

THE EXECUTIVE

27 MAY 2003

REPORT FROM THE DIRECTOR OF HOUSING AND HEALTH

The Chair will be asked to decide whether this report may be considered under Section 100 (4)(b) of the Local Government Act 1972 in order to make a response to the Office Of The Deputy Prime Minister by the given deadline.

CONSULTATION ON MANAGING TRAVELLERS	FOR DECISION			
<p><i>This report includes issues of a strategic nature on which a policy indication is sought.</i></p> <p><u>Summary</u></p> <p>This report deals with the response to Government consultation on the management of unauthorised camping.</p> <p><u>Recommendations</u></p> <p>The Executive is asked to:</p> <ol style="list-style-type: none">1. Approve the response to the consultation (Appendix 1); and2. Agree to receive more specific plans for a strategic review of Traveller policy and service provision. <p><u>Reason</u></p> <p>To influence final Government guidance and establish arrangements for strategic review.</p>				
<p>Contact</p> <table><tr><td data-bbox="150 1361 336 1397">Robin Payne</td><td data-bbox="557 1361 861 1469">General Manager for Community and Environment</td><td data-bbox="963 1361 1441 1509">Telephone: 020 8227 5698 Fax: 020 8227 5699 Minicom: 020 8227 5755 E-mail: robin.payne@lbbd.gov.uk</td></tr></table>		Robin Payne	General Manager for Community and Environment	Telephone: 020 8227 5698 Fax: 020 8227 5699 Minicom: 020 8227 5755 E-mail: robin.payne@lbbd.gov.uk
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1. Background

- 1.1 The Home Office and Office of the Deputy Prime Minister (OPDM) has issued a consultation document on "Managing Unauthorised Camping – Operational Guidance". The closure date for responses was 23 May 2003 and a late submission is being accepted.
- 1.2 Previous Government guidance was issued in 2000 and introduced clarification on a toleration approach. This confirmed tolerance was linked to acceptable standards of behaviour of the settled community. In March 2000 the Health and Consumer Services Committee adopted the following policy statement.

“The London Borough of Barking and Dagenham respects its obligations under equal opportunities, environmental protection and human rights legislation. The borough will operate a policy of toleration towards travellers encamped in the borough, provided there is respect for the site, no conflict with local communities and co-operation with Council officers trying to ensure that the borough satisfies its legal obligations.”

- 1.3 The Council with the Police has established a joint protocol for dealing with unauthorised camping. This includes joint commitment to the Council’s policy statement. Unauthorised camping is now part of the new Street warden Service that was launched in September 2002. Since this protocol was established, complaints and referrals to Health and Consumer Services about encampments have reduced by around half to about 50 per year and an average length of stay of around 3 days. Our Parks Constabulary also enforce bylaws that prohibit camping.
- 1.4 In March 2003 the Executive received a report that established the current context of Traveller and Gypsy issues for the borough. Members agreed to accept a “Gypsy Site Refurbishment Grant” to help improve site standards at the Eastbrookend Gypsy Site and to provide a limited number of visitor pitches. Members also agreed to receive a further report on proposal for the future management of the Gypsy Site.

2. Consultation Proposals

- 2.1 The guidance introduces three basic principles
- Unauthorised camping is unlawful – there is no right to stop or behave how they want to
 - In the short term, and until stopping places have been provided, unauthorised camping will take place. Encampments must therefore be managed to minimise disruption.
 - Standards of behaviour are those expected of the settled community
- 2.2 The aims of the guidance are to
- Ensure a balance between the needs and expectations of affected groups
 - Set recommended best practice
 - Promote consistency
 - Be practical and creative about a difficult reality
 - Improve engagement
- 2.3 Specifically the guidance recommends that local authorities and police should set out a strategy and protocol developed through key stakeholders. This strategy will establish an holistic approach including policy, practices and the resources for managing unauthorised camping.
- 2.4 Appendix 1 includes other key issues raised and a recommended response.

3. Conclusion

- 2.5 This Council has in place much of the policy and procedures that this guidance seeks to introduce for managing unauthorised sites. However, it does not have the fuller strategy involving all stakeholders that the guidance now recommends. The Council and Police will need to respond to this if we are to retain local powers for the management of unauthorised camping.

4. Consultation

- 4.1 Because consultation documents were received late consultation has been limited to a request for views on the consultation document and not on the content of this report. Those consulted include

External

Primary Care Trust – Peter Messent
Police – Robin Hopes

Internal

Planning – Peter Wright
Leisure Services – Alan Aubrey
Social Services – Julia Ross
Education – Roger Luxton
Landlord Services – Jim Ripley
Housing Strategy – Ken Jones

Background Papers

- Best Value Review of Public Health, 2001
- Managing Unauthorised Camping – Operational Guidance A Consultation Paper, April 2003

Issues raised by Managing Unauthorised Camping – Operational Guidance
A Consultation Paper and recommended response

Proposal	Response
1 The local authority should appoint at an appropriately senior level an officer responsible for operational enforcement, information sharing and record keeping.	The London Borough of Barking and Dagenham (LBBD) has an appointed Traveller Liaison Officer within our Street Warden Service. This officer through their Team Leader is responsible for operational enforcement, information sharing and record keeping.
2 Local authorities and police should identify true costs of unauthorised camping and compare these to a proactive approach to site provision.	This is accepted as a Best Value approach
3 Local authorities should set formal budgets for unauthorised camping.	Local authorities need to retain flexible budgets that reflect statutory responsibilities community priorities.
4 Published strategies should be communicated so as to encourage positive or at least neutral press coverage.	The LBBD includes a wide diverse community. We are keen to work with those that support the shared values and priorities of the borough.
5 All local authorities which have experienced unauthorised camping should review provision for Travellers and Gypsies. Provision must include transit sites or less formal stopping places, possibly through collaboration between local authorities.	LBBD recognises the housing needs of Travellers and Gypsies and has undertaken to refurbish our existing Gypsy site using a grant from the OPDM. Whilst limited and proportionate levels of accommodation is provided, the cost of maintaining such provision is disproportionate. The Government should consider how it can assist in sustaining affordable housing beyond the capital cosy of provision. Government should also reflect
6 Site provision and the management of unauthorised encampment should be integrated.	The LBBD already provides the management of its Gypsy Site and management of unauthorised camping as integrated services.
7 Land which is vulnerable to unauthorised encampment should be protected. Sites, which are unacceptable for encampment, should be identified and protected.	Securing sites can be prohibitively high and not all sites can be made safe from encampment. Government should strengthen the powers available to local authorities so that land identified within its strategy by risk assessment can be subject to immediate eviction.
8 An initial assessment should be made of all new encampments within 24 hours.	LBBD already commits to a joint assessment with the police within 24 hours.

9	<p>There are no proposals to amend or add to the powers available to local authorities but there are proposals to remove some of the limitations imposed on the police where the local authority has made “adequate site provision”.</p>	<p>LBBB welcomes the proposal to remove restrictions placed on police powers but would request greater clarity on what will represent adequate site provision and the mechanism for reaching this judgement. For example will it be a reflection of a council’s Housing Strategy?</p>
10	<p>The Government’s white paper “Respect and Responsibility” strengthens the measures available for dealing with antisocial behaviour and environmental crimes such as fly tipping. Enforcement and site monitoring and rapid clear up are recognised as essential components of effective site management.</p>	<p>LBBB welcomes the strengthening of powers for dealing with antisocial behaviour. It would further welcome powers for local authorities to recover the full cost of clearance and enforcement from those that are responsible for abusing sites. Consideration should be given to a requirement for all Travellers, seeking that status, register details of a permanent address against which legal documents can be served.</p>