

# POLICY REVIEW AND DEVELOPMENT PANEL

## 8 AUGUST 2011

*Present :-* Councillor Nigel Offen (Chairman)  
Councillors Nigel Chapman, Mark Cory,  
Margaret Fairley-Crowe, Marcus Harrington,  
Lesley Scott-Boutell and Julie Young

### 6. Minutes

The minutes of the meetings of the Panel held on 28 February, 18 May and 20 June 2011 were confirmed as a correct record.

### 7. Update on Introduction of 20 mph Speed Limits in Colchester

The Panel considered a report by the Head of Strategic Policy and Regeneration concerning the Department of Transport's Strategic Framework for Road Safety and the potential introduction of 20 mph speed limits in Colchester.

Paul Wilkinson, Transportation Policy Manager, attended the meeting to assist members in their discussions. Mr Wilkinson explained that since the Panel had last considered the issue of 20mph speed limits in September 2010, a number of policy documents have been released.

Essex County Council had published its third Local Transport Plan in April 2011 and had contained key wording in the chapter on Improving Safety:

*"The Council will work closely with the Essex district councils, Essex police and local communities to improve people's perceptions of safety when travelling by foot or by bike. The types of measure will include:*

- *considering the introduction of 20mph speed limits in residential areas, where there is strong community support and where large numbers of pedestrians and cyclists can be expected"*

In addition, the Government released in May 2011 a Strategic Framework for Road Safety which included "more local and community decision making from decentralisation and providing local information to citizens to enable them to challenge priorities as one of the key themes. This was followed in June with Norman Baker, the Regional and Local Transport Minister making a statement on measures to reduce time consuming and costly bureaucracy for councils wanting to use 20mph schemes.

Essex County Council's position had been set out in a response to a letter sent from the Leader of Colchester Borough Council to Essex County Council's portfolio holder for Highways and Transportation:

- The Speed Management Strategy set out the criteria for introduction of 20mph in

Essex and was in accordance with Department of Transport guidelines;

- 20mph was being introduced as part of a capital improvement scheme in a central area of Chelmsford, and was currently under construction. Review and monitoring would take place after the scheme was completed;
- The results from other towns were being reviewed but the introduction of 20mph across wide areas in the following 12/24 months was not expected;
- Acknowledgement that Colchester was very interested in 20mph but would need to understand the benefits and have greater clarity on funding.

The County Council was introducing 20mph limits in new developments, in some isolated locations outside schools in rural locations and in small residential areas (including Wivenhoe). The Council would also be reviewing its Road Safety Strategy against the Government's new strategic framework.

Portsmouth City Council had been the first local authority to introduce 20mph limits on a city wide basis in residential areas. The Interim Evaluation Report on the scheme was attached to the report and included information on knowledge transfer, obstacles to implementation, the lessons learnt and transferability potential. Significantly, in certain areas of the city, where the speeds had remained high, Portsmouth City Council was considering the introduction of physical measures.

The Panel gave particular consideration to the following issues:-

The need for comprehensive cost benefit analysis to be undertaken to demonstrate the value of speed reduction in terms of the cost of accidents to society as a whole, quality of life as well as road safety statistics themselves;

- The types of physical measures considered to be suitable for speed reduction schemes, such as speed tables and speed cushions;
- The timescales involved in implementing road traffic orders, consultation exercises and the obtaining of Department for Transport consents;
- The overwhelming benefits of such schemes, if only in relation to the reduction in accidents involving children;
- The need to undertake further dialogue with Essex County Council's current Portfolio Holder for Highways and Transportation, Councillor Tracey Chapman, in order to ascertain her views on the issue;
- The clear evidence available from attendance at Neighbourhood Action Panels of the weight of opposition to higher speeds locally;
- The need for this initiative to include the rural areas of the Borough as well as residential areas closer to the town centre and the potential to offer a rural location as a pilot for Essex County Council to consider.

*RESOLVED* that a letter be sent by the Chairman, Councillor Nigel Offen, on behalf of the Policy Review and Development Panel to Essex County Councillor Tracey Chapman, Portfolio Holder for Highways and Transportation setting out the Panel's commitment to the introduction of 20 mph speed limits in residential areas and inviting her to attend a meeting of the reconvened 20 mph Task and Finish Group which had been set up to look into the matter in greater detail.

## **8. Colchester Joint Protocol for the Management of Unauthorised Gypsy and Traveller Encampments**

The Panel considered a report by the Head of Environmental and Protective Services giving details of the current joint protocol for the management of Unauthorised Gypsy and Traveller Encampments. The Panel members were invited, in their advisory capacity, to comment on the revised new Protocol prior to its formal adoption by the Portfolio Holder for Communities and Diversity, in accordance with the proposals endorsed by Cabinet.

Beverley Jones, Head of Environmental and Protective Services, attended the meeting to assist members in their discussions. Mrs Jones explained that, in preparation for the eviction of travellers from the Dale Farm site in Basildon, all Local Authorities were reviewing and updating their protocols for dealing with unauthorised encampments. Essex Police and Essex County Council had reviewed and updated their policies and protocols and it was important to incorporate these changes into this Council's protocol to ensure a consistent and lawful approach to the management of unauthorised encampments.

The current joint protocol had been in use since 2002 and effectively acted as a charter or agreement offered to Gypsy / Travellers in Essex. Additionally a Colchester Travellers Sub Group had been formed in 2003 was formed with a remit to review the Council's experience and policies on Gypsy / Traveller issues. The overriding objectives of the Protocol were:

- To develop a fair and consistent approach to the management of unauthorised encampments by public bodies,
- To ensure people were treated with respect, giving consideration to the variety of ethnic and racial origins, different lifestyles, needs and welfare issues, and
- To ensure consideration was given to both the needs of those on unauthorised encampments and of the settled community.

The Protocol and the Code were drafted having regard to legislation, Government Guidance and the European Convention on Human Rights. It was further explained that Romany Gypsies and Irish Travellers were protected under the Race Relations (Amendment) Act 2000 and the Equality Act 2010 made it unlawful to treat someone less favourably on grounds of colour, race, nationality or ethnic or national origins.

The Council's current approach to managing unauthorised encampments was in accordance with the Code and was therefore deemed to comply with equalities legislation. An Equalities Impact Assessment for this approach had also been published on the Council's website.

Essex Police had recently updated its Policy for Unauthorised Encampments and how it would respond to reports of any persons residing as trespassers on land. In determining the nature of this response, the Police would have regard to issues of behaviour, whether criminal, antisocial or nuisance, in combination with the impact on the landowner and local communities.

The Joint Protocol had been explicit in its intent that, subject to certain criteria being met, Council would adopt a position of tolerance towards the encampment. The criteria for tolerance were summarised as:

- Encampments were to be kept small (3 caravans or slightly larger) and large encampments were required to split into smaller groups;
- Encampments were to be kept away from built up areas;
- Gypsy / Travellers were to look after the land and not burn rubbish (the Council would provide refuse sacks and collect bagged rubbish);
- Vehicles were to be parked safely and only on land not needed for another purpose;
- Animals were to be kept under control.

Other issues addressed by the Code included the minimum acceptable distance between groups of Gypsy / Travellers, the effect of the occupation on amenities, damage to property and land, acceptable behaviour, the lighting of fires, the distance to be moved on leaving the site and future re-occupation of the site.

Mrs Jones went on to explain that the Police had powers to evict people from unauthorised encampments. These powers were discretionary and would only be used where six or more vehicles were present and behaviour or conduct was considered to be inappropriate or where the impact of the encampment on others was deemed unacceptable.

Councillor Beverley Oxford attended and, with the approval of the Chairman, addressed the Panel. She referred to the experiences since recent gypsy/traveller encampments in St John's and Highwoods. She considered that the travellers had not complied with the Code and residents had been denied the use of their own land. She was of the view that the concerns of local residents had been ignored and that the Police had failed to use the powers available to them. She felt that it was important that these experiences should not be allowed to be repeated and she voiced her concerns that the land at Severalls Lane, designated as an official gypsy / traveller site but awaiting all the necessary consents to be issued, had nevertheless been accepted by the traveller community as able to be occupied.

The Panel was invited to comment on the issues involved in order to inform the work to revise the Council's protocol, bearing in mind that the review would need to have regard to the new Essex Police Policy, relevant legislation and Government Guidance, namely:

- Communities and Local Government – Local authorities and Gypsies and Travellers: a guide to responsibilities and powers;
- Office of the Deputy Prime Minister – Guide to effective use of enforcement powers Part 1: Unauthorised encampments

As well as the principles of good enforcement:

- Clear standards & expectations,
- Consistency of approach,
- Proportionality and

- Transparency in decision-making.

The Panel gave particular consideration to the following issues:-

- The need for full consultation to be undertaken with the gypsy / traveller community;
- The need for an up to date Equality Impact Assessment to be undertaken as the new policy is being formulated;
- The need for guidance to be formulated within the context of the new policy regarding the role of ward councillors;
- An acknowledgement that a less tolerant approach might be required in respect of unauthorised encampments on privately owned land;
- The potential to earmark a number of sites across the County of Essex on a short term basis for use by gypsies / travellers pending the availability of more permanent options;
- The fact that Colchester had already identified one area of land in the Borough for designation as an official gypsy / traveller site and there was a need for a co-ordinated approach to deliver additional designated sites across the County as a whole;
- The potential to utilise the Essex Chief Executives forum to accept collective responsibility for gypsy / traveller encampments in the County;
- The exercise undertaken by this Council which led to the designation of the land at Severalls Lane as a site for use as an official gypsy / traveller site and the possibility of looking again at the work involved in this exercise and the sites which were rejected at this time;
- The measures being put in place to protect vulnerable or sensitive areas of land from unauthorised encampments and the need for appropriate ward councillors to be notified of the locations identified;
- The need to fully communicate with local communities, residents and Parish Councils;
- The principles set out in the joint protocol, in respect of tolerance, lighting of bonfires, flexibility regarding numbers of vehicles on pitches, a risk assessment type approach to management, generally continued to have relevance in the current circumstances.

Some members of the Panel expressed concerns regarding the timescales involved in considering this important issue, especially given the sensitivities, legal restraints and recently changed guidelines and were of the view that more detailed information about these issues would be of further assistance.

*RECOMMENDED* to the Portfolio Holder for Communities and Diversity that:-

(i) The revised Protocol for the Management of Unauthorised Gypsy and Traveller Encampments be formulated bearing in mind the various issues discussed by the Panel, but in particular addressing the following specific matters:

- A framework for ward councillors;
- An updated Equality Impact Assessment;
- Formal consultation to be undertaken with the gypsy / traveller community;

- The inclusion of a detailed Communication Plan.
- (ii) The revised Protocol be submitted to the Panel for consideration prior to its formal adoption by the Portfolio Holder;
- (iii) Councillors be notified of the areas of land within their ward which may have been identified as vulnerable or sensitive;
- (iv) Suitable sites be identified as soon as possible for potential use on a short term basis, should the situation require it and progress on this issue be reported back to the Panel;
- (v) The co-operation of other Essex authorities be sought in adopting a coordinated approach to deliver additional designated gypsy / traveller sites across the County as a whole.

## **9. Work Programme 2011-12**

The Panel considered a report by the Head of Corporate Management giving details of the provisional scheduling in the Panel's work programme for the year, bearing in mind that this was likely to evolve as items of business were commenced and concluded.

The report provided an update on the current situation regarding the four Task and Finish Groups and the impact the work of these would have on the composition of the work programme.

*RESOLVED* that the contents and scheduling of the work programme and the current situation regarding the various Task and Finish Groups be noted.