

NEIGHBOURHOOD SERVICES COMMITTEE AGENDA



Monday 28 September 2015

at 10.00 am

in Committee Room B, Civic Centre, Hartlepool

MEMBERS: NEIGHBOURHOOD SERVICES COMMITTEE

Councillors Ainslie, Barclay, Gibbon, Jackson, James, Loynes and Robinson

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To receive the Minutes and Decision Record of the meeting held on 7 September 2015 (*previously circulated*).
- 3.2 To receive the Minutes and Decision Records of the meetings of Emergency Planning Joint Committee held on 19th May 2015 and 9th September 2015 (*attached*)

4. BUDGET AND POLICY FRAMEWORK

- 4.1 Strategy for Using 2014/15 Outturn Resources Allocated by the Finance and Policy Committee – *Assistant Director (Neighbourhoods)*

5. KEY DECISIONS

No items.



6. OTHER ITEMS REQUIRING DECISION

6.1 Referral from Council (Council Motion from 26th February 2015) – *Director of Regeneration and Neighbourhoods*

6.2 Unauthorised Encampments Policy – *Assistant Director (Regeneration)*

7. ITEMS FOR INFORMATION

No items.

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Date of next meeting – Monday 26 October 2015 at 10.00 am in Committee Room B, Civic Centre



EMERGENCY PLANNING JOINT COMMITTEE

MINUTES AND DECISION RECORD

19th May 2015

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Marjorie James (Hartlepool Borough Council (In the Chair)

Councillors: Charles Rooney (Middlesbrough Borough Council)

Officers: Alastair Smith, Assistant Director (Neighbourhoods)
Stuart Marshall, Chief Emergency Planning Officer
Jon Hepworth, Group Accountant (Regeneration and
Neighbourhoods)
Rachael Campbell, Principal Emergency Planning Officer
Jo Stubbs, Democratic Services Officer

25. Apologies for Absence

Apologies were submitted by Councillor David Rose (Stockton Borough Council).

26. Adjournment of meeting

As the meeting was inquorate Members agreed to adjourn the meeting to a later date.

The meeting adjourned at 10.30 am

The meeting reconvened at 10.00am on Wednesday 17 June 2015 at the Emergency Planning Annex, Stockton Police Station, Stockton

Present:

Councillor: Marjorie James, Hartlepool Borough Council (In the Chair)

Councillors: David Rose, Stockton Borough Council

In accordance with Council Procedure Rule 4.2 Councillor Julia Rostron substituted for Councillor Charles Rooney, Middlesbrough Borough Council

Officers: Stuart Marshall, Chief Emergency Planning Officer
Rachael Campbell, Principal Emergency Planning Officer
Jonathan Hepworth, Group Accountant
Angela Armstrong, Principal Democratic Services Officer

27. Apologies for Absence

Apologies were received from Councillor Charles Rooney.

28. Declarations of interest by Members

None.

29. Minutes

Minutes of the meeting held on 3 February 2015 were received.

30. 2014/15 Revenue Outturn Report (Chief Finance Officer)

Purpose of report

To provide details of the revenue outturn for Cleveland Emergency Planning Joint Committee for the year 2014/15.

Issue(s) for consideration by the Committee

The Group Accountant provided background information and made reference to the Statement of Accounts, as detailed at Appendix A. A summary of the outturn position was provided as set out in the report. A favourable variance of £27,000 on the main Emergency Planning Unit (EPU) budget had been achieved as a result of the higher than anticipated income generation from training and COMAH fees in the last quarter. In line with the previous principle adopted by the Joint Committee, it was proposed that the underspend be transferred to the main general reserve and that £15,000 of this reserve be utilised to fund the relocation of the Emergency Planning Unit to Stockton.

An addendum to the report was tabled which corrected the reference to the Environment Agency Grant within the report to Local Levy Fund.

A discussion ensued on the level of reserves and the administrative and support costs of the Unit. The Chief Emergency Planning Officer indicated that there were currently two vacant posts held within the Unit and in view of continuing budget pressures, there was the potential of a staffing restructure. The Chief Emergency Planning Officer informed the Committee that the level of income generation was increasing and further work was being undertaken in this regard with other partners and local schools.

In response to a question from a Member, the Group Accountant confirmed that given the budget reductions being faced, the level of reserves to be retained by the Emergency Planning Unit was a prudent course of action.

Decision

Members approved the 2014/15 revenue outturn and that the principle adopted at the Joint Committee meeting of 4 February 2014 continued and the underspend be transferred to reserves with £15,000 to be utilised to fund the relocation of the Emergency Planning Unit to Stockton.

31. 2014/15 Annual Audit Return *(Chief Finance Officer)*

Purpose of report

To provide details of the Annual Audit Return to the Audit Commission for the Cleveland Emergency Planning Joint Committee for the year 2014/15.

Issue(s) for consideration by the Committee

The Group Accountant provided background information and made reference to the Audit Commission return, a copy of which was attached as an appendix to the report. The return included the Accounting Statements, Annual Governance Statement and Annual Internal Audit Report. A paper copy of the Audit Commission return was provided by the Group Accountant.

Decision

The 2014/15 Annual Audit Return was approved and signed by the Chair and Clerk to the meeting.

32. CEPU Action Plan 2014/15 and Proposed Action Plan/Priorities for 2015/16 (*Chief Emergency Planning Officer*)

Purpose of report

To provide Members with an update on the progress of the Cleveland Emergency Planning Unit and its achievement against the performance indicators identified in the 2014/15 Action Plan (appendix 1) and the proposed action plan/priorities for 2015/16.

Issue(s) for consideration by the Committee

The Chief Emergency Planning Officer reported that the majority actions contained within the Action Plan had been delivered in addition to a range of unscheduled work that had been undertaken. The core actions had been completed in a number of authorities including reviewing and testing of major incident plans and the testing of emergency transport and accommodation in a joint exercise between Stockton and Middlesbrough Councils. There were some areas of work to be carried forward into 2015/16 and these were detailed in the report.

The 2015/16 core action plan would ensure that the key/statutory elements of emergency planning were covered and would be further developed based on a number of key themes which were listed in the report.

A discussion ensued on Operation Sandpiper which had recently been undertaken and the feedback which would be utilised to inform the plans to deal with incidents across Teesside.

The Principal Emergency Planning Officer informed the Committee that a lot of work had been previously been undertaken with local care homes in relation to supporting them in their business continuity planning and would confirm with Members direct the links to the Care Quality Commission's inspection regime undertaken in care homes.

The Chief Emergency Planning Officer indicated that Members of the Committee will be invited to participate in future exercises where it was considered it would be of interest or added value to Members. The Chair added that there may be the potential for a funding contribution from individual Members' Local Authority Member training budgets to support this training as this would form part of the wider training and personal development programme for all Members. The Chief Emergency Planning Officer indicated he would explore some ideas for further training for Members and contact the Chair and Assistant Director, Neighbourhood Services direct.

The Chair referred to the regional and local levy funding received for community resilience and how this could be utilised most effectively. It was

suggested that this particular issue be discussed in more detail at a future meeting of the Committee.

Clarification was sought on the level of support provided to people in rural areas, in particular to farmers. The Chief Emergency Planning Officer indicated that farmers had not been specifically targeted but that he would liaise with the Environment Agency to ascertain if there was any additional support/training that could be offered from the EPU to farmers in rural areas in the Tees Valley area.

Decision

- (1) The report was noted.
- (2) That clarification be provided to Members direct on the links between the emergency planning support, particularly in relation to business continuity, provided to local care homes and the Care Quality Commission's inspection regime.
- (3) That where practicable and of added value to Members, Members be invited to participate in emergency planning exercises.
- (4) That the potential for funding contributions from the Local Authorities Member Training budgets to be provided to support emergency planning training for Members be explored.
- (5) That the issue around community resilience funding, on a regional and local level, be discussed in more detail at a future meeting of the Committee.
- (6) That the provision of support and training to people living in rural areas, in particular those involved in farming, be explored further through liaison with the Environment Agency.

33. Move of Cleveland Emergency Planning Unit (*Chief Emergency Planning Officer*)

Purpose of report

To provide Members with an overview of the new accommodation at Stockton Police Annex and the impact of the move on the Unit's financial strategy.

Issue(s) for consideration by the Committee

The report provided the background to the recent relocation of the Emergency Planning Unit. The costs associated with the relocation were detailed in the report and totalled £15,000. As agreed earlier in the meeting, the cost of the relocation would be funded through the Emergency Planning Unit reserves. It was noted that the relocation had initially provided a saving in ICT provision and had prompted a review of the ICT infrastructure which had resulted in additional savings.

The impact of the financial strategy was detailed in the report and included the additional benefit of reduced officer time required to spend on partner recharges, administration relating to the building and liaison with landlords. The Chief Emergency Planning Officer informed Members that there had been some interest from partner organisations in utilising some of the office space within the Unit and Members would be kept up to date on how this developed in the future.

Decision

The report was noted.

34. Cleveland Incident Recovery Plan (*Principal Emergency Planning Officer*)

Purpose of report

To provide Members with the assurance that the Cleveland Incident Recovery Plan had been reviewed.

Issue(s) for consideration by the Committee

The report provided the background to the comprehensive review undertaken of the Cleveland Incident Recovery Plan and included a number of key messages which were identified as a result of the review. It was highlighted that an awareness session would be provided to outline the key processes within the Plan. In addition, the Plan will be tested as part of a table top exercise by the end of 2015 and will include Member involvement. It was noted that a testing matrix would be developed outlining the key elements of the Plan which will allow continual improvement of the plan and provide assurance to duty holders and assist in the identification of future training needs.

A discussion ensued in the participation and involvement of Members in the Cleveland Local Resilience Forum. It was suggested by the Chair that there needed to be democratic involvement and oversight of the operation and decision making of the Forum in view of the accountability of Elected Members for the expenditure of local authority budgets. The Chief Emergency Planning Officer indicated that a meeting with the Chair and relevant Officers to discuss this further would be arranged.

Decision

- 1) The information provided along with the role of Elected Members in the Plan was noted.

- 2) The Committee continued to support the training and exercising opportunities offered by the Cleveland LRF/Emergency Planning Unit.
- 3) That a meeting be arranged with the Chair of the Committee and relevant Officers to discuss the democratic accountability and Member involvement in the operation and decision making of the Cleveland Local Resilience Forum.

35. Reported Incidents and Warnings Received (*Chief Emergency Planning Officer*)

Purpose of report

To provide an update on the incidents reported and warning communications received and dealt with by the Cleveland Emergency Planning Unit (CEPU). The report covered the period between 26 December 2014 and 7 May 2015.

Issue(s) for consideration by the Committee

The report provided the background to the collation of incidents and it was noted that between 26 December 2014 and 7 May 2015 there had been 38 warnings received from various agencies of which 21 were received out of hours. Further detail was provided of incidents in the following categories:

- National Severe Weather Warning Service;
- Environment Agency Flood Warnings;
- Industrial Communications System;
- Pollution Reports;
- Incidents of Note.

The Chair suggested that Members of the Committee should be emailed when significant incidents occurred as local communication did not always reach Members and it would be useful if they were made aware of any significant incidents at the time they actually happened.

Decision

- 1) The report was noted.
- 2) That the Chief Emergency Planning Officer ensure that information on significant incidents was emailed to Members of the Committee.

36. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

37. Any Other Business – Future Meetings

It was suggested that future meetings be held at 1.00 pm to assist Members' attendance and that the meeting currently scheduled for 1 July 2015 be cancelled due to lack of business. In addition, the Chair requested pre-agenda meetings be scheduled for the Chair and be held at Hartlepool Civic Centre.

38. Any Other Business – Councillor David Rose

As this was Councillor David Rose's last meeting as a Member of the Committee due to Emergency Planning no longer being within the remit of his portfolio, the Chair thanked him for his contribution and hard work as a Member of the Committee for what was a significant amount of time.

The meeting concluded at 11.20 am

P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 22 June 2015

**EMERGENCY PLANNING
JOINT COMMITTEE
MINUTES AND DECISION RECORD**

9th September 2015

The meeting commenced at 1.00pm at the Emergency Planning Annex,
Stockton Police Station, Bishop Street, Stockton-on-Tees

Present:

Councillor: Marjorie James (Hartlepool Borough Council) (In the Chair)

In accordance with Council Procedure Rule 4.2 Councillor Julia Rostron substituted for Councillor Charles Rooney, Middlesbrough Borough Council

Officers: Stuart Marshall, Chief Emergency Planning Officer
Rachael Campbell, Principal Emergency Planning Officer
Jonathan Hepworth, Group Accountant
Jo Stubbs, Democratic Services Officer

39. Meeting inquorate

Members noted that the meeting was inquorate however it was decided to proceed

40. Apologies for Absence

Apologies were submitted by Councillors Charles Rooney (Middlesbrough Borough Council) and Mike Smith (Stockton Borough Council)

41. Declarations of interest by Members

None

42. Minutes of the meetings held on 19th May and 17th June 2015

Received

43. CEPU Action Plan 2015/16 (*Chief Emergency Planning Officer*)

Purpose of report

To provide members with an update on the progress of the Cleveland Emergency Planning Unit against the 2015/16 action plan

Issue(s) for consideration by the Committee

The Chief Emergency Planning Officer provided an overview of progress made against the Cleveland Emergency Planning Unit Action Plan set in May 2015. He was confident that all actions would be delivered. Details were also given of key themes which were being progressed alongside the action plan.

Recommendation

That the report be noted

44. Local Resilience Forum Accountability (*Chief Emergency Planning Officer*)

Purpose of report

To provide an overview of the accountability of the Cleveland Local Resilience Forum (LRF)

Issue(s) for consideration by the Committee

The purpose of the LRF is to support the delivery of statutory duties placed upon Category 1 responders under the Civil Contingencies Act 2004. Funding is based upon contributions from public money via a number of contributing agencies including local authorities, emergency services, NHS England and PD Ports. £40,500 is received each year, £20,000 of which comes from local authority contributions. The finances are held by Hartlepool Borough Council under a budget code of the CEPU. The accounts are audited and an annual report provided to LRF members outlining income and expenditure. Decisions on expenditure (typically involving training and exercise costs, travel costs and provision of services to support responders) are split between the Chief Officer Group, Chair and LRF Manager with smaller amounts being approved solely by the LRF Manager. The CEPU recharge a management fee and administrative fee to cover the support provided by its officers. The annual LRF action plan is reported to the Committee for information and annual public report produced by the LRF.

The Chief Emergency Planning Officer advised members that he had communicated with the LRF chair prior to the meeting and that she had been receptive to the recommendations contained within the report namely that the committee receive reports regarding the activities of the LRF, that financial mechanisms be developed and that constituent LRF agencies consider their own internal reporting lines to ensure appropriate democratic oversight of the LRF function. In terms of the financial mechanisms the Chief Emergency Planning Officer was keen to develop these and would include a scheme of delegation and thresholds of expenditure in the the LRF handbook.

Following discussion at the pre-meeting the Chief Emergency Planning Officer also suggested that elected member training might be beneficial. The Chair of the LRF was keen to support this and had offered the use of facilities at Police Headquarters Ladgate Lane to facilitate this. The Chair asked that this training be opened up to include all elected members from the four authorities and members of the Cleveland Fire Authority.

Recommendation

That the Emergency Planning Joint Committee receive reports as deemed appropriate by the Chair and LRF manager regarding the activities of the LRF

That the LRF Manager develops the LRF financial mechanisms for inclusion in the LRF handbook

That a recommendation is made at the strategic LRF meeting that constituent LRF agencies consider their own internal reporting lines to ensure appropriate democratic oversight of the LRF function and seek assistance from the LRF Manager where required.

45. Discussion – Community Resilience *(Principal Emergency Planning Officer)*

Purpose of report

To stimulate debate on the role and future of community resilience within Cleveland with the intention of drawing key issues into a local strategic framework.

Issue(s) for consideration by the Committee

Community resilience is about communities using local resources and knowledge to help themselves during an emergency in a way that complements the local emergency services. Recent examples include the Duke of Cornwall's Award, Crucial Crew and the Learn and Live road safety campaign. Ultimately it was hoped that a strategy would be developed for

the longer term sustainable implementation of Community Resilience

The Chair suggested that the optimum time to target organisations to become involved in Community Resilience, both financially and practically, was following an incident or potential incident as this would be the time when they would be aware of what could happen and the benefits of joining with other organisations. She identified that she saw the Resilience officers as having the access to open discussions on longer term solutions between the authorities, business and the communities in the immediate post incident phase. The community as a whole would also need to be involved for the strategy to be successful. An example of defibrillator machines in the community was discussed highlighting the benefits of such approaches both at an individual level and the application in the event of a major incident. The Chief Emergency Planning Officer was fully in favour of such community resilience initiatives which potentially reduce the impact on services during a major incident.

The Chair advised that an additional £20,000 had been allocated to the existing flood focused community resilience project over the next 15 months but that this was not a huge amount of money and other contributions would be needed. She requested that a report be submitted to a future meeting of the committee focusing on future community resilience and funding plans.

Recommendation

That the report be noted

46. Reported Incidents and Warnings Received *(Chief Emergency Planning Officer)*

Purpose of report

To inform members of the incidents reported and warning communications received and dealt with by the CEPU between 7th May and 8th August 2015.

Issue(s) for consideration by the Committee

Between 7th May and 8th August 2015 the Cleveland Emergency Planning Unit received 2 weather warnings, 1 heatwave warning and 1 flood alert. No flood warnings were issued. 12 notification blue alerts were issued but no red alerts. Details of 2 incidents of note were appended to the report.

Recommendation

That the report be noted

47. Quarter 1 Revenue Financial Monitoring Report 2015/2016 (Chief Finance Officer)

Purpose of report

To provide details of progress against the Committee's overall revenue budget for 2015/2016

Issue(s) for consideration by the Committee

The Group Accountant outlined the performance and progress of the Emergency Planning Unit (EPU) against the approved 2015/16 revenue budget. There was a forecast favourable variance of £26,000 on the main Emergency Planning budget mainly due to savings from an internal staffing restructure. It was proposed that this favourable variance be transferred to reserves to support future service delivery. A further unfavourable variance of £16,000 was identified in the main budget due to the accommodation move. Reserves had been released for this purpose. A favourable variance of £2,000 was expected on the Enterprise budget due to income generation activity while £20,000 would be taken from the current reserves for the Training and Enterprise Budget.

Following the Government's 2015 Spending Review officers were modelling the impact of the announcement of the annual 1% pay increase for 4 years and the phased implementation of a National Living Wage given that staffing costs account for approximately 65% of running costs. Further details on a range of scenarios of funding over the next 5 years would be provided in the next quarters report.

It was noted that as the meeting was inquorate the recommendations would be deferred to a future meeting

Recommendation

That the report be noted and any approvals for transfers to and from reserves dealt with at outturn.

The meeting concluded at 1:45pm.

P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 16th September 2015

NEIGHBOURHOOD SERVICES COMMITTEE

28th September 2015



Report of: ASSISTANT DIRECTOR (NEIGHBOURHOODS)

Subject: STRATEGY FOR USING 2014/15 OUTTURN
RESOURCES ALLOCATED BY THE FINANCE AND
POLICY COMMITTEE

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Budget and Policy Framework Decision.

2. PURPOSE OF THE REPORT

2.1 The purposes of the report are to:-

- i) Enable Members to determine a strategy for using the 2014/15 outturn resources allocated by the Finance and Policy Committee; and
- ii) To enable these proposals to be referred to full Council as a departure from the approved Budget and Policy Framework.

3. BACKGROUND

3.1 Details of the final uncommitted 2014/15 revenue outturn were reported to the Finance and Policy Committee on 29th June 2015. The report advised Members that the uncommitted 2014/15 outturn is £596,000. The Finance and Policy Committee determined to allocate £400,000 of the uncommitted outturn towards cash backing the Jacksons Landing interest free loan, which will provide cash backing of 80%. The Finance and Policy Committee also noted that the Jackson's Landing interest free loan repayment has been extended to October 2017. The combination of the loan extension and 80% cash backing provides the necessary timeframe to secure a development of this site.

- 3.2 After reflecting the above commitment the net uncommitted outturn is £196,000 and the Finance and Policy Committee also resolved
- That the whole of the £196,000 be allocated to the Neighbourhood Services Division to be utilised to support Members priorities relating to environmental improvements, additional Enforcement Officers, the utilisation of Neighbourhood Development Officers to support HVDA and voluntary groups in the town and further consideration of the loan to the Hartlepool Credit Union (Moneywise Community Banking) being converted into a grant.
- 3.3 Hartlepool Credit Union are exploring a merger with South Yorkshire Credit Union which would put them on a sounder financial footing and remove the requirement for the Council to convert the loan into a grant. HVDA negotiations regarding Council support have concluded.
- 3.4 As the issues detailed in the previous paragraphs are departures from the approved Budget and Policy these proposals will need to be referred to Council after consideration by this Committee. In normal circumstances such proposals would normally be referred to Council via the Finance and Policy Committee. However, in this instance the Finance and Policy Committee has already provided the broad policy direction, as detailed in paragraph 3.1. Therefore, in this instance once the proposals are approved by this Committee they can be referred directly to Council.

4. PROPOSAL FOR USING THE £196,000 UNCOMMITTED 2014/15 OUTTURN

- 4.1 The proposal for use of the £196,000 uncommitted 2014/15 outturn includes the following:

Environmental Enforcement Officers – *(proposed allocation £96k).*

Environmental crime within the context of neighbourhoods affects the quality of life of local communities, with national research highlighting that people judge the level of anti-social behaviour in an area by obvious physical signs such as poor presentation of public spaces i.e. the presence of litter, graffiti or criminal damage.

Members have expressed a desire to extend the good practice evidenced in Neighbourhood Action Days through the provision of additional resources to enhance Neighbourhood Action Days, and day to day operational activity in tackling environmental crime.

The proposal therefore aims to increase current capacity within the Community Safety and Engagement Section to deal specifically with environmental crime, and to assist more broadly in promoting healthy, safe, and clean neighbourhoods.

The monies identified will be used to employ two additional Enforcement Officers over a two year period. The Officers will complement current plans

to create an integrated enforcement team involving the merger of the Councils current Car Parking Enforcement Team and the Environmental Enforcement Team, and the introduction of generic enforcement roles.

This will increase current staffing levels across the two teams from nine to eleven Officers and provide a broader skill base, enabling a more reactive response to both environmental and traffic management issues and the removal of some duplication in relation to patrol visits.

Environmental Enforcement core operating hours are 9-5 Monday to Friday, Members requested at the Finance and Policy meeting of the 23 February 2015 these hours should be extended. This additional funding will therefore allow the new integrated team to work 8 – 6 Mon – Sat, and when necessary target areas hotspot areas until 8 pm, providing flexibility within the service which can be reactive to neighbourhood needs.

Present Resource Allocation	Proposed	Allocation - £k	Outturn
9 FTE	11 (2 year contract x 2 FTE)	£96,000	This will increase current staffing levels across the two teams for nine to eleven Officers and provide a broader skill base, enabling a more reactive response to both environmental and traffic management issues and the removal of some duplication in relation to patrol visits.

4.2 Environmental Enhancement Projects

- 4.2.1 Poor presentation of public spaces is highlighted nationally as a significant factor in reduced quality of life for local communities. It is believed that significant positive social impact can result from the allocation of even small amounts of targeted additional funding to environmental schemes that benefit the town.

Other proposals for the use of the £196,000 uncommitted 2014/15 outturn

- 4.2.2 **Grass Edging** (*proposed allocation £32.5K*). While some trimming of grass edges to footpaths is carried out under Street maintenance programmes, the sheer volume across the town means there are limits to what current resources and budgetary constraints will allow. Priority is therefore given to areas where failing to carry out such works would present a risk to members of the public, or the extended growth is likely to cause damage to pavements.

Notwithstanding the need to alleviate these risks, the trimming of grass edging also has significant aesthetic values and would provide an immediate visual improvement to the amenity of an area. The programme would be driven by common intelligence arising from sources like, inspections, neighbourhood audit exercises, elected Members and the public.

4.2.3 **Pavement/Verge Improvements** (*proposed allocation £27.5K*). Cracked or broken paving stones can not only present a trip hazard in certain situations, but they also contribute to bringing down the visual amenity of an area. This mirrors visual amenity issues that may exist on some grass verges where on-street parking is tight resulting in damage to verges. The programme would be driven by common intelligence arising from sources like, inspections, neighbourhood audit exercises, elected Members and the public.

4.2.4 **Litter/dog bins: repair, repainting, replacement** –(*proposed allocation £20K*) Litter bins are located across the town at strategic locations and education and enforcement campaigns continue in order to encourage their use. Litter bins are of course essential in areas such as shopping precincts and the council has in the past used its powers to encourage fast food outlets to provide bins at these locations.

Whilst there are sufficient litter bins across the town new style litter bins are gradually replacing the older type. The new bins, or cabinets, have greater capacity and contain 240 litre wheeled bins, which makes servicing easier and quicker and these also address manual handling concerns. The new style cabinet bins also have a provision to received discarded cigarettes.

The modern-day dog foul bin is composed of a robust plastic material, which, notwithstanding vandalism, is extremely hard-wearing and weather resistant; however, many of the earlier ones installed in Hartlepool were made from metal composition. These particular bins are in a poor state of repair in some areas.

Where essential replacement bins are required, this is becoming increasingly difficult to achieve due to current budgetary constraints.

4.2.5 **Benches**, (*proposed allocation £10K*). Successive years of budgetary constraints/priorities have meant that street furniture in some parts of the town is now life expired. Bench replacements are primarily achieved by generous donations from individual members of the public looking to place memorials. However the large portfolio of assets accumulated over many decades means in some areas deterioration is outstripping replacement

The Street Furniture programme would be driven by common intelligence arising from sources like, inspections, neighbourhood audit exercises, elected Members and the public.

4.2.6 **Shrubbery Removal**, (*proposed allocation £10k*) Some parts of the town have established planting schemes, which over time have lost their aesthetic appeal. The unsightliness of these areas is made worse by windblown litter that becomes trapped amongst the shrubberies.

Removal in some case would eliminate this problem and would also save on future maintenance requirements. Aerial greenery could be maintained by retaining any trees that were included in the original planting scheme. The

programme would be driven by common intelligence arising from sources like, inspections, neighbourhood audit exercises, elected Members and the public.

PROPOSED SPEND SUMMARY	£
Environmental Enforcement Officers	96,000
Grass Edging	32,500
Pavement/verge Improvements	27,500
Litter and dog bins	20,000
Benches	10,000
Shrubbery removal	10,000
TOTAL	196,000

5. RISK IMPLICATIONS

- 5.1 That the additional enforcement officers do not generate sufficient revenue/income to sustain the service in the future, as outlined in Section 4.

6. FINANCIAL CONSIDERATIONS

- 6.1 The proposals outlined in the report will be funded using the reported one-off funding of £196,000. This will include the cost of employing two temporary enforcement officers with a generic role on a fixed term basis.
- 6.2 Given successive years of budget reductions the proposed environmental enhancements will address the limitations of current budgets in contributing to a well maintained good quality environment for the residents of Hartlepool.

7. LEGAL CONSIDERATIONS

- 7.1 There are no legal considerations attached to this report other than ensuring that all enforcement staff are appropriately trained in the discharge of powers under existing legislation.

8. CHILD AND FAMILY POVERTY

- 8.1 There are no child and family poverty implications attached to this report

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 There are no equality and diversity considerations attached to this report

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 10.1 The increase in Environmental Enforcement Officers to tackle environmental crime together with the proposed environmental enhancements will assist in promoting safer, cleaner, sustainable neighbourhoods and the discharge of the Councils Section 17 obligations under the Crime and Disorder Act 1998.

11. STAFF CONSIDERATIONS

- 11.1 The merger of the Car Parking and Environmental Enforcement Officer role will result in a change to the terms and conditions of employment of existing staff within both the Car Parking and Environmental Enforcement Service.
- 11.2 New job descriptions have been drawn up and are currently being job evaluated. Whilst staff and trade unions are aware of the proposed merger of roles, before this proposal is progressed, staff and trade unions will need to be formally consulted.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 The environmental enhancement proposals will contribute to the maintenance of existing Council assets within the public realm.

13. RECOMMENDATIONS

- 13.1 It is recommended that Members
- i) Approve/consider the proposals detailed in section 4 for using the £196,000 referred from Finance and Policy Committee;
 - ii) Note that the proposals approved by this Committee will be referred to Council for approval as a departure from the Budget and Policy Framework.

14. REASONS FOR RECOMMENDATIONS

- 14.1 To enable the Committee to determine proposals to be referred to Council

15. BACKGROUND PAPERS

- 15.1 Environmental Crime Campaign – report and minutes Neighbourhood Services Committee - 11 November 2013
- 15.2 Environmental Crime Campaign Progress Update – report and minutes Neighbourhood Services Committee - 15 January 2015

- 15.3 Community Safety Plan 2014- 17 (Year 2) – report and minutes Finance and Policy Committee 23 February 2015.
- 15.4 Safer Hartlepool Partnership Communication Strategy – report and minutes Safer Hartlepool Partnership 10 July 2015
- 15.5 Medium Term Financial Strategy 2016/17 to 2018/19 report to Finance and Policy Committee on 29th June 2015
- 15.6 Home Office – ‘The Drivers of Perceptions of Anti-Social Behaviour’

16. CONTACT OFFICER

- 16.1 Alastair Smith
Assistant Director (Neighbourhoods)
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523802

E-mail: Alastair.smith@hartlepool.gov.uk

NEIGHBOURHOOD SERVICES COMMITTEE

28th September 2015



Report of: DIRECTOR OF REGENERATION AND
NEIGHBOURHOODS

Subject: REFERRAL FROM COUNCIL (COUNCIL MOTION
FROM 26TH FEBRUARY 2015

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non Key Decision.

2. PURPOSE OF REPORT

2.1 To follow up on the motion to Council on 26th February 2015.

3. BACKGROUND

3.1 a. The motion passed at Council on 26th February 2015 was as follows :

“That either staff car parking charges be abolished or car parking charges be introduced for Elected Members”

b. The motion above was passed after the consideration of the question (and response) shown below.

Can the Chair of Neighbourhood Services Committee briefly explain the extent to which HBC charges staff to park at work?”

3.2 The Chair of Neighbourhood Services Committee advised that historically staff parking spaces had been issued from a waiting list and prioritised to designated “essential car users” however changes to the Single Status Agreement had removed all essential, casual and non-casual drivers and as a consequence any allocation had been made entirely from a waiting list only. A review of the allocation of car parking had been undertaken and from 1st April 2014 the criteria, recognising the operational need of post holders, the requirement to transport essential equipment, and/or a frequency and dependency to undertake regular visits associated with their work had been introduced.

3.3 It was highlighted that staff parking bays were linked to the annual salary of the officer, where a monthly deduction was made dependant on the individual's band/grading, although in the case of the Civic Centre underground car park a further supplementary charge was also applicable at a rate of £10/month. The Chair advised of the current charges as follows:-

Band 1-9 pay £8.50 per month
Band 10-11 pay £9.50 per month
Band 12-15 pay £14.00 per month
Band 15 plus pay £19.50 per month

3.4 Following the response to the question, a Member advised that he was uncomfortable charging staff for car parking and referred to criticism which had been expressed by some Members to representatives of the Hospital Trust in relation to car parking charges the Trust made to staff.

3.5 It was agreed at the meeting that it would be appropriate to refer the issue to the appropriate Policy Committee for consideration.

3.6 There are a number of potential considerations arising from such a motion (both direct and indirect) in respect of this matter.

4. COUNCIL STAFF CAR PARKING SCHEME

4.1 The current Council staff car parking scheme provides over 300 car parking bays in a number of car parks close to Council buildings This generates an income to the Council of £80K per annum.

4.2 Due to these high levels of demand, officers with staff parking bays are required to be permanent employees of the Council, and as outlined in the background to this report must be able to demonstrate an operational need for a parking space.

5. ELECTED MEMBER CAR PARKING BAYS

5.1 Car parking bays are currently located in the Civic Centre underground car park with access to the car park being restricted by key fob controls. There are approximately 150 spaces of which 11 bays are available for use by Members.

5.2 The current arrangement for Members represents a compromise between retaining as many bays as possible for staff where there is a clear demand for spaces, and facilitating the needs of Members through the ad hoc use of 11 parking spaces which is convenient for their attendance duties.

5.3 Should Council decide to introduce an Elected Member parking scheme, we would have to allocate sufficient spaces for all Members, potentially 33 bays. This would be detrimental when the resource base of the Council has been reducing.

5.4 Should a charge be introduced, it would also be difficult to calculate a comparative charge to that of Officers. The Officer charge rate is based upon the salary band level of the individual Officer and has been calculated on an assumed full time working attendance of 5 days over 46 weeks. Any members charge would likely have to be set at a daily rate. On this basis it is difficult to ascertain how it would be charged and / or collected without a significant administrative burden likely to be beyond the value of that which is collected.

6. RISK IMPLICATIONS

6.1 There are no risk implications attached to this report.

7. FINANCIAL CONSIDERATIONS

7.1 The financial considerations of the existing parking schemes are set out under section 3.3 of this report.

8. LEGAL CONSIDERATIONS

8.1 Staff / members parking arrangements are not subject to a Traffic Regulation Order, therefore there are no legal implications to consider.

9. CHILD AND FAMILY POVERTY

9.1 There are no child and family poverty implications attached to this report.

10. EQUALITY AND DIVERSITY CONSIDERATIONS

10.1 There are no equality and diversity considerations attached to this report.

11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

11.1 There are no Section 17 considerations attached to this report.

12. STAFF CONSIDERATIONS

- 12.1 Any staff considerations have been covered within sections 3 and 4 of this report

13. ASSET MANAGEMENT CONSIDERATIONS

- 13.1 There are no asset management considerations attached to this report.

14. CONCLUSION

- 14.1 The Staff Car Parking Scheme and associated payment regime is justified on the basis that there is a current cost to running the scheme including issuing of permits, visits by car parking enforcement officers, and security and maintenance which is provided at a relatively low cost in comparison to other car parking managed schemes.
- 14.2 The introduction of payments for Elected Members would be difficult to administer. Replicating the existing Officer payment scheme is not a best fit alternative for Members, and as a result of the recovery of any daily parking charge would not be either the most appropriate or viable option.
- 14.3 Most Members appear only to require convenient parking availability for attendance at meetings and short stay visits. The existing 11 shared parking bays therefore best serves the needs of the majority of Members.

15. RECOMMENDATIONS

- 15.1 Given the costs associated with administering and maintaining the staff car parking scheme it is recommended that staff charges are retained at their current levels.
- 15.2 Given the administrative burdens related to introducing Elected Member payments for car parking spaces, and the fact that the current scheme appears to be working well, it is recommended that no charges are introduced for Members bays within the Civic Centre Car Park.

16. REASONS FOR RECOMMENDATIONS

- 16.1 a) A comparison of the officer parking charges are not feasible.
- b) Currently there are 11 parking bays for use by 33 Members.

17. BACKGROUND PAPERS

17.1 There are no background papers.

18. CONTACT OFFICER

Denise Ogden
Director (Regeneration and Neighbourhoods)
Civic Centre
(01429 523003)
Denise.ogden@hartlepool.gov.uk

NEIGHBOURHOOD SERVICES COMMITTEE

28th September 2015



Report of: Assistant Director (Regeneration)

Subject: UNAUTHORISED ENCAMPMENTS POLICY

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-key.

2. PURPOSE OF REPORT

2.1 The purpose of the report is to update the unauthorised encampments policy and operational framework which was last updated in 2004. The policy deals with the unauthorised occupation (including by travellers) of any land forming part of the highway, land owned by the Council or any private land occupied without the consent of the owner. The report takes into consideration the updated guidance¹ issued by the department for Communities and Local Government in March 2015 and the new power to seize vehicles which are suspected of having been involved in an offence relating to the illegal deposit of waste.

3. BACKGROUND

3.1 The current unauthorised encampments policy was adopted in 2004 and was based on a common approach across the Tees Valley authorities.

3.2 'Traveller' is a generic term defining diverse cultural and ethnic communities who have a similar, essentially mobile way of life. Most Traveller families have strong family and social networks (whether in housing or in caravans), live within close-knit communities, and often travel as such.

3.3 Permanent and transit site provision for travellers and gypsies varies across the Tees Valley and whilst some do have sites, all have adopted policies of toleration towards unauthorised encampments, i.e. those that are

¹ Dealing with illegal and unauthorised encampments – A summary of available powers. March 2015 Department for Communities and Local Government

established without appropriate planning permission, whether or not they are there with the consent of the landowner.

- 3.4 The Gypsy and Traveller Accommodation Assessment completed on behalf of the Council by Renaissance Research in December 2014 concluded that ‘the provision of a dedicated gypsy and traveller site in the Borough of Hartlepool, whether permanent or stop over, may not offer the best solution to meeting the small theoretical housing need established through this accommodation assessment.’

‘The various factors discussed in this study may well mean that no actual demand to live on a site is ever forthcoming. Therefore, the recommendation is that the Council commits to proactively support and positively intervene with any member of the Gypsy and Traveller Community needing re-housing, to explore their housing options, and does not seek to provide a dedicated site for gypsies and travellers in its development plan.’

- 3.5 Historically low numbers of unauthorised encampments have been established in Hartlepool with an average of 4 encampments per year over the past four years. However, April 2015 saw an unprecedented influx of travellers into the town. Initially, there were reports of 25 caravans/ motor homes which occupied car parks adjacent to the Lanyard. Officers liaised with the owner of the land and within two days the encampment relocated to Council owned playing fields known as Central Park on West View Road.

The Council received a high volume of complaints and enquiries from local residents concerned about the encampment size and location and the behaviour of some individuals.

- 3.6 During the course of the stay, officers from Housing Services, Community Safety and Engagement team and PCSOs monitored the site and liaised with the travelling community regarding length of stay. In accordance with the existing policy, legal action was considered in order to remove the encampment from the land, i.e. “The Council considers that the types of land listed below are unsuitable for occupation by encampments. Subject to the consideration of emergency health needs, formal action will be commenced to remove an encampment on such land....

- A park, public space in regular use, public playing fields, sports grounds and recreational grounds”

- 3.7 Had legal action been taken to secure the removal of this unauthorised encampment, it would have been the first time such action was taken in over ten years.
- 3.8 Housing Services currently act as the lead team in response to complaints about unauthorised encampments and liaise with relevant internal partners, external agencies and landowners (where this is not Hartlepool Borough Council).

- 3.9 There are a number of powers available to councils, the police and landowners to deal with illegal and unauthorised encampments and it is clear that whilst local authorities are expected to take a lead role in dealing with such, they are expected to work with other agencies such as the police and Highways Agency depending on the most appropriate power to use. Depending on the manner in which the land is occupied there may be issues around the deposit of waste on the land and whilst there are powers to deal with these issues, the responsibility tends to fall to the landowner. The available powers are summarised in **Appendix 1**.
- 3.10 In considering the action to be taken, the guidance issued by the Department for Communities and Local Government in March 2015 suggests that public bodies need to consider:
- a) the harm that such developments can cause to local amenities and the local environment;
 - b) the potential interference with the peaceful enjoyment of neighbouring property;
 - c) the need to maintain public order and safety and protect health, e.g. by deterring fly-tipping and criminal damage;
 - d) any harm to good community relations; and
 - e) that the state may enforce laws to control the use of an individual's property where that is in accordance with the general public interest.
- 3.11 In drafting the policy, consideration has been given to the provisions of the following legislation -
- **The Human Rights Act 1988** which requires (amongst other things) public authorities to determine whether the interference with traveller family life by taking enforcement action and eviction is justified and proportionate; and
 - **The Equality Act 2010**, which places a general duty on public authorities to eliminate unlawful discrimination, advance equal opportunities and foster relationships between people who share protected characteristics and people who do not share them, Advancing equal opportunities includes meeting needs of people who have protected characteristics.

4. PROPOSALS

- 4.1 It is proposed that the Council adopts the policy as attached in **Appendix 2** and continues with a policy of tolerance where encampments do not fall into any of the sections set out in sections A or B of the policy and that consideration is given to the matters set out in section C before making a decision to secure the removal of an encampment. It is important to deal with each encampment on an individual basis. Formal action will not always be necessary where acceptable departure dates can be agreed.
- 4.2 It is proposed that the lead role for enforcement of the policy is transferred from Housing Services to the Community Safety and Engagement team. The Community Safety and Engagement team will coordinate any action and

depending upon the most appropriate powers to use, will liaise with other teams and organisations and, where the land occupied is in the ownership of the Council, with Estates and Regeneration and Legal Services

- 4.3 It is proposed that consideration be given to exercising the power to seize vehicles in encampments, where the vehicle is suspected of being involved in the commission of an offence relating to the illegal deposit of waste or other waste offences. The use of this power will be considered generally where such offences are committed and not just with respect to unauthorised encampments.
- 4.4 It is proposed that internal procedures are developed and effective liaison developed between all relevant partners and agencies to ensure that unauthorised encampments are dealt with effectively having regard to the policy and taking into consideration the needs of the travellers.

5. RISK IMPLICATIONS

- 5.1 There are no risk implications attached to this report.

6. FINANCIAL CONSIDERATIONS

- 6.1 Whilst there may be costs associated with clearing up or making good council owned land following an unlawful encampment, it is not expected that amendments to the policy and procedures will result in any additional costs to the authority.
- 6.2 If legal action is approved in accordance with the policy to remove an illegal or unauthorised encampment, there will be costs associated with this legal action which could include Court and Bailiff fees. The fee to commence an action for possession in the County Court is currently £280. Additional court fees would be payable if it was necessary to obtain a warrant for possession once a court order is granted.
- 6.3 It is not possible to predict when it may be necessary to pursue legal action to regain possession of council owned land or estimate the costs that may be involved due to the variable nature of encampments and the action necessary to secure removal.

7. LEGAL CONSIDERATIONS

- 7.1 The proposed amendments have taken into account existing legislation, and guidance with regards to dealing with illegal and unauthorised encampments.

8. CHILD / FAMILY POVERTY IMPACT CONSIDERATIONS

- 8.1 The unauthorised encampments policy takes into consideration the needs of families in particular the welfare and education of children and factors affecting child development and this will be incorporated in the development of procedures.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 The Council is committed to delivering services to people who need them without discriminating against any client or service user. It aims to treat all clients with courtesy and respect regardless of their gender, race, age, disability, religion, belief or sexual orientation.

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 10.1 Hartlepool Borough Council recognises that Community Safety affects all our lives, people, communities and organisations. People need to feel safe and this means developing stronger, confident and more cohesive communities. Community Safety includes reducing crime and disorder and tackling anti-social behaviour, offending and re-offending, domestic abuse, drug and alcohol abuse, promoting fire safety, road safety and public protection. This policy contributes towards this by ensuring that a responsive service is provided to prevent issues arising in relation to unauthorised encampments, and where issues do arise, they are dealt with appropriately and effectively.

11. STAFF CONSIDERATIONS

- 11.1 The transfer of the Unauthorised Encampments Policy to the Community Safety and Engagement Team and its implementation will complement current plans to create an integrated enforcement team involving the merger of the Council's current Car Parking Enforcement Team and the environmental Enforcement Team, and the introduction of generic enforcement roles.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 There are no asset management considerations attached to this report.

13. RECOMMENDATIONS

- 13.1 It is recommended that the Council adopts the policy as attached in **Appendix 2** and continues with a policy of tolerance where encampments do not fall into any of the sections set out in sections A or B of the policy and that consideration is the matters set out in section C before making a decision to secure the removal of an encampment.

- 13.2 It is recommended that the lead role for enforcement of the policy is transferred from Housing Services to the Community Safety and Engagement team. It is recommended that the Community Safety and Engagement team coordinates any action and depending upon the most appropriate powers to use, liaises with other teams and organisations and, where the land occupied is in the ownership of the Council, with Estates and Regeneration and Legal Services.
- 13.3 It is recommended that consideration be given to exercising the power to seize vehicles both in encampments and in general , where the vehicle is suspected of being involved in the commission of an offence relating to the illegal deposit of waste or other waste offences. The use of this power needs to be considered generally where such offences are committed and would not be used in isolation with respect to travellers.
- 13.4 It is recommended that internal procedures are developed and effective liaison developed between all relevant partners and agencies to ensure that unauthorised encampments are dealt with effectively having regard to, and taking into consideration, the needs of the travellers and others affected by the policy.

14. REASONS FOR RECOMMENDATIONS

- 14.1 The existing Unauthorised Encampments policy was out of date and required updating.
- 14.2 As duties and responsibilities have changed since the previous policy was adopted it is considered that the responsibility for the enforcement of the policy fits more appropriately within the remit of Community Safety and Engagement.

15. BACKGROUND PAPERS

- 15.1 Dealing with Illegal and Unauthorised Encampments – A Summary of Available Powers. March 2015. Department for Communities and Local Government.

16. CONTACT OFFICER

Damien Wilson
Assistant Director (Regeneration)
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

Philip Hepburn
Parking Services Manager
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523258
E-mail: philip.hepburn@hartlepool.gov.uk

Joanne Burnley
Principal Environmental Health Officer (Housing)
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523324
E-mail: joanne.burnley@hartlepool.gov.uk

APPENDIX 1

Summary of Powers Available to Councils, the Police and Landowners to deal with Illegal and Unauthorised Encampments

Power	When the power can be applied
Section 171E Town & Country Planning Act 1990 – Temporary Stop Notice	When an activity breaches planning control can stop it for period of 28 days, which allows the local planning authority time to decide whether further enforcement activity should be taken.
Injunctions to protect land	If a local site is particularly vulnerable and intelligence suggests it is going to be targeted for unauthorised camping, resulting in disruption, local authorities could apply to the courts for a pre-emptive injunction preventing unauthorised camping in a defined geographical area.
Licensing of caravan sites – The Caravan and Control of Development Act 1960	Prohibits the use of land as a caravan site unless the occupier holds a site licence issued by the local authority. This includes anywhere where a caravan is situated and used for human habitation but does not include sites where caravans are stored, such as driveways, or where a caravan is used as additional accommodation for an existing dwelling.
Tent site licence – Section 269 Public Health Act 1936	Power to local authority to control the use of moveable dwellings and to license the use of land as a site for such as a dwelling. If the land is to be used for more than 28 days in a calendar year, planning permission must be obtained. A site used for more than 42 consecutive days or 60 days in a 12 month period must have a site licence.
Possession Orders – Part 55 Civil Procedure Rules	A possession order can be obtained by local authorities and private landowners who require the removal of trespassers from property, including land. The claim must be issued in a County Court which has jurisdiction over the affected land/property. A claim can be issued in the High Court in exceptional circumstances where there is a risk of disturbance and harm to persons or property that requires immediate determination.
Interim Possession Order – Section III Civil Procedures Rules Part 55	If trespassers have occupied premises (rather than open land), a local authority or private landowner could also consider applying for an interim possession order, which is an accelerated process for regaining possession of property.
Local Byelaws – Section 235 Local Government Act	Enables the local authority to make byelaws for the good rule and governance of the whole or any part of the borough and for the suppression and prevention of nuisances.

1972	
Power of local authority to direct unauthorised campers to leave land – Section 77 Criminal Justice and Public Order Act 1994	Gives local authorities power to give a direction to leave land where people are residing in vehicles (including caravans) on land. The power applies to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the occupier. If the direction is not complied with, the local authority can apply to a magistrate's court for an order requiring the removal of vehicles and any occupants. The local authority would then be responsible for eviction.
Addressing obstructions to the public highway – Highways Act 1980	If tents are erected on the public highway, so as to cause a nuisance/obstruction, the highway authority may serve a notice requiring their removal. The highway authority can apply for a removal and disposal order if there is a failure to comply.
Planning contravention notice – Section 171C Town and Country Planning Act 1990	May be used where it appears that there may have been a breach of planning control and the local authority require information about the activities on the land or to find out more about the recipient's interest in the land. This could be used to encourage constructive dialogue to negate the need for formal action.
Enforcement notice and retrospective planning – Section 172 Town and Country Planning Act 1990	The power to issue an enforcement notice requiring steps to be taken to remedy a breach of planning control. The steps can include demolition and restoration of a site. If an enforcement notice has been issued, the local authority may decline to determine a retrospective planning application for development that would grant planning permission.
Stop Notice – Section 183 Town and Country Planning Act 1990	Has the effect of quickly stopping any activity which contravenes planning control guidelines and where there are special reasons which justify doing this, for example to prevent environmental damage. This notice can only be served with or after an enforcement notice relating to the same activity.
Breach of condition notice – Section 187A Town and Country Planning Act 1990	Enables a breach of condition notice to be served where there is a failure to comply with any condition or limitation imposed on grant of planning permission.
Police powers	
Power of the police to direct unauthorised campers to leave	Should trespassers refuse to adhere to a request to leave land, the police have powers to direct trespassers to leave and remove any property or vehicles they have with them. The power applies when a senior police officer reasonably

<p>land – Section 61-62 Criminal Justice and Public Order Act 1994</p>	<p>believes that two or more people are trespassing on land with the purpose of residing there, the occupier (e.g. landowner) has taken reasonable steps to ask them to leave and any of the following –</p> <p>a) that any of the trespassers have caused damage to land or property;</p> <p>b) that any of the trespassers have used threatening, abusive or insulting words or behaviour towards the occupier, a member of the occupier’s family or agent of the occupier; or</p> <p>c) that the trespassers have between them six or more vehicles on the land.</p>
<p>Police powers to direct trespassers to an alternative site – Sections 62 A-E Criminal Justice and Public Order Act 1994</p>	<p>Police have powers to direct both trespassers and travellers to leave land and remove any vehicle and property from the land where there is a suitable pitch available on a caravan site elsewhere in the local authority area/</p>

Powers to Deal with Cleaning up Sites

Power	When the power can be applied
<p>Fly-tipping – Section 33 Environmental Protection Act 1990</p>	<p>Where waste is deposited illegally on land that does not benefit from an appropriate environmental permit the person responsible may be prosecuted.</p>
<p>Removal of Waste from land – Section 59 Environmental Protection Act 1990</p>	<p>Local Authorities are obliged to remove fly-tipped waste from public land but on private land this is the responsibility of the landowner. The landowner should be advised by the local authority on how to dispose of the waste. If the landowner has knowingly permitted the deposit of waste they can be required to remove the waste. Failure to do so can result in the local authority (or Environment Agency) to enter the land, remove the waste and recover costs.</p>
<p>Power to remove anything abandoned without lawful authority – Section 6 Refuse Disposal (Amenity) Act 1978</p>	<p>Gives a power to the local authority to remove “any thing in their area, other than a motor vehicle, [which] is abandoned without lawful authority on any land in the open air or on any other land forming a highway”, provided that they give 15 days’ notice and may then recover the cost of removal from the person who deposited this.</p>
<p>Harm to public health – Sections 79-81 Environmental</p>	<p>Local authorities have duties and powers to control “statutory nuisances” and this includes dealing with any premises and land that are in such a state as to be prejudicial to health or a nuisance. Something can be prejudicial to health if it is</p>

Protection Act 1990	'injurious to health or likely to cause injury to health'. A nuisance is an interference with personal comfort. If a statutory nuisance is identified, the local authority has a duty to serve an abatement notice. This may be served either on the owner, occupier or the person responsible. This power is useful to tackle issues that arise from illegal occupation, such as noise, smells and accumulations but cannot be used to remove occupants from a site.
Clearing of land – Section 215 Town and Country Planning Act 1990	Works can be required to make good the loss of public amenity. If it appears that the amenity of an area is being adversely affected by the condition of neighbouring land and buildings these powers allow local authorities to serve a notice on the owner requiring the situation be remedied.
Power to deal with accumulations of rubbish in the open air – Section 34 Public Health Act 1961	This gives local authorities powers to deal with accumulations of rubbish in the open air. This must be considered seriously detrimental to the amenity of the neighbourhood. This could include anything including rubble and waste paper but not any rubbish accumulated in the course of a business. The local authority must give 28 days' notice to the owner and occupier that it will be removing the rubbish. Whilst this power could be used to deal with rubbish following illegal occupation, it must be carefully considered whether this has accumulated as a result of carrying on a business.
Power to seize a vehicle – the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015	From 6 April 2015 where a vehicle is suspected of being involved in the commission of an offence relating to the illegal deposit of waste or other waste offences, a local authority (or the Environment Agency) may instantly seize a vehicle and its contents in accordance with the provisions of the Control of Pollution (Amendment) Act 1989 or the Environmental Protection Act 1990. This can be used where a vehicle has been involved in the commission of an offence but there is insufficient information regarding who committed the offence.

APPENDIX 2

Hartlepool Borough Council

Unauthorised Encampments

Statement of Policy

Who this policy applies to

Any person (or persons) who establishes an unauthorised encampment in the Borough of Hartlepool.

An ‘unauthorised encampment’ is the occupation by caravans, motor homes or other moveable structures of any land forming part of the highway, land owned by the Council, or any unoccupied land without the consent of the owner.

The Council recognises that many unauthorised encampments may involve Gypsies or Travellers. The Council is aware of its obligations under the Human Rights Act 1998 and the Equality Act 2010

Purpose

1. This document is intended to provide a framework for making decisions on how the Council will deal with unauthorised encampments.
2. The objective is to try and avoid a blanket approach in dealing with encampments, but to take action for removal in certain circumstances based on the location of the site, numbers of vehicles/people and how the site is being occupied. The Council will consider equality implications and the actions taken will be proportionate to all of the circumstances, balancing the interests between the rights of those in the encampment and the rights of landowners and those lawfully entitled to use the land and the local community

Responsibility for Action

3. Responsibility for making and implementing any decision in respect of unauthorised encampments rests with the Director of Regeneration and Neighbourhoods. Community Safety and Engagement team officers will coordinate action within the Council and respond to complaints and enquiries from the public.
4. For encampments on private land where an owner has not given consent, Community Safety and Engagement team officers will liaise directly with the landowner to provide help and assistance if requested.

A. Areas considered to be unsuitable where action will normally be taken to remove an unauthorised encampment

The Council considers that the types of land listed below are unsuitable for occupation by encampments. Subject to the consideration of emergency health needs, formal action will be commenced to remove an encampment on such land:

- A public car park, including parking facilities at schools, leisure facilities, supermarkets, commercial car parks, retail sites and industrial sites;
- A park, public space in regular use, public playing fields, sports grounds and recreational grounds;
- An industrial or retail estate;
- Land advertised for sale or which is integral to regeneration schemes;
- A site of specific scientific interest;
- Land where there is a known risk of contaminating watercourses or groundwater;
- Contaminated land;
- Land in close proximity to hazards;
- Any open space in a residential area;
- The verge of a busy road where there is judged to be a health and safety problem;
- A public highway or designated highway land; or
- A location where there is, or is likely to be significant risk of harm to the health and safety of the caravan occupiers.

B. Conditions which will normally result in action to require the removal of an encampment

Subject to matters contained in part C, formal procedures to remove an encampment will be commenced where one or more of the following conditions applies:

- An unacceptable road safety hazard exists or is likely to occur. Vehicles should be parked safely and in accordance with the law;
- An unacceptable health or safety hazard exists is likely to occur;
- An intolerable nuisance to the general public exists, or is likely to occur;

- An intolerable nuisance to the general public exists, or is likely to occur, by reason of its location, nature or duration. This will include inadequate toilet facilities, provision for the disposal of human waste, accumulations of rubbish/commercial waste and the burning of rubbish which gives off toxic fumes or causes any nuisance to neighbours or passersby;
- An intolerable impact on the enjoyment, use or habitation of adjoining or nearby property exists, or is likely to occur. This might include excessive noise from barking dogs or generators;
- Occupation interferes with the effective management or use of the land for its normal purpose;
- Unacceptable damage is, or is likely, to be caused to property or land. This will include damage to fences, gates, trees and hedges;
- The encampment is too large for the location. Caravan groups should be kept small and should not exceed six vans;
- Land cannot be used for its specific use, including open space and parking;
- Unacceptable intimidatory or anti-social behaviour. This will include criminal activity, violence or abusive language to other people and keeping all animals under control; or
- The length of stay is detrimental to the public interest.

C. Further matters which may be considered prior to making a decision to secure the removal of an unauthorised encampment

In coming to a decision on the length of the stay to be agreed or the timing for the removal of the encampment from the land, consideration may be given to:

- Requests for housing services;
- Health needs, e.g. the need for hospital treatment;
- Pregnancy and neo-natal care;
- The welfare and education of children and factors affecting child development;
- The needs of older and disabled people;
- The availability of accommodation on caravan sites in the Tees Valley;

- Obligations on the Council under legislation including highways, crime and disorder, the countryside, town & country planning, environmental protection and public health;
- Complaints from nearby occupiers and the extent to which they are judged to be reasonable and justified;
- The financial costs incurred by the Council and any affected land owners in the short and long term and people having a legal right to occupy the land; and
- Human rights and discrimination legislation