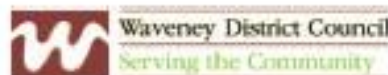


Version 2
March 2011

Protocol for Managing Unauthorised Encampments

*A Partnership Document
for Suffolk*



Suffolk
Primary Care Trust



Great Yarmouth and Waveney
Primary Care Trust



Protocol for Managing Unauthorised Encampments in Suffolk: A Partnership Document

March 2011

Authored by the Gypsy and Traveller Protocol Steering Group

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1. Introduction

Section One

1.1 The Protocol relates to the management of unauthorised encampments in Suffolk. This purpose is to balance between the rights and needs of the unauthorised encampment, and of the landowner and general community. Gypsies or Travellers can carry out unauthorised encampments due to the travelling nature of their life-style, and the shortage of site and transit provision nationally. Although the protocol is concerned with unauthorised encampments of Gypsies and Travellers, the same rules and processes would apply, regardless of the ethnicity of the encampment.

The aims of the protocol are to:

1. Address the need for a partnership approach to the management of unauthorised Gypsy and Traveller encampments, by ensuring that the rights of Gypsies and Travellers and the settled community are balanced and the local community are met
2. To clarify and agree working arrangements around unauthorised encampments amongst the county, district and borough councils, the police and health sector.

1.2 Changes in government legislation have necessitated a revision to the previous Protocol for Managing Unauthorised Encampments. This includes changes to the Housing Act 2004, which have introduced the statutory duty to undertake Accommodation Needs Assessments, as well as changes to the definition of 'Gypsies and Travellers'. As Accommodation Needs Assessments are completed, there should be an increase in the provision of legal sites, which will reduce community tensions over unauthorised sites. All local authorities in Suffolk, including the police and the health service, have statutory responsibilities to Gypsies, Travellers *and* the settled communities. This policy seeks to ensure that the rights of *all* communities are addressed in a fair and equitable way.

The Race Relations Act of 1976 makes it an offence to discriminate against somebody because of their race, colour, culture, and nationality, and citizenship, ethnic or national background. Furthermore, the Race Relations Amendment Act 2000 also places a general duty on public authorities to promote good relations between people of different ethnic backgrounds.

1.3 This protocol will benefit both the settled and travelling communities by providing guidelines to ensure that the settled community is able to use land for its intended purposes, and ensures the welfare needs of the travelling community are taken into account when deciding how to manage unauthorised encampments.

1.4 This protocol has been produced and monitored by a steering group that meets for this purpose, which is chaired by Social Inclusion and Diversity, Suffolk County Council. The group is a multi-agency forum, with representatives from district councils, the police, NHS Suffolk, the Minority Ethnic and Traveller Achievement Team, Adult and Community Services and others.

1.6 The protocol has been drawn up taking account of the guidance given in the Department for Communities and Local Government. *'Managing Unauthorised Camping – A Good Practice Guide'*.

1.7 The protocol will be updated when necessary by the Gypsy and Traveller Countywide Steering Group, which meets bimonthly.

1.8. Definition of an Unauthorised Encampment

An unauthorised encampment is where any person camps (in vans, trailers or any other moveable accommodation) on land that they do not own, and where they do not have permission to reside. It is important to consider the needs of Gypsies and Travellers in terms of suitable accommodation and other public service provision, as often they suffer from social exclusion and have difficulties in accessing services.

1.9. Definition of an Unauthorised Development

An unauthorised development is where the person owns the land that they reside on, but does not have planning permission for the developments they have undertaken, or started to undertake. Where there is an unauthorised development, the planning enforcement officer in the district/borough council will get involved and may consider the possibility of planning enforcement action.

Section 2

The Role of Partner Agencies

2.1 Responding to the needs of Gypsies, Travellers and the settled communities cannot be achieved by any one organisation in isolation. There are number of key agencies that need to work together in order to ensure that the welfare of Gypsies and Travellers is considered.

It is important that community cohesion is not undermined: balancing the needs of the travelling and settled communities is essential. Suffolk County Council's Gypsy and Traveller Liaison Officer (GTLO) will be responsible for coordinating and overseeing all services and key actions involving Gypsies and Travellers.

An overview of the kind of involvement and action is provided below.

2.2 Primary Roles and responsibilities

Social Inclusion & Diversity, Suffolk County Council – Gypsy and Traveller Liaison Officer

2.2.1 If an unauthorised encampment is on Suffolk County Council-owned land, the GTLO will take the lead in gathering data that will influence the decision to tolerate or evict an unauthorised encampment, including welfare issues. This will be undertaken in conjunction with their Legal Services. The GTLO will visit the site and seek dialogue and involvement from the unauthorised encampment. In cases where the site is not owned by the county council, the GTLO can offer guidance to local authorities and wider partnerships.

District and Borough Councils

2.2.2 Where unauthorised encampments occur on district or borough-owned land, the relevant local council will be responsible for making the ultimate decision about whether the encampment will be tolerated or evicted, after considering the welfare needs of the Gypsies and Travellers. Each district will provide bagged general household collection, whether on private, county, district or borough land, provided that the Gypsies and Travellers leave the bagged waste accessible on the roadside. Clearance of unbagged rubbish will be chargeable.

Environmental Health

2.2.3 This department is concerned with the impact that the encampment has on the environment. Environmental Health staff may investigate the situation to ensure that sanitary conditions are maintained and that there is no nuisance being caused to communities. Consideration of any risk or harm to Gypsies and Travellers arising from

conditions on site (such as contaminated land) will also be considered by Environmental Health Staff.

Solicitors or Council's Legal Department

2.2.4 Legal representatives will become involved if formal legal proceedings become necessary.

Suffolk Constabulary

2.2.5 The police in Suffolk work closely with local authorities, and support the approach of involving partnership discussion, and dialogue with Gypsy and Traveller groups, to achieve a negotiated solution, where possible. A police representative will normally participate in any Unauthorised Encampment Case Conferences.

The duty of the Police is to preserve the peace and prevent crime. Trespass on land by itself is not a criminal offence. Prevention of Trespass and the removal of trespassers are the responsibilities of the landowner and not the Police. The Police will investigate all criminal and Public Order offences.

Suffolk Constabulary has its own engagement procedure that compliments this protocol.

2.3 Secondary roles and responsibilities

Parish and Town Councils

2.3.1 Parish and town councils are crucial in building community cohesion within their localities. They have a role to play in helping to manage short-stay encampments in conjunction with district and/ or county councils. In addition to this, they also have a duty to represent and act upon the concerns of all communities within their areas. In appropriate circumstances, local councillor(s) may be invited to attend the Unauthorised Encampment Case Conferences to represent these views.

Planning Control regarding unauthorised encampments.

2.3.2 This department controls and manages land use, and the planning enforcement requirements of the Planning Acts. Due to the issues involved in the unlawful use of land, planning enforcement officers may become the lead officer for a district or borough council in managing unauthorised encampments.

Housing – Council Housing Departments

2.3.3 These have responsibilities towards homeless people, those threatened with homelessness and for making available housing for

homeless people who qualify. There are circumstances where Gypsy and Travellers need housing, which the Council may be able to satisfy through its housing register.

2.3.4 Advice can be sought from the departments listed above on various services available. These include:

- Provision of refuse and sanitary services
- Planning advice, and support on making a planning application
- Advice on Planning Enforcement matters
- Details of licensed Travellers' sites
- Housing advice
- Environmental impact and assessment

2.4 Welfare Services

NHS Suffolk

2.4.1 NHS Suffolk is the primary care trust (PCT) for the county of Suffolk excluding Waveney which has its own, NHS Great Yarmouth and Waveney PCT. Both PCTs aim to improve health and wellbeing. They work with local authorities and other partners to reduce health inequalities and help to develop sustainable communities.

NHS Suffolk and Gt Yarmouth and Waveney representatives will work with all district and borough councils, as well as Suffolk County Council's GTLO to identify the health needs of Gypsies and Travellers. The health service will also be invited to take part in the unauthorised encampment case conferencing procedure.

Children & Young People Services (CYP) – Suffolk County Council

2.4.2 Children and Young People Services have a responsibility for ensuring the welfare, access to school and attainment of all children and young people including those from the Gypsy, Roma and Traveller communities.

Within the CYP Learning and Improvement Service there are advisers whose brief includes ensuring the inclusion and attainment of GRT children and young people. Advisers will provide advice to schools on admitting children from unauthorised encampments including strategies and advice regarding resources to promote their learning while they are in school.

An Engagement Officer from the service will liaise with families, schools and other agencies to ensure speedy access and continued attendance while the families are in the area.

Adult and Community Services – Suffolk County Council

2.4.3 Adult & Community Services have a duty to promote well-being amongst all of the population, including Gypsies and Travellers. The service commissions and provides a range of services relevant for Gypsies and Travellers. These include: welfare rights advice, disability services, social care, and access to libraries across Suffolk.

Suffolk Fire and Rescue Service

2.4.4 Fire prevention and fire safety is vitally important for Gypsies and Travellers. On Traveller sites, open campfires and gas canisters often exist within close proximity of living accommodation. The Fire and Rescue Service is well equipped to provide fire safety advice, as well as other practical support concerning safety on encampments.

Ipswich and Suffolk Council for Racial Equality (ISCRE)

2.4.5 ISCRE delivers race equality services that bring significant benefits to Suffolk communities on issues around employment, housing, education, social welfare and criminal justice. Their aim is to work towards eliminating racial discrimination whilst promoting equality of opportunity and facilitating good relations between Suffolk's diverse ethnic/racial populations.

Section 3

Procedure for managing unauthorised encampments

3.1 The following procedure describes the actions of partner agencies when Gypsies and Travellers are found to be camped on land that they do not own.

- I. Notifications of unauthorised encampments to be made to the Gypsy and Traveller Liaison Officer (GTLO) at Suffolk County Council;
- II. The GTLO will visit the site within two working days and carry out a preliminary welfare assessment (see appendix 3). A copy of the Code of Practice will be left with the Gypsies/ Travellers. (appendix 6)
- III. The GTLO will advise relevant partner agencies of the encampment. Where necessary a copy of the welfare assessment will be sent to the relevant welfare agencies (Primary Care Trust, Adult and Community Services, the Minority, Ethnic and Traveller Achievement Team and Housing Teams where the Gypsies/Travellers have requested re-housing) so that they can determine what services may need to be provided;

The following agencies will be notified immediately of the encampment where appropriate:

- Suffolk Constabulary;
 - District and Borough Councils;
 - County and District/Borough Council ward members;
 - Suffolk Fire and Rescue Service;
 - Primary Care Trust;
 - Adult and Community Services;
 - Minority, Ethnic and Traveller Achievement Team;
 - Parish/Town Clerk
- IV. The GTLO will establish the ownership of the land; subsequent actions are dependant on land ownership.

3.2 Land owned by the County Council

- V. The district/borough council will leave plastic bin bags for the Gypsies/Travellers and may make arrangements to collect the waste in accordance with their own local policies.
- VI. Where the encampment is not on a sensitive site, the Code of Practice is being complied with and it is likely that the Gypsies/Travellers will leave the site in a reasonable period the site

will be 'tolerated'. The site will be monitored by the GTLO to ensure that continuation of the 'toleration' is appropriate.

- VII. Where appropriate the GTLO will hold a case conference within five days of the initial visit to consider the 'toleration' of the encampment. Papers will be sent to the relevant partners to arrive two working days before the date of the conference. The Case Conference Assessment Checklist shall be used to determine whether the site should be 'tolerated' or whether the council seek possession of the land. (appendix 2)
- VIII. Where the site is sensitive an emergency meeting of partner agencies may be held within 24 hours of the initial visit.
- IX. The recommendation of the case conference will be reported back to the encampment and relevant officers for action. Complainants and Members shall be advised of the actions taken.
- X. After the site is vacated, where possible, the land will be secured and cleared by the land owner.
- XI. Should the encampment refuse to leave the site after fair warning (48+ hours) legal action will follow.

Land owned by District/Borough Councils

- 3.3** Actions will be broadly in accordance with sections V- XI above. An officer of the district/borough council will jointly visit the site with the GTLO.

Parish Council and other common land

- 3.4** Actions will be broadly in accordance with sections V-XI above. A member of the parish council may jointly visit the site with the GTLO
- 3.5.** Should a Gypsy/Traveller encampment be on parish land they may ask SCC Legal team for advice. Thereafter, if they wish to pursue the matter the Parish Council is able, with agreement, to use SCC services or use private practice
- 3.6** Where the land is owned by the parish, districts and boroughs *may* wish to assist the parish with legal charges
- 3.7** For Common Land that is not owned by the District/Borough, Councils will need to consider use of eviction powers contained in the Criminal Justice and Public Order Act 1994. This can only be done after a Welfare Audit has been carried out. Clearance of the site will be the responsibility of the District/Borough Council.

Parish Councils or others who have had responsibility of the land should be encouraged to pursue formal ownership of the land

Private land

3.8 Local councils will not usually take action to evict where there is an unauthorised encampment on privately owned land. The GTLO will notify the owner of the land and provide information on how to effectively manage unauthorised encampments and the powers available to landowners to recover possession of their land.

3.9 The district/borough council will leave plastic bin bags for the Gypsies/Travellers and make arrangements to collect the waste in accordance with their own local policies.

3.9.1 Where the owner does not take action to recover the land the District/Borough Council will consider planning enforcement powers against the landowner. Where the encampment is giving rise to serious disruption or a nuisance the GTLO will discuss with the Police and relevant district/borough council possible solutions.

Toleration/ Eviction Criteria

When considering whether to evict or tolerate an unauthorised encampment, the partner agencies should take into account the needs of the Gypsies and Travellers. They *may* consider it necessary to take eviction action in circumstances where an unauthorised encampment:

- i. Is on operational or inappropriate land (for example on contaminated land, urban parks, school grounds during term-time, sports fields, retail parks and environmentally sensitive areas like Sites of Special Scientific Interest);
- ii. Prevents the use of land for its intended purpose by its owners and those owners are unable to take their own action;
- iii. Has an impact on the use or habitation of adjoining property, or interferes with the effective management of that property;
- iv. Creates a road safety, health, or other form of safety hazard;
- v. Causes harm to the local environment, (which includes fly tipping, dumping of rubbish and lighting fires to burn waste materials)
- vi. Has more than 6 vehicles – in some circumstances slightly larger encampments may be tolerated;

- vii. Is not adhering to the Code of Respect (section 4)
- viii. Has been in place for a period of time exceeding that previously agreed by the local authority.

However

- If there are identified health needs the Gypsies and Travellers should be given adequate time to address them with local health care providers and then an agreed departure date given.

Section 4

Code of Respect for Unauthorised Encampments

4.1 Standards of behaviour on unauthorised encampments should be the same as those expected of the wider community.

4.2 Intimidation from and towards the encampment will not be tolerated

Encampments are asked to:

- i. Please show respect to other people
- ii. Please drive carefully
- iii. Please space yourselves out and park away from other groups
- iv. Please keep groups small (normally no more than 6 vehicles) and away from houses.
- v. Please do not play loud music or use loud equipment (ie generators)
- vi. Please do not damage any land or property
- vii. Please do not have open fires
- viii. Please use plastic bags for rubbish and leave it at agreed collection points.
- ix. Please dispose of other waste at official waste and recycling centres
- x. Please dig and bury your poo and dirty tissue paper.
- xi. Please keep animals under control and clear up their poo
- xii. Please do not block rights of way
- xiii. Please work with council staff and the landowner
- xiv. Please clear up before you leave site.

How long encampments are allowed to stay will depend on how they behave and will affect any future toleration of the group.

Section 5

The Role of the Unauthorised Encampment Case Conference

5.1 The Unauthorised Encampment Case Conference will seek to identify and meet the health, educational and general welfare needs of Gypsies and Travellers. Enforcement matters will also be discussed. This will include stating a timescale for moving off the land, and attempting to find more appropriate authorised sites.

Case Conference Procedure

5.2 A Case Conference is called, with relevant parties represented. It takes place in two sessions. The first session being open to interested parties. The second session, for decision-making, is closed to non statutory agencies, and would involve the public service representatives only. A record is made of these meetings.

The standing members would be:

- The SCC Gypsy and Traveller Liaison Officer, or, if absent, another Social Inclusion team member
- The relevant district or borough officer
- Legal department from the lead authority
- The police – the relevant Safer Neighbourhood Team Inspector or Sergeant;
- Gypsy/ Traveller community representative/s from the encampment

And where relevant;

- The PCT for that area
- Children and Young People's Services;
- Adult and Community Services;
- Any other interested party, as appropriate.

5.3 The Case Conference is coordinated by the GTLO, following the preliminary welfare assessment.

5.4 An update is provided by various partners in respect of the welfare needs of the Gypsy and Travellers on site, and the actions taken since the preliminary welfare assessment.

5.5 The Case Conference pro forma is completed by the GTLO.

5.6 The local authority legal departments will verify the decisions made.

5.7 The outcome and recommendations from the Case Conference are shared with the Gypsies/ Travellers, representatives from the settled community and relevant Members.

Section 6

6.1 What provision is made on council sites for Gypsies and Travellers?

There are two county council owned sites in Suffolk, 'West Meadows', which is located on the western outskirts of Ipswich and the Kessingland Traveller site, near Lowestoft, which is privately leased. The Beck Row site, near Bury St Edmunds is privately managed but owned by Forest Heath District Council. Travellers on these sites pay rent and council tax etc. Their postal addresses and the contact names and numbers of the site managers are given below.

- West Meadows Traveller Site, Bury Road, Ipswich. For the West Meadows half, the postcode is IP1 5NU. For the Woodlands Way half, the postcode is IP1 5PE. Site officer contact, 01473 833641.
- Kessingland Traveller Site, Romany Lane, Kessingland, Lowestoft, NR33 7RB. Site manager: Ian Real, 01502 741318.
- Sandy Park, Beck Row, Bury St Edmunds, IP28 8DN. Site manager: Gloria Buckley, 07711 528787.

6.2 Who should I contact if I need to speak to someone about Gypsies and Travellers or If Gypsies or Travellers move onto a piece of land, and I have concerns.

The county council Gypsy and Traveller Liaison Officer can be contacted on 01473 265194.

6.3 If Gypsies or Travellers move onto my land, and I do not wish them to remain, what should I do?

You or your solicitor can go to the County Court and obtain an order granting possession of your land. You can contact the Gypsy and Traveller Liaison Officer for advice.

6.4 Does the council have a duty to remove Gypsies or Travellers when they are camped on land without the owner's permission?

No, not automatically. It depends on whether the local authority considers the Gypsies or Travellers are causing a level of nuisance that cannot be effectively managed. The responsibility for evicting Gypsies/Travellers rests primarily with the landowner.

- i. If the land is privately owned, the landowner will need to obtain an order through the county court granting possession of the land.

- ii. If the land is owned by the district council, they will work with other partner agencies to resolve the situation.
- iii. If the land is owned by the county council, the Gypsy and Traveller Liaison Officer will work with other partners to resolve the situation.

Suffolk County Council's Gypsy and Traveller Liaison Officer will act in an advisory capacity to both district councils and private landowners where their land is being occupied.

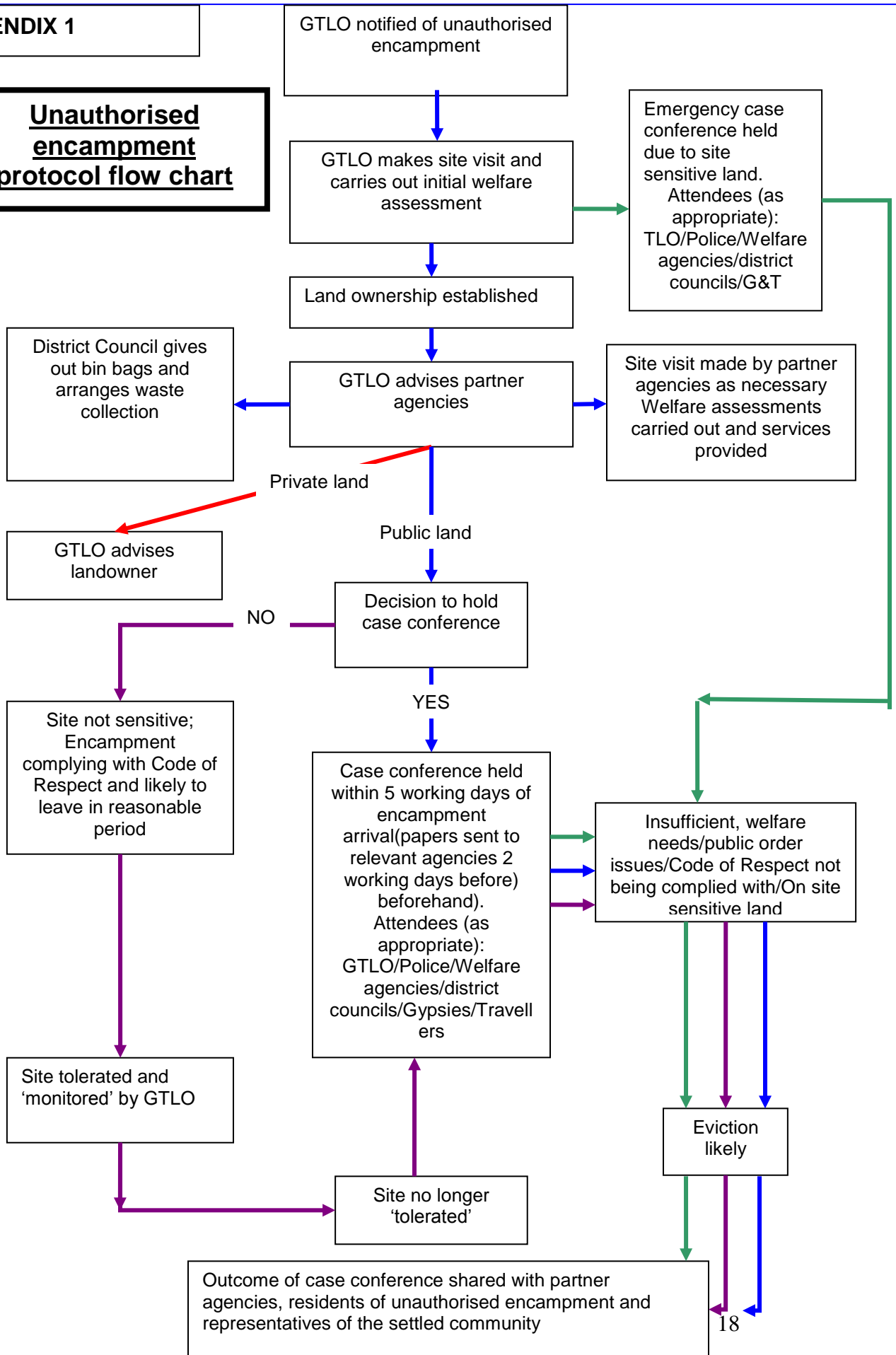
6.5 Can the council move Gypsies and Travellers on immediately?

No, because the local authorities first need to be able to show that the Gypsies and Travellers are on the land without the consent of the owner. Additionally, welfare assessments are often made, regarding the statutory rights of Gypsies and Travellers, before deciding on the next steps. If action is to be taken, the Gypsies and Travellers must first be asked to vacate the land they are occupying, unless this is not possible for a particular reason. If they then refuse to leave, the landowner can obtain a summons to serve on them. The court can subsequently issue an order permitting the landowner to move the Gypsies and Travellers.

In some circumstances, the Police can invoke Sections 61-62 of the Criminal Justice and Public Order Act 1994 (as above), and can do this without reference to the courts.

APPENDIX 1

Unauthorised encampment protocol flow chart



APPENDIX 2

Case Conference Assessment Checklist

1. GROUP PROFILE AND HISTORY

When did the group first arrive?	
How many living units (ie caravans, motor-homes) are on site?	
Roughly how many other vehicles are present?	
What was the location of the group (if known) prior to this encampment?	
Is the group known to the lead authority, or to other agencies represented? <i>- if yes, to what extent has it respected verbal or written agreements at previous encampments?</i>	
Has the group previously been subject to eviction? <i>- if yes, please give details</i>	
How long has the group indicated it wishes to stay?	

2. SITE DETAILS

Who owns the land? (Where there is multiple ownership, please list ALL landowners)	
What services (if any) are available on site? (ie water supply, toilets etc)	
Are rights of way affected by the encampment? <i>- if yes, in what way?</i>	
Are accesses to or from nearby properties or amenities obstructed by the encampment? <i>- if yes please explain</i> <i>- in what ways (if any) could this be remedied without forcibly moving the group?</i>	
Is operational use of the land obstructed by the encampment? <i>- if yes please explain</i>	
Has the site been occupied by Gypsies or Travellers in the preceding year?	
Is the encampment on or near to a nature reserve, SSSI, or other	

<p>environmentally sensitive area?</p> <ul style="list-style-type: none"> - if yes please give details - in what ways (if any) could damage be prevented without forcibly moving the group? 	
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3. HEALTH AND SAFETY

<p>Is there an increased chance of road accidents from traffic entering and leaving the site?</p> <ul style="list-style-type: none"> - if yes, please explain - if yes, in what ways (if any) could this be remedied? 	
<p>How far from the road are the living units situated?</p> <ul style="list-style-type: none"> - does this present hazards to the group or motorists through children or animals getting onto the road? 	
<p>Are there waterways, railway tracks, buildings, disused wells, or other features that could endanger members of the encampment or their animals?</p> <ul style="list-style-type: none"> - if yes, could these reasonably be made safe? 	
<p>Are there materials or substances on site that could endanger members of the encampment or their animals?</p> <ul style="list-style-type: none"> - if yes, could these be economically removed? 	
<p>Are trade activities being conducted by members of the encampment?</p> <ul style="list-style-type: none"> - if yes, please specify 	
<p>Are open fires being lit?</p> <ul style="list-style-type: none"> - if yes, are they kept under control? - if yes, is there evidence of noxious substances being burned? 	
<p>Are caravans spaced sufficiently to prevent fire spreading from one vehicle to another?</p> <ul style="list-style-type: none"> - if no, is there room to move them further apart - if no, what is the maximum number of vehicles that could remain on site to minimise such a risk? 	
<p>Are there animals on site?</p> <ul style="list-style-type: none"> - if yes, please give types and rough numbers - if yes, how are they being kept under control? 	

4. WASTE AND SANITATION

<p>Are arrangements in place for the disposal of waste?</p> <ul style="list-style-type: none"> - <i>if yes, please specify</i> - <i>if yes, are these arrangements effective?</i> 	
<p>What toilet arrangements are in place?</p> <ul style="list-style-type: none"> - <i>are these satisfactory?</i> - <i>if no, how could these be improved?</i> 	
<p>Is there evidence of domestic, human or trade, waste spreading beyond the encampment?</p> <ul style="list-style-type: none"> - <i>.....has the Environment Agency been notified?</i> - <i>what other steps have been taken to deal with it?</i> 	

5. NEIGHBOURHOOD RELATIONS

<p>How far is the encampment from the nearest residence or business?</p> <ul style="list-style-type: none"> - <i>in what ways (if any) does this affect them?</i> 	
<p>Is the encampment separated from other properties by a road or other boundary?</p> <ul style="list-style-type: none"> - <i>if yes, please specify</i> 	
<p>Has the encampment prevented members of the settled community from using amenities? If yes:</p> <ul style="list-style-type: none"> - <i>are these public amenities?</i> - <i>could use of amenities be restored without eviction?</i> 	
<p>Has the Code of Respect (see appendix 5) been issued and explained to the group?</p>	
<p>Has criminal and/or antisocial behaviour been witnessed against or by members of the encampment? If yes:</p> <ul style="list-style-type: none"> - <i>what specific incidents have been reported?</i> - <i>who have they been reported to?</i> - <i>are these reported incidents verifiable?</i> 	
<p>what are the views and proposed actions of the Police?</p>	

6. WELFARE AND EDUCATION

<p>Are there medical concerns with any members of the group? If yes:</p> <ul style="list-style-type: none"> - <i>please give details</i> - <i>would a forced move put individuals at risk?</i> - <i>what help has the group been offered to access services?</i> 	
<p>Are there vulnerable members of the group? If yes:</p> <ul style="list-style-type: none"> - <i>please give details</i> - <i>would a forced move put individuals at risk?</i> - <i>what help has the group been offered to access services?</i> 	
<p>Are there members of the group, who are pregnant? If yes:</p> <ul style="list-style-type: none"> - <i>please give details</i> - <i>what help has the group been offered help to access services?</i> - <i>in what ways (if any) would a forced move put any of the above individuals at risk?</i> 	
<p>Are there children on site? If yes:</p> <ul style="list-style-type: none"> - <i>approximately how many?</i> - <i>what is the age range?</i> - <i>would a forced move result in children missing out on education?</i> 	
<p>Has the Traveller Education Service been notified?</p> <ul style="list-style-type: none"> - <i>if yes, what are their views, or proposed actions?</i> 	
<p>Are there any other areas of concern for members of the encampment?</p> <ul style="list-style-type: none"> - <i>if yes, please explain</i> 	
<p>Are there concerns for the welfare of animals on the site?</p> <ul style="list-style-type: none"> - <i>if yes, what action has been taken to address these?</i> 	

7. ACCOMMODATION

<p>Do members of the encampment have access to accommodation elsewhere?</p> <ul style="list-style-type: none">- <i>if yes, please give details</i>- <i>if yes, does the group intend to return there?</i>	
<p>Are there places on authorised or tolerated sites available to the group?</p>	
<p>Do members of the encampment wish to apply for places on authorised sites?</p> <ul style="list-style-type: none">- <i>If yes, what advice or support has been offered to them?</i>	
<p>Are any members of the group currently on a housing waiting list?</p> <p>If yes:</p> <ul style="list-style-type: none">- <i>in which area?</i>- <i>when are they likely to be made an offer?</i>- <i>what advice or assistance has been offered or given?</i>- <i>could the encampment be tolerated until they are offered housing?</i>	

PART 2: OFFICERS MEETING

The second part of the meeting is to reach a decision according to the information given in Part 1. It is therefore open only to officers of the authorities involved, and all other parties are requested to leave to ensure an impartial decision is reached.

8. CONSIDERATIONS

<p>After taking into account the information contained in the checklist above, and information arising from the initial welfare assessments, is there a pressing need to evict?</p>	
<p>What would be the likely outcome of a forced move for the Gypsy/Traveller group?</p>	
<p>What would be the likely outcome for the settled community if the group were not forced to move?</p>	
<p>Does the balancing of the needs and rights of the settled and travelling communities suggest a need to tolerate the encampment, or seek action to remove it?</p>	
<p>After taking into account the information contained in the checklist above, would eviction be proportionate in terms of the European Court of Human Rights regulations?</p>	
<p>Are the group likely to agree to any conditions? What is the evidence to suggest this?</p>	
<p>If toleration is proposed:</p> <ul style="list-style-type: none"> - <i>what conditions should be placed on members of the encampment?</i> - <i>what would be an acceptable toleration period?</i> - <i>what services (if any) should be provided, and by whom?</i> - <i>when should a meeting be set to review progress?</i> 	

<p>If toleration is not proposed, what powers will be used to effect possession of the land:</p>	
--	--

9. HUMAN RIGHTS

<p>With reference to Article 1 of the Declaration of the Human Rights Act 1998</p>	
<p>Would eviction constitute interference with the right to respect for private and family life of group members? - If yes, in which way/s?</p>	
<p>Would non-eviction deny the settled community of the right to respect for its members' private and family life? - If yes, in which way/s?</p>	

<p>With reference to Article 14 of the Declaration of the Human Rights Act 1998</p>	
<p>Is there evidence that eviction is being pursued on the grounds of the travelling community's ethnic or social origin status? - If yes, please explain</p>	
<p>Is there evidence that the settled community has been subjected to discriminatory behaviour by the travelling community? - If yes, please explain</p>	

<p>With reference to Article 1 of the First Protocol of the Human Rights Act 1998</p>	
<p>Would eviction deny members of the travelling community peaceful enjoyment of their possessions? - If yes, in which way/s?</p>	
<p>Would non-eviction deny members of the settled community peaceful enjoyment of their possessions? - If yes, in which way/s?</p>	

<p>With reference to Article 2 of the First Protocol of the Human Rights Act 1998</p>	
<p>Would eviction deny the travelling community's children access to their</p>	

right to education? - If yes, in which way/s?	
---	--

10. RECOMMENDATIONS AND TIMESCALES FOR PROPOSED ACTIONS

Recommendation	Officer/organisation	Timescale

Decision agreed by:

I the undersigned am signing to confirm that I am in agreement with the decisions outlined in sections 9 and 10 of this document.		
Name	Date	Signature

APPENDIX 3

Preliminary Welfare Assessment Checklist

One form to be completed for each family

The information given will help Gypsies and Travellers to access services, and may also mean the local council decides an unauthorised encampment may be tolerated for a longer period of time. This form is intended to be used as a guide by officers visiting unauthorised encampments. It is not comprehensive, as it is only a preliminary welfare assessment. Officers should note that an informal and verbal approach to obtaining the information may be more effective. It is also important to obtain permission to share confidential information with relevant partner agencies.

Location of camp.....
District council area.....
Number of trailers.....
Total number of vehicles.....
Approximate number of residents.....
Desired amount of time to stay on-site

Ethnicity/ies of encampment

Family Surname.....

EDUCATION

Are there any school age children? **Yes/ No**

If so, how many?.....

Are any children or young people attending a local school? **Yes/ No**

If so, which school?
.....

Has the Traveller Education Team been to see the encampment? **Yes/ No**

Would the parents be interested in talking to the Traveller Education Support Team about accessing school places? **Yes/ No**

How many under 5s are there?
.....

Would the parents be interested in pre-school for them? **Yes/ No**

Would the parent be interested in attending a Children's Centre's in the area?
Yes/No

Do any of the children or young people have specific needs? **Yes/ No**

Please give details
.....

HEALTH

Is anyone in the family pregnant? **Yes/ No**

If yes, when is the due date?

Would they like to see a midwife? **Yes/ No**

Are they attending a hospital?

Are any members of the family registered with a doctor? **Yes/ No**

If yes, where?

.....

Are any members of the family in need of, or receiving, treatment at the moment? **Yes/ No**

If someone is in hospital, please state which hospital

.....

Would the families be interested in a *health visitor coming on site **Yes/ No**

.....

Are there any other reasons they would like us to consider if the encampment results in an Unauthorised Encampment Case Conference such as disability or other health issues? **Yes/ No**

Please describe

.....

ACCOMMODATION

If there is an available pitch, are you willing to go onto a council site in Ipswich or Lowestoft? **Yes/No**

Do you want to go into a council house? **Yes/ No**

If so, which area of Suffolk would your family prefer?

.....

Is your family on a council waiting list for a house? **Yes/ No**

If so, which council's list?

.....

*There is now a children's health service which covers the 0-19 age range. This service offers a broad spectrum of advice from immunisations, sexual health including contraception and healthy eating.

APPENDIX 4

Evicting Unauthorised Encampments: Powers Available

Powers for Private Landowners

Private landowners have powers under the Common Law and Civil Procedure Rules:

- All landowners can use their common law rights to recover land (e.g., regarding trespass).
- The landowner is able to evict an individual from their land, to seek damages for their trespass on their land, and/ or to seek an injunction to prevent the trespass from occurring again.
- Case law has established that a trespasser who enters land peaceably is entitled to a request to leave the land before being forcibly removed, whilst a trespasser who has entered land with force and violence may be removed without a previous request to depart.
- If the trespasser does not leave the land, the landowner may use no more force than is reasonably necessary to complete the eviction. This may include the use of private bailiffs.
- The issue of the definition of 'reasonable force' must be decided according to individual circumstances; however it must be an honestly held belief that the force that is used is reasonable. Using excessive force could give rise to a claim against the landowner by the trespassers.
- Whenever a landowner is considering the use of common law rights s/he should notify the police of his/ her intentions, so that police officers can be present to prevent any breach of the peace.
- If the police advise that, in the particular circumstances, it is inappropriate to attempt an eviction, action should always be delayed until such time as the police believe that it is safe to continue.
- The civil courts offer an avenue to deal with unauthorised camping under the Civil Procedures Rules. Local authorities and the police also have the power to direct individuals to remove their vehicles and belongings, and to leave any land occupied without the consent of the landowner, whether owned by the local authority itself or by any other public or private landowner. However in the majority of cases it will be the landowner's responsibility to seek vacation of the site. More details of this are provided below.

Part 55 Civil Procedures Rules

- Part 55 of the Civil Procedure Rules allows any landowner to regain possession of his/ her land.
- Where the land is leased, the terms of the lease will determine who has this power – long-term lessees, and many short-term lessees, will be responsible for evictions, where they are "the person entitled to occupation of the land".
- Someone with only the right, or permission, to use the land (i.e. who does not have a controlling interest in it, for instance someone with the right to graze livestock) would not generally be able to recover possession of the land if it is trespassed upon.
- The first step is for the landowner to ask the trespassers to leave the land. If they refuse to do so, or ask to be allowed to remain for what

the landowner considers to be an unacceptable time period, the landowner can then begin action through the County Court.

- If the objective is to achieve eviction as rapidly as possible, the landowner should alert the County Court to the need for expediting the case as soon as they are aware of the encampment's arrival.
- The landowner completes the claim form and Particulars of claim and evidence in relation to the encampment must be set out in witness statements. This documentation should be submitted to the court manager in the County Court. A date for a hearing is then listed
- The Court then provides the landowner with the claim form to serve on the respondents (the papers can be issued to "persons unknown" if necessary). Service of the claim form can then be made by the landowner or his/ her appointed representative (process servers can be employed to carry this out), either by handing the claim over directly, or, if this is not possible, by posting the claim in a prominent position on the land. Since illiteracy is more common amongst Gypsy and Traveller communities, all efforts should be made to verbally inform the encampment of the information on the claim form, or else there may be grounds for legal challenge.
- At the hearing, the facts of the case are set out before the judge. The landowner should provide documentation that satisfies the judge that the landowner has a legitimate interest in the land.
- The judge will be concerned to establish that the unauthorised encampments have been dealt with appropriately before granting an eviction order but, if satisfied on this point, may grant the order immediately. In some cases, for instance where the defendants have attended the hearing to defend the claim, the hearing may be adjourned to allow more time for more evidence to be gathered.
- If the defendant fails to leave the land by the date of the hearing and the judge has agreed to grant possession to the landowner, a warrant will be issued immediately.
- Bailiffs (who will be court-appointed in most circumstances) will then visit the encampment and notify the defendant(s) of the eviction date and time, and provide them with the eviction notice. Once again, this may be handed directly to the unauthorised encampments or posted prominently on the land.
- On the date of the eviction (which must be at least twenty-four hours from the time at which the notice of eviction was served), the landowner or his/ her appointed representative should accompany the bailiff to witness the eviction.
- The police should be alerted so that they can provide appropriate advice and be on hand to ensure that there are no breaches of the peace.
- After the eviction has taken place, the landowner needs to sign the warrant of possession to acknowledge that s/he has regained possession of the land.
- It should be noted that, where the landowner is a local authority or other public body, the necessary welfare assessments should be carried out before consideration of court proceedings.
- Further details of the court procedures and forms can be found on line at: www.dca.gov.uk/civil/procedures_fin/index.htm

Powers For Local Authorities

Local Authorities have powers under Sections 77-79 of the Criminal Justice and Public Order Act (CJPOA) 1994:

- Section 77 of the CJPOA gives local authorities the power 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.
- Before considering any action to evict an unauthorised encampment, local authorities have an obligation to carry out welfare assessments of the unauthorised encampment. This will necessitate the involvement of local NHS bodies, and other statutory agencies, like Children and Young People Services.
- Providing there are not any welfare issues that prevent eviction local authorities may then draw up a direction that instructs the unauthorised encampment to leave on a particular date and time. This document is approved and signed by an authorised signatory of the local authority.
- The direction will then be served on the unauthorised encampment by a local authority officer. The notice can be served on unnamed persons, and must be affixed to every vehicle, and displayed on the land. Since illiteracy is more common amongst the travelling community, it is advisable to give verbal notice as well, to ensure full comprehension.
- If the encampment fail to move and/ or remove any vehicles and other property by the date specified in the direction, or they return to the same location within three months of the date of the direction, they are committing a criminal offence, and may be arrested by the police. If a prosecution is successful, they may then be given a custodial sentence of up to three months, or be liable to a fine of up to £1,000.
- In practice, however, it can be more effective for local authorities to pursue unauthorised encampments which have contravened a direction by using their powers under the Part 55 Civil Procedures.
- Section 78 of the CJPOA allows local authorities to advise the Magistrates Court of the contravention and, if the court is satisfied, then they may grant an order for removal of persons and vehicles.
- In the first instance, the Listing Clerk at the Magistrates Court should be contacted in order to obtain a date for a court hearing, which is required before the order can be issued.
- Depending on the location of the encampment, the local authority may ask the court to expedite the process so that the unauthorised encampment can be moved quickly.
- The appropriate local authority officer then attends the Application Court to make an application for a summons, which can be issued immediately. This summons requires the person(s) in charge of the caravan(s) to appear before a court hearing to answer the complaint.
- The summons is then served on the unauthorised encampment by the appropriate local authority officer, or by a process server contracted to perform this service for the local authority.
- A hearing in the Magistrates Court is set for later in the day on which the summons is served, or on the following working day. A solicitor

must appear at the hearing on behalf of the local authority. Good practice indicates that, where possible, the same solicitor should be used in all court proceedings relating to unauthorised camping by Gypsies and Travellers so that they have a good working knowledge of the legislation. The solicitor should be provided with all of the necessary court documents, as well as any relevant background information (for example, the findings of welfare assessments). The solicitor will request that the magistrate grants an order for removal of vehicles and persons.

- If the members of the unauthorised encampment attend the hearing and contest the eviction, the case may be adjourned in order to allow time to hear all the evidence. However, if the magistrate is satisfied that the correct procedures have been followed, the order will be granted immediately, in normal circumstances.
- Once granted, a local authority officer, or process server, as above, should serve the order on the unauthorised encampment as soon as possible.
- Twenty-four hours must be allowed to elapse between serving the order and any action to remove the unauthorised encampment. At any point thereafter, the local authority (or private bailiffs employed on their behalf) may remove the unauthorised encampment and their vehicles from the land. As with any eviction, police should be present to ensure that no breach of the peace takes place.

Powers for the Police

Section 61 of the Criminal Justice and Public Order Act 1994 allows the senior police officer attending the scene of an unauthorised encampment to order trespassers to leave the land and to remove their vehicles as soon as is reasonably practicable. In order to invoke this power, the senior police officer must reasonably believe that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period; that reasonable steps have been taken by or on behalf of the occupier to ask them to leave, **and**:

(a) that any of those persons has caused damage to the land or to property on the land, or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his/ her family, or an employee or agent of the landowner,

OR

(b) that those persons have between them six or more vehicles on the land.

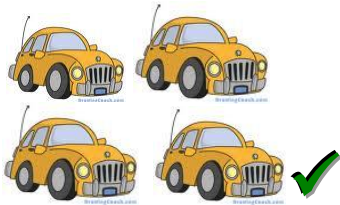
Code of Respect for Unauthorised Encampments

Please follow these rules:

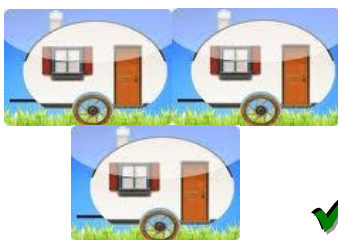
- Please show respect to other people



- Please space yourselves out and park away from other groups



- Please keep groups small (vans and vehicles < 6) and away from houses



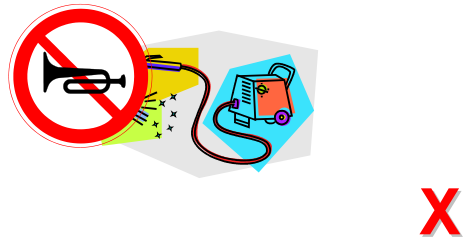
- Please drive carefully



- Please do not block rights of way



- Please do not play loud music or use loud equipment (eg generators)



- Please do not damage any land or property



- Please use plastic bags for rubbish and leave it at agreed collection points



- Please dispose of other waste at official waste and recycling centres



- Please dig and bury your poo & paper



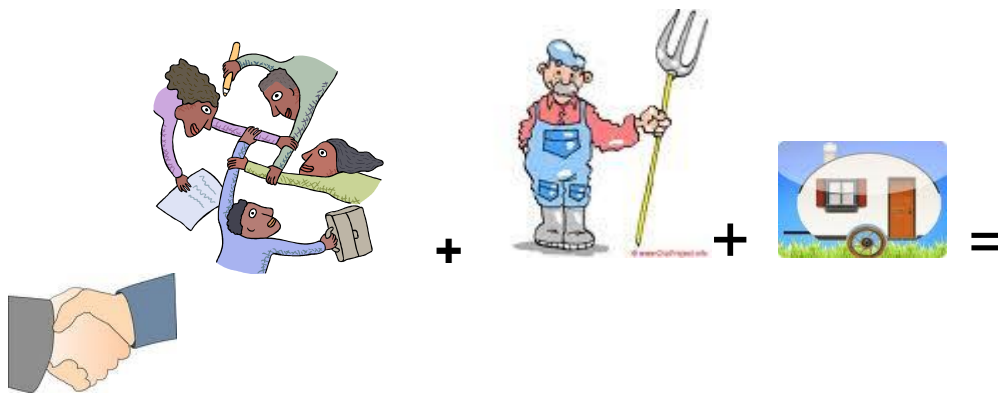
- Please keep animals under control and clear up their poo



- Please no open fires



- Please work with Council staff and the landowner



How long you can stay will depend on how you behave and will affect any future toleration of your group.

To be issued to all new encampments by the County Council

This booklet was developed in partnership with Suffolk County Council, all Suffolk districts and boroughs, Suffolk Constabulary, NHS Suffolk and Greta Yarmouth and Waveney NHs

Appendix 6

Contact Information

Organisation	Phone number
Babergh District Council	01473 822801 main reception
Forest Heath District Council	01638 719000 main reception
Ipswich Borough Council	01473 433015 main reception
Mid Suffolk District Council	01449 724500 main reception
St Edmundsbury Borough Council	01284 757603 main reception
Suffolk Coastal District Council	01394 383789 main reception
Waveney District Council	01502 523413 main reception
Ipswich and Suffolk Council for Racial Equality (ISCRE)	01473 408111 main reception
Suffolk Constabulary	01473 613500 main reception
Suffolk County Council a) Traveller Education Support Service b) Hate Crime Service c) Gypsy and Traveller Liaison Officer	01473 583000 main reception 01473 583530 main reception 01473 265162 direct line 01473 265194 direct line
Suffolk Inter-Faith Resource (SIFRE)	01473 233447 main reception
Suffolk Primary Care Trust	01473 770000 main reception
Waveney & Great Yarmouth Primary Care Trust	01502 719500 main reception
Gypsy Council (Essex)	01708 868986 main reception
Commission for Racial Equality (London)	0207 9390000 main reception