



Leicester  
City Council

**WARDS AFFECTED  
ALL WARDS**

**CABINET**

**30 MARCH 2009**

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**ESTABLISHMENT OF A MULTI-AGENCY TRAVELLERS UNIT**

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**Report of the Service Director, Environmental Services**

**1. PURPOSE OF REPORT**

To seek the approval of Cabinet for the establishment of a Multi-Agency Travellers Unit to work throughout Leicester, Leicestershire and Rutland.

**2. SUMMARY**

The establishment of a Multi-Agency Travellers Unit will help to provide a unified and more effective approach towards the management of unauthorised encampments across Leicestershire, Leicester & Rutland and will help to provide improved and more consistent services to the Traveller and settled communities.

**3. RECOMMENDATIONS**

It is recommended that Cabinet:

1. Approves the establishment of a Multi-Agency Travellers Unit, to be hosted by Leicestershire County Council to act on behalf of the City Council, Leicestershire County Council, Rutland County Council, and participating District Councils in Leicestershire, together with the Leicestershire Constabulary and the City and County PCTs (NHS Leicester City and NHS Leicestershire County and Rutland), to manage unauthorised encampments and other Traveller related issues, in line with the Code of Practice for Travellers adopted by the local authorities concerned, and to authorise the Corporate Director of Regeneration & Culture in consultation with the Cabinet Lead Member for the Environment & Sustainability to undertake all actions necessary to give effect to this decision;
2. Approves the budgetary arrangements set out in this report;
3. Agrees to the transfer under the provisions of the Transfer of Undertakings (Protection of Employment ) Regulations (TUPE) of two members of staff to Leicestershire County Council as host authority; and
4. Approves, pursuant to the Local Government Acts 1972 and 2000, the delegation of functions to Leicestershire County Council in relation to unauthorised encampments within the area of City Council.

## **4. REPORT**

### **Background**

- 4.1 Unauthorised encampments by Gypsies and Travellers can create problems for the people of the city and are one of the main causes of public anxiety towards Gypsies and Travellers. It is recognised that there is a shortage of sites and this shortage contributes to the increased level of unauthorised encampments. Continued public opposition is one of the main reasons that new sites are not developed. Even with adequate site provision 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 effectively manage unauthorised encampments.
- 4.2 Currently the procedure for dealing with unauthorised encampments is informed by the county-wide Code of Practice for Travellers in Leicestershire, Leicester City and Rutland. This is an agreement between Leicester City Council, Leicestershire County Council, Rutland County Council, Leicestershire Constabulary and all Leicestershire District Councils.
- 4.3 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.

### **The Multi-Agency Traveller Unit**

- 4.4. Providing a more effective means of managing unauthorised encampments is one of the principal reasons for establishing a Multi Agency Traveller Unit. It is anticipated that as consequence of the work of the Unit, Travellers can be encouraged to park in more appropriate locations and to minimise any nuisance caused to local settled communities. By adhering to the standards promoted by the Unit, Travellers are more likely to be tolerated by the settled community and allowed to stay longer than they would otherwise. The Unit will also help to ensure a consistency of approach between Travellers and relevant public services and will act as a single point of contact for advice and information on Traveller related issues, as well as promoting long term solutions to some of these issues.
- 4.5 The broad aims of the Unit will therefore be to:
- Act as a single point of contact;
  - Make savings through economies of scale;
  - Improve services to the Traveller and settled communities;
  - Reduce friction between the Travellers and settled communities;
  - Build a common data base; and
  - Act in a consistent manner – firm but fair across Leicestershire, Rutland and Leicester
- 4.6 The proposed Multi-Agency Unit would centralise services and act as a “one stop shop” for all Traveller related issues including complaints, media enquiries, access to services, advice and training. The Unit will also help to address some of the broader issues with regard to Gypsies and Travellers, in order to improve community cohesion.

- 4.7 The Unit will bring together specialist staff currently engaged in work associated with Gypsy & Travellers, namely 2 (1.5fte) employees from the County Council and 2 (1.5fte) employees from the City Council, with the latter transferring in due course to the County Council (as host authority) under TUPE. They will work alongside the three specialist staff from the Primary Care Trust, together with a dedicated officer from the Leicestershire Constabulary.
- 4.8 Excluding the costs associated with the PCT and Police posts, the total cost of the new unit is estimated to be approximately £200,000 per annum. The existing budgeted costs of the City and County Council officer posts account for a major proportion of these costs, with the only significant new costs being those associated with the Unit's office base and administrative support, details of which have yet to be finalised. It is envisaged that the final local authority-related operating costs of the Unit will ultimately be met jointly by all participating local authorities.
- 4.9 As from 1st July 2009, the Unit will be managed and executive functions carried out by Leicestershire County Council as the Host Authority. A Compact Agreement would provide 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 staff in the County Council's Legal Services Unit. It would also set out how the power (once delegated) to exercise the City Council's functions under s.77 and 78 of the Criminal Justice and Public Order Act 1994 would operate.
- 4.10 A meeting of stakeholders, comprising representatives of each of the participating local authorities will be held on a regular basis and act as a general sounding board to help oversee the workings of the Unit. Regular meetings will also be held with Local Authority Link Officers.
- 4.11 These proposals have been the subject of detailed discussions involving officers of all local authorities, the Police and the PCT and these will continue as further detailed arrangements are clarified and put in place. All authorities are supportive of the principle of establishing the new Unit and the County Council, Leicester City Council, Melton Borough Council, North West Leicestershire District Council and Oadby & Wigston Borough Council have committed to providing funding for the unit as set out above. The other local authorities have not been able to provide such a budgetary commitment at the present stage, but are willing to support the Unit in all other ways in 2009/10 and may engage the services of the Unit on a paid consultancy basis where necessary. Some have indicated that they will monitor the situation and the work of the Unit in 2009/10, with a view to giving consideration to making a budgetary commitment in 2010/11.

#### **Implementation Timetable**

- 4.12 All parties are full supportive of the proposal to establish a new Multi Agency Travellers Unit (MATU) as from 1st April 2009. However, there are operational, management, legal and financial issues that need to be addressed over the coming months. It is therefore proposed that implementation takes place over a number of phases:
- 4.13 Phase 1: As from 1st April 2009, the relevant staff from the City and County Councils, the Police and the PCT will be co-located and work collaboratively in dealing with Traveller issues throughout the area. Working arrangements during this phase will be broadly in accordance with existing arrangements, though the Unit will be working on a

“single point of contact” basis. Detailed working arrangements, service level agreements and the details of any required delegation of powers and formal transfer of City Council staff will be clarified and agreed during this phase.

- 4.14 Phase 2: As from 1st July 2009, it is envisaged that the Unit will be fully operational as a single entity, with staff transfers completed and with all necessary formal agreements and delegation of powers in place. From this date the Unit will be operating in accordance with the Compact Agreement in place between participating authorities.
- 4.15 Phase 3: This phase relates to the on-going work of the Unit from 2010/11 onwards, and provides an opportunity to review the work of the Unit in its first year of operation. Interim financial arrangements have been made to enable the Unit to be operational from 1st April 2009, but more sustainable arrangements will need to be established for 2010/11 onwards. The scope of work of the Unit, e.g. in relation to site management and education matters can also be reviewed in the period leading up to this phase.
- 4.16 As from 1st July 2009, the Unit will be underpinned by a Compact Agreement entered into by the parties involved. The Compact Agreement which is an ongoing agreement with the option for parties to withdraw on 12 months notice, defines the basis upon which the parties will work together. It will provide for any additional and/or extraordinary costs not anticipated in the Unit’s budget to be spread among the parties in the proportions set out therein.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications**

Discussions have taken, and continue to take, place with the other councils concerned with a view to reaching agreement on the division of the costs of a proposed Multi-Agency Team. The costs are likely to be in the order of £200,000, with the City Council’s contribution likely to be approximately £65,000, which is roughly equivalent to the cost (with on-costs, etc.) of the two posts that will transfer to the new Unit. Hence, this can be funded from within existing budgets.

However the direct costs of dealing with unauthorised encampments, particularly the legal and clean-up costs, which are borne by land-owning Departments within the Council have been estimated to be up to £80,000 per annum. Hence, the more effective management of encampments and any reduction in their incidence in the city should deliver significant savings across many service areas. Additionally, the not insignificant cost of protecting and maintaining land (e.g. mounding, which often adversely affects the appearance of parks, open spaces and verges) may also be reduced in the long term if the incidence or risk of problematic encampments within the city can be reduced.

*Martin Judson, Head of Finance, Regeneration & Culture - 27/02/09*

### **5.2 Legal Implications**

Employment – Phase 1 as stipulated at 4.13 will require 2 City Council employee’s terms and conditions of employment to be varied to enable the co-location arrangements. Such a variation should be with the employee’s concerned agreement and therefore consultation with them is required.

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply to recommendation 3. Those staff permanently assigned to the function which will be delegated to the County Council, immediately before the transfer date will transfer to the employment of Leicestershire County Council on the 1 July 2009. At present 2 employees have been identified as being subject to automatic transfer.

The City Council must ensure that it carries out its informing and consultation obligations with affected employees. This not only includes employees subject to transfer but whose colleagues' jobs will be affected. Recognised Trade Unions must be informed of specific information and consulted if the Council envisages taking any action, for example a reorganisation. Upon receipt of proposed measures the County Council envisages taking, the City Council are advised to consult with the Trade Unions.

Legal advice will be required leading up to the transfer date on an ongoing basis to ensure the Regulations are complied with. There are risks associated with the transfer of employees but these can be minimised by following legal advice.

*Kate James, Solicitor – 27/02/09*

## 6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the Report
Equal Opportunities	Yes	4.3, 4.5
Policy	Yes	Inherent to report.
Sustainable and Environmental	Yes	These proposals should help to reduce the local environmental impact of encampments.
Crime and Disorder	Yes	The incorporation of a dedicated Police Officer within the Unit will help to address any C&D issues associated with encampments
Human Rights Act	No	Human rights will continue to be a fundamental consideration in the eviction/toleration decision making process
Elderly/People on Low Income	No	

## 7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Countywide Code of Practice for Travellers

## 8. CONSULTATIONS

As detailed in this report, these proposals have been the subject of consultation with a wide range of local authority and other partner agencies.

## 9. REPORT AUTHOR

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<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet)