

Executive Report

Ward(s) affected: All

Report of Director of Ian Doyle

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Date: 16 February 2020

## **Provision of a Gypsy Traveller Transit Site in Surrey**

### **Executive Summary**

The purpose of this report is to seek approval from the Executive for

1. A capital contribution of £127,000 towards the construction of a Gypsy and Traveller transit site in Surrey.
2. An annual revenue contribution of £7,500 for maintenance of the site.

In response to the increased impact of unauthorised encampments on local communities in recent years, the Surrey Leaders' Group have developed a transit site proposal for Surrey. The proposal will support the police in using their available powers when assisting districts and boroughs managing unauthorised encampments.

The proposal is to build a ten-pitch transit site within the county border at a location yet to be confirmed and with the financial contributions of ten of the district and borough councils. The host borough will not be asked for a financial contribution and the remediation costs of the site will be met by Surrey County Council. The site will be managed by the Surrey County Council Gypsy and Traveller Liaison Team.

The Executive is asked to note that there is no budget on the approved or provisional capital programme for this contribution. There is a budget of £115,000 for Traveller encampments remaining on the provisional capital programme (Scheme PL60(p)) which was initially for works to protect some of our parks and open spaces from unauthorised encampments.

Works have been undertaken from this fund, but the fund has not been fully spent.

Officers are recommending that this budget is re-purposed and a small virement of £12,000 is taken from the capital contingency fund to increase the budget to £127,000 and that the provisional budget is transferred to the approved capital programme. As the budget is

already within the capital programme there is no additional impact on MRP in the revenue budget.

### **Recommendation to Executive**

- (1) That the provision of a Gypsy and Traveller Transit Site in Surrey, as progressed by the Surrey Leaders' Group be supported, and that this Council commits to a one-off contribution of £127,000 in capital funding for the construction of the site and an annual contribution of £7,500 revenue funding for the maintenance of the site.
- (2) That the £115,000 for Traveller encampments remaining on the provisional capital programme (Scheme PL60(p)) be repurposed and a virement of £12,000 be taken from the contingency fund to increase the budget to £127,000.
- (3) That the provisional budget for a contribution towards the provision of a Gypsy and Traveller Transit Site in Surrey be transferred to the approved capital programme.

#### Reasons for Recommendation:

To enable Surrey County Council to build a 10-pitch transit site that will enable the Police to invoke their section 62A powers under the Criminal Justice and Public Order Act 1994 and help manage unauthorised encampments across the county.

**Is the report (or part of it) exempt from publication? No**

## **1. Purpose of Report**

- 1.1 The purpose of this report is to ask the Executive to support the county wide strategy on developing a Gypsy and Traveller transit site that has been progressed by the Surrey Leaders' Group and to agree this Council's financial contribution of:
- £127,000 in capital funding to the development of the site
  - £7,500 in annual revenue funding for the maintenance of the site

This will enable the Police to invoke their powers under section 62A of the Criminal Justice and Public Order Act 1994 and therefore help manage the increased impact of unauthorised encampments across the borough.

## **2. Strategic Priorities**

- 2.1 Managing Unauthorised Encampments within the borough contributes to the strategic priority of protecting our environment and supporting people in our community. Providing a transit site within the county will enable a further police power to be used when managing unauthorised encampments in Guildford borough.

### **3. Background**

- 3.1 Gypsy and Traveller unauthorised encampments have historically occurred across the county for many years. Enforcement against an encampment is the responsibility of the landowner and as a local authority, we use Sections 77 and 78 of the Criminal Justice and Public Order Act 1994. (CJPOA) This process, depending on the courts, usually takes up to 10 working days.
- 3.2 In certain circumstances the Police have powers to remove an encampment quickly under Sections 61 and 62A of the CJPOA. Section 61 has certain criteria for the Police to consider but this power is not readily invoked due to the burden of proof required to meet the criteria and the intense demand on police resources enforcement requires. For the police to invoke section 62A of the CJPOA there must be a county transit site which the police can direct occupants towards. To date most of the enforcement against unauthorised encampments in Guildford has been managed through Sections 77 and 78 of the CJPOA.
- 3.3 The project to develop a transit site for Surrey has long been a shared ambition of Surrey County Council (SCC) and the districts and borough councils because of the extra enforcement power available to the Police under Section 62A of the CJPOA. Under Section 62A, an unauthorised encampment can be directed to the transit site and the occupants prohibited from returning to an unauthorised encampment anywhere within the borough for a period of three months.
- 3.4 It is anticipated that a transit site will contribute to addressing the needs of the travelling community and help minimise the conflict sometimes experienced between travelling and settled communities when unauthorised encampments occur.
- 3.5 The Surrey Leaders' Group have had discussions with Surrey Police throughout the project planning stage and the Police have confirmed that they would support the development of a transit site because they would be able to better enforce unauthorised encampment activity.
- 3.6 Whilst the ideal provision would see more than one transit site located at different geographic locations across the county, the Police have confirmed that they would use whatever site is developed as legally it is only the provision of pitches within county boundaries that is necessary for the use of s62A powers.
- 3.7 Building one transit site consisting of 10 pitches is not a definitive answer to all the issues surrounding unauthorised encampments but is a critical step forward in providing an initial capacity that will be able to be used in a proportion of unauthorised encampment activity.
- 3.8 The Surrey Leaders' Group have learned from other authorities that have transit sites in place that they do provide a noticeable impact on the ability to manage unauthorised encampments effectively. West Sussex County Council have reported that although the number of unauthorised encampments in the county has not declined as a result of their transit site, the speed taken to act is much improved due to the increased use of Section 62A powers by the Police.

- 3.9 For the Police to direct unauthorised encampments to a transit site, it is necessary for the site to have enough pitch capacity to accommodate the whole unauthorised encampment. Where there are fewer pitches on the transit site than the numbers in the unauthorised encampment, it is up to the attending police officer as to whether it is suitable or possible to move part of the unauthorised encampment onto the transit site.
- 3.10 Other councils such as Chichester have found that when there is an insufficient number of pitches on the transit site to accommodate the whole unauthorised encampment, the Police have asked one or two families to move to their transit site to ensure that encampments do not remain too large. Otherwise, the Police will not use s62A powers.

#### The Transit Site Project Proposal

- 3.11 A site has been identified which, subject to planning permission, will be developed into a 10-pitch transit site in 2021-22. The exact location is yet to be confirmed and the timetable for the site's construction will depend on the extent of remediation required as well as the planning process.
- 3.12 The site requires significant expenditure on decontamination, but districts and boroughs are only being asked to contribute to the infrastructure costs as the remediation will be met by SCC.
- 3.13 The Surrey Leaders' Group has agreed that the host authority for the site will not be required to contribute, but the remaining 10 district and borough authorities will be asked to contribute a proportionate share of the construction of the site. The amount requested from each contributing district and borough for the 2021-22 financial year is:
- a one-off contribution of up to £127,000 in capital funding for the construction of the site
  - an annual contribution of £7,500 revenue funding for the maintenance of the site
- 3.14 Subject to Executive approval, this Council has ringfenced within the 2021-22 budget £127, 000 as a capital funding contribution and £7,500 revenue funding for the maintenance of the site.
- 3.15 The transit site will be managed by the SCC Gypsy and Traveller Liaison Team.

#### **4. Key Risks**

- 4.1 The development of a county transit site does depend on key remediation works by SCC and a significant financial contribution from the ten districts and boroughs. Subject to Executive approval, this Council has assigned within the budget for 2021-22 our financial contribution and the Surrey Leaders' Group has

indicated that the other ten boroughs and districts will also be making the contribution.

- 4.2 Expectations must be realistic around what one transit site can deliver. Ten pitches will not be enough to solve all of the problems arising from unauthorised encampments in the county during peak season. It is highly likely that the transit site will become full very quickly and the local authority will have to use enforcement powers under sections 77 and 78 of the CJPOA to move encampments on.
- 4.3 A joint protocol of how the transit site will be managed by SCC and the Police is yet to be developed, but it is assumed it will follow the same terms as seen in neighbouring counties. It will be important that all boroughs and districts are consulted on this protocol and have a point of contact within the SCC Gypsy and Traveller liaison team and the appropriate Surrey Police task force.

## **5. Financial Implications**

- 5.1 If agreed by the Executive, this Council will contribute £127,000 in capital funding for the construction of the site and an annual contribution of £7,500 revenue funding for the maintenance of the site.
- 5.2 The Executive is asked to note that there is no budget on the approved or provisional capital programme for this contribution. There is a budget of £115,000 for Traveller encampments remaining on the provisional capital programme (Scheme PL60(p)) which was initially for works to protect some of our parks and open spaces from unauthorised encampments. Works have been undertaken from this fund, but the fund has not been fully spent.
- 5.3 It is recommended that this budget is re-purposed and a small virement of £12,000 is taken from the capital contingency fund to increase the budget to £127,000.
- 5.4 It is further recommended that the provisional budget is transferred to the approved capital programme. As the budget is already within the capital programme there is no additional impact on MRP in the revenue budget.

## **6. Legal Implications**

- 6.1 Local authorities have power to establish transit sites in their area under Section 24 Caravan Sites and Control of Development Act 1960. It is proposed to use the general power of competence under s1. Localism Act 2011 to contribute to the setting up of a site in the county by SCC.

## **7 Human Resource Implications**

- 7.1 There are no Human Resource implications arising from this report. The Joint Environmental Team (JET) will continue to manage the unauthorised encampment protocol on Guildford Borough Council land and liaise with Surrey Police as to the legislation required for enforcement

## **8. Equality and Diversity Implications**

- 8.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.
- 8.2 GBC unauthorised encampment protocols require consideration of protected characteristics of the individuals involved, such as Gypsy and traveller status and disabilities and are therefore compliant with the Equality Act 2010.
- 8.3 SCC as part of the process in creating a transit site will undertake all the relevant assessments to ensure their statutory duty under section 149 of the Equality Act 2010 is fulfilled.
- 8.4 There are therefore no direct implications for this Council arising from the establishment of a transit site.

## **9. Climate Change/Sustainability Implications**

- 9.1 It is hoped that the creation of a transit site will help alleviate some of the pressures around environmental impact of unauthorised encampments across the borough.

## **10 Conclusion**

- 10.1 Unauthorised encampments can cause considerable distress to many in the local community. The current powers available to the Police to move encampments on under Section 61 of the CJPOA are not executed often. The Surrey Leaders' Group propose that a transit site within the county – although not the cure to all issues around unauthorised encampments – would be of significant help in managing unauthorised encampments due to it providing the police with extra powers under Section 62A of the Criminal Justice and Public Order Act.
- 10.2 The Executive is asked to agree to this Council's capital contribution of £127,000 for the construction of a county wider transit site and to the annual revenue contribution of £7,500 for the maintenance of the site.

## **11. Background Papers**

None

## **12. Appendices**

None