

Report of	Meeting	Date
Director of Early Intervention and Support	Overview and Scrutiny Committee	25/7/19

GRT ENCAMPMENTS

PURPOSE OF REPORT

1. The update the Committee with the actions taken following the initial meeting in March 2019.

RECOMMENDATION(S)

2. The Committee note the actions taken.

EXECUTIVE SUMMARY OF REPORT

3. Earlier this year there were a number of unauthorised Gypsy-Romany-Traveller (GRT) Encampments that proceeded to move around the borough, between both Council owned and private land. These actions, to frequently move location, were undertaken to frustrate enforcement action taken by the Council.
4. An Overview and Scrutiny Committee was convened to review the procedures, the legal provisions, deterrents and the role of the Police in these incidents.
5. The GRT procedure has been updated to reflect the activities undertaken by all teams and partners.
6. Further legal advice has been sought which confirmed that the process and legal procedures followed by Chorley Council are appropriate and the most expedient use of legislation.
7. The Council have completed works to barriers of two town centre car parks and received quotes for further deterrents.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

9. Earlier this year there were a number of Gypsy-Romany-Traveller (GRT) Encampments that proceeded to move around the borough, between both Council owned and private land.
10. An Overview and Scrutiny Committee was convened to review the procedures, the legal provisions, deterrents and the role of the Police in these incidents.
11. Officers were able to provide information to the committee and there was a detailed discussion with our legal team and the police on the best approach.

UPDATE ON GRT PROCEDURE

12. It was identified that the current procedure for dealing with encampments did not truly reflect the work undertaken. The original procedure was linear and therefore did not demonstrate the process, particularly in relation to the repeated visits and continuing dynamic risk assessments being made by officers. It did not adequately include the work carried out with our legal team or the partnership work with the police, nor did it reflect the role of communications.
13. The procedure for dealing with encampments has been updated to reflect the processes followed, the involvement of other teams and partner agencies and provides a better guide for all involved.
14. The new procedure is attached as Appendix 1.

UPDATE ON LEGAL ADVICE

15. The Council's legal team sought further advice from Counsel following the previous meeting to clarify the use of alternative legislation, the following summarises the advice received:

Counsel does not think that the use of common law powers or CPW/CPNS would be an appropriate response. In particular that the use of CPWs through a general power would not be appropriate as there is a specific statutory power to deal with the removal of travellers (under section 77 of the Criminal Justice and Public Order Act 1994 currently used). Furthermore, a CPW could only be issued where the travellers have persistently moved around CBC owned land to the point that it could be considered unreasonable conduct having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality.

In the first instance we would therefore still have to serve a S77 direction and go through the current process until they are at the point of moving around different car parks for example. Thereafter the use of a CPW and CPN would not expediate the process of removing the encampment compared to the S77 route.

Counsel goes on to outline other available powers such as a possession proceedings and pre-emptive injunction. However, it appears that neither having any advantage over the current process.

16. The full response is attached as Appendix 2.

UPDATE ON DETERRENTS BEING IMPLEMENTED TO COUNCIL OWNED LAND (TARGET HARDENING)

17. Height barriers have been erected on Portland Street and Friday Street car parks following agreement from the Leader of the Council. Estimated costs for placing barriers at other sites have been identified. At this time the budget has not been agreed for this additional work.

IMPLICATIONS OF REPORT

18. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

19. Any additional budget requirements for works to car parks will be subject to the relevant decision making process.

COMMENTS OF THE MONITORING OFFICER

20. Legal comments are contained within the body of the report.

Chris Sinnott
 DEPUTY CHIEF EXECUTIVE/ DIRECTOR OF EARLY INTERVENTION AND SUPPORT

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