

CABINET – 19TH JANUARY 2012

Report of the Head of Neighbourhood Services Lead Member: Councillor David Snartt

Part A

ITEM 9 MEMBERSHIP OF THE MULTI AGENCY TRAVELLER UNIT (MATU)

Purpose of Report

To seek Cabinet approval to become members of the countywide Multi Agency Traveller Unit (MATU) Agreement and for the MATU Team (hosted by Leicestershire County Council) to act on behalf of this Authority to manage unauthorised encampments and other traveller related issues in line with the Code of Practice for travellers adopted by all Local Authorities in Leicestershire.

Recommendations

1. That approval is given for Charnwood Borough Council to become a member of the countywide MATU Agreement.
2. That approval is given for the MATU Team (hosted by Leicestershire County Council) to act on behalf of this Authority to manage unauthorised encampments and other traveller related issues in line with the Code of Practice for Travellers adopted by all Local Authorities in Leicestershire.
3. That the authority for discharging the following legal functions relating to unauthorised Traveller encampments including possession of land and eviction be delegated to the Executive of Leicestershire County Council:
 - To institute, defend or settle legal proceedings for possession and eviction of Travellers on behalf of the Council;
 - To take immediate legal action in respect of unauthorised Traveller encampments to enforce rights or obligations where it is considered to be in the interests of the area or the inhabitants of the area to do so;
 - To negotiate and settle potential possession claims relating to Traveller encampments without recourse to court proceedings.

Reasons

1. The Council does not have a designated and appropriately trained Traveller Liaison Officer. Joining the countywide MATU Agreement will allow the Council to provide for the provision of a service on traveller related matters, including dealing with unauthorised encampments.
2. To provide an appropriate and consistent response in relation to enforcement of unauthorised encampments.
3. To enable arrangements for taking legal action on the Council's behalf, requiring the delegation of functions, to be implemented in accordance with Section 19 of the Local Government Act 2000.

Policy Justification and Previous Decisions

To support the Council's Strategic Aim 'People Matter' to 'improve the wellbeing of residents, acknowledging their diverse needs'.

The Council is already signed up to the Code of Practice for Travellers which is an agreement between all the local authorities in Leicestershire and the Leicestershire Constabulary regarding the management of unauthorised encampments by travellers. This policy is in line with the requirements of the Department of the Environment Guidelines, Circular 18/94 and more recently the guidelines of DETR and the Home Office entitled "Managing Unauthorised Camping – a Good Practice Guide". Decisions, as to whether or not, to take immediate action, through the courts, to evict Travellers, are made having regard to its public duties under the Human Rights Act 1998 and the Equality Act 2010.

The Council is able to delegate Executive functions to another authority under the Local Government Act 2000 and associated regulations. This will enable the MATU to take legal action in respect of Travellers on the Council's behalf.

Implementation Timetable including Future Decisions and Scrutiny

The Council will become members of the MATU Agreement immediately following approval.

Report Implications

The following implications have been identified for this report.

Financial Implications

The cost to join the MATU Partnership Agreement for a full year is £12,624. There is already £2,100 in the budget to cover the required costs for 2011/12 and the budget required for 2012/13 has been included as a service pressure in the Draft 2012/13 General Fund Budget Proposals and is subject to approval.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Failure of MATU to deliver the service as per the MATU Agreement	1	3 Moderate	Ongoing monitoring and regular meetings with MATU

Equality and Diversity

Having a co-ordinated response and effective liaison with travellers will assist in meeting the Council's duties and responsibilities to all sections of the community.

Crime and Disorder

Enforcement and dealing effectively with any unauthorised traveller encampments will impact positively on communities.

Key Decision: No

Background Papers:

1. Countywide Code of Practice for Travellers
2. Leicester and Leicestershire Multi Agency Travellers Unit Agreement

Officers to contact: Julie Robinson, (01509) 634590,
julie.robinson@charnwood.gov.uk

Part B

Background

1. Unauthorised encampments by gypsies and travellers continue to create problems for the people of Leicestershire and are one of the main causes of public anxiety towards gypsies and travellers. Travellers will move around the country to find work, visit relatives and attend funerals as they have done for hundreds of years and this will inevitably result in the need to address unauthorised encampments.
2. Currently the procedure for dealing with unauthorised encampments is informed by the Code of Practice for Travellers in Leicestershire, Leicester City and Rutland. This is an agreement between the County Council, Leicester City Council, Rutland Council, Leicestershire Constabulary and all Leicestershire District Councils.
3. The itinerant nature of gypsy and traveller lifestyles, often moving between local authority boundaries and/or from site-based to roadside locations, means that they often encounter inconsistencies of approach between local authorities, other agencies and settled populations. Access to public services is often problematic and discrimination is still an everyday occurrence.
4. Prior to the Head of Service review that was implemented in April 2011, the Council previously had an appropriately qualified officer who undertook the role of gypsies and traveller liaison, although the MATU were still engaged to undertake the Education and Welfare Assessments that were required, with the Council's Legal Services Team undertaking any legal action that was required.
5. Since April 2011 the Council has not had a suitably qualified officer to undertake the gypsies and travellers liaison role and has been utilising the services of the MATU on an as and when basis when there has been an unauthorised encampment. The Legal Services Team have still been undertaking any necessary legal action. Between January and December 2011 there have been 9 unauthorised encampments in the borough. The cost to the authority during that period has been £5100, which only accounts for the costs of the Education and Welfare Assessments undertaken by MATU and does not include for any officer liaison time costs or associated legal costs.
6. It is now proposed that the Council joins the Leicester and Leicestershire Multi Agency Traveller Unit Agreement to ensure that the Council fulfils its duties to ensure an appropriate response to any unauthorised Traveller encampments on Council land. There are benefits to the Council in signing up to the agreement, the main one being that the Council can respond appropriately in a unified and consistent approach and will provide consistency of services to the traveller and settled communities. By signing up to the Agreement the MATU take responsibility for all aspects of Traveller liaison and unauthorised encampments, including the County Council undertaking any associated legal proceedings.
7. Authorising the County Council to undertake any legal proceedings will involve the County Council issuing and undertaking proceedings on behalf of the

Borough Council which would otherwise have been undertaken by the Borough Council. This will include the decision to issue legal proceedings for possession / eviction in the County / Magistrates Courts. The entire legal function relating to regaining possession of the land will be conducted under the agreement. In order to enable the County Council to undertake these functions it is necessary for the Borough Council to formally transfer these functions to the County Council. Section 19 of the Local Government Act 2000 and its regulations enable the Executive of a local authority to arrange for the functions which are the responsibility of the Executive of the local authority to be discharged by another local authority. It is therefore recommended that the functions identified in recommendation 3 are delegated to Leicestershire County Council.

The Multi Agency Traveller Unit

8. Providing a more effective means of managing unauthorised encampments is one of the principal reasons for the establishment of the Multi Agency Traveller Unit. The Unit try to encourage travellers to park in more appropriate locations and to minimize any nuisance caused to local settled communities. The Unit also helps to ensure a consistency of approach between travellers and relevant public services and acts as a single point of contact for advice and information on traveller related issues, as well as promoting long term solutions to some of the issues.
9. The broad aims of the Unit are to :
 - a. Deal speedily and effectively with unauthorised encampments and inappropriate behaviour;
 - b. Act as a single point of contact;
 - c. Make savings through economies of scale;
 - d. Improve services to the traveller and settled communities;
 - e. Reduce friction between the travellers and settled communities;
 - f. Build a common data base;
 - g. Act in a consistent manner – firm but fair across Leicestershire, Leicester and Rutland.
10. The Unit brings together specialist staff engaged in work associated with gypsies and travellers, alongside NHS staff, together with a dedicated officer from Leicestershire Constabulary.
11. The Unit is managed by Leicestershire County Council as the host authority. The MATU Partnership Agreement provides for the County Council to be authorised to instigate possession proceedings over County, District and Borough land, with the associated legal work being undertaken by the County Council's Legal Services Unit.
12. A meeting of stakeholders, comprising representatives of each of the participating local authorities, are held on a regular basis to help oversee the workings of the Unit. Regular meetings are also held with local authority link officers.

Leicester and Leicestershire Multi Agency Travellers Unit Agreement

13. The Leicester and Leicestershire Multi Agency Travellers Unit Agreement sets out the scope of services that the MATU will provide. It sets out the service standards and duties in relation to unauthorised encampments, the service standard and aims of the Traveller Education Service, the Travelling Families Health Service and the Leicestershire Constabulary Police Officer (Traveller Liaison and Enforcement).
14. The Agreement also sets out the termination arrangements which are that six months notice prior written notice should be given. It is proposed that the agreement is revisited on an annual basis in time to give the appropriate notice if required.