



Office of the  
Deputy Prime Minister

Creating sustainable communities

# Local authorities and Gypsies and Travellers

## Guide to responsibilities and powers

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Gypsy &  
Traveller Unit

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# Contents

Summary	5
History	6
The Facts	7
Site Provision	7
Why should local authorities make this a priority?	8
Enforcement	12
Unauthorised encampments – land not owned by Gypsies and Travellers	13
Unauthorised Developments – land owned by Gypsies and Travellers	16
Anti-Social Behaviour	19
What will the Government do?	24



# Local authorities and Gypsies and Travellers: a guide to responsibilities and powers

## Summary

The Government's objective is that Gypsies and Travellers and the settled community should live together peacefully.

Creating and sustaining strong communities is at the heart of the Government's policies on Gypsy and Traveller accommodation and will have benefits for the settled and Gypsy and Traveller communities alike. To achieve this, both must respect the rights of the other and each must discharge its responsibilities to the other. This means:

- adequate provision must be made for authorised sites: a situation in which there are no authorised pitches available for a quarter of caravans is bound to lead to unauthorised sites, many of which are a source of friction between the two communities;
- the planning system and property rights must be respected and effective enforcement action must be taken promptly against problem sites;
- the small minority who indulge in anti-social behaviour must be dealt with promptly and effectively before they cause further harm to relationships between the two communities.

Recent housing legislation and the new planning circular has put in place a framework which will result in each authority having to identify land for the sites that are needed in its area. Whilst the Secretary of State has powers which he can use to ensure that those sites are identified, local authorities should be proactive in identifying sites as it is in the interests of both the settled community and Gypsies and Travellers that they are provided. The provision of these sites removes a major cause of friction between the two communities.

Local authorities and the police have strong powers to deal with Gypsies and Travellers who camp on other people's land. Some are effective in utilising these powers; others are not. The key to effective enforcement is knowing how to use the powers and having plans and liaison arrangements in place which enable decisive action to be taken as soon as a problem arises. A breakdown of the powers available in relation to unauthorised camping and development is set out later in this booklet.

Temporary Stop Notices now provide the means for local authorities to halt the development of land owned by Gypsies and Travellers who do not have planning permission while the authority considers whether further enforcement action is necessary. Again the key is knowing how to use the powers and having the necessary arrangements in place to make them work effectively.

Both local authorities and the police have broad powers to deal with anti-social behaviour which apply to Gypsies and Travellers and the settled community alike; they should use these effectively whilst also working to tackle the causes of anti-social behaviour.

The Government is also setting up a new Task Group, drawing together central and local government, the police and other agencies to address the wide variations in the use of enforcement powers and champion best practice. The Task Group will examine the difficulties some local authorities face both in understanding and implementing enforcement powers. The group will act as expert advisers to the Office of the Deputy Prime Minister (ODPM) and the Home Office, who are working together to consider potential new measures to further strengthen enforcement, alongside the provision of more authorised sites.

The Office of the Deputy Prime Minister's Gypsy and Traveller Unit will be working with local authorities in areas in which there are currently a significant number of unauthorised sites. Their objective in this task is to ensure as far as possible that experience in every area is in line with that in the best areas – that is, that adequate provision is made for the needs of Gypsies and Travellers and good relations with the settled community are actively fostered.

This booklet sets out what needs to be done and illustrates this using case studies.

## History

Romany Gypsies have lived in Britain for around 600 years and people have travelled from community to community for even longer. Irish Travellers too have a long tradition having travelled and lived in Britain for generations. Wherever they have gone, Gypsies and Travellers have fiercely maintained a separate identity – indeed this pride in their difference is an integral part of their culture. More recently, other people known as 'new age travellers' have pursued a nomadic lifestyle too.

## The Facts

There are over 15,000 Gypsy and Traveller caravans in England. Around three quarters of these caravans are on authorised sites, many of which are well-managed and are an accepted part of the local community. However, in 1994 the duty on local authorities to provide sites was removed and since then under-provision of authorised sites has resulted in Gypsies and Travellers camping on unauthorised land or developing their own land without planning permission. The number of caravans on unauthorised encampments and developments has increased from 3,782 in July 1994 to 4,067 in July 2005. However, while the level of unauthorised encampments has remained relatively stable in recent years, unauthorised developments are an increasing problem.

## Site Provision

The key to a reduction in unauthorised camping is to increase the supply of authorised sites. The Government is committed to increasing site provision, linked to firm but fair use of enforcement powers against unauthorised sites and anti-social behaviour.



*An Essex County Council site.*

The new approach provides for:

- local authorities to take the lead in assessing the accommodation needs of Gypsies and Travellers alongside those of their settled population;
- the locally assessed needs of Gypsies and Travellers to be incorporated into the Regional Spatial Strategy;
- each local authority to play its part in meeting that need through the planning system by identifying appropriate sites in local plans.

The new system will work as follows:

- The Housing Act 2004 will require local authorities to assess the need for Gypsy and Traveller accommodation in their areas when they assess the housing requirements of the rest of the population.
- Local authorities must then develop a strategy which addresses the need arising from the accommodation assessment, through public or private provision.

- The Regional Planning Body, on the basis of local authority assessed need, will determine how many pitches should be provided across the region. It will then specify in the Regional Spatial Strategy how many pitches need to be provided in each local authority area, ensuring that collectively local authorities make provision in a way which is equitable and meets the assessed pattern of need.
- Local planning authorities will be obliged to identify sites in their Development Plan documents, in line with the requirement identified in the Regional Spatial Strategy. It will no longer be acceptable just to specify planning criteria for sites: local authorities will be expected to identify land.
- Where there is a clear need, if local planning authorities fail to identify sites in their Development Plan Documents, the Secretary of State has the power to direct them to do so.

In some areas there is an urgent demand for authorised site provision. Local authorities do not have to wait until the end of the planning process described above to provide more sites.

The Government has produced more detailed guidance on how this process will work in practice. More information can be found at the end of this booklet.

## **Why should local authorities make this a priority?**

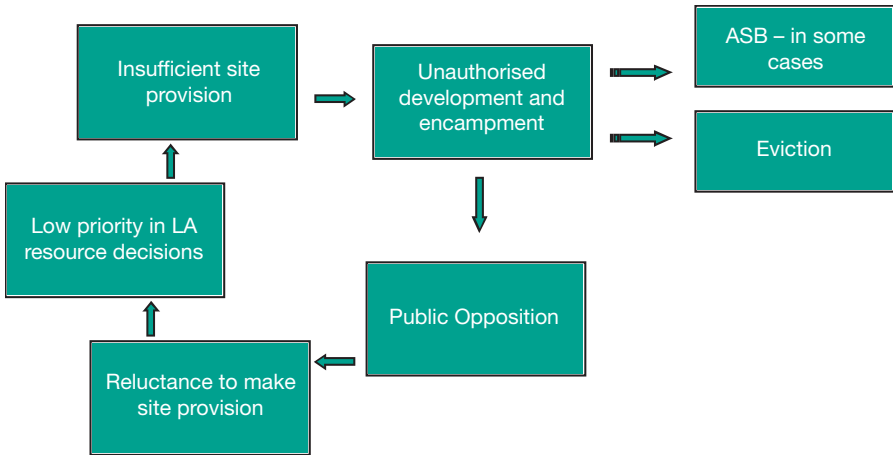
### ***This is an issue that won't go away***

Unless action is taken, the shortage of sites can only get worse, leading to an ongoing unmet need, more unauthorised sites and more community tension. Lack of adequate site provision leads to a vicious circle of tension with the settled community, as the diagram below explains. No local authority can afford to ignore this issue; there is a need to address it across local authority boundaries.

Any decisions taken by a local authority must follow proper consideration of the needs of Gypsies and Travellers balanced with the needs of the settled community. Local councillors must ensure that they are fully briefed on the issues and be prepared to lead some challenging debates and take difficult decisions. As elected members, local councillors have a duty to represent the interests of resident Gypsies and Travellers as well as the settled community. Working with neighbouring authorities and the Regional Planning Body to develop joint solutions is the only way to solve the problem of unauthorised sites in the long-term.



## THE PROBLEM – A VICIOUS CIRCLE?



### *This will contribute towards positive health and education outcomes*

Gypsies and Travellers are believed to experience the worst health and education status of any disadvantaged group in England. Research has consistently confirmed the link between the lack of good quality sites for Gypsies and Travellers and poor health and education. The provision of more authorised sites will help contribute to better health and education outcomes in the area.

#### **A case study: A co-ordinated approach to service provision**

Doncaster Council is taking action to improve the way services are provided to Gypsy and Traveller communities across the borough, having looked extensively at the issues affecting these communities. The Council is developing an approach to ensure that all those who provide public services to Gypsies and Travellers work better together and that communication with Gypsies and Travellers is improved. This approach has been endorsed by local councillors and the elected Mayor, demonstrating strong leadership and a willingness to tackle challenging issues.

***A case study: A co-ordinated approach to service provision (continued)***

As a result of this new approach, organisations are sharing information and co-operating better and welfare assessments are being carried out more effectively. Gypsy and Traveller families are getting quicker access to healthcare, education, welfare and advice providers than they were previously, partly because all agencies are now more aware of the roles of other stakeholders and where they fit into the larger picture of managing these concerns.

***Funding is available to help***

Some sites will be provided by Gypsies and Travellers themselves, without the need for public subsidy. Local authorities and Registered Social Landlords (RSLs) may develop sites with subsidies from central government. Registered social landlords are, for the first time, being given the power to build as well as manage sites.

From the financial year 2006/7, funding for new Gypsy and Traveller sites will be routed through the Regional Housing Boards, as part of regional housing pots. The Boards will be responsible for allocating funding for site provision and refurbishment by local authorities and RSLs, who will be invited to bring forward schemes for funding. The government has made up to £56m available over the two years, 2006/7 and 2007/8.

***It could save money***

Enforcement against unauthorised camping can be very expensive. Providing more sites should reduce the need for enforcement action and thereby save money. Residents of local authority authorised sites are required to pay rent and council tax, just like the settled population. In this way, such sites should pay for themselves.

### **A case study: A positive approach reduces enforcement costs**

Tewkesbury Borough Council currently manages three public sites on behalf of the County Council and a number of private sites are also located within the Borough. The Council has also made provision in its local plan for three additional sites. The Council was awarded Beacon status for community cohesion in 2003/4 for its work to reduce tension between Gypsies and Travellers and the settled community. Funding linked to the Beacon status has been used to produce a DVD which gives an insight into the Travellers' way of life.

The positive approach that Tewkesbury has taken in relation to Gypsy and Traveller issues has also benefited the Council in terms of time and money.

The Council's provision for Gypsy and Traveller sites has provided robust evidence in support of enforcement action against unauthorised development and, as a result, the Council has been successful in the court action it has pursued. In addition the Council has led on a County-wide protocol that sets out a consistent and fair approach for local authorities and the police in dealing with unauthorised encampments.

### ***Local authorities have a duty to promote good race relations***

Local authorities have a duty to promote good race relations, equality of opportunity and community cohesion in all of their policies and practices. This duty covers all racial groups, including Gypsies and Irish Travellers who are recognised ethnic groups. Planning, site provision and enforcement activity are highly relevant to this duty, because they impact on race relations generally and on the way in which services are delivered to this group. In developing policy and making decisions, local authorities need to ensure that their actions are consistent with this general duty.

### **A case study: Building understanding with Gypsies and Travellers to reduce tension**



Fenland District Council experiences high levels of unauthorised encampments and developments. Many Gypsy and Traveller families wish to settle in the area. The Council has recognised that taking enforcement action alone will not solve the problem of unauthorised camping and development. Gypsies and Travellers who are seeking to settle in the area are invited to discuss their development proposals with the planning authority before submitting an application or buying land. If the site that they have in mind is not suitable, alternatives are discussed.

To facilitate this process, the Council makes contact with families when they first arrive in the area to discuss their needs and intentions.

Planning officers work closely with the Council’s Traveller and Diversity Officer and the Traveller Services Unit to build understanding with Gypsies and Travellers. The trust that this approach has built up helps ensure that planning applications are made at the proper time and are handled more effectively. Councillors and local residents are reassured that Gypsies and Travellers are abiding by the same planning rules as everyone else, which helps reduce tension between the two communities. Objections to the proposed new sites have been limited. The Council has observed a reduction in the incidence of unauthorised development in the area.

## **Enforcement**

Many unauthorised sites are not contentious and are trouble-free. In these circumstances, some authorities choose not to take enforcement action. However, a ‘toleration’ approach does not negate the need for local authorities to allocate land for authorised sites. Some unauthorised sites can be highly damaging to the settled community and Gypsies and Travellers alike. They bring uncertainty and disruption, damage trust in the planning system and strain community relations. The cost of enforcement and repairing damage that may be caused by unauthorised sites is often high and enforcement action can take a long time.

An *unauthorised encampment* is where the Gypsies and Travellers camp on land that they do not own without the owner's permission. An *unauthorised development* is where the Gypsies and Travellers own the land but do not have planning permission.

A negotiated solution which avoids confrontation is often the best way to manage a situation and works well for many authorities. However, there are strong and wide ranging powers available to deal with unauthorised developments, unauthorised encampments and anti-social behaviour. These powers apply to the whole population: Gypsies and Travellers should be treated the same as everybody else. When enforcement action is used, it works most effectively when the agencies involved have clear responsibilities, share information and co-ordinate action.

## Unauthorised encampments – land not owned by Gypsies and Travellers

Where Gypsies and Travellers camp on land that they do not own without the owner's permission, they are 'trespassers'. Many encampments can be dealt with through negotiation but where this is not possible action can be taken to remove them from the land. Private landowners, local authorities and the police all have powers to deal with unauthorised encampments. For example:

- Landowners (including local authorities) can go to court and gain a **possession order** which can be enforced by court bailiffs if necessary;
- Local Authorities can use **s77 of the Criminal Justice and Public Order Act 1994** to direct unauthorised campers to leave;
- If unauthorised campers fail to comply with a s77 direction, local authorities can use **s78 of the Criminal Justice and Public Order Act 1994** to go to court and get an order which allows the removal of campers;
- The police have a power to direct trespassers to leave land under **s61 of the Criminal Justice and Public Order Act 1994**;
- The police have a further power to direct trespassers to leave land under **s62 A-E of the Criminal Justice and Public Order Act 1994** where there is a suitable pitch available.

These powers can only be used in certain circumstances which are explained in more detail below.

Police powers to deal with unauthorised encampments may be used as an initial remedy for unauthorised camping, or where the private landowner or local authority has taken action but the trespassers are refusing to move.

### **Private Landowners**

The tort of trespass provides that landowners can ask a trespasser to move and, if they refuse, may use reasonable force to remove them. Landowners may, for example, privately employ bailiffs for this purpose.

Alternatively, a landowner can regain possession of their land by pursuing a claim for possession through the County Courts under Civil Procedure Rules 55. County Court bailiffs can be used to remove trespassers from the land once a possession order has been granted.

### **Local Authorities**

#### ***Trespass on local authority land (e.g. public car parks and recreation grounds)***

Local Authorities can also regain possession of land by pursuing a claim for possession through the County Courts. Again, County Court bailiffs can be used to remove trespassers from the land once a possession order has been granted.

#### ***Trespass on local authority land (or privately owned land where the encampment is without the consent of the owner)***

***Powers to remove unauthorised campers:*** the local authority may issue a direction to leave under Criminal Justice and Public Order Act (CJPOA) s.77. Failure to move from the land or returning to the land within a period of three months are both criminal offences, punishable by a fine of up to £1,000.

CJPOA s.78 allows a local authority to apply to a Magistrates' Court for an order (when a direction under s.77 has not been complied with) requiring the removal of vehicles, property and people from the land. Responsibility for eviction lies with the local authority. The local authority must give the owner and occupier 24-hours notice of their intention to enter any occupied land

unless they are unable, following reasonable inquiries, to ascertain the names and addresses of the owner and occupier. Obstruction of the local authority exercising their power under the order is an offence, punishable by a fine of up to £1,000.

## **The Police**

***Powers to remove trespassers on land*** under CJPOA s.61.

The police may direct trespassers to leave any land, if two or more people are trespassing with intent to take up residence and if reasonable steps have been taken by the landowner to ask them to leave. This is a discretionary power and any one of three further conditions must be met:

- any of the persons has caused damage to the land or property on the land;
- any of the persons has used threatening, abusive or insulting behaviour towards the occupier, a member of his family or an employee or agent of his;
- that those persons have between them six or more vehicles.

It is an offence to fail to comply with a direction to leave or to return to the land within three months, punishable by up to three months imprisonment and/or a fine of up to £2,500.

CJPOA s.62 allows the police to seize and remove vehicles if a direction under s.61 has not been complied with or the trespassers have returned to that land with a vehicle within a period of three months from the date of the direction under section 61.

***Power to remove trespassers where a suitable pitch is available*** under CJPOA ss.62A-E.

Can be used by the police where all of the following conditions are met:

- at least two persons are trespassing;
- the trespassers have between them at least one vehicle on the land;
- the trespassers are present on the land with the common purpose of residing there for any period;
- the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.

It is a criminal offence for the trespasser to fail to leave the land as soon as reasonably practicable or to enter any land in the local authority area in order to reside there as a trespasser within three months of the direction being given. The penalty for this offence is up to three months imprisonment and/or a fine of up to £2,500.

### Guidance

Guidance on managing unauthorised encampments is found in a joint Home Office/ODPM document, '*Managing Unauthorised Camping*'. It was issued in 1998 and updated in February 2004. A supplement to the guidance was issued on 7 March 2005 to provide guidance on the new Anti-Social Behaviour Act powers. The document can be accessed at:

<http://www.odpm.gov.uk/gypsyesites>

ODPM has also produced a plain guide to enforcement giving detailed step by step guidance on how to use the powers outlined above. The document can be accessed at:

<http://www.odpm.gov.uk/gypsyesites>

### Unauthorised Developments – land owned by Gypsies and Travellers

Where land is developed without planning permission, the local planning authority has a range of enforcement powers available.

For example, it can:

- Issue a **temporary stop notice** to stop any further development. The authority does not need to go to court: it can issue the notice immediately. The notice stops further development for 28 days.
- Issue an **enforcement notice** to both stop the development on a longer term basis and to require the site to be reinstated to its previous condition. Again the authority does not need to go to court. However, enforcement notices can be appealed against and an appeal suspends the effect of the notice. It is therefore wise for an authority to also;



- Issue a **stop notice** at the same time as an enforcement notice to prohibit further development pending the outcome of an appeal against any enforcement notice. Stop notices can be issued without going to court;
- Apply to the court for an **injunction** against someone to prevent them from continuing with or beginning to carry out development. An injunction can be sought at any time but in most cases is likely to be most effective if other planning powers have been used first.

More detail on the main powers for use against unauthorised development is set out below.

### ***A Temporary Stop Notice (TSN)***

Local planning authorities can issue a Temporary Stop Notice (TSN) where they believe there has been a breach of planning control and it is important that the breach is stopped quickly. The TSN requires the breach of planning control to stop for 28 days while the local authority decides whether to take further enforcement action.

In some cases, TSNs can require the removal of caravans from land even where they are being used as a main place of residence. TSNs can be used to require caravans to move off land where the risk of harm in allowing them to remain is so serious as to outweigh any benefit. A TSN can be used to prevent further caravans from moving onto land because this would constitute further development which the TSN prohibits.

If a TSN is breached, the maximum penalty in the Magistrates' Court is £20,000 and there is no upper limit on the penalty which the Crown Court may impose on conviction. There are no direct action powers available to local planning authorities to remove caravans from unauthorised developments except at the end of an enforcement appeal. However, they can seek an injunction for this purpose – see below.

### ***Enforcement Notice***

An authority can issue an enforcement notice when it appears to them that there has been a breach of planning control and it is important to stop the breach quickly. The authority must have evidence available to support the issuing of the notice and copies of the notice have to be served on specified persons who have an interest in the relevant land.

The notice must state amongst other things; the matters which appear to breach planning control; the steps which the authority requires to be taken to rectify the breach or the activities which the authority requires to stop. It must also specify the compliance period within which any required action should be taken. On conviction of an enforcement notice offence in the Magistrates' Court, the maximum penalty is £20,000. There is no upper limit on the fine that can be imposed in a Crown Court.

There is the right of appeal against an enforcement notice and the submission of a valid enforcement appeal suspends the effect of the enforcement notice. It is therefore advisable to issue a stop notice at the same time. At the conclusion of an enforcement appeal and any compliance period, where any steps required by the enforcement notice have not been taken, the local planning authority can enter the land and take the steps itself.

### **Stop Notice**

A stop notice prohibits carrying out, on land subject to an enforcement notice, any activity which is included in the scope of the associated enforcement notice. A stop notice can be served on any person who appears to them to have an interest in the land or to be engaged in any activity prohibited by the notice. There is no right of appeal against a stop notice although it can be challenged on the grounds that it was not properly authorised or was unreasonable. A stop notice remains in force until the end of the compliance period specified by the associated enforcement notice, or until that notice has been withdrawn or quashed on appeal. As with TSNs and enforcement notices, the penalties for contravening a stop notice are up to £20,000 in the Magistrates' Court and an unlimited fine in the Crown Court.

### **Planning Injunction**

An authority may apply to the court for an injunction to stop any actual or expected breach of planning control, regardless of whether they have used or are proposing to use any of their other powers. Where a breach is expected, there must be evidence to support the belief that it is intended e.g. preparations being made to establish a permanent caravan site. Rather than being directed at a piece of land, injunction proceedings are used to restrain a person or number of people, who must be cited by name, from carrying on the breach. Any person who fails to comply with the terms of an injunction is in contempt of court which could lead to imprisonment. An injunction may,

at the court's discretion, include a requirement to remove caravans (including those used as a main residence) from the unauthorised development. However, the court may well be influenced by the availability of alternative sites.

## **Guidance**

Further information on the use of these powers can be found in the Department of Environment, Transport and the Regions document *Enforcing Planning Control: Good Practice Guide for Local Planning Authorities 1997*.

## **Anti-Social Behaviour**

Anti-social behaviour has a wide legal definition. To paraphrase the Crime and Disorder Act 1998, it is a behaviour which causes or is likely to cause harassment, alarm or distress to one or more people who are not in the same household as the perpetrator.

There are a number of tools and powers available to the police and local authorities to address the causes of anti-social behaviour, ranging from early intervention to court proceedings. It is for local agencies to decide on the most appropriate intervention based on their knowledge of what works best locally and agencies should be encouraged to adopt a tiered approach to tackling anti-social behaviour.

For example, it may be appropriate to address the behaviour with a warning letter or an Acceptable Behaviour Contract or Agreement. If a child is the cause of the anti-social behaviour or if the parents are not ensuring that their children attend school/education, then parenting contracts and orders can be used. Local Authorities, the Police and registered social landlords (amongst others) all have the power to apply to a court to grant Anti-Social Behaviour Orders against the perpetrators of anti-social behaviour. Local authorities and the Environment Agency also have powers to deal with specific types of anti-social behaviour such as fly-tipping, noise and health nuisance. Details of some of the measures which can be used are set out below.

### **Acceptable Behaviour Contracts (ABC)**

An ABC is a written agreement between a person who has been involved in anti-social behaviour, a local authority and others, for example, the police. ABCs are most commonly used for young people but may also be used for adults.

The contract specifies a list of anti-social acts in which the person has been involved and which they agree not to continue. Where possible the individual should be involved in drawing up the contract. This may encourage them to recognise the impact of their behaviour and take responsibility for their actions. Support to address the underlying causes of the behaviour should be offered in parallel to the contract. This may include diversionary activities (such as attendance at a youth project), counselling or support for the family.

### ***Anti-Social Behaviour Orders (ASBOs)***

Although it is a civil order, breach of an ASBO is dealt with as a criminal offence, with a maximum five year sentence for an adult. ASBOs can be used against offenders living in any type of accommodation and to tackle anti-social behaviour in a wide range of situations and settings. Local authorities can apply for ASBOs but must provide evidence to the court showing that the person accused behaved in an anti-social manner. ASBOs are civil orders made by a court which prohibit the perpetrator from committing specific anti-social acts and/or from entering defined areas on a map (exclusion zones). An order lasts for a minimum of two years.

### ***Fly-tipping***

Fly-tipping is defined as is the illegal deposit of any waste onto land, i.e. waste dumped or tipped on a site with no licence to accept waste. Section 33 of the Environmental Protection Act 1990 (EPA) makes fly-tipping a criminal offence where:

- a person has deposited, caused or permitted waste to be deposited on land that does not have a waste management licence; or
- a person has treated, kept or disposed of waste on land that does not have a waste management licence.

Under provisions of the Anti-Social Behaviour Act 2003 which extended existing provisions, waste collection authorities (local authorities) as well as the Environment Agency have powers to:

- investigate fly-tipping incidents;
- stop and search vehicles suspected of being used to deposit unlawful waste if a police constable is present;
- seize a vehicle used to deposit unlawful waste after the issue of a warrant.

The powers to deal with fly-tipping were further extended by the Clean Neighbourhoods and Environment Act 2005 which mean that:

- fly-tipping is an arrestable offence with the maximum penalty for fly-tipping being £50,000 in the Magistrates' Court or an unlimited fine and/or five years imprisonment on indictment;
- landowners and occupiers who have had to clear fly-tipped waste can also recover costs;
- local authorities have more effective investigatory powers to catch fly-tippers;
- local authorities will have the power to issue fixed penalty notices in certain circumstances.

Comprehensive guidance on all the available tools and powers to tackle anti-social behaviour can be found on the dedicated website:

**[www.together.gov.uk](http://www.together.gov.uk)**

or from the Together ActionLine on 0870 220 2000.

More information on fly-tipping can be found at:

**[www.defra.gov.uk/environment/localenv/flytipping](http://www.defra.gov.uk/environment/localenv/flytipping)**

It is important that local authority officers and councillors fully understand the powers that are available and the circumstances in which they can be most effectively deployed. Local authorities need to establish arrangements to respond promptly to situations as they arise, which may usefully include protocols with other agencies, particularly the police. Such arrangements should make it clear how the responsible agencies will respond to an encampment, who will take the lead and how they will intervene.

### **A case study: Effective use of a Temporary Stop Notice (TSN)**

North West Leicestershire District Council has used TSNs to halt unauthorised development including that on Gypsy and Traveller sites. In one case, additional caravans had moved on to the site in contravention of the terms of the TSN, but departed once the owner of the site was informed that they would be prosecuted for breaching the TSN. A planning application was subsequently submitted. In another case a TSN successfully prevented additional Travellers, caravans and vehicles moving onto the site and further importation of materials and hard surfacing. Once the TSN expired, an injunction was issued by the courts to prevent further breaches taking place while a planning application was considered.

### **A case study: Norfolk County Council's multi-agency approach.**

Norfolk County Council has a joint protocol with all its District Councils and the local police, setting out the roles and responsibilities of each partner in responding to an unauthorised encampment in the county. The County Council regularly holds round-table events to discuss Gypsy and Traveller issues.

For example, following the arrival of a young Gypsy mother and child in South Norfolk last year a case conference was called. Whilst the encampment was small, it was situated in a conservation project car park and its presence prevented work from going ahead. It was further complicated by the fact that an arson attack had recently been made against the caravan, when the mother and child were inside.

The case conference gathered representatives of the parish, district and county council, Police, Traveller Health, Traveller Education and the Traveller herself.

The outcome was that the Traveller made an application to be accepted by the Council as statutorily homeless. The Agencies agreed that the family should remain on the car park while the application was processed.

### **A case study: The use of an Anti-Social Behaviour Order (ASBO)**

Following a prolonged period (10+ years) of anti-social behaviour associated with repeated unauthorised encampment by a particular family in the North Yorkshire area, North Yorkshire County Council as Highway Authority, in partnership with Ryedale District Council and North Yorkshire Police, issued an ASBO against the four most senior male members of a 14-strong adult family in August 2005. The Order prohibited the four members in question (thereby making them responsible for the other members of the family) from the following behaviour:

1. camping on the highway (including verges) so as to cause a danger or obstruction and in any event not for more than 21 days;
2. camping on any private land without the landowner's express permission;
3. returning to an area (whether highway or private land) within 1500 metres of a site previously occupied within last 12 months;
4. allowing any horse to eat/damage the hedgerows or be tethered close to the road, or to be placed in private land without the owner's permission;
5. leaving any rubbish or litter in any place, either public or private, unless in properly secured bags and in designated refuse skips;
6. causing or encouraging any other person to damage property belonging to another person;
7. taking fencing and gate posts for firewood.

In addition, the most senior family member was prohibited from doing or saying anything threatening, intimidating or abusive to any person. The Order also excludes the four members (and therefore the whole family, due to their tendency to travel as a complete family unit) from a five-mile area around three villages. The ASBO was issued after the family had persistently breached a high court injunction obtained two years previously for similar behaviour.

## What will the Government do?

The Government has established a Gypsy and Traveller Unit within ODPM to respond to growing tensions in certain places between Gypsies and Travellers and the settled community. The Unit will lead on policy development within Whitehall, and work with local authorities and other agencies to deliver more accommodation for Gypsies and Travellers and encourage effective enforcement action. Government Offices for the Regions will support the work of the Unit at local and regional level.

Key objectives for the immediate future are to:

- increase site provision for Gypsies and Travellers in line with need and ensure that resources allocated by central government are fully taken up by good quality schemes;
- ensure effective use of enforcement powers (including anti-social behaviour powers where appropriate) against unauthorised encampments;
- minimise unauthorised developments and the problems they cause;
- identify key priorities for action with other Government Departments to tackle inequalities in access to service provision experienced by Gypsies and Travellers.

To this end, the Government:

- has produced new planning and housing guidance advising local authorities on how the new system will work which can be found at **[www.odpm.gov.uk/gypsiesites](http://www.odpm.gov.uk/gypsiesites)**
- has set up a new Task Group, drawing together central and local government, the police and other agencies to address the wide variations in the use of enforcement powers and champion best practice;
- will keep under review the operation of enforcement powers and be prepared to strengthen them should this prove necessary;
- will extend the series of practical step-by-step guides on the use of enforcement powers to include unauthorised development and anti-social behaviour.