



ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
31 March 2020  
Agenda Item 5

Key Decision [~~Yes~~/No]

Ward(s) Affected: All

## **Adur and Worthing Gypsy & Traveller Encampments - response to the recommendations from the JOSC working group**

**Report by the Director for Communities**

### **Executive Summary**

#### **1. Purpose**

1.1 To provide a response and recommendations to the Joint Strategic Committee on the recommendations contained within the Joint Overview and Scrutiny working group review of 'Adur and Worthing Gypsy & Traveller Encampments' initially presented to this committee in November 2019.

#### **2. Recommendations**

2.1 Recommendation One - Request that a review of the impact and value of the West Sussex Transit agreement is brought before the JSC on a 3 yearly basis, with the next formal review being in 2022.

2.2 Recommendation Two - That the JSC endorses the plan to source member training on these matters to include a refresher on current processes.

2.3 Recommendation Three - That litter bins are not provided at encampment sites

### **3. Context**

- 3.1 In 2019 as part of its work programme the Joint Overview and Scrutiny Committee set up a working group to review the arrangements and protocols that are in place to manage incidents of traveller encampments across Adur and Worthing.
- 3.2 The working group presented its findings to this committee in November 2019, the full report is attached at Appendix A. At that meeting members of the committee requested that a report be prepared to consider and respond to the recommendations.

### **4. Issues for consideration**

- 4.1 The JOSCS report contained 7 recommendations.

Each recommendation is copied here, with an assessment of the impact and issues connected with the proposal and a proposed response for the committee:

#### **4.2 JOSCS Recommendation 1**

The Working Group considers that the Councils are receiving value for money for being party to the West Sussex transit site agreement and is pleased with the overall level of service provided by West Sussex County Council as part of this agreement, however, there are concerns that circumstances will change and there will not be value for money further into the agreement with it being a 60 year agreement which is a very long agreement with no proper break clauses.

The Working Group, therefore, calls on the Councils (Director for Communities) to ensure that there is continual ongoing review of the agreement (at least every three years) to ensure that there is value for money and this should be discussed with Members of the Council in a transparent way so that they are aware of the process.

#### **4.3 Response**

Officer level meetings occur each year with representatives from all D&Bs, WSCC and the police. The last one took place in 2019 and another will be scheduled for the spring/early summer in 2020. It is therefore proposed that the Head of Service and/or Director provide an update to the executive annually and a written review is presented every 3 years to the Joint Strategic Committee. With the next formal review scheduled for 2022.

Unless instructed by members to seek an earlier break clause for the agreement (which has to date worked extremely well) this will not form part of that review

#### **4.4 JOSC Recommendation 2**

That the Sussex Police decision to consider 'Partial' evictions as referred earlier in the report be welcomed as a means to helping speed up the process of removing Gypsies and Travellers from unauthorised encampments.

#### **4.5 Response**

No further action required - Officers will continue to work with Sussex Police as required under the protocol

#### **4.6 JOSC Recommendation 3**

That the Councils review its Officer decision making processes in light of the compliance issues raised in this report and report back on the outcomes of the review.

#### **4.7 Response**

It is noted that the Joint Strategic Committee in November 2019 commented that the decisions to enter into this agreement were made by the executive and not officers. Therefore no further action on this point is proposed

#### **4.8 JOSC Recommendation 4**

That the Working Group welcomes the Government consultations and plans to tackle illegal Gypsy and Traveller encampments and hopes that the new proposals can be implemented as soon as possible.

#### **[Government announces plans to tackle illegal traveller sites](#)**

#### **4.9 Response**

In 2019 the Government consulted on proposals to strengthen police powers to tackle unauthorised encampments via changes to the Criminal Justice and Public Order Act 1994. The consultation is now closed and we await further announcements from Government on this matter. No further action at this time.

#### **[Strengthening police powers to tackle unauthorised encampments](#)**

#### **4.10 JOSC Recommendation 5**

That the Councils undertake a thorough review of all strategic sites to assess if the sites need to be 'hardened' to protect against unauthorised encampments and allocate appropriate capital funding as a priority to undertake the necessary works.

#### **4.11 Response**

As part of the annual capital programme review, heads of service and leads are asked to consider these issues. In recent months work has been underway to look at securing Southwick Green and barriers were erected last year at the leisure centre in Southwick. Discussions have also taken place with Impulse Leisure on installing barriers at Lancing Leisure Centre and the practicalities of their operation. These discussions are continuing.

#### **4.12 JOSC Recommendation 6**

That the Councils review how it engages with the settled communities and the Gypsy and Travellers when there are unauthorised encampments and to assist with this engagement review, all elected Councillors be offered Gypsy and Traveller awareness training.

#### **4.13 Response**

It is agreed that awareness training would be useful and Democratic Services will incorporate a training session into the 2020/21 training programme which will support training on equalities. However specific engagement already forms part of the work commissioned through the joint agreement and is not recommended. It is also suggested that colleagues involved in the processes around this, provide members with a refresher on how this works.

#### **4.14 JOSC Recommendation 7**

That the Councils provide litter and refuse bins for use by Gypsy and Travellers when they occupy the sites so as to try and contain the litter and waste and reduce costs associated with additional litter picking.

#### **4.15 Response**

Historically litter bins have been misused in areas where encampments are present, and rather than contain the litter, they actually exacerbate the issue. These bins have commonly been filled with bulky waste and rubble in the past. It is recommended that bins are not provided proactively to minimise unscrupulous fly tipping.

## **5. Engagement and Communication**

5.1 Officers from all relevant departments including parks, waste and technical services have been involved in preparing this response.

## **6. Financial Implications**

6.1 The Councils make an annual contribution towards the cost of the transit site of £15,000 per Council.

6.2 There are no unbudgeted financial implications arising from the report.

## **7. Legal Implications**

7.1 Section 77 Criminal Justice and Public Order Act 1994 provides that a Local Authority may give a direction to trespassers to leave the land and remove their vehicles and property from the land. Section 78 of that Act provides that a Local Authority may apply to a Magistrates Court for an Order requiring the removal of any vehicle or property or persons residing on the land in contravention of the direction served pursuant to section 77.

7.2 Part 55 of the Civil Procedure Rules provide that a possession claim against trespassers may be issued in the County Court in order to secure vacant possession of the land.

7.3 The Police have discretionary powers, under s61 and 62A of the Criminal Justice and Public Order Act 1994 to require travellers to leave the land in prescribed circumstances.

7.4 The Joint Strategic Committee considered unlawful gypsy and traveller encampments at its meeting in January 2014 and decided in principle that Adur and Worthing should enter into a multi partnership arrangement for the effective management of unauthorised encampments across West Sussex, delegating decisions to the Strategic Director to agree the details of the multi partnership arrangement.

7.5 The Joint Strategic Committee considered the matter further at its meeting on 2nd December 2014 when they delegated authority to the Director for Communities to approve and enter into the agreement relating to the

management of a Gypsy and Traveller Transit site at Westhampnett and the Enforcement and legal proceedings relating to unauthorised encampments on behalf of Adur and Worthing Councils. A final version of the agreement was not available at the time as negotiations were ongoing between the partners.

7.6 The Multi Partnership Agreement was entered into in 2015. It is for the management of the West Sussex Transit site at Westhampnett and enforcement proceedings in respect of unlawful encampments in Adur and Worthing. The agreement is for 60 years and there is no effective break clause; if Adur and Worthing were to terminate the agreement they would remain liable for costs and repairing obligations until the end of the 60 year period.

### **Background Papers**

- [JOSC Review of Gypsy and Traveller Encampments](#)

### **Officer Contact Details:-**

Mary D'Arcy  
Director for Communities (former)  
[Mary.D'arcy@Adur-Worthing.gov.uk](mailto:Mary.D'arcy@Adur-Worthing.gov.uk)

Ben Milligan  
Acting Director for Environmental Services  
[Ben.Milligan@Adur-Worthing.Gov.uk](mailto:Ben.Milligan@Adur-Worthing.Gov.uk)

## **Sustainability & Risk Assessment**

### **1. Economic**

Issues considered none identified

### **2. Social**

#### **2.1 Social Value**

The issues of how settled communities and travelling communities live side by side is relevant and one which we hope to support proactively in the work that is done as part of the partnership arrangements between the West Sussex districts and boroughs, West Sussex County Council and the Police.

#### **2.2 Equality Issues**

Provision of the transit site facility ensures that there is provision for the traveller community.

#### **2.3 Community Safety Issues (Section 17)**

These matters are always considered and assessed by the police when there is any encampment. Their decisions are final and will take into account safety of the settled community, and the traveller community, as well as equalities issues.

#### **2.4 Human Rights Issues**

The human rights of traveling communities as well as settled communities must always be given equal weight. There are no proposals in this report that would undermine the rights of either community

### **3. Environmental**

Whilst litter may not be contained tightly in the short term, fly tipping would be less likely if bins are not provided. Litter clearance would be less time consuming and costly than fly tipped waste.

### **4. Governance**

It is proposed that a 3 yearly review is conducted of these arrangements as contained within the body of the report.