



East Cambridgeshire District Council

**GYPSY & TRAVELLER UNAUTHORISED
ENCAMPMENTS POLICY**

1. Introduction

1.1. This Policy aims to ensure that East Cambridgeshire District Council (ECDC) staff deal effectively with unauthorised encampments (UE's) by Gypsies and Travellers that occur on land in our district. It outlines our duties and powers plus things that must be taken into account when making decisions. It includes best practice from other areas and builds on our own experience to ensure the process is fair, legal and ensures community cohesion is safeguarded.

1.2. Included are:

- The roles and responsibilities of individual departments;
- What happens when a UE report is received and who does what;
- Visiting, co-ordinating and recording actions;
- Engagement with the public and our partners both voluntary and statutory;
- Post site vacation actions.

2. Gypsy and Traveller Communities

2.1 Gypsies and Travellers have been part of our community for hundreds of years. This includes those who travel regularly, families living in bricks and mortar housing and on our permanent sites. Nationally there is a shortage of transit/stopping places. ECDC is taking steps to meet the assessed need for sites.

2.2 Places where UE's occur are usually unsuitable for Gypsies and Travellers. There is likely to be a lack of water, waste disposal facilities, pitch security and general safety. This can lead to unsanitary and dangerous conditions. UE's can cause concern to nearby communities; businesses in the vicinity and the statutory agencies that have to respond to concerns, especially the Police.

2.3 Government guidance says that where UE's are not causing any problems, they can be tolerated for a short time. In ECDC each UE is assessed individually and decisions are based on facts and circumstances relevant to that UE and surrounding community. Enforcement is taken as soon as is practicable.

3. Principles and Aims

3.1. Our communities have:

- The right to be protected from nuisance, harassment, discrimination and harm;
- A responsibility to understand others and respect the law including not stopping on someone else's land without consent;
- The right to access mainstream local authority and partner services.

3.2 . Given this, while dealing with UE's we will:

- Act within the law whilst trying to prevent unlawful occupation of land;
- Issue a code of conduct (Appendix E) and take steps to minimise any nuisance and disruption;
- Provide access to vital services (eg. Education, Social and Health Care and sanitation services);
- Communicate effectively with the public, Gypsies and Travellers and our partners about what is needed and happening;
- Liaise with the land owner or Cambridgeshire County Council to ensure an effective and transparent eviction process;
- Undertake a swift post site clear up including future prevention measures.

4. General Responsibilities

4.1. The Equality Act (2010) places a duty on all public sector organisations to:

- Eliminate unlawful discrimination;
- Advance equality of opportunity, and
- Foster good relations.

5. Our Responsibilities and Roles

5.1. When a UE occurs in our district we have to:

- Balance the rights and needs of Gypsies and Travellers and other communities in the nearby locality;
- Advise all partners about the UE and keep them up to date with any significant change in circumstances;
- Undertake site visits with our Traveller Liaison Officer to verify size, location and ensure the UE is not on a hazardous place and to assess the overall condition of the site and what is needed to keep it decent;
- Respond to queries and concerns from the general public and partners;
- Conduct welfare checks and signpost to appropriate services or make referrals as appropriate;
- Advise Gypsies and Travellers of the acceptable code of behaviour;
- Work with partners to monitor community cohesion issues;
- Arrange swift post UE clear ups.

6. Private Landowners

6.1 If Gypsies and Travellers stop on private land without consent, the owner can resort to common law or seek a High or County Court order. We would still need to undertake a site visit to conduct welfare checks and advise code of behaviour.

7. Strategic Approach

7.1. Despite ECDC having no enforcement powers on UE's unless the land is owned by ECDC we must act in the most proactive way to maintain the wellbeing of all concerned. Taking a multi-agency approach to resolving UEs is efficient, effective and minimises cost.

7.2. Our Housing Options Manager (HOM) is responsible for overseeing the implementation of this procedure as well as reviewing and updating it as new guidance and best practice is developed.

Section 2 – Process

The TRAVELLER LIAISON OFFICER is responsible for developing policy and procedures in relation to Gypsies and Travellers. The Traveller Liaison Officer can support our staff and partners with information, guidance and provide training opportunities about Gypsy and Traveller culture and this policy. Council officers and Council Members should always contact the Traveller Liaison Officer when a UE is reported. The Traveller Liaison Officer will then advise officers about actions required, including liaising with Councillors and the general public.

Step 1 - Informing Officers and Partners

Stage 1 – The Traveller Liaison Officer sends a notification email to Waste Enforcement and County Council Traveller Liaison Officer.

Stage 2 – The Traveller Liaison Officer identifies who owns the land. If it is private land the Traveller Liaison Officer will contact and liaise with the land owner direct and no further action will be needed by us. Our partner agencies, like the Police and health may still need to be on standby for matters that relate to their own statutory responsibilities. ECDC will carry out a welfare check.

Stage 3 - Where the land belongs to Cambridgeshire County Council we will liaise with their Traveller Liaison Officer to conduct a joint welfare visit. The Waste Enforcement Officer will be notified to carry out a site visit and arrange for collection of waste.

Step 2: Initial Site Visit

Stage 1 - Joint visit by the Traveller Liaison Officer and Housing Options Manager to assess the condition of the site, establish contact and provide information about our expected codes of conduct. Initial welfare checks and signposting to relevant agencies.

Responsibility for providing portaloos lies with the land owner.

Stage 2 - There are a variety of factors that must be considered when the site visit is conducted. Some will be more pressing than others ie:

- Toxic or other dangerous waste and pollution;

- Busy roads or highways where dangers cannot be controlled;
- School premises;
- Sites of specialist interest where environmental protection matters are priority;
- Places of natural and public interest where inhabitation causes genuine disruption.

- Stage 3 - Advise Cambridgeshire County Council or private land owners of UE.
- Where the UE is in an unacceptable location, negotiate with UE to try to achieve a voluntary move to a more suitable location (eg. transit sites in and around the county);
 - If there is a significant health and safety risk the Traveller Liaison Officer will coordinate with the Police and the County Council to enforce the eviction;
 - Decisions about the speed of eviction will need to be made after the welfare checks are conducted. The County Council/ land owner makes this decision with guidance from legal experts.

Note:

1. An initial site visit should be made within 24hrs of notification (excluding weekends and bank holidays).
2. Best practice shows that where regular visits to the site are made and information is shared with Gypsies and Travellers expensive court proceedings can be avoided.
3. It is vital that information collected is recorded clearly and properly as it may be needed for Court action.

Step 3: Welfare Check(s)

Government guidance on UE's says we must visit Gypsies & Travellers to check their welfare needs.

Stage 1 - The Traveller Liaison Officer and Housing Options Manager will conduct the welfare checks, this will usually be done at the same time as the initial site visit. Welfare checks must cover all households or caravan occupants. Where there is a large

number of caravans and people the Traveller Liaison Officer will ensure there is sufficient officer capacity to complete the relevant checks. During the visit the Gypsies and Travellers should be given information about our area and services and code of conduct expectations should also be reinforced. During the welfare checks we must consider pregnancy, ill health, educational needs, child and adult protection and animal welfare.

Stage 2 - The Traveller Liaison Officer will establish the potential period of stay and outline timescales for eviction in line with the County Council procedure. This will be for the shortest possible time.

Stage 3 - The Traveller Liaison Officer will also co-ordinate any referrals, signposting or appointments needed following the welfare check.

Step 4: Managing the encampment

It is vital that UE's are managed pro-actively. We will work as necessary with all parties including the Gypsies and Travellers, those living nearby, internal departments and other agencies.

Stage 1 - Where emergency or criminal situations arise the relevant agencies must be informed immediately.

Stage 2 - The Traveller Liaison Officer will respond to the public and partners with updates and liaise with all relevant agencies until the UE is vacated. The Traveller Liaison Officer will undertake joint visits to the site on request from the land owner and other agencies depending on availability and capacity. The Traveller Liaison Officer and Environmental Health/ Waste Team will offer guidance about land management concerns like fly tipping, noise and illegal trading. The Traveller Liaison Officer will lead on problem solving around anti-social behaviour, whether from outside or inside the UE, working with relevant agencies and individuals to keep community tension to a minimum.

Step 5: Eviction

The eviction process will be carried out by the land owner or Cambridgeshire County or East Cambridgeshire District Council. The Traveller Liaison Officer will liaise with the land owners to avoid forced eviction where possible.

Most Gypsies and Travellers who are in transit are doing so for good reason and sometimes those reasons may be additional to their cultural lifestyle, for example being a carer, for work opportunities, health needs or domestic fear. Careful consideration should be given to these factors.

If legal action was taken to move UEs on we would first need to issue a 24 - 48hr notice, if this was unsuccessful we would need to ask our Legal Team to apply to the Court for a possession date, this could take 7-10 days.

If the UE failed to move our legal team would then need to go back to Court to apply for bailiffs, the cost would be approx. £800 and £1,000per UE.

Good practice suggests that negotiation with the Gypsies and Travellers themselves is the most cost effective, welfare orientated and community effective way of dealing with UE's.

A multi-agency approach has worked extremely well in East Cambs, involving joint visits, welfare checks, safety checks, monitoring of the site and any waste issues.

Step 6: Post UE actions

Stage 1 – The Traveller Liaison Officer will arrange for a site inspection with Waste Team on the day of vacation or whenever possible. This is to assess any damage or fly tipping.

Stage 2 - The Traveller Liaison Officer and Waste Team will arrange clean-up of the site as soon as possible.

Stage 3 - If the site is privately owned and the owner has willingly allowed the UE they may be liable for us to recoup any costs for clear up of waste and fly tipping in the surrounding areas.

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

WHAT WE EXPECT FROM YOU WHILE YOU ARE HERE

YOU MUST

Put all rubbish in the black bags provided.

Keep numbers of trailers and vehicles to a minimum.

Use toilets if provided and advise us on the number listed below if they need emptying.

Be cooperative with our staff and other agencies.

Keep the site in the condition you found it.

Keep your animals under control.

YOU MUST NOT

Leave any waste on the site or break other rules about fly tipping.

Make noise between 10pm and 7am.

Damage any of the facilities provided.

Be aggressive, rude or unhelpful to our staff or other agencies.

Damage this site.

If you break any of these conditions you could be evicted immediately. You may also be liable to fines.

We may use monitoring methods to ensure that the land you have stopped on is clean and tidy and that you are not breaking any laws. If you have any information about anyone else bringing waste onto this site or you have any trouble with people being rude or racist towards you please contact us on 01353 665555.

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

WELFARE ENQUIRY CHECKLIST

Arrival reported by:

Date and Time:

Agency:

Site Location:

To be completed during site visit

Code of Behaviour explained: Yes/No

Section 1:

Date of arrival:

Intended length of stay:

Do you have any local connection to this area:

What is your current accommodation situation:

Number of adults on site:

Any medical conditions or feeling unwell:

Does anyone feel unwell or need to see a doctor or nurse:

Any pregnancies on site:

Number of children:

Do any children feel unwell or need to see a doctor or nurse:

Would you like any information regarding the following:

Benefits

Adult education

Homelessness

Support

Other

Total number of vehicles on site:

Total number of caravans on site:

Is there anything affecting your ability to travel:

Total number of animals on site:

Would you like details of a local vet or RSPCA: