

 EXECUTIVE – 4 June 2008.		Agenda Item No.
Title	Gypsies and Travellers Accommodation Needs Assessment, and Illegal Encampments – Warwickshire Toleration Policy	
For further information about this report please contact	Paul Leeman	
Service Area	Housing Strategy	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers		

Contrary to the policy framework:	Yes/No
Contrary to the budgetary framework:	Yes/No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes -

Officer/Councillor Approval		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	14/5/08	Mary Hawkins
Chief Executive		
CMT	15/5/08	
Section 151 Officer		
Legal	14/5/08	Simon Best
Finance	15/5/08	Mike Snow
Portfolio Holder(s)	15/5/08	Moirra-Ann Grainger
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report.		
Final Decision?		Yes/No
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

1.1 This report has two principal strands:

- a) To advise Members of the outcome of the ***Gypsy and Traveller Accommodation Assessment*** undertaken for ***The South Housing Market Area Partnership of the West Midlands Region***; and
- b) To report to Members the details of the County-wide Protocol for ***Managing Unauthorised Gypsy and Traveller Encampments*** (see Appendix 1) and to recommend its adoption by Warwick District Council.

1.2 Gypsy and Traveller Accommodation Assessment:

The Department for Communities and Local Government (CLG) required each Housing Authority in England and Wales to undertake an assessment to provide information on the accommodation needs of Gypsies and Travellers for Sub-Regional and District level Planning Policy in accordance with the Housing Act 2004, Planning Circular 1/2006.

1.2.1 The objective of the assessment was to:

- a) Establish the current numbers, cultural background, location, tenure and family composition of the existing Gypsy and Traveller population.
- b) Estimate their unmet housing accommodation needs, both immediate and over a 5 year timescale, in terms of additional number of pitches required for each category and location of site.
- c) Identify, where possible, aspirations and perceptions, in relation to alternative types of site, the range and quality of facilities, access to services and questions of security, harassment, health and disability.

1.2.2 The assessment was undertaken over the period April – October 2007 on behalf of the 8 District Councils and 2 County Councils which make up the South Housing Market Area Partnership (SHMAP).

1.2.3 The outcome of the Assessment is shown in the following table:

Extract from Table 11: Summary of Additional Pitch Requirement for 2008/13

District	Permanent Pitches	Permanent Showpeople 'Yards'	Temporary Stopping Places	Total
Warwick	11	0	15	26
Sub-Region	157	22	93	272

1.2.4 This Assessment has been approved by the SHMAP and has been submitted to the West Midlands Regional Assembly, the Planning Body of which is required to provide a Strategic view of Gypsy and Traveller needs across the region, and to provide pitch numbers at District level for inclusion in the revised Regional Spatial Strategy and in the emerging Local Development Framework.

1.3 Managing Unauthorised Gypsy and Traveller Encampments.

It was recognised, following several instances of Gypsies and Travellers forming illegal encampments in various parts of the County, that there was a need for a co-ordinated and consistent approach by Councils, the Police and other agencies to the management of such encampments.

- 1.3.1 The Warwickshire Gypsy and Traveller Special Interest Panel was set up to promote a greater understanding and acceptance of different lifestyles and to develop a co-ordinated approach to the management of all Traveller groups in a peaceful, lawful and understanding way as they live in or pass through different parts of the County.
- 1.3.2 The Panel is a forum of professionals working with Gypsies and Travellers in Warwickshire comprising officers from the District and County Councils, Police, PCT, Traveller Education and Welfare Services and the Warwickshire Race Equality Partnership. The Panel's remit includes the development of a County-wide approach to managing unauthorised encampments.
- 1.3.3 It is intended that once the resulting Protocol has been agreed by all of the contributing agencies, it will ensure a positive and informed approach to enforcement taking account of the Human Rights Act 1998, the Race Relations (Amendment) Act 2000 and all relevant regulations and guidance.

2. RECOMMENDATION

- 2.1 That Members note the publication of the Final Report of ***A Gypsy and Traveller Accommodation Assessment for the South Housing Market Area of the West Midlands Region*** by the South Housing Market Partnership on 5 March 2008. In addition, that Members note the ***Pitch Requirement for 2008/13*** as applicable to Warwick District Council of 11 Permanent Pitches and 15 Temporary Stopping Places, and empower Officers to continue to seek suitable sites and explore funding.
- 2.2 That Members adopt the ***Warwickshire Protocol for Managing Unauthorised [Gypsy and Traveller] Encampments*** prepared and published by the Warwickshire Gypsy and Traveller Special Interest Panel.

3. REASONS FOR THE RECOMMENDATION

- 3.1.1 In respect of the **Gypsy and Traveller Accommodation Assessment**, every Housing Authority is required by the provisions of the Housing Act 2004 (s 225) to carry out an Assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their District. CLG has produced Good Practice Guidance in carrying out such an Assessment and expects local Housing Authorities to have completed the work by the end of 2007 and forwarded it to the Regional Assembly to enable the Regional Planning Body to provide a strategic view of Gypsy and Traveller needs across the Region and to provide pitch numbers at District level for inclusion in the revised Regional Spatial Strategy. The Report produced for the South Housing Market Partnership has been sent to the Regional Assembly and is available for interested Members from Housing Strategy, or electronically from the Worcestershire County Council website, <http://worcestershire.whub.org.uk/home/wccindex.htm>.
- 3.1.2 The Additional Pitch Requirement for Warwick District Council, as indicated in the Report, has been arrived at following interviews with the "settled" Gypsy and Traveller community as well as with members of those groups of Itinerant Gypsies and Travellers who agreed to be interviewed. In addition, the views and specialist knowledge of the Warwickshire County Council Gypsy and Traveller Liaison Officer and Officers of Warwick District Council contributed to the Report. Officers from

Housing Strategy and Planning are actively looking for land which may be suitable as a Temporary Stopping Place for up to 15 pitches, as well as land which could provide up to 11 permanent pitches. In view of recent incidents within the District, it is felt that the most urgent need is for the 15 pitch Temporary Stopping Place.

- 3.2.1 In respect of the **Warwickshire Protocol for Managing Unauthorised Encampments**, attention was paid to the record of unauthorised Gypsy and Traveller encampments within the District over the past 11 years and the manner in which such groups have been forced to move within days of setting up an encampment, only to set up another one somewhere else in the District. Information about similar encampments throughout Warwickshire has also informed the Protocol.
- 3.2.2 Local Authorities have a responsibility to improve relationships between communities, and by adopting a consistent approach across the County we will help ensure that the local communities and the travelling communities are treated fairly. Gypsies, Travellers and other unauthorised campers have, historically, been subject to different experiences, both positive and negative, in their movements across Warwickshire. By adopting the same framework for handling the unauthorised encampments we will help Gypsies, Travellers and other Unauthorised Campers to understand the expectations and approach wherever they locate in the County and enable Officers to use their skills County-wide; working more effectively to support colleagues.

4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 In respect of the **Gypsy and Traveller Accommodation Assessment**, as the Assessment is a Government requirement, no alternatives were considered.
- 4.2 With regard to the **Warwickshire Protocol for Managing Unauthorised Encampments**, not adopting the Protocol was considered, but in the interests of ensuring an efficient and effective approach, and continuing to work with partners, both within Local Government and wider agencies, the “not going it alone” approach was thought to be a better option.

5. **BUDGETARY FRAMEWORK**

- 5.1 At this stage, neither Report has any financial implications. However, once a potential permanent Gypsy and Traveller site is found and has been given Planning Permission, a bid for Central Government funding will be made to purchase and/or develop it. Similarly, when a site for a Temporary Stopping Place has been identified, funding will be sought. At present, it is not known what the additional running costs of a site would be. Whilst some income could be charged it will not be easy to collect and it is by no means certain that it will cover any expenditure. It will be necessary to ascertain that the revenue and capital funding is agreed before embarking on the provision of sites, and that a detailed review is undertaken when specific proposals are brought forward.
- 5.2 No additional monies will be needed to implement the Protocol. However, it is recognized that funds have had to be utilized in the past to “clean up” unauthorized sites once Gypsies and Travellers have left. The cost of this has been met from the Grounds Maintenance budget when the Travellers have been on land owned by Warwick District Council, and from the Street Cleaning Contract (now the Integrated

Waste Contract) when the Travellers have been on highway land. It may be sensible in the future to have an identified budget for this work.

6. POLICY FRAMEWORK

- 6.1 Gypsies and Travellers are accepted as a distinct ethnic minority and as such need to be afforded consideration and treated fairly. Council Policies ensure that this is done.

7. BACKGROUND

7.1 Introduction

This Report has 2 sections, the first dealing with the Government-required Gypsy and Traveller Accommodation Assessment, and the second dealing with the Countywide Protocol for Managing Unauthorised Gypsy and Travellers Encampments. However, this background will attempt to broaden Members' understanding of Gypsy and Traveller issues as evidenced within the Warwick District Council area.

7.2 Gypsy and Traveller Accommodation Assessment

7.2.1 Aims and Objectives

- 7.2.1.1 The purpose of this Assessment is to provide information on the accommodation needs of Gypsies and Travellers for Sub-Regional and District level planning policy to set the appropriate number, type and distribution of (in the case of Warwick District Council) pitches to be provided. (N.B. All other Districts and Boroughs within the South Housing Market Area have been assessed for the number of additional pitches to be provided).
- 7.2.1.2 The West Midlands Regional Planning Body is required to provide a strategic view of Gypsy and Traveller needs across the region. And to provide pitch numbers at District level for inclusion in the revised Regional Spatial Strategy and in the emerging Local Development Framework.
- 7.2.1.3 The Assessment was commissioned by the SHMAP, as an extension of the sub-regional Housing Market assessment which was completed earlier in the year, to meet the requirements of CLG for each Housing Authority to undertake a Gypsy and Traveller Accommodation Assessment in accordance with the Housing Act 2004, Planning Circular 1/2006, and the accompanying Good Practice Guidance.
- 7.2.1.4 **The objective of the Assessment is to:**
- 7.2.1.4.1 Establish the current numbers, cultural background, location, tenure and family composition of the existing Gypsy and Traveller population.
- 7.2.1.4.2 Estimate their unmet accommodation needs, both immediate and over a 5 year timescale, in terms of additional number of pitches required for each category and location of site.

- 7.2.1.4.3 Identify, where possible, aspirations and perceptions, in relation to alternative types of site, the range and quality of facilities, access to services and questions of security, harassment, health and disability.

7.2.2 The Study Area and Methodology

- 7.2.2.1 The West Midlands Regional Housing Strategy (RHS) and Regional Spatial Strategy have defined 4 sub-regional housing markets for the purpose of establishing the basis for joint working between districts across which there are some broadly similar market characteristics.
- 7.2.2.2 The South Housing Market Area (SHMA) comprises the 6 Districts of Worcestershire and the 2 Districts of South Warwickshire (Stratford-on-Avon District Council and Warwick District Council). The market characteristics which have established the 4 Sub-Regional Housing Market Areas relate specifically to traditional bricks and mortar housing rather than the Gypsy and Traveller population. Nevertheless they provide an established framework for carrying out the Assessments so they can be aggregated to Regional level, and disaggregated to a District level, with a reasonable degree of consistency as to methodology and timing.
- 7.2.2.3 The Government's bi-annual caravan count has shown a rapid increase in caravan numbers in all counties in the region over the past two years – an increase of over 15% in the region as a whole – whilst the level of Local Authority provision has remained static.
- 7.2.2.4 Throughout the SHMA, there is a predominantly settled Gypsy population on both Local Authority and private residential sites, and there has been a reduction in the number of "traditional stopping places". This has led to a number of [predominantly] Irish Travellers with no alternative to Unauthorised Encampments.
- 7.2.2.5 The Assessment brings together information from a variety of sources, to compile a schedule of estimated pitch requirements for the next 5 years. The baseline information is a schedule of current pitches and caravan numbers, plus planning history and recorded unauthorised encampments, which was compiled from local authority records and the personal knowledge of the Gypsy and Traveller Group.
- 7.2.2.6 Using this baseline information as a starting point, interviews were carried out with as many as possible of the Gypsy and Traveller households from all the sites on the schedule, together with as many as possible from those who could be identified as being in housing, to establish present and future accommodation requirements, and also to gain greater understanding of educational, health and social issues.
- 7.2.2.7 Members will be aware that there are no residential sites which cater for Gypsies and Travellers within the Warwick District Council area. The information gathered from the assessment however, has informed the report with regard to cultural and social needs of the Gypsy and Traveller population as a whole.
- 7.2.2.8 On "Unauthorised and Not Tolerated" sites, few of the Gypsy and Traveller wished to be interviewed. However, the Group had to use its experience and judgement to arrive at recommendations.

7.2.3 Current Pitch Provision and Projected Future Needs

- 7.2.3.1 The table shown below indicates the total number of Gypsy and Traveller pitches which have been identified across the Sub-Region. It should be noted that Unauthorised Encampments are counted as the maximum number that have been identified at any one point in time. Anecdotal evidence from Gypsy and Traveller liaison staff shows that while some families move around the area on a regular basis, a far greater number move in and out of the area only once in a while. However, there is no definitive record of the total numbers of individuals involved, which is likely to be higher than the table below indicates.

	Authorised Sites		Unauthorised – own land		Unauthorised Encampment	Total
District	LA	Private	Tolerated	Not Tolerated	Not Tolerated	
Bromsgrove	18	8	0	0	0	26
Malvern Hills	5	32	3	2	14	56
Redditch	0	31	0	0	15	46
Stratford	30	11	3	0	22	66
Warwick	0	5	0	0	26	31
Worcester	20	0	0	0	21	41
Wychavon	73	50	10	0	21	154
Wyre Forest	31	28	1	0	12	72
Sub-Region Total	177	165	17	2	131	492

- 7.2.3.2 The recommended number of additional pitches for each District are set out in the table below:

Summary of Additional Pitch Requirement for 2008/13

District	Permanent Pitches	Permanent Showpeople 'Yards'	Temporary Stopping Places	Total
Bromsgrove	0	0	0	0
Malvern Hills	26	8	10	44
Redditch	0	14	18	32
Stratford	34	0	10	44
Warwick	11	0	15	26
Worcester	16	0	20	36
Wychavon	40	0	20	60
Wyre Forest	30	0	0	30
Sub-Region	157	22	93	272

7.2.4 Unauthorised Encampments

- 7.2.4.1 Throughout the sub-region, at the time of the Assessment, there were 131 unauthorised pitches of which approximately 111 were occupied by Irish Traveller families, in groups of up to 25 caravans, mainly in Warwick, Stratford and Worcester. Not all of these families intended or wished to stay in the area permanently, but the number varies over time.

- 7.2.4.2 Using the data from the interviews and established formulae for extrapolating future need, it was established that a total of 123 additional pitches are required to cater for the needs of Gypsies and Travellers on Unauthorised sites. This need was spread fairly evenly across all districts apart from Wyre Forrest and Bromsgrove.
- 7.2.4.3 The Gypsy and Traveller Group came to the firm conclusion (supported by interview responses) that there was no need within the area for managed Transit Sites, as there was no pattern of regular movements for which they would cater. Transit Sites, requiring major investment and permanent management, could be justified only if there was a well established and regular flow of movements throughout a particular area, and no such pattern was identified. The Group did, however, feel that there was a definite need for a number of Temporary Stopping Places for which there is at present no existing or planned provision. As well as identifying sites for allocation as Temporary Stopping Places, as part of the overall provision for additional pitches, it will be necessary for arrangements to be put in place for their proper management and co-ordination.

7.2.5 Temporary Stopping Places

- 7.2.5.1 These would be sites which could be made available for short term use, as and when required, and for which provision could be made for mains water and waste collection when the sites were in use.
- 7.2.5.2 The Interim Regional Statement identifies this type of solution as one of the options that local planning authorities may wish to consider – describing them as “Land identified for Tolerated Camping (managed and refuse removal, plus toilet provision, catered for”.

7.2.6 Applicability of the Assessment to Warwick District Council

- 7.2.6.1 There are no permanent sites – either authorised or unauthorised – within the district. There is an irregular pattern of short term unauthorised encampments that occur at all times of the year, although none of these have occupied on days when the Caravan Counts have been taken. Although only 4 families could be interviewed in detail, from the briefer enquiries made by the Warwickshire Gypsy and Traveller Services Officer, it was established that 28 out of 43 families expressed a wish to stay in the area, in addition to the 1 out of 4 who were interviewed in detail. The considered view of Officers from both the District and County Council is that there is a need for 11 pitches now and a Temporary Stopping place for 15 pitches, giving a total of 26 pitches.
- 7.2.6.2 It is also their view that Warwick District Council needs to carry out interviews with Gypsy and Traveller families as they appear in the District over the next few months and produce a supplementary report to confirm or modify these numbers. Pending that report, the recommendation is that 1 permanent site and 1 Temporary Stopping Place should be identified as soon as possible, and that this requirement may need to be modified on the basis of further evidence.

7.2.7 Future work to identify a permanent site and a Temporary Stopping Place

- 7.2.7.1 Housing Strategy, Planning and Neighbourhood Services are currently working to identify suitable sites for both the required 11 pitch Permanent Residential Site, and the 15 pitch Temporary Stopping Place. Because of recent incidents,

the search for land suitable as a Temporary Stopping Place is being seen as a priority. This work is at an early stage, however the results will be informed by the findings of the Warwick District Council Core Strategy Options Paper issued in May this year in connection with the Local Development Framework.

7.3 Managing Unauthorised Gypsy and Travellers Encampments

- 7.3.1 In recent years, various areas of the County have experienced regular unauthorised encampments of Gypsies and Travellers, which have caused disruption and conflict in local areas. Addressing the issues arising from such encampments is time-consuming and can impose a significant burden on the workload of individual Officers of a Local Authority and of the Police.
- 7.3.2 In an effort to ensure that such encampments are dealt with in an efficient and effective manner, the Warwickshire Gypsy and Traveller Special Interest Panel, which was set up in 2007 and is comprised of Officers from all councils in Warwickshire, the Police, PCT, Traveller Education and Welfare Service, Social Services and the Warwickshire Race Equality Partnership, was tasked to develop a countywide approach to managing unauthorised encampments.
- 7.3.3 The attached Report was agreed by the Panel in January 2008 and was to be submitted to each District, Borough and County Council for adoption, prior to a launch by the Police in June 2008 as a Countywide Policy. The Local Authorities and Police working in partnership can bring the right mix of skills together to ensure an efficient and effective approach to enforcement which takes account of The Human Rights Act 1998, The Race Relations (Amendment) Act 2000 and all relevant regulations and guidance.
- 7.3.4 Main points of the Protocol**
- 7.3.4.1 Information will be gathered by the “Lead Authority”. Dependant on the circumstances of the case, this may be either the District or Borough Council, the County Council or the Police. Dependant on scale and the sensitivity of the site in question, either a local decision will be made concerning the future of the site, or a Case Conference will be called to discuss the way forward. In all instances, the Case Conference will include representatives of the County Council, the District or Borough Council and the Police. Representatives of other agencies, e.g. Traveller Education, Housing/Homelessness Services, Health Service, Adult and Children’s Health and Community Services, Race Equality Partnership, as well as representatives of both the settled and travelling communities, may also be asked to attend.
- 7.3.4.2 Whatever the route, local decision or Case Conference, a decision will be made as to whether the encampment should be allowed to remain for an agreed period, and/or whether to take legal action. Such a decision must be well documented.
- 7.3.4.3 Where the decision is to allow the Unauthorised Encampment to remain for a short period, the Protocol indicates that this should be for no longer than 7 days. The Protocol also sets out the reasons why a short stay will not normally be permitted:

- The Code of Site Practice has not been complied with;
- The occupants are known to have previously disregarded site rules within the County;
- The encampment is creating a hazard to road safety;
- There is a danger to public or personal safety or the environment;
- The encampment is creating an intolerable impact on the employment, use or habitation of adjoining or nearby property;
- The encampment is too large for its location;
- The land is needed for use by the lead authority or the general public;
- There has been advice from the Police which suggests that alleged criminal activity is taking place.

- 7.3.4.4 Where a decision is made to evict unauthorised encampments, the Lead Authority will serve the required Notice and, where the Police do not utilise their powers under s 61 and s 62 of the Criminal Justice and Public Order Act 1994, will prepare papers for Court and make arrangements for moving travellers on. Other partners in the Protocol may be asked for support where this will secure the required outcome from the Case Conference.
- 7.3.4.4 As far as is reasonably practicable, waste will be removed from the site both during the encampment and immediately on its vacation – except where the encampment is on private land when the clearance costs are the responsibility of the landowner. People living on authorised encampments will be made aware they may be charged for facilities and waste services.

7.4 **Background specific to Warwick District Council**

- 7.4.1 As has been mentioned above, there are no permanent Gypsy and Traveller Residential Sites within the District. Neither is there a Temporary Stopping Place to which Gypsy and Traveller could be directed should an unauthorised encampment be set up.
- 7.4.2 Records have been kept of all of the unauthorised encampments within the District over the past 11 years. More detailed records have been kept since 2005. These show that such encampments have only infrequently been on public land. However, when they have been either on the highway or on land owned by Warwick District Council, the cost of “clean-up” has been borne by the Council and has, sometimes, been quite high – ranging from under £500 following the illegal stay on the Hampton Road car park site, through £1,400 for the clean-up of Abbey Fields in 2006, to more than £2,500 to cleanse and repair Myton Fields recently.
- 7.4.3 It is felt that, should a Protocol of this nature have been in existence before now, it may have been possible to take greater control of unauthorised encampments, rather than trying to ensure that damage and refuse was kept to a minimum for the duration of the illegal stay, and then having to clean-up afterwards.
- 7.4.4 It is further conjectured that if there had been a Temporary Stopping Place within the District to which Gypsy and Traveller could have been directed, prolonged illegal encampments with all of the accompanying disruption and disturbance to the settled community could have been avoided.
- 7.4.5 Officers from Planning, Neighbourhood Services, Housing and Property Services, Housing Strategy and the County Council are currently searching for sites which

may be suitable as a Temporary Stopping Place. Such a site, when one is found, would not only help in the management of unauthorised camping, it would also go some way to satisfying the requirements of the Gypsy and Traveller Accommodation Assessment.

- 7.4.6 A further report will be brought to Members in due course giving details of sites which could be considered as Temporary Stopping Place.

Gypsies & Travellers



The Warwickshire Protocol

***Firm but fair: Managing Unauthorised Encampments – the
Warwickshire Way.***

Warwickshire Gypsy and Traveller Special Interest Panel

November 2007

The Warwickshire Protocol For The Consideration Of Unauthorised Encampments

Firm but fair: Managing Unauthorised Encampments – the Warwickshire Way.

Introduction

In 2007, the Warwickshire Gypsy and Traveller Special Interest Panel was set up to promote a greater understanding and acceptance of different lifestyles and to develop a co-ordinated approach to the management of all traveller groups in a peaceful, lawful and understanding way as they live in or pass through different parts of the county. The Panel is a forum of professionals working with Gypsies and Travellers in Warwickshire comprising officers from the councils, the Police, Health PCT, Traveller Education and Welfare Services and the Warwickshire Race Equality Partnership. The Panel's remit includes the development of a countywide approach to managing Unauthorised Encampments.

This document sets out the Warwickshire Protocol on managing Unauthorised Encampments. It is intended that once a Protocol has been agreed, it will ensure a positive and informed approach to enforcement taking account of the Human Rights Act 1998, Race Relations (Amendment Act) 2000 and all relevant regulations and guidance.

The main document (Pages 1-6) provides definitions and sets out the practical approach to managing encampments. The Appendices include

- contact names for delivery of the Protocol at page 7
- examples of the forms to be used to enable the capture of the consistent information required to give fair consideration of each encampment

What is an Unauthorised Encampment?

A site where Gypsies and Travellers, or other unauthorised campers, camp on land they do not own and do not have permission to use.

Who are Gypsies and Travellers?

Of the groups likely to be involved in unauthorised encampments there are three main types: traditional English (Romany) Gypsies, traditional Irish Travellers, and New Travellers. The first two groupings are recognised in law as ethnic minorities for the purpose of race relations legislation. There are smaller numbers of Welsh Gypsies and Scottish Travellers. The different groupings have diverse economic, social, cultural and lifestyle characteristics. For the purposes of this document, groups and individuals belonging to any of these groupings will be referred to as 'Gypsies, Travellers or other unauthorised campers'.

Why do we need a Warwickshire Way?

In recent years, various areas of the county have experienced regular unauthorised encampments, which have caused disruption and conflict locally. Addressing the issues arising from such encampments is time-consuming and can impose a significant burden on the workload of individual officers of the local authorities and the police.

Local Authorities have a responsibility to improve relationships between communities, and by adopting a consistent approach across the county we will help to ensure that the local communities and the travelling communities are treated fairly. Gypsies, Travellers and other unauthorised campers have, historically, been subject to different experiences, both positive and negative, in their movements across Warwickshire and so by adopting the same framework for handling

unauthorised encampments we will help Gypsies, Travellers, and other unauthorised campers to understand the expectations and approach wherever they locate to in the county and enable officers to use their skills county-wide; working more effectively to support colleagues.

The Local Authorities and Police working in partnership can bring the right mix of skills together to ensure an efficient and effective approach. An aspiration is to extend a similar approach to the sub-region and neighbouring Police Authorities.

The Warwickshire Way is a consistent, positive and informed approach to enforcement: firm but fair

The first report of an Encampment.

The first report of an unauthorised encampment may be from a variety of sources. Whether that report is made to the Website, comes through one of the local authority customer service centres, to the Police or a Councillor, we need to obtain certain basic information (*see the Notification Checklist at Appendix 1b*). If the initial report is from a member of the public it is likely to be a superficial assessment of the site as a passer-by.

The Notification should be passed immediately if there is an immediate danger, or within the first working day to the Lead Authority.

Who is the Lead Authority?

- The **County Council** when the encampment is on the highway or on County Council owned land.
- The **District Council** when it is on common land and District Council owned land, and when it is on privately owned land with the express permission of the landowner.
- In some cases the lead authority will not be identified easily, for example where an encampment is on both public and private land. In such cases the decision as to whom will be lead authority should be based on the extent to which the encampment is on the highway or private land. If the majority of the land occupied is County Council or Highways owned the County Council will lead; if the majority is district owned or private land the District Council will usually take the lead.
- The **Police** may take the lead when there is an immediate danger to the community, gypsies, travellers or other unauthorised campers, as a result of the encampment, or may take over the lead following a case conference decision, where there is clear evidence of crime, anti social behaviour, environmental damage, or significant community unrest as a result of the encampment.

Gathering the required Information

The Lead Authority will be responsible for identifying who in their organisation will lead the process and seek to gather information on the reason for the travellers being on the land, how long they intended being there, any welfare needs, detail of numbers of people and vehicles. (*see the Social and Caring Checklist at Appendix 1b*).

Officers (two usually for health and safety purposes) representing the lead authority will visit the site at the first opportunity (normally within two working days, usually 24 hours with an urban encampment) to consider the acceptability of the encampment. Experience has shown that members of travelling groups may mistrust the intentions of the authorities in investigating possible unauthorised encampments. It is therefore most important that officers adopt a friendly manner and seek to build a rapport with the particular group of travellers. The officer will have regard to the lone working practices of their respective authorities and may choose to request a joint visit with a Police, Education or Health officer or where appropriate an officer from another council. The officer will offer, where appropriate, basic facilities such as refuse collection and may offer toilets

but will make the occupants aware they may be charged for facilities and waste services. (Payment should usually be made in advance of the provision of the services)

The Lead Authority will give attention to any complaints received or other issues that may arise from the encampment and location.

Following the site visit, the authorities concerned will consult and decide upon the most appropriate course of action, best practice would be by the means of convening a case conference.

Holding a Case Conference

The Lead Authority will normally arrange and host the Case Conference, circulating the known information about the encampment. The Case Conference will include representatives from the County Council, the relevant District Council and the Police.

Traveller Education, Housing/Homelessness services, and Health Services will be consulted where an involvement is clear and may be invited to attend. Members or representatives of both settled and travelling communities may be invited to attend at the lead authority's discretion. Adult and Children Social Care Services, Warwickshire Race Equality Partnership and other agencies may also be asked to attend.

The Chair will ensure that the encampment is considered fairly according to agreed criteria contained in the Case Conference Checklist (**Appendix 1c**). This includes its siting, any health, welfare and educational needs, criminal or antisocial behaviour, environmental impact and Human Rights considerations. Following the completion of the Checklist a decision will be made as to whether the encampment should be allowed to remain for an agreed period and whether to take legal action.

Managing the unauthorised site

The Lead Authority will advise the Gypsies, Travellers or other unauthorised campers that they must vacate the land within a short period, generally less than 7 days.

The policy for Warwickshire needs to demonstrate to the settled communities a robust approach to unauthorised encampments where there are environmental, or crime and disorder issues present, or a history of such with that particular group of travellers. The approach should also illustrate a more considerate/inclusive approach when these factors are not present in accordance with Human rights legislation. The Lead Authority may also allow a short stay at an unauthorised site, for example because of serious illness (supported by medical evidence), mechanical breakdown or other emergency or exceptional circumstances.

This will not normally be permitted where:

- the Code of Site Practice (*as set out in **Appendix 1e***) has not been complied with;
- the occupants are known to have previously disregarded the site rules within the county
- the encampment is creating a hazard to road safety;
- there is a danger to public or personal safety or the environment
- the encampment is creating an intolerable impact on the employment, use or habitation of adjoining or nearby property;
- the encampment is too large for its location;

- the land is needed for use by the Lead Authority or the general public
- there has been advice from the Police which suggests that alleged criminal activity is taking place.

The lead authority will ensure so far as is reasonably practicable that any waste is removed both during the encampment and immediately upon its vacation, except when an encampment is on private land, when clearance costs are the responsibility of the landowner. Normally the lead authority will provide basic facilities and site clearance, although in some cases it will be appropriate to apportion the costs between the County and District Council concerned. People living on unauthorised encampments will be made aware they may be charged for facilities and waste services.

Legal Action – who has what powers

- Sections 77-78 Criminal Justice and Public Order Act 1994 – Power to local authorities to direct individuals to remove their vehicles and belongings and to leave highway land, or any land occupied without the consent of the landowner, whether owned by the local authority itself or by any other public or private landowner. Magistrates Court.
- Sections 61-62 Criminal Justice and Public Order Act 1994 - Power to Police to direct unauthorised campers to leave land, if prescribed conditions are met, without references to the Courts.
- Section 62A –E, Criminal Justice and Public Order Act 1994 – Power to Police to direct trespassers to remove themselves and their vehicles and property from land where a suitable pitch on a relevant caravan site is available within the county.
- Section 33, Environmental Protection Act 1990 – Power to Officers of the Environment Agency or the relevant local authority to stop (with police support) any vehicle believed to be carrying “controlled waste”. Drivers of vehicles used without relevant documentation may be subject to being reported to the Court and their vehicle seized.

Taking Action

Following the case conference, if a decision is taken to evict an unauthorised encampment the aim should be to:

- Act quickly and efficiently
- Use powers most appropriate to the circumstances in accordance with the appropriate Human Rights legislation
- Reduce scope for challenge through the courts by ensuring that policies and procedures are properly followed.

The Lead Authority will serve the Notice, with Police support if required to prevent a breach of the peace. The Lead Authority will prepare papers for Court and make arrangements for moving the travellers on. Other partners in the Protocol may be asked for support where this will secure the required outcome from the case conference.

If caravans are seized the Travellers may become homeless and in this event the social services should be involved or at least notified reference any children issues.

Involving the media – responsible reporting

Contact with the media is the responsibility of the lead authority, to which all enquiries should be referred. We are partners in the responsibility for reducing crime and fear of crime. To provide a balanced view to the community a proactive press release should be considered and where time allows it, the Police and other relevant local authorities should be asked for their comments. Copies of press releases should be distributed to all relevant parties. A press release should refer to the Protocol process jointly undertaken by the agencies and give the context under which any decision has been reached. The press release will be published on the Warwickshire County Council web site with a link to the Gypsy and Traveller WebPages where necessary.

The Lead Authority will take responsibility for keeping local politicians informed.

Monitoring and Review

- **Learning from the experience.** A Debrief session may be held when an Unauthorised Encampment has moved on to discuss the way the process has worked and to consider improvements to the process and any individual development needs.
- **Routine intelligence gathering** should not take place on any group without good and proper reason. This applies equally to members of whichever group from the travelling communities who may be engaged in unauthorised camping. However, the gathering of such intelligence will be legitimate:
 - to enable police and partner agencies to properly consider welfare needs to those individuals on the encampment
 - to make informed operational assessments regarding unauthorised encampments
 - in response to reported criminal and anti-social activities, by either the travellers or people engaged in criminal activity against the encampment occupiers, and
 - where known criminals are at a particular encampment.

The Police will maintain the relevant data through the Crime and Disorder Reduction Partnership.

- **Key data** giving an overview of each encampment will be recorded by the County Council with the appropriate detail to contribute to the development of Housing Needs assessments and Welfare needs analysis.

Annual review

- The Protocol will be reviewed 12 months after adoption in the light of the work of the Special Interest Panel and every three years thereafter, or sooner if changes in legislation or government guidance occur. The review will take account of feedback from all parties involved. The first Annual Review will be **April 2008**.

Parties to this Protocol:

Signed: On Behalf of Warwickshire County Council Dated:

Signed: Dated:
On Behalf of N.Warwickshire Borough Council

Signed: Dated:

On Behalf of Nuneaton and Bedworth Borough Council

Signed:
On Behalf of Rugby Borough Council

Dated:

Signed:
On Behalf of Stratford on Avon District Council

Dated:

Signed:
On Behalf of Warwick District Council

Dated:

Signed: On Behalf of Warwickshire Police Dated:

Appendix 1a: Contact Details

Authority/ Service	Contact, Job Title and Address	Phone No(s)	E-mail
Warwickshire County Council	Rob Leahy, Gypsy & Traveller Services Officer, PO Box 43 Shire Hall Warwick CV34 4SX	(Direct Dial) 01926 418033	robertleahy@warwickshire.gov.uk
	Graham Miles, Warwick Area Office, County Highways Operations	01926 410410	grahammiles@warwickshire.gov.uk
Warwick District Council Lead Officer	Paul Leeman Housing Strategy Riverside House Milverton Hill Leamington Spa, CV32 5QE	01926 456727	Paul.leeman@warwickdc.gov.uk
Stratford District Council lead officer	Steve Haresnape, Environmental Protection Manager, Elizabeth House, Church Street, Stratford Upon Avon CV37 6HX	(Direct Dial) 01789 260854	steve.haresnape@stratford.gov.uk
Rugby Borough Council			
Traveller Education Service	North Warwickshire and /Nuneaton and Bedworth		pfrance@wmcestdc.biblio.net
	Rugby		pdenley@wmcestdc.biblio.net
	Stratford and Warwick		rdewhirst@wmcestdc.biblio.net
Police – 24 hours			
Area Policy issues	Superintendent Martin Samuel	01926 415110	martin.samuel@warwickshire .pnn.police.uk
Operational issues on Area basis as follows:			

Authority/ Service	Contact, Job Title and Address	Phone No(s)	E-mail
Warwickshire Area Health			
Warwickshire County Association of Parish and Town Councils			
Authorised Site Contact Details	Alvecote		
	Griff		
	Pathlow		

Appendix 1b: Notification to Authorities of an Unauthorised Encampment

Date of Arrival of Travellers:	
Address and Location of Encampment: e.g. On the roadside, a play area, car park, etc	
No. of Units and Vehicles: (state approx. figure if unsure)	
Land Ownership:	
Other Details i.e. animals or children:	
Details of any problems/issues:	
Contact details:	

These details should be forwarded to the likely Lead Authority as soon as possible, who will confirm land ownership.

Appendix 1c: Criminal Justice & Public Order Act 1994: Social Caring Information Checklist

Encampment Site/Location:

Respondents' Names and Mobile Home Identity:

Officer

Date

-
1. Are there vacant pitches available on the Council's official gypsy sites at Alvecote, Griff, or Pathlow?
 2. What is the occupation of the travellers? Is this likely to give rise to nuisance? Is there a nuisance at present?
 3. How long have they been on the land?
 4. What is the reason for the travellers being on the land and for how long do the travellers intend to remain there?
 5. Are any of the travellers receiving medical treatment from a GP or local hospital?

YES ☐ NO ☐

 - a) Name and address of GP / consultant
 - b) Any other information
 6. Are there any children receiving education?
 7. Are any of those responsible for children actively looking for education for their children?
 - a) Address of school:
 - b) Name of teacher attending site:
 - c) Any other information including apparent visible welfare issues not disclosed by the Gypsies and Travellers
 - d) Is the County Council's Adult Health and Community Services and Children / Young People and Families Duty Officer aware of the presence of travellers, and do they intend to take any action? (tel. 07718 210824)

8. Are any of the travellers receiving support from the County Council's Adult Health and Community Services and Children / Young People and Families Directorate for any other reasons than education?
9. How long do the travellers intend to stay on site?
10. Are the travellers known to the Council?
11. Are there any special circumstances which may mean they should remain on site?
12. How many vehicles are on the land?
 - (a) What are their registration numbers, models and colours?
 - (b) Do they appear to be in a roadworthy condition?

Appendix 1d Case Conference: Assessment Checklist

The lead Authority needs to establish who is living at the unauthorised encampment, the likely period of occupation, and its impact on the local community. This Checklist is intended to provide sufficient background information to enable balanced and informed decisions to be made concerning its tolerance or otherwise.

Those taking part in the case conference should be reminded that the Race Relations Act 1976 makes it an offence to discriminate against someone because of race, colour, nationality or citizenship, or ethnic or national background. Furthermore, the Race Relations Amendment Act of 2000 also places a duty on public bodies to promote good relations between people of different ethnic groups.

As Gypsies have been recognised as an ethnic group since 1989 and Irish Travellers since 2000 both groups are protected under the Race Relations legislation. Those participating in a case conference should be mindful of the legislation and use language and behaviour that is appropriate and respectful.

Data Protection Act 1998

The Data Protection Act regulates the holding and processing of personal data, that is information relating to living individuals, which is held either on computer or in manual form. The Act gives enforceable rights to individuals (data subjects) and places obligations on those legal persons (data controllers) who control the manner and the purpose of the processing of personal data.

It will be the responsibility of the signatories to this Protocol to ensure that information supplied to them under this Protocol will be used solely for the purpose for which it was obtained. They should also ensure that such information is not disclosed to unauthorised personnel and keep all relevant data confidential and comply with the Data Protection Act and all other relevant legislation and guidance.

Protocol Name/Reference:	
Date/Time of Conference:	
Venue:	
Lead Authority:	
In attendance	
Name	Job Title/Organisation/Email address

A. General Information:

1. Address / Location / Grid Reference:	
2. Ownership of land (if known):	
3. Date of Arrival of Travellers:	
4. No. of Living Units:	
5. No. of Other Vehicles:	
6. Site Information (details of any health and safety/hard standing/general description):	
7. Previous Location of Group (if known):	
8. Length of time group has indicated they wish to stay:	

B. Specific Information relating to Group

Name	Date of Birth	Relationship	Details inc. reg. of any vehicles

Details of health concerns, pregnancy, children at risk, details of doctor or hospital appointments:	
Name	Health Issue

Please give details of children attending an educational establishment:	
Name	Details

C. Details of the Encampment

Location	
<ul style="list-style-type: none"> ➤ Is the encampment at or near to a Nature Reserve, SSSI or other environmentally sensitive area? Give details. ➤ Could significant damage occur as a result of the encampment? 	
<ul style="list-style-type: none"> ➤ Is the encampment near a residential area? ➤ If so, what impact is it likely to have on the surrounding area? 	
<ul style="list-style-type: none"> ➤ Is the encampment on public land? ➤ If so will it obstruct the operational use of that land to a significant effect? 	
<ul style="list-style-type: none"> ➤ Does the site contain or is it likely to contain substances which may be toxic or hazardous to health? 	
<ul style="list-style-type: none"> ➤ Has the site been occupied by Gypsies or Travellers in the preceding year? 	
<ul style="list-style-type: none"> ➤ Does the encampment block any accesses? ➤ Is there a significant nuisance to adjacent landowners/occupants because of this? 	
<ul style="list-style-type: none"> ➤ Are there safety implications for the group or others due to the encampment? 	
<ul style="list-style-type: none"> ➤ Is there a significant adverse affect on the amenity of the area? ➤ If so, what is the length of time this could be tolerated? 	
<ul style="list-style-type: none"> ➤ Does the land have planning permission by-law restrictions or other legal restrictions? ➤ What is the planning position with regard to short stays by Gypsies and Travellers? 	
<ul style="list-style-type: none"> ➤ Are there other sites, formal or informal within the vicinity that would be more suitable? ➤ Are there vacancies on any authorised sites within the area? 	
The Encampment	<i>Items shown in italics are those that broadly comprise the Code of Practice/Respect under which an encampment is expected to operate.</i>
<ul style="list-style-type: none"> ➤ Is the group known historically to the lead authority? ➤ If so, has it complied with the Code of Practice/Respect on previous occasions? 	

<ul style="list-style-type: none"> ➤ How long is the group likely to stay? ➤ <i>If another suitable location cannot be identified when are the group likely to move anyway?</i> 	
<ul style="list-style-type: none"> ➤ Has the Code of Practice/Respect been issued and explained to the group? 	
<ul style="list-style-type: none"> ➤ Is the size of the encampment a legitimate concern for the local settled community? ➤ <i>Smaller numbers will be more acceptable.</i> 	
<ul style="list-style-type: none"> ➤ Are the groups/units reasonably spaced? ➤ <i>Reasonably spaced groups are more acceptable than where caravans/vehicles are close together</i> 	
<ul style="list-style-type: none"> ➤ Are open fires being lit? ➤ If so, are they kept well under control? ➤ Are noxious substances being burned? ➤ <i>It is not acceptable for open fires to cause a nuisance to adjacent landowners/occupants or be a fire risk or for industrial waste/noxious substances to be burnt.</i> 	
<ul style="list-style-type: none"> ➤ Has there been damage to property, fences or trees at the location or on adjacent land? ➤ <i>It is not acceptable for damage such as this to occur.</i> 	
<ul style="list-style-type: none"> ➤ Are all animals kept under control so as not to cause fear or potential hazard to Highway safety? ➤ <i>Animals should be kept under control at all times.</i> 	
<ul style="list-style-type: none"> ➤ Is the encampment a danger to public health due to the dumping of household, human or trade waste? ➤ If so, have the Environment Agency been informed and what is their response? ➤ <i>It is recognised that Gypsies and Travellers have a lifestyle often different to the local community and this will be taken into account. The local authorities may consider providing (where appropriate) temporary toilets, waste collection and, where economical, a water supply.</i> 	
Other Considerations	
<ul style="list-style-type: none"> ➤ How recently has the group been moved on? 	
<ul style="list-style-type: none"> ➤ Are there medical concerns with group members that would prevent the group moving on or would create a risk to health? ➤ <i>Health and medical conditions will be considered a factor as will any other immediate emergency experienced the group.</i> 	
<ul style="list-style-type: none"> ➤ Are there any vulnerable, elderly or infirm members of the group? 	

➤ If so, have the welfare agencies been consulted and what is their view?	
➤ Has the Travellers Education Service assessed the educational needs of the group?	
➤ Are the vehicles on site able to be driven? ➤ Are members of the group able to drive the vehicles?	
➤ Has any criminal or anti-social behaviour been witnessed or reported? ➤ Have the police been informed of such incidents? ➤ <i>There should be no intimidation on the part of Gypsies and Travellers, including violent or abusive or insulting language. Equally, threatening or abusive language or behaviour by anyone from the settled community will not be tolerated.</i>	
➤ What are the views and proposed actions of the Police?	
➤ If there is evidence of criminal or anti-social behaviour? ➤ If so, do the Police intend to use Section 61 or 62A Powers of Eviction?	
➤ Have there been complaints to the lead or other authority? ➤ Are they verifiable? ➤ Are they reasonable?	
➤ With regard to the group's rights, would eviction contravene the Human Rights Act 1998? ➤ With regard to the settled community's rights, would non-eviction contravene the Act?	
➤ Are there any other issues that need to be considered?	

Assessment Checklist Completed on behalf of Lead Authority by:

Name/Organisation	Signature

Following completion of the above checklist the meeting will be closed to participants other than officers for the decision-making process. A record of all decisions reached and referrals made should be recorded in the form overleaf and signed by the representative of the lead authority and those in attendance.

Decision or Recommendation of the Case Conference:

(Only for use when Police do not use Section 61 powers)

After completion of the above checklist and taking into account educational, health, environmental, social, safety, Human Rights and any other considerations, the lead authority together with the relevant authorities will decide how to manage the unauthorised encampment.

After taking into account the information contained in the checklist above, is there a pressing social need to evict?

After taking into account the information contained in the checklist above, would eviction be proportionate?

Please give details of your recommendations for dealing with the unauthorised encampment, including a record of any referrals made to other agencies.

Proposed timescale for action.

Recommendation agreed by:

Name/Organisation	Signature

Date:

Appendix 1e Code of Site Practice

The stay on the land depends upon you showing respect for the site and complying with the following standard practice:

- Hygiene – there must be no fouling on or in the vicinity of the site.
- Rubbish – no domestic or trade refuse to be dumped or burnt on or in the vicinity of the site. Place your tied plastic refuse sacks in a pile at the roadside. These will be collected weekly on _____
- Behaviour – intimidatory or noisy behaviour, if substantiated will not be tolerated.
- Animals – dogs and horses must be kept under control and must not cause a nuisance or danger.
- Damage – no damage to property or environment will be tolerated.
- Highways/Footpaths – vehicles should be parked safely and reported or suspected complaints will be passed to the appropriate authority.
- Criminal Activity – all allegations of crime will be reported to the Police who will advise about eviction.
- Land Use – Encampments will not be tolerated where land is designated for specific public use such as playing fields, car parks or other sensitive site.

Failure to adhere to these guidelines will result in consideration being given to eviction. Failure to leave on the date you are advised of will result in an immediate order for eviction.

Summary flowchart for Managing Unauthorised Encampments

The Lead Authority will consider each encampment on an individual basis. Set out below is the procedural guide to be followed on notification of an unauthorised encampment.

