

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

28 May 2019

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 LEYBOURNE OPEN SPACE – TRAVELLER INCURSIONS

Summary

This report brings forward a proposal and funding contribution from Leybourne Parish Council to install ‘bow top’ fencing along a section of Borough Council owned land in the village, which has been subject to a number of Traveller incursions over recent years. Member’s instructions on the way forward are sought.

1.1 Background

- 1.1.1 The Borough Council own and manage a significant number of open spaces across the borough which are maintained via an external grounds maintenance contractor. The larger sites such as the two Country Parks and the Sportsgrounds in Tonbridge are protected from traveller incursions by over height barriers. Many of the smaller open spaces and the Council’s car parks are accessible to traveller incursions and need to allow access for works vehicles, contractors with trailers and hedge and grass cutting machinery.
- 1.1.2 Four areas of open space in Leybourne have consistently been targeted by Travellers and are shown in **Annex 1**. After each incursion the Council incurs costs both in terms of legal fees and the clear up of waste and litter left on site. Complaints from the public are frequently received when incursions take place, with an expectation that something will be done to protect the areas in the future.
- 1.1.3 The area in red and purple marked on **Annex 1** has seen the Parish Council install at its own cost, green coloured bow top fencing to protect the site from incursions. The area marked in blue, which is owned by the Borough Council, has had a soil ‘bund’ installed along with bollards at the access point. This was a joint project between the Borough and the Parish Council, with the Parish Council contributing 25% of the costs.

1.2 Proposal

- 1.2.1 The area marked in orange in **Annex 1** is an area of open space owned by the Borough Council that has little protection from Traveller incursion and therefore remains vulnerable. It currently has ‘stone boulders’ along the road perimeter and

in the past these have been lifted and moved out of the way by Travellers to gain access. The shape of the area does not lend itself to a soil 'bund' and to be in keeping with the other nearby areas a proposal of green coloured bow top fencing along the road perimeter and two bollards at the access point for maintenance has been brought forward by the Parish Council.

- 1.2.2 The area of land was most recently occupied by Travellers in late April 2019. The cost of removing the Travellers, including clear up costs afterwards was £1,715. This does not include the staff time by the agencies involved, most notable this Council and the Police.
- 1.2.3 A quote obtained by the Parish Council, to supply and install the bow top fencing (150 linear metres) and two bollards is in the region of £13,000, for which there is no budget allocation within the Council's existing budgets.
- 1.2.4 The Parish Council has indicated that it would be willing to contribute 25% towards the cost of this proposal leaving £9,750 for the Borough Council to fund.

1.3 The Way Forward

- 1.3.1 There are arguments both for and against the protection of this area of open space in Leybourne. If the Council was to choose to support the proposal it would reduce the risk of future incursions, save the Council future revenue costs and Officer time, and meet the need identified by the Parish Council on behalf of the local community. On the other hand, it could be argued that the proposal will only move the problem onto other sites in the local vicinity (the Travellers occupying the site most recently moved on to a piece of land at Leybourne Grange), will set a precedent for other areas of public open space owned by the Council across the borough and will require the allocation of funds not currently within the Council's budgets. It is also worthy of note that installing protection around areas of public open space does not always create an inviting environment for residents.
- 1.3.2 Local Members have been consulted on the matter and their views are as follows:-

Comments from Councillor Nicholas Stapleton – “Over the past few years, Leybourne has suffered from several incursions from Travellers. The Parish Council has worked to protect their own land from future problems, however some TMBC land is still left vulnerable. Leybourne residents, especially those who are in the immediate vicinity, are feeling a strong lack of support from TMBC, and are having to face these incursions up to a couple of times per year. When the cost of the legal proceedings and the clean up procedure that has to take place once the travellers have left, have been taken into consideration, I feel it would be far more beneficial to spend the money on protecting the land with fencing and bollards. Whilst I understand that the cost is high, and there is a chance that the Travellers will then just settle elsewhere in the local area; Leybourne has had more Traveller incursions than most other villages and towns

locally, therefore I support the proposal put forward by Leybourne Parish Council”.

Comments from Councillor Brian Luker – *Councillor Luker has stated that in principle he has no problem with the proposal, but has identified a number of questions/issues being raised by local residents, including that the proposal is not rustic in appearance, have residents been formally consulted and what alternatives have been considered.*

1.4 Legal Implications

1.4.1 None.

1.5 Financial and Value for Money Considerations

1.5.1 The Borough Council would need to allocate £9,750 from its General Revenue Reserve to fund the balance of the proposal. The cost of dealing with the most recent Traveller incursion on the land in question was £1715.

1.5.2 Future revenue costs of maintaining the site if the proposal was approved would be marginal and there would therefore be no impact on Special Expenses.

1.6 Risk Assessment

1.6.1 The protection of this specific open space is being brought forward due to the frequency of incursions and at the request of the Parish Council.

1.6.2 It should be noted that whilst fencing and bollards are far stronger preventative measures than currently in place, there is no guarantee that this will stop incursions or move the incursion to a different location. However the other areas in **Annex 1** that have fencing and bollards have not had an incursion since installation.

1.7 Equality Impact Assessment

1.7.1 Whilst access would be restricted slightly by the bow top fencing, access to the site for the public would still be available.

1.8 Policy Considerations

1.8.1 Asset Management; Business Continuity/Resilience; Communications; Community; Health and Safety.

1.9 Recommendation

1.9.1 MEMBERS ARE REQUESTED to consider the proposal brought forward by Leybourne Parish Council to protect the open space area identified in the report from Travellers and AGREE A RECOMMENDATION TO CABINET.

Background papers:

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