

PROVISION OF A GYPSY TRAVELLER TRANSIT SITE IN SURREY

Head of Service:	Kathryn Beldon, Chief Executive
Wards affected:	(All Wards)
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	NA

Summary

The purpose of this report is to seek approval for the capital funding necessary for the construction of a gypsy and traveller transit site together with an ongoing revenue contribution towards the maintenance of the site. Each of the Surrey district and borough councils are asked to make a financial contribution towards the site, with the exception of the host borough.

Recommendation (s)

The Committee is asked to:

- (1) **Agree a capital contribution of £127,000 towards the construction of a gypsy traveller transit site.**
- (2) **Agree an annual revenue contribution of £7,500 towards the maintenance of the site.**

1 Reason for Recommendation

- 1.1 To enable Surrey County Council to construct a transit site that will allow 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.
- 1.2 Financial contributions from ten of the district and borough councils are necessary to allow the site to be delivered. 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. A site has been identified but is not yet confirmed and when delivered will be managed by the Surrey County Council Gypsy and Traveller Liaison Team.

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2 Background

- 2.1 In response to the increased impact of unauthorised encampments on local communities in recent years, the Surrey Leaders' Group have developed a gypsy and traveller transit site proposal for Surrey. The proposal has been developed jointly with the Police and will support them in using their available powers when assisting districts and boroughs managing unauthorised encampments.
- 2.2 The development of a transit site for Surrey is a shared strategic priority between Surrey County Council (SCC) and the districts and borough councils due to 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. This power is not available if there is not a transit site within the county which the police can direct occupants towards.
- 2.3 Unauthorised Gypsy and Traveller 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. With the addition of a transit site within the county, unauthorised encampments can be dealt with more swiftly.
- 2.4 It is anticipated that a transit site will also contribute to addressing the needs of the travelling community and help minimise the conflict which sometimes arises between travelling and settled communities when unauthorised encampments occur.
- 2.5 Throughout the development of this proposal, Surrey Leaders' Group have held ongoing discussions with Surrey Police who have confirmed that they would support the development of a transit site because they would be able to better enforce unauthorised encampment activity.
- 2.6 Surrey County Council would construct the site, deal with the costs of decontaminating the land prior to construction and manage the site from within their established Gypsy and Traveller Liaison Team.
- 2.7 Consultation with other authorities who already have transit sites in place have informed the proposal to establish a site in Surrey. Discussions have indicated that transit sites 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.

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- 2.8 The building of a single transit site consisting of 10 pitches represents a critical step forward in providing capacity to address a proportion of unauthorised encampment activity. Although the provision of several sites dispersed around the county would be preferable, 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.

Transit Site Proposal

- 2.9 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.
- 2.10 The site requires significant expenditure on decontamination, but districts and boroughs are only being asked to contribute to the capital infrastructure costs as the remediation will be met by SCC. An ongoing maintenance contribution is also required to support the site in the long term.
- 2.11 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 £127,000 towards capital costs and £7,500 towards maintenance costs.
- 2.12 A joint protocol governing 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 those 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.
- 2.13 Unauthorised encampments can cause considerable distress to many in the local community. The provision of a transit site within the county – whilst 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.

3 Risk Assessment

Legal or other duties

- 3.1 Impact Assessment

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3.1.1 Epsom & Ewell Borough Council unauthorised encampment procedures 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.

3.1.2 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.

3.2 Crime & Disorder

3.2.1 This proposal has been developed jointly with the Police to enable their use of more effective powers in addressing unauthorised encampments.

3.3 Safeguarding

3.3.1 There are no safeguarding risks considerations associated with this report.

3.4 Dependencies

4.4.1 The proposal proceeding is dependent upon approval of a budget contribution from each of the ten district and borough councils.

3.5 Other

3.5.1 None.

4 Financial Implications

4.1 The Council's capital receipts reserve holds an unallocated balance of £2.57m. Contributing £127,000 from this reserve, towards the Surrey transit site, would reduce the funds available for future capital schemes to £2.443m.

4.2 The Medium Term Financial Strategy includes a commitment to maintain a minimum uncommitted level of capital reserves of £1 million.

4.3 The ongoing annual revenue contribution of £7,500 towards maintenance of the site could be funded from existing contingency budgets.

4.4 **Section 151 Officer's comments:** *None arising from the contents of this report.*

5 Legal Implications

5.1 A transit site in Surrey will enable the Police to use their powers under section 62A powers under the Criminal Justice and Public Order Act 1994 which will help to manage unauthorised encampments across the County.

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- 5.2 **Monitoring Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The Council's Four Year Plan sets five overall themes, reflecting the priorities for the Borough until 2040. It recognises the challenges, and sets out a road map of how the Council will continue to drive forward the work required as efficiently and effectively as possible.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** 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.
- 6.4 **Sustainability Policy & Community Safety Implications:** The proposal has positive community safety implications in the sense that it sets out a proposal which seeks to better address the issue of unauthorised encampments within the Borough.
- 6.5 **Partnerships:** The Council has worked with the district and borough Leaders Group in Surrey to take forward this proposal which is also supported by Surrey County Council and Surrey Police.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

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Other papers:

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