

**NON EXEMPT**

# **HAVANT BOROUGH COUNCIL**

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**CABINET**

**Meeting Date: 08 Sept 2021**

**HBC LAND - CONTROLLING ACCESS**

**FOR DECISION**

**Portfolio Holder: Cabinet Lead for Finance, Regeneration & Estates,  
Cllr Pike**

**Key Decision: No**

**Report Number: HBC/009/2021**

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## **1.0 Purpose of Report**

1.1. This report is submitted to Cabinet for policy decision.

## **2.0 Recommendation**

2.1 Cabinet is recommended to continue to rely on the mechanisms in place which enable the effective and timely enforcement activities to address unauthorised encampments across the borough.

## **3.0 Executive Summary**

3.1. During 2019 there were 16 unauthorised encampments that gained access to HBC owned land. There have been 8 so far in 2021.

3.2. HBC has robust procedures in place which can effectively deliver enforcement action, should it encounter travellers on council owned land.

3.3. The processes are well developed and embedded into the Neighbourhood Quality team's service delivery. The costs associated with this operation are incorporated within the existing budget, estimated costs for each incident are between £1,000 and £1,500.

3.4. Whilst the costs form part of the existing budget, it is reasonable to challenge whether these processes add value, as other options may ease the pressure in terms of current financial and staff resourcing commitment.

- 3.5.** This report has therefore also considered the option to control access to the sites susceptible to unauthorised encampments in the borough. This could be achieved through introducing a range of measures that protect the site from being accessed illegally.
- 3.6.** Indicative costs associated with this option are likely to be approximately £10,000 per site depending on the controls that are put in place. It is accepted that the more controls installed, the risk to the site being accessed reduces, however, if the intention is to gain access to a site, then this is still likely to occur. Often, as a result, this will lead to damage to restrictive measures, which incur further costs to reinstate.
- 3.7.** Another option considered is to develop a formal transit site. This would be a permanent site intended for temporary use by the travelling community. A transit site would potentially reduce the number of unauthorised encampments each year, and, would enable the Police to redirect groups on to the site, away from other areas in the borough.
- 3.8.** This option, however, is challenging to deliver. Notwithstanding the significant development costs and ongoing running costs associated with a site's development, other aspects need to be overcome, such as identifying a suitable site with no constraints, and managing community relations as opposition is likely to be strong.
- 3.9.** Controlling access and developing a transit site both offer an alternative option to the way in which unauthorised encampments are currently managed in the borough. However, should either option be pursued, the need for an effective enforcement function will still exist. Either approach may offer benefits but will also incur significant additional pressure to the budget position. The recommendation, therefore, is that existing processes, delivered by the Neighbourhood Quality team, continue.

#### **4.0 Additional Budgetary Implications**

**4.1** None.

#### **5.0 Background and relationship to the Corporate Strategy and Directorate Business Plan/s**

**5.1** The travelling community is nomadic by nature and has the 'right to roam' protected by various pieces of legislation. The borough has always been popular with this community, who often travel to the area seeking work and then move on again as demand for their services is depleted. Perhaps only present for a short period, the impact however, be it perceived or actual, that travellers can have on the settled community, can be significant.

- 5.2** In recent years the Neighbourhood Quality team has established enforcement procedures that are efficient and effective. The team has developed the appropriate skills and qualities to ensure that a balance is struck between discharging our obligations in terms of identifying housing and welfare requirements, and the need to move the group from HBC land. From the initial report to the removal of an encampment it may take as little as three working days.
- 5.3** The processes have been finely tuned, partly due to the number of encampments that occur in the borough. Each case is reviewed, and lessons identified are then used to enhance the processes already in place. The presence of travellers, particularly during the summer months is frequent, resulting in 16 separate unauthorised encampments in 2019, this figure has increased steadily year on year.
- 5.4** It is evident from our experience that the council's procedures for removing encampments works well. Whilst the short-term outcome is positive, this does however, often result in the same group moving to another location within the borough and the process is repeated. Some groups can be moved on four to five times within one year. The processes are effective, yet there is a cost associated to each time these are executed. Taking an average cost of £1,250 per encampment, it is estimated that regaining possession of HBC land cost the council £20,000 in 2019. The average costs include 2 officers carrying out 3 site visits, court attendance and clean-up costs. Clearance of the site is undertaken by Norse, the actual costs associated with each site are not captured as this activity forms part of the JV contract.
- 5.5** These costs are built into the annual budget for the Neighbourhood Quality team, however, as the number increases this will impact on the ability of the team to be able to respond to other priorities. Given that this activity tends to be seasonal (summer months) it can result in 100% of the teams' resource focusing on this matter. This impacts on the teams' ability to be flexible and reactive as may be required.
- 5.6** During 2019, twelve sites across the borough were the target of, and ultimately temporary home to the travelling community. The sites are listed at Appendix A.
- 5.7** Some of these sites are illegally occupied on more than one occasion each year, and some, such as the Gun Site are located in sensitive areas, either close to, or are in, an area of SSSI. Sites located in sensitive areas, such as SSSI are treated the same as any other open space. Whilst there are no additional enforcement abilities for example, it is important to note that the council has a duty to protect them.

- 5.8** The sites which remain popular with the travelling community, in some cases, have the potential to be made more secure, which in turn may assist to deter travellers from gaining access, specifically to those sites which are of a sensitive nature.
- 5.9** Seven of the sites listed in Appendix A have been reviewed by the Estates team. The intention being to identify what access restrictions are currently in place, their level of effectiveness, and areas within these sites that may benefit from additional enhancements should limiting access to the sites be supported. The details of this exercise can be found at Appendix B.
- 5.10** Quotes have been obtained in relation to completing the suggested enhancements for two of these sites; Purbrook Heath and Hampshire Farm. The details of this exercise can be found at Appendix C.
- 5.11** In addition to both the current enforcement action HBC can take, and the consideration for further restrictions on HBC land to prevent access initially, it is also worthy to note the travelling communities' 'right to roam', as mentioned above. The enforcement processes in place are effective, however, the outcome is that this community still choose to travel to this area year on year. Should further enhancements be put in place to secure HBC land, if the intention is to gain access, then there is a level of certainty that this will still happen. The other consideration therefore should be to reflect on the needs of this community.
- 5.12** The Corporate Strategy promotes HBC as a 'sustainable council', one that will *'tackle demand early and shift our resources towards prevention.'* This approach could be met through the identification of a permanent transit site for the travelling community. A transit site may enable the fostering of mutual understanding between all sectors of our society. It creates an opportunity for security for the travelling community, providing a safe place they can reside temporarily, without the concerns of being moved on.

## **6.0 Options considered**

### **Control Access to HBC Land**

- 6.1** The current reactive process to manage the travelling community if occupying HBC's land is effective, and although the costs associated with this activity are within the existing budget for Neighbourhood Support, if the number of encampments continues to increase the team's resources will be detracted from other duties.
- 6.2** Given the associated costs of dealing with unauthorised encampments, it is therefore pertinent to consider installing restrictive access measures to HBC land as an option, however this does need to be balanced in the context of the obligations placed on councils through the Public Sector Equality Duty in relation to the travelling community. Evidence shows that there are in excess of a dozen sites frequented by

travellers across the borough, therefore, partial implementation of the recommended control measures, specifically addressing those sites considered more sensitive, could be a measured way forward. The capital value of the associated costs for these works, (Appendix C) however, is not within budget.

**6.3** The potential to use the Community Infrastructure Levy to fund additional control measures has been investigated. The Levy is to be used to provide new or upgrade existing infrastructure in order to accommodate an increasing population from development. The Council evidences this through an Infrastructure Delivery Plan (IDP) and studies, such as Transport Assessments, then prioritises spending in line with this evidence. As the Cabinet is aware, there is a great deal of infrastructure that is needed in order to support the Council's regeneration and development agenda and so it is essential that funding is not taken away from this.

**6.4** The project in question is not identified as needed to support an increasing population and so it would not be in line with our corporate approach to expend the Levy in this way. Such an approach would also leave the Council susceptible for requests from funding for other projects which are only loosely, if at all, involved in the upgrading of infrastructure.

**6.5** Based on the above, this option has been discounted for the purposes of this report.

**6.6** As an alternative to the potential fortification measures put forward in Appendix B, there may be opportunities to apply less invasive ways of limiting access to HBC land, through the use of berms or bunds. For example, excess soil which would ordinarily have had to be disposed of at a cost to the council, will be recycled to form bunds and ditches at specific access points on Hampshire Farm. Not only does this initiative have the potential to assist with restricting access, it also mitigates against the costs associated with disposing of the material. This work is due to be undertaken by Norse shortly, so its' success or otherwise is yet to be determined. This option does not incur a cost; however, it relies on the materials being available and having the resources in place to deliver.

### **Develop a Formal Transit Site**

**6.7** Another option that has been considered is to identify a transit site for the borough which would provide an alternative and suitable site to accommodate the travelling community when located temporarily in the borough.

**6.8** The Hampshire Gypsy and Traveller Accommodation Needs Assessment 2017 states that there are currently no public Transit Sites

in Hampshire, therefore it is reasonable for the Council to consider its' options in this regard.

**6.9** The process to deliver a formal transit site is a complex one. Examples of which include, identifying a suitable site, being of sufficient size, suitability, providing appropriate access, and consideration of planning constraints, to list a few. If privately owned, there will also be cost implications for the council in terms of land acquisition. If a site meets the necessary requirements and can be secured, community relations and expectations will need to be carefully managed as there is likely to be opposition to this type of development. Depending on the purchase price, the costs associated with building out the site are likely to exceed £1million, coupled with this, there will be ongoing management costs to run, manage and maintain the site including liaison with any groups during their occupancy.

**6.10** Other challenges to consider are that the site would most likely only ever be occupied by one group. Evidence shows that specific groups within the travelling community do not mix successfully. Should a site be developed for this purpose, it is also worthy to note that groups cannot be forced to move from an unauthorised location to a formal transit site if one exists, potentially rendering the site less economically viable, and possibly perceived to be a poor use of council resources by the public.

**6.11** There are examples of where other Local Authorities have delivered a transit site for travellers. Those that have succeeded, in the main have collaborated at upper tier LA level, often with the county taking the lead, or managing the site once delivered. Both capital and revenue costs are shared amongst a wider partnership.

**6.11a** *Case Study – West Sussex*

A transit site was set up at Westhampnett Depot in Chichester, in 2015. The site, which is managed by the county council, has been delivered on behalf of five districts in the county. Initial capital costs to develop and deliver the site were £1.25m and each of the five districts contribute £15k of revenue funding per annum towards the ongoing running costs of the site. There are nine pitches available.

Unauthorised encampments are still occurring across the county, however, since the transit site opened, the average length of stay has been reduced from ten days to two. This is due to the extended powers available to move the group on to the transit site more quickly rather than relying on more traditional methods. It is also due to the fact that other groups didn't want to relocate to the transit site and left the area altogether. Whilst the length of stay may have been significantly reduced, the consequences as a result of an unauthorised encampment remain the same in terms of impact, clean-up costs etc.

### **6.11b** *Case Study - Surrey County Council*

Surrey County Council has been working with 10 districts and Surrey Police for more than two years discussing the possible creation of a permanent transit site for travellers.

A planning application has yet to be submitted, so the number of potential pitches is currently unknown. SCC has allocated £127,000 of capital funding to contribute towards the development of the site and £7,500 p/a revenue funding towards the ongoing running of the site.

### **6.11c** *Case Study – Cheshire West & Chester*

CW&C made a failed attempt to deliver a transit site at Ellesmere Port in 2020 when planning permission was refused. Had this site have come forward, the estimated costs would have been £1.1m for 10 pitches and associated facilities. A transit site was previously developed in CW&C prior to this more recent example, this site is located in Halton. Since the Halton site was established, the borough has seen a 95% decrease in the number of unauthorised encampments in the area.

**6.12** There is evidence available to support the successful delivery of transit sites, as demonstrated by these case studies, however, significant obstacles need to be overcome before progress can be made. The challenges to deliver are many and complex and the number of schemes that become a reality is few. In 2011, the MHCLG recorded a count of all transit sites delivered across the country, there were less than 300 pitches available for the travelling community. Latest statistics (Jan 2020) show this has risen to just 354.

**6.13** In summary this option has been discounted for the following reasons:

- a)** land holdings within the borough that are currently not used for other means are likely to be scarce
- b)** the financial implications of developing a transit site are significant
- c)** the ongoing resource commitment that would be required to provide comprehensive management to the site.

**6.14** It is perhaps a timely reminder that HCC does have a Gypsy and Traveller liaison team, and therefore HBC needs to liaise with the County regarding travelling community issues as they have a direct responsibility for forging relationships with, and gaining an understanding of the needs of these groups. Engagement with this team may assist in determining the future need, for a transit site at a county level, that HBC could have access to.

**6.15** It is also worthy of note that the current Government guidance relating to the COVID 19 crisis states that the local authority's role, should it

encounter an incursion, is not one of enforcement, but to provide appropriate welfare support, which is likely to incur costs.

## 7.0 Resource Implications

### 7.1. Financial Implications

7.2 There is currently no budget identified within the present financial year to support works to install enhancements to further restrict access to HBC land. In addition, the capital costs of developing, and revenue costs associated with managing a transit site as a solution, are considerable. The recommendation therefore is to continue to use the current tools and processes available to effectively manage unauthorised encampments when they occur.

### 7.3 Costs associated with enforcement action:

Year	No. of Encampments	Total Costs
2021	8 (to date)	£10,000
2020	5*	
2019	16	£20,000
2018	6	£ 7,500
2017	5 (limited evidence available)	£ 6,250

\* Numbers are lower in 2020 as a result of the pandemic.

#### **Section 151 Officer comments**

Date: 15/07/21

As included in the report, it is assumed that costs are included within current budgets.

### 7.4 Human Resources Implications

None

### 7.5 Information Governance Implications

None

### 7.6 Links to Shaping Our Future Programme

#### **Shaping our Future Lead comments**

Date: 22/06/21

This policy decision would have no implications for the Shaping our Future Programme

### 7.7 Other Resource Implication

None

## **8.0 Legal Implications**

- 8.1** When the council carries out its' functions, the Equality Act (2010) states that it must have due regard to the need to:
- Eliminate unlawful discrimination
  - Advance equality of opportunity between people who share a protected characteristic and those who do not
  - Foster or encourage good relations between people who share a protected characteristic and those who do not.
- 8.2** The Housing and Planning Act (2016) also includes a duty for councils to assess the accommodation needs of Travellers, and those residing in caravans. National Planning Policy requires the council, through its' Local Plan to allocate sufficient land to meet the identified need for Traveller accommodation.
- 8.3** An equality impact assessment (EIA) has been undertaken in recognition that the Gypsies and Irish Travellers community is a protected group (race), as defined under the Protected Characteristics of the Equality Act 2010. (Appendix D)
- 8.4** Initial investigations discussed above in section six demonstrate that developing a transit site is not a viable option for HBC. Notwithstanding this, the council recognises its' obligations to the travelling community and that alternatives may need to be identified in the borough. It is not an option to simply assume that these groups can go elsewhere, outside of the borough's boundaries. It is within this context that one other option considered has been to introduce access control measures to some sites frequented, primarily in order to protect their environment and not to deter travellers. Whilst not promoting other sites as suitable alternative locations for unauthorised encampments, by not intentionally controlling access to all sites in the borough, this enables the council to discharge its' legal duty and obligations.

### **Monitoring Officer comments**

Date: 22/06/2021

Havant Borough Council has a responsibility to ensure that unauthorised encampments are managed in line with relevant legislation. This proposal will further ensure that these obligations are met.

## **9.0 Risks**

- 9.1.** The number of encampments that are present in the borough is increasing year on year. Coupled with this, the activity tends to be seasonal, the result being that this is a resource intensive exercise over a period of up to six months. Whilst the team has capacity, during

any peaks spare capacity is reduced significantly, which in turn has a negative impact on the team being able to respond to other priorities across the borough.

**10.0** Appendices:

Appendix A: Location of Unauthorised Encampments in Havant, 2019

Appendix B: Controlling Access; Potential Solutions for Key Sites

Appendix C: Quotes for Purbrook Heath & Hampshire Farm

Appendix D: Equality Impact Assessment

**11.0** Background Papers: None

Agreed and signed off by:

Portfolio Holder:	Cllr Tim Pike	15 <sup>th</sup> July 2021
Director:	Simon Jenkins	29 <sup>th</sup> June 2021
Monitoring Officer:	Mark Watkins	22 <sup>nd</sup> June 2021
S151 Officer:	Matthew Tiller	15 <sup>th</sup> July 2021

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