on mortality rates. This will be more important with the risks associated with Covid-19.

- 3.5 The time spent by officers would be significantly reduced with a clear project plan and procedure. Each encampment is resource intensive but savings will be seen, particularly around clear up costs of a site once vacated either voluntarily or through the eviction process.

4. Options available and consideration of risk

- 4.1 The Council has made a request to Devon County Council for it to consider making available land for this use as there are no other options that can be sought in a reasonable period of time. In 2017/18, officers made contact with landowners of all of the SHLAA sites that were submitted to the Council. There was not one single response to the request to bring forward the land for this use. Second letters were also sent and again a response was not forthcoming. Therefore the options of using 'other' landowners apart from Devon County Council is not a solution to consider.
- 4.2 There are implications and costs associated with the Council initiating legal processes when an encampment occurs on Devon County Council land.
- 4.3 There are cost savings to other authorities in terms of health and wellbeing if this group were provided with a temporary semi-serviced site.
- 4.4 If the Council chooses not to move forward with the plan, there would be a continued impact on the wider community, staff time and costs around legal fees to the Council particularly in relation to clean up costs of fly-tipping and removing hazardous substances. By not adopting a process there will be continued issues with the public and the perception that the authority is not doing anything to assist business's and members of the community that are impacted by unauthorised encampments.
- 4.5 Discussions have taken place between Council and Devon County Council officers at both an operational level and senior level to identify solutions for the provision of a site and the benefits to the authorities and communities involved.
- 4.6 Officers will also work with our Registered Provider partners to consider solutions for all Gypsy & Traveller groups. Previously officers met with a housing provider who has experience in managing Gypsy and Traveller sites. At that time they were willing to consider the possibility of managing a Gypsy & Traveller site in the South Hams area. This would provide the expertise involved in

management of the site, in addition to rent and service charge collection.

- 4.7 Should an RP partner be identified this could potentially assist with site acquisition costs and potentially provide access to funding through the affordable homes programme.
- 4.8 In January 2020, members received a presentation from officers about gypsies and travellers and what can and can't be done in terms of evictions. This is included in Appendix A for reference.
- 4.9 In February 2020, the Council hosted the first Gypsy and Traveller forum which was attended by over 25 people from the travelling community as well as some elected members. This has started conversations between the Councils and that community which appeared to be very positive.

5. Proposed Way Forward

- 5.1 That the Council continues to engage with Devon County Council to seek a site for Gypsies and Travellers.
- 5.2 That Officers bring back a policy for dealing with Gypsies and Travellers to Executive, which will give Members clarity and confidence on the issue. The policy will include a flow chart setting out the decision making process and legal steps required, for both the scenario when an alternative site has been identified and when it hasn't.

6. Implications

| Implications | Relevant to proposals Y/N | |
|---------------------------|---------------------------|---|
| Legal/Governance | | <p>Although the Council does not have a legal duty to provide sites, it does have the power to do so and it has duties to provide advice and assistance to homeless people and where appropriate, to accommodate them. A person is homeless if they live in a caravan or other moveable structure but there is no place where he is entitled or permitted both to place it and to live in it.</p> <p>duty to provide health and social care to Gypsy and traveller groups</p> <p>Powers of eviction are set out in Section 77 of the criminal Justice and Public Order Act 1994</p> |
| Financial implications to | | The cost of officer time dealing with Gypsies and Travellers in 2020 is estimated to be 0.5 x FTE at |

| | | |
|---|--|---|
| include reference to value for money | | Level 4, localities time is 0.5 FTE at level 7. The costs associated with managing a traveller site will be set out in a future report when such site becomes available. |
| Risk | | Cost Disruption to business (Langage) Reputation |
| Supporting Corporate Strategy | | Health and Wellbeing |
| Climate Change - Carbon / Biodiversity Impact | | N/A |
| Comprehensive Impact Assessment Implications | | |
| Equality and Diversity | | The Equality Act 2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. Romany Gypsies and Irish Travellers are defined as a racial group in law. A Public Sector Equality Duty places a duty on the Council to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between persons of different groups. |
| Safeguarding | | Considered through the individuals welfare assessment |
| Community Safety, Crime and Disorder | | Police involvement on most UE and associated anti-social behaviour |
| Health, Safety and Wellbeing | | Each family will have a welfare assessment and this is considered as well as safeguarding |
| Other implications | | |

Supporting Information

Appendices:

Appendix A – Members presentation on Gypsy and Traveller Legislation and the role of the Council

Background Papers:

None

Approval and clearance of report

| Process checklist | Completed |
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| Portfolio Holder briefed/sign off | Yes |
| SLT Rep briefed/sign off | Yes |
| Relevant Heads of Practice sign off (draft) | Yes |
| Data protection issues considered | Yes |

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| Accessibility checked | Yes |
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