

Proforma Guidance Notes

These guidance notes also include the proforma to be used to submit your proposed items for review by Scrutiny.

A check list will be used to assist the Scrutiny Programme Board to ensure a consistent approach is taken in determining whether or not to proceed with a suggested proposal or item of business, review of suggested topic or area of work. Their deliberations will also include taking account of the current and future work priorities and the Board will also liaise with the Strategic Management Board.

Important considerations

When Members are considering whether to put forward a proposal for review, it is important that they are aware of the following:

- a) The existing, agreed work priorities for Scrutiny. Members must take into account the capacity of Members and Officers to support the proposed work needed to do the review well;
- b) The Scrutiny Programme Board will wish to consider and prioritise those proposals which have the best chance of securing real improvement or local benefit or can make a positive change in line with the Council's agreed objectives and priorities.
- c) The Member who proposes the item, will be invited to take part in the Task and Finish Group/Spotlight Review to consider the matter.
- d) If it is decided not to proceed with the proposer's idea for review, full reasons will be given.

If a Member(s) wishes to put forward a request to Scrutiny to consider a specific topic or area of work, they must complete the following proforma.

Once completed, it should be emailed to the Democratic Services Manager. Once the views of the Strategic Management Board have been sought, the request will be presented, together with any other supporting information provided, to the Scrutiny Programme Board for consideration and the proposer(s) will be advised of the outcome.

SCRUTINY
Consideration of an Item at Scrutiny Committee

Please complete this form to provide information about your proposal for consideration by the Scrutiny Programme Board or request for a review to be undertaken on a topic or issue of concern. You may attach any other supporting information you feel might help the Board in considering your proposal. The Strategic Management Board will be advised of any proposal, to help advise on the timetable and any resource implications.

Please complete the following form which will be presented to the Scrutiny Programme Board (SPB)

Issue to be Considered	<i>PROTOCOL FOR UNAUTHORISED ENCAMPMENTS (CARAVANS & VEHICLES)</i> <i>LAND OWNED OR CONTROLLED BY THE COUNCIL</i>
Proposer (s)	<i>Cllr Liz Pole</i>
Scrutiny Committee (to be determined by the SPB)	<i>Customer Service</i>
Lead Portfolio Holder	<i>Cllr Laura Wright</i>
Identification of Lead Officer	<i>Dave Hodgson</i>

Areas for consideration:

1. What is the specific topic area you want considered/reviewed?

Updating of the protocol for unauthorised encampments (caravans and vehicles) – land owned or controlled by the council. This was last updated in 2017, and was authored by an officer who no longer works for the council. The portfolio-holder-initiated updating is to take account of the 2022 Police Crime and Sentencing legislation.

Potential introduction of injunctive relief focussed on small areas where encampments are especially harmful and inappropriate or where it may be

especially harmful: e.g. Arena Park and Eastern Fields.

<https://caselaw.nationalarchives.gov.uk/ewhc/kb/2025/738>

Further clarity on police powers and operational constraints regarding enforcement, including where there is criminal damage but quality evidence linking this to an individual associated with the encampment is not forthcoming. Coherence between advice to residents and contact handling.

Assessment of the availability of culturally appropriate designated short term transitory sites offered by the statutory providers such as Devon County Council.

Extent to which the protocol would apply differently to Gypsy and Traveller groups (in line with the Equality Act 2010: Romany Gypsies, Irish Travellers, Scottish Travellers and Roma and the Public Sector Equality Duty) in exercising its functions and decisions, from its application to unauthorised encampment by groups without protected characteristics.

2. What are the main issues you feel need to be addressed?

There is a lack of clarity about the functioning of the protocol, and the legal and operational constraints on bailiff and police response, and this is undermining public confidence.

Balanced outcomes for operational amenity of local residents and Gypsy and Traveller communities: Introduction of injunctive relief in certain parts of the city would not try to prevent the Gypsy and Traveller community encampments in the district altogether or generally. Rather it could be focussed only on a small area where encampments are especially harmful and inappropriate.

Greater clarity and transparency about site provision and its adequacy.

3. Please identify which of the Council's key priorities your topic relates to? (If any)

People (promote health and wellbeing, encourage community participation, and ensure residents feel safe and included.)

Sustainable environment: enhancing the environment
net-zero carbon city (resource inefficiency of replacing criminally damaged barriers)

Well-Run Council: value-for-money services, and a customer-focused approach.

Partnerships and Collaboration: work with various stakeholders to achieve its goals.

Addressing Inequalities: The council aims to tackle social disadvantage and deprivation, ensuring that all residents have the opportunity to thrive.

Culture and Heritage: provide excellent leisure facilities.

<p>4. What outcome, including timeframe are you aiming to achieve with this consideration/review?</p> <p>Clearer and more effective partnership working, transparency and resident confidence, clearer understanding of costs and benefits, modernisation of legal recourse and equalities considerations. Development of a new protocol ASAP and at minimum prior to anticipated post-winter unauthorised encampments in 2026.</p>
<p>5. Do you consider this review urgent and if so why?</p> <p>Yes, as there residents report considerable dissatisfaction with their current experience of outcomes, particularly in the Beacon Heath and East Heavitree areas which are disproportionately affected by vehicular trespass.</p>
<p>6. Financial considerations</p> <p>Cost-effectiveness of prevention vs response: anti-trespass measures, clean-up costs and repairs. Quantification of opportunity cost of lost resident leisure and lost confidence in authority and good governance.</p>
<p>7. Expert witnesses to invite</p> <p>Police Devon County Council gypsy and traveller liaison officer The Traveller Movement</p>
<p>8. Which format of Scrutiny are you proposing?</p> <p>A</p> <p>A - Officers written report to be submitted to the Committee. B- A Spotlight Review - where a group of members hold a meeting and gather evidence and make a submission to a Scrutiny Committee . C - A Task and Finish Group - where a group of members hold a series of meetings gathering evidence and make a submission to a Scrutiny Committee.</p>

Date of Request	26 June 2025
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Please note that the Programme Board will consider the following matters (if relevant) when determining the request. *Please tick any that are appropriate.-*

Potential Criteria for Selecting Topic (NB This is not an exhaustive list)	Please tick

The issue has potential impact on one or more sections of the local population	√
The issue is strategic and/or significant	√
Scrutiny of this matter will add value to the Council's and/or its partners' overall performance	√
The review will lead to effective outcomes	√
This will improve service outputs	√
The issue is of concern to partners and stakeholders	√
The issue is a key issue for the public (as identified through contact with constituents or meetings of local organisations)	√
This will be of benefit to the community	√
Poor performing service (evidenced from performance indicators)	
Service/issue ranked as important by the Council's community (via market surveys/annual residents' survey/consultation with tenants, local business community)	?
High level of user/general public dissatisfaction with service (via market surveys/complaints)	√
Public interest issue (e.g. covered by local media)	√
High level of budgetary commitment to the service or policy area	√
Pattern of budgetary overspends	?
Council key priority area	√
Central Government priority area	
Issue poses significant or potential risk to the Council (can be financial, reputational or other risk)	
Issue raised by external auditor	
Issue raised by Council or one of its Committees	

Issue arises from new legislation or Government guidance	√
Key reports or new evidence (provided by external organisations on key issue)	

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The following will be used if the Proposal/Topic is rejected	Please tick
The timing of this review is inappropriate	
The review will duplicate other work within the Council or elsewhere	
The issue is already under examination by Council	
The issue is already under examination by an Officer Group and changes are imminent	
Issue being examined as part of a service review	
New legislation/guidance expected within a year	
There is an alternative, more effective, route the Member can take to address the issue	
The issue is outside the scope of the Scrutiny Committee	
The issue would not bring about any sustainable and on-going revenue savings	
The issue does not meet any of the Council's corporate priorities	

Comments from SMB	<p>SMB has already agreed to review the way we address unauthorised encampments and will provide the outcome of this review to members, at that time.</p> <p>This review will take into consideration the points made regarding changes in legislation.</p>
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Overall recommendation of Scrutiny Programme Board Please tick relevant box)	Review Supported	Review not supported
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Confirm approval of review by Committee	Yes/No (<i>Delete as appropriate</i>) Customer Focus Scrutiny Committee or Strategic Scrutiny Committee
Date	