



Norfolk Unauthorised Encampments Protocol

2009 Revision

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1. BACKGROUND

Who are Gypsies and Travellers?

The term *Gypsies and Travellers* covers a number of different ethnic and social groups in the UK:

English Romanies, or Gypsies, recognised as a racial group since 1988, can trace their descent in England to the early sixteenth century (Kenrick, 2004, 10). Irish Travellers, recognised as a racial group since 2000, have been in England since the famines in the 1840s (Power, 2004, 6). The remaining ethnic groups are Scottish and Welsh Travellers, who can be found living in caravans in Norfolk, and a growing number of Eastern European Roma who can be found living in caravans elsewhere in the region.

Non-ethnic, or 'New' Travellers have been in evidence since the 1960s, many living in caravans or adapted vehicles. River Travellers (sometimes known as Bargee Travellers) can be found on some of the UK's waterways. While Showmen and Circus People travel in caravans for work purposes, they are a distinct group, and not usually associated with unauthorised encampments.

For the purpose of section 225 of the Housing Act 2004 'Gypsies and Travellers' means:

- (a) persons with a cultural tradition of nomadism or of living in a caravan; and
- (b) all other persons of a nomadic way of life, whatever their race or religion, including –
 - (i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and
 - (ii) members of an organised group of Travelling Showpeople or circus people (whether or not travelling together as such).

Local Statistics

The Norfolk Gypsy and Traveller Accommodation Assessment (Norfolk GTLG, July 2007) suggests there are over 100 illegally encamped caravans in Norfolk at any one time, with main concentrations to the south and west of the County.

Five local authority authorised sites follow the A47 from Kings Lynn in the west to Great Yarmouth in the east of the County, providing a total of 99 'pitches', a pitch accommodating an average of 1.5 caravans

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(Norfolk GTLG, 2007). These sites have approximately 95% occupancy, with several operating waiting lists.

East of England Regional Assembly research (EERA, February 2008) indicates the need for 156 new permanent pitches in Norfolk, to accommodate around 234 caravans. The Norfolk GTAA recognised the need for temporary stopping places in addition to new permanent sites. It is likely that many of these sites will not be available until 2011.

Recent developments

- 1976 The Race Relations Act 1976 recognises Romani Gypsies and Irish Travellers as 'ethnic' groups, affording them protection from discrimination (Johnson & Willers, 2007, 289-290).
- 1994 The Criminal Justice Act removed the duty on local authorities to provide sites for Gypsies and Travellers.
- 2000 The Human Rights Act (HRA) 1998 came into force, imposing duties on all of the public authorities with which Gypsies and Travellers are in contact.
- 2004 The Housing Act of 2004 provided the foundation for the framework for site provision, requiring local housing authorities to carry out Gypsy and Traveller Accommodation Assessments.
- 2006 Government Circular 01/2006 recognised that since the issue of Circular 1/94, and the repeal of local authorities' duty to provide Gypsy and Traveller sites there have been more applications for private Gypsy and Traveller sites, but this has not resulted in the necessary increase in provision (ODPM, Feb 2006, 4). The circular sets out how local authorities should go about meeting the accommodation needs of Gypsies and Travellers in their area.
- 2008 EERA commissioned research identified the need for 156 new pitches for the county of Norfolk. Government funding is granted for the first of these sites in Breckland, North Norfolk and South Norfolk.

Norfolk Gypsy and Traveller Liaison Group.

The Norfolk Gypsy and Traveller Liaison Group (GTLG), chaired by Norfolk County Council, was formed in 1996 to improve working between local authorities, the police, and health authorities. The group produced the original *Norfolk Protocol for the Consideration of Unauthorised Encampments* in 2001, and was responsible for the identification of temporary stopping places across the County.

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Membership of the group has grown significantly since 2001. The group now includes representation by Communities and Local Government (CLG), local authorities, the police, the health service Traveller Education, Supporting People, Norfolk and Norwich Race Equality Council, Norfolk Discrimination Project, Norfolk Property Services, and Norfolk Association of Town and Parish Councils. It also includes representatives of the Romany Rights Association, Ormiston Children and Families Trust, and other members of Gypsy and Traveller communities in Norfolk.

Meeting twice a year, the GTLG remains the main inter-agency forum for statutory bodies in the identification and development of new permanent sites, for the development and improvement of services to Gypsy and Traveller communities.

2. WHY A PROTOCOL?

The government recommends the use of joint protocols between the local authority, the police and any other relevant agencies as being highly effective in establishing how individual cases will be dealt with, and making sure that all parties are clear about their responsibilities and how they work together (CLG, Feb 2006, 6). It states that arrangements should be reached in advance, both within local authorities and the police themselves, but also between the parties, about how cases of unauthorised camping will be dealt with (CLG, Feb 2006, 17).

CLG's *Road Ahead* report (CLG, December 2007) recommends that local authorities should ensure that their published planning enforcement policies include their approach to enforcement against unauthorised encampments and developments, and set out clearly what all members of the community should be able to expect. It also recommends that police services should publish their policies on dealing with unauthorised encampments, setting out clearly what all members of the community should be able to expect (22). The Norfolk Unauthorised Encampments Protocol sets out the position of these authorities, thereby fulfilling these requirements.

In 2003, The Norfolk Traveller Liaison Group produced the document *The Norfolk Protocol for the Consideration of Unauthorised Encampments*. The document reflected government guidance that an interagency approach should be taken when making decisions on dealing with unauthorised encampments. The success of the Protocol case conference procedure is:

- a. It involves representatives from settled communities, from statutory and voluntary agencies, and from Gypsies and Travellers themselves.
- b. It encourages 'toleration' of unauthorised encampments where circumstances allow.

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- c. It provides a robust basis for legal action where toleration is not appropriate.
- d. It raises awareness of the needs of settled and travelling communities, and the frameworks and constraints within which statutory bodies must act.

The 2008 *Unauthorised Encampments Protocol* revision seeks to incorporate recent government guidance on unauthorised encampments, and build on authorities' experience of using the existing document. Key changes the 2008 Protocol will introduce are:

- Identifying the Police Service as lead agency where they have been requested to use Section 61 or 62 powers;
- Considering unauthorised encampments on a rolling basis, ie granting where appropriate, further toleration periods after the initial 28 days;
- Establishing timeframes within which local authorities or other partners will act;
- Requiring local authorities to evidence that they have sought case conference participation from all parties concerned;
- Establishing clear parameters by which an encampment may or may not be considered as appropriate for toleration;
- Collecting agreed contributions from travelling groups towards toilets and other facilities.

The guiding principles of the Protocol are:

- Equal consideration to the rights of travelling and settled communities;
- Balanced consideration of all encampments on their own merits;
- Linking enforcement action with available alternative sites;
- Toleration where possible, robustness where necessary;
- Proportionality of all actions.

While designed with reference to Gypsy and Traveller groups, the Protocol process is applicable to other illegally encamped groups and individuals.

This revised version, *Norfolk Unauthorised Encampments Protocol*, remains the product and property of the Norfolk GTLG.

3. DUTIES OF PROTOCOL PARTNERS

For a quick reference guide to the Unauthorised Encampments Protocol procedure, please see appendix 7.

Local authorities

Local authorities should ensure that reports of unauthorised camping can be acted upon swiftly. They should nominate a named officer who has the appropriate level of authority to make operational decisions on the ground, and cover arrangements should be put in place for those instances where this officer is unavailable (ODPM, Feb 2006, 6, 17). Government guidance states, 'the planning system and property rights must be respected and effective enforcement action must be taken promptly against problem Gypsy and Traveller sites' (CLG, May 2007, 5).

Local authorities have an obligation to carry out welfare assessments on unauthorised campers to identify any welfare issues that need to be addressed, before taking enforcement action against them. They should conduct thorough welfare enquiries when a new encampment of Gypsies and Travellers arrives in the area. When pressing needs for particular services are identified as part of the local authority's enquiries, relevant departments or external agencies should be contacted in order to meet these needs as appropriate (health services, social services, housing departments and so on) (ODPM, Feb 2006, 6, 16).

The CLG's *Road Ahead* report recognises that in some cases the presence of an intermediary may be helpful. Enforcement action can be highly stressful not only for those against whom action is being taken, but also for those carrying out that action. The presence of a calm third party to negotiate a solution may help action to go more smoothly, minimising distress for those involved (CLG, Dec 2007, 35). Norfolk County Council operates a Gypsy and Traveller Liaison Service, whose officers will establish liaison with unauthorised campers on both local authority and privately owned land. Nominated district council officers may be able to offer a similar service, depending on the nature of the encampment.

Local authorities should ensure that travelling communities have access to the Unauthorised Encampments Protocol in both written or audio format, that the Code of Respect list is issued and explained, and other available Gypsy and Traveller information is given out. It is expected that local authority officers with liaison responsibility will have copies of all these available when visiting sites.

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Police

It is recognised that, on most occasions, the police are the first agency to be called to be notified of new unauthorised encampments. The police have a duty to enforce the law and will take early action to assess the situation in line with the spirit of this protocol. Where there are reports of violence; threats or intimidation to landowners or their agents, or there is obvious criminal damage caused these will be taken as aggravating factors which the police will risk assess. Decision making as to the early use of Section 61 of the Criminal Justice and Public Order Act (CJPOA) 1994 will be informed by this risk assessment (see paragraph 9.4 below). Equally, the Police should take action concerning any reports of violence, threats or intimidation to Gypsies and Travellers from landowners or their agents or criminal damage caused to the property of Gypsies and Travellers.

Although police officers are not under any obligation to undertake welfare enquiries with unauthorised campers, this would constitute good practice as would liaising with the local authority regarding the need for welfare assessments to be carried out. The police must take into account humanitarian considerations when considering action to remove an encampment. The joint ODPM/Home Office document 'Guidance on managing unauthorised camping' recommends that local authorities should be involved in the process (ODPM, Feb 2006, 12). For the purpose of this Protocol, it is expected that the police will notify the local authorities, giving sufficient notification (where possible) for welfare assessments to be carried out.

Partners involved in this protocol are concerned with building trust and confidence in local communities. In this regard, consideration of enforced eviction will balance the needs of all those involved in, or affected by, an encampment. Police endorsed guidance recognises 'Many encampments include children, who would find forced eviction especially stressful and frightening. All involved in an eviction should remember this and seek to ensure that their actions have the least possible harmful effect on children.' (Derbyshire Gypsy Liaison Group, Jan 2008, 24). The reasons for decisions and these considerations in arriving at them will be recorded.

Health Service

There is not a designated Gypsy and Traveller Health Service in Norfolk, though there are health professionals whose remit includes working with Gypsy and Traveller communities. It is expected that officers with Gypsy and Traveller liaison responsibility will contact health workers where medical needs are identified.

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Childrens Services

The Traveller Education Service (TES) aims to ensure that children and young people from Gypsy and Traveller communities in Norfolk have equal access to education, training and learning opportunities where they feel safe and are able to enjoy learning, and to achieve and succeed. TES also offers advice, information and training to other professionals to support their work with children and families from these communities.

Race Equality Council

Under the Race Relations (Amendment) Act 2000 there is a statutory duty on public bodies (including local authorities, parish councils, community councils and police forces) to 'pay due regard to' the need to eliminate unlawful racial discrimination, to promote equality of opportunity, and to promote good relations between different racial groups (CRE, May 2006, 18). The role of the REC is to ensure compliance with this duty, and investigate reports of non-compliance.

Elected Members

Parish councillors, and other elected members have a duty to represent the interests of resident Gypsies and Travellers as well as the settled community (CLG, May 2007, 11). When considering an unauthorised encampment, elected members should also consider alternative provision for members of encampments.

Environment Agency

The Environment Agency may be called upon where significant damage to the environment may result from an encampment (statement from EA).

Fire Service

The Fire Service may be called upon if fires are reported on unauthorised encampments, or if it is considered that the proximity of caravans on an encampment presents a fire risk (statement from Fire Service)

Broads Authority

The Broads Authority will act as the lead agency for encampments on land on which they are the Planning Authority. The Protocol will not however cover unauthorised moorings, which will be dealt with under separate guidance.

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Members of the encampment

While members of unauthorised encampments have no specific duties under the terms of the Protocol, the expectation of good conduct should apply in the same way as it does to members of settled communities. Travelling communities should respect the rights of settled communities in the same way as their own rights should be respected.

4 LOCAL AUTHORITY PROCEDURES FOR MANAGING UNAUTHORISED ENCAMPMENTS

Reporting procedures

Most new encampments are brought to the attention of the local authority by calls from the public. The authorities rely on this information, without which they would often be unaware of encampments. Calls can be directed to the district council in which the encampment is located, or to Norfolk County Council's Traveller Liaison service (see appendix 2).

When notifying the local authorities of an encampment, only the facts should be reported. Because an encampment is new, it does not always follow that it is illegal. What is most important to the authorities is number of caravans in attendance, date of arrival, and ownership of the land (if known). If damage to property or any other crime is witnessed being committed by the group, this should also be reported to the Police.

Encampments on local authority land

Where an illegal encampment is on land owned by the local authority, it is that authority's responsibility to lead in establishing a course of action. The county and district councils and the Police are signed up to the Protocol, which means that a case conference will always be called before enforcement action is commenced. Urgency may occasionally make setting up a meeting difficult, although it is expected that all reasonable enquiries are made concerning the health and welfare of members of the encampment.

In the first instance, an officer of the local authority (or their agent) will visit the encampment. The purpose of this visit is to establish.

- land boundaries and ownership;
- numbers of caravans and other vehicles on the encampment;
- hazards that may make residing on the encampment dangerous to the travelling or settled community;
- nuisance to nearby residences, businesses, or amenities;
- travelling patterns of the group concerned.

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- preliminary health, welfare, or educational needs of group members;
- the presence of domestic or trade waste, or other environmental concerns;
- if animals are present, and if they pose a threat to safety of the settled community, or those passing through.

The officer will complete the Initial Site Visit Checklist (Appendix 5). This will be forwarded to Protocol partner agencies prior to the case conference, to enable them to make their own visits.

Local authorities have a duty of care towards all individuals living in or resorting to their area. As part of this duty, authority officers are required to undertake needs assessments whilst completing the initial site checklist for members of encampments on local authority owned land. These include:

- Health and welfare assessments
- Education needs assessments
- Accommodation needs assessments
- Human rights assessments

Details of these requirements are listed in appendix 6.

Where necessary the officer/s concerned will organise a case conference, inviting appropriate Protocol partner agencies. Members of the settled and travelling communities will normally be invited, although where there is a history of intimidation the lead officer may request that only nominated representatives attend.

Where significant tensions arise between the settled and travelling communities, or where the location of the encampment is particularly unsuitable, a case conference will normally be convened within 5 working days of notification of its arrival.¹ If holding a case conference on land not owned by the Authority is appropriate, a case conference will normally be convened within 10 working days of the lead authority being notified of its arrival. For the format of the meeting, please see Section 7.

Encampments on privately owned land

Where an illegal encampment is on privately owned land, it is the responsibility of the landowner to decide a course of action (please see section 9). Norfolk County Council's Gypsy and Traveller Liaison service (see appendix 2) will establish contact with the group if requested by the landowner, to provide liaison. The district council may

¹ During particularly busy times of the year, these targets may not always be met. In such cases, priority will be given to larger or higher profile encampments.

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also agree to arrange a case conference to support the landowner in identifying a suitable course of action.

5 HUMAN RIGHTS ASSESSMENT

The Human Rights Act (HRA) 1998 imposes duties on all of the 'public authorities' with which Gypsies and Travellers are in contact, including: government ministers and departments; the Planning Inspectorate; local authorities; the police; education authorities; health authorities; social services departments; and the courts (HRA 1998, s6 (3) (a), *cited in Johnson and Willers, 23*).

The two convention rights which are of most particular relevance to Gypsies and Travellers living in the UK are articles 8 and 14. Article 8 (1 & 2) provides that:

(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 14 provides that:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

A further right to be considered is article 2 of Protocol 1 of the Act, which provides that:

No person should be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

It has been argued that in order for this right to education to be practical and effective, the children of Gypsies and Travellers require a minimum degree of stability in order to be able to attend the same school and receive continuous education (Johnson & Willers, 2007, 58).

HRA 1998 s6 requires public authorities to consider carefully the proportionality of their actions when making decisions which interfere with article 8 rights. Thus public authorities are required to undertake a systematic analysis of the relevant issues and to ensure that they have taken into account the answers to properly articulated framework of

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questions before reaching such decisions (Johnson and Willers, 2007, 25).

The human rights of settled communities are equally important. Article 8(1 & 2) must be applied equally to the rights of settled communities in proximity to encampments.

Sometimes one person's right may be restricted to protect another person's rights or those of the wider community (Watson & Woolf, 2008, 29). In such situation the balancing of rights becomes crucial. The restriction must: have a *clear legal basis*, a *legitimate aim*, be *necessary*, be *proportionate*, and not *discriminate* against a particular group or class of people (Watson & Woolf, 2008, 42).

6 THE CASE CONFERENCE PROCESS

Part 1: stakeholders' meeting

The stakeholders' meeting is open to all parties who have a significant interest in the outcome of the meeting. District and County liaison officers, the police, elected members, members of the encampment (or their representatives), and landowners (where the land is privately owned) will be invited as a matter of course, though numbers may be limited at the lead authority's discretion. Where appropriate, other parties will be invited to attend, including: Childrens Services, Health Services, Environment Agency, Fire and Rescue Service, Race Equality Council.

This part of the meeting is designed to ensure that the needs and views of all parties are recorded, and considered when decisions are made. The meeting will be guided by a pro forma (appendix 6), but should also give opportunity for all parties to make other needs and views known. It is expected that the process will normally take no longer than one hour, at the end of which all parties with exception of officers of statutory bodies, and the private landowner if applicable, will be asked to leave. Officers of the relevant authorities will remain to decide a course of action.

Part 2: officers' meeting

The officers' meeting is open to officers of statutory bodies involved in the encampment. The purpose of this part of the meeting is to arrive at a decision as to whether the encampment should be tolerated, or whether action should be taken to seek its removal. Personal or otherwise confidential information not suitable for the public domain will be considered during this part of the meeting, subject to data protection and information sharing protocols.

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Consensus will be sought by the lead authority as to what action (if any) should be taken, which may require some level of compromise and/or agreeing of terms for the duration of the encampment. While the decision will ultimately rest with the lead authority, application to the courts for possession of the land will normally be strengthened by consensus. Partners at the meeting will of course only be asked to sign decisions they can endorse.

Notification of Decisions

All parties involved in both parts of the case conference will be notified of decisions made within five working days, though parties may contact the lead officer if the need is more urgent. Notification of decisions will normally be by email, and will include case conference notes. Where parties do not have email access all reasonable efforts will be made by the lead authority to inform parties by other means.

7 THE DECISION TO TOLERATE

Government guidance suggests that if the Gypsies and Travellers are cooperative, only wish to stay for a short time and the encampment is not in a sensitive location, it may only be necessary to monitor the situation pending their departure (ODPM, Feb 2006, 16). It adds that where unauthorised campers have chosen an unobtrusive location in which to camp it may be preferable to agree a departure date with them (ODPM, Feb 2006, 19). Subject to considerations in paragraph 3.2.1, the local authorities of Norfolk will consider such toleration of unauthorised encampments while new authorised sites are being developed.

The CLG's *Road Ahead* report recommends, 'In advance of delivering increases in permanent and transit site provision, local authorities should urgently consider the scope for emergency stopping places within their areas that can provide an alternative location for Gypsies and Travellers on unauthorised sites in dangerous or damaging locations' (CLG, Dec 2007, 35). Until such provision is made in Norfolk, it is expected that some unauthorised encampments may need to be tolerated for periods exceeding 28 days.

The CLG's *Road Ahead* report recommends, 'Where it is not expedient to take enforcement action against unauthorised encampments, local authorities should consider providing basic facilities, such as skips and chemical toilets, for a reasonable fee payable by Gypsies and Travellers on site (CLG, Dec 2007, 36). Where a local authority agrees to tolerate an encampment, it will provide toilet facilities to the group for an agreed contribution.

Where the local authority agrees to tolerate an encampment for a period of time, it will request members of the encampment to agree to a

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Code of Conduct (see appendix 4). Significant failure to observe the terms of such an agreement will result in the authority considering alternative courses of action, which may include applying for possession of the land.

The local authority may agree a specific fixed period that an encampment can be tolerated for, or it may decide to tolerate the encampment on a 'rolling toleration' basis, that is until a suitable alternative location becomes available. In such a scenario, it would be expected that the encampment is visited at least weekly, and the situation reviewed with Protocol partners at least every 28 days.

Where an encampment is to be tolerated, an officer of the lead local authority (or an appointed agent) will visit the encampment at least once a week to ensure the Code of Conduct is being respected. He or she will be the main point of contact for members of the public wishing to discuss the encampment.

8 THE DECISION TO ENFORCE

It is unlawful for Gypsies and Travellers to camp on land they do not own without the landowner's permission. There are locations where immediate action to remove them should be taken because the presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or to conduct their business, for instance:

- on school grounds during term time;
- * on urban parks;
- on business or retail parks (ODPM, Feb 2006, 15).

Similarly, swift action should be taken where the encampment is located on contaminated land or where the encampment is very close to a busy highway, potentially endangering the health and safety of the campers and others, or on land of a particularly sensitive nature, a Site of Specific Scientific Interest (SSSI) for example (ODPM, Feb 2006, 15).

9 POWERS AVAILABLE FOR THE REMOVAL OF TRESPASSERS

Common law powers

All landowners can use their common law rights to recover land (i.e. the tort of trespass against property). This allows the person in possession of land to evict an individual from their land, seek damages for their trespass on their land, and/or seek an injunction to prevent the trespass from occurring again (CLG, Feb 2006, 9).

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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 (CLG, May 2007, 18). Case law has established that a trespasser who enters land peaceably is entitled to a request to leave the land before being forcibly removed, while a trespasser who has entered land with force and violence may be removed without a previous request to leave (CLG, Feb 2006, 9).

Whenever a landowner is considering the use of common law rights they should notify the police of their intentions so that police officers can be present to prevent any breach of the peace. If the police advise against eviction, action should always be delayed until such time as the police believe that it is safe to continue (CLG, Feb 2006, 9).

In summary, common law powers:

- can only be used by the landowner;
- are used to regain possession of land;
- do not require the involvement of the courts;
- can be enforced by the landowner and/or private bailiffs where necessary;
- do not provide any sanctions preventing the return of trespassers onto land (CLG, February 2006, 7).

Part 55 Civil Procedures Rules

Part 55 of Civil Procedure Rules allow any landowner to regain possession of their land. Where the land is leased, the terms of the lease will determine who has this power - long-lessees and many short-lessees will be responsible for evictions, where they are the "person entitled to occupation of the land" (CLG, Feb 2006, 9).

Local authorities and private landowners can regain possession of land in their ownership by pursuing a claim for possession through the County Courts. County Court bailiffs can be used to remove trespassers from the land once a possession order has been granted (CLG, May 2007, 19).

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 against the unauthorised campers through the County Court (CLG, Feb 2006, 9).

The claimant will need to provide title to, or sufficient interest in, the land, usually by the production of a witness statement or affidavit (from a person who has authority to give such evidence) which will have attached to it either office copy entries from the Land Registry,

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conveyances, leases or other relevant official documents proving title to the land (Johnson & Willers, 2007, 158).

Where the landowner is a local authority or other public body, the necessary welfare assessments should be carried out alongside the court procedures and should be completed before any eviction is carried out (CLG, Feb 2006, 10).

In summary, Part 55 Civil Procedures Rules:

- can only be used by the landowner;
- are used to regain possession of land;
- require civil court procedure;
- specify that possession is enforced by county court bailiffs, where necessary;
- do not provide any sanctions for the return of trespassers onto land (CLG, February 2006, 7).

Sections 77-78 Criminal Justice and Public Order Act 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 (CLG, Feb 2006, 10).

Twenty-four hours must be allowed to elapse between serving the Order and any action to remove the unauthorised campers. At any point thereafter, the local authority (or private bailiffs employed on their behalf) may remove the unauthorised campers and their vehicles from the land. As with any eviction, police should be present to ensure that no breach of the peace takes place (CLG, Feb 2006, 12).

If the campers have failed to move and/or remove any vehicles and other property by the date specified in the Direction, or return to the same location within three months of the date of the Direction, they are then 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 (CLG, Feb 2006, 11).

In practice however, it can be more effective for local authorities to pursue unauthorised campers who have contravened a direction under Section 77 by using their powers under Section 78 of the CJPOA. This 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 (CLG, Feb 2006, 11).

In Summary, Sections 77-78 of the CJPOA 1994:

- can only be used by a local authority;

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- can be used on any land within the local authority's area, irrespective of ownership;
- are used to remove identified individuals from land;
- only require the involvement of the courts when unauthorised campers do not leave when directed to do so ;
- provide for possession to be enforced by local authority officers or private bailiffs employed by the local authority;
- provide that the return of unauthorised campers and/or their vehicles to the location within three months carries criminal sanctions (CLG, Feb 2006, 7-8).

Sections 61- 62 Criminal Justice and Public Order Act 1994

Under certain circumstances, the police have power to direct trespassers to leave land under s61 of the Criminal Justice and Public Order Act (CJPOA) 1994. 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 attempts 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 or 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;
- those persons have between them six or more vehicles (CLG, May 2007, 13, 19-22).

Government guidance suggests that Section 61 of the CJPOA is likely to be the most appropriate power where an encampment is:

- on school grounds during term time;
- on urban parks;
- on business or retail parks;
- on contaminated land;
- very close to a busy highway;
- on land of a particularly sensitive nature; or
- on an SSSI;

and where the further conditions of section ... are met (ODPM, Feb 2006, 115).

The initial step is for the landowner to make a formal request to the police that they use their powers under the CJPOA. A senior police officer then considers whether it is appropriate to use the power, based on various factors:

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- whether there are other activities on the encampment, such as serious breaches of the peace, disorder, criminal activity or anti-social behaviour which would necessitate police involvement under other wider powers;
- given the impact of the unauthorised encampment on the environment and the local settled community, is it reasonable and proportionate to use police powers;
- whether action by the police is legally sustainable;
- whether there are sufficient resources available (ODPM, Feb 2006, 12).

The police may determine the period of notice to the unauthorised campers to leave, and this may be hours or days. If the unauthorised campers fail to leave by the date and time specified by the police officer, or return to that location within three months of the direction, they are then committing an offence (ODPM, Feb 2006, 13).

In Summary, Sections 61-62 of the CJPOA

- can only be used by the police;
- can be used on any land except the highway;
are used to remove identified individuals and/or their vehicles from land;
- can only be used if there are two or more persons trespassing on the land;
- do not require the involvement of the courts
- provide that possession is enforced by the police;
- provide that the return of unauthorised campers to the location within three months carries criminal sanctions (ODPM, 2006, 7-8).

Sections 62A-E Criminal Justice and Public Order Act 1994

In a local authority area where pitches have been provided, the police can use their extended powers under sections 62 (a) to (e) of the Criminal Justice and Public Order Act (CJPOA) to move on unauthorised encampments of Gypsies and Travellers, where there are pitches available on a public site in the area. This power 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 (CLG, May 2007, 13,22).

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A suitable pitch on a relevant caravan site is one which is situated in the same local authority area as the land on which the trespass has occurred, and which is managed by a local authority, registered social landlord, or other person or body as specified by order by the secretary of State. In two tier authority areas, where a district council is situated within a wider county council area, the relevant caravan site may be anywhere within the county council area (ODPM, Feb 2006, 13).

If the unauthorised campers do not leave when directed to do so under Section 62A, or if they return to the district within three months after being directed, they are committing an offence, and the police may then use their powers under Section 62B of the CJPOA to arrest and detain them (ODPM, Feb 2006, 13). Section 62A can prevent campers returning to anywhere in the local authority area for a period of three months (ODPM, Feb 2006, 16).

Local authorities will need to confirm that appropriate alternative pitches are available in the area before the police use their powers ... and, as with Section 61 of the CJPOA, it is good practice for local authorities to be involved in the process to ensure that any welfare needs are identified. If the unauthorised campers fail to leave by the date and time specified by the police officer, or return to that location within three months of the direction, they are then committing an offence (ODPM, Feb 2006, 14).

If the unauthorised campers fail to leave by the date and time specified by the police officer, or return to that location within three months of the direction, they are then committing an offence (ODPM, Feb 2006, 13).

In Summary, Section 62A-E CJPOA powers:

- can only be used where an alternative site is available
- can only be used by the police;
- can be used on any land;
- are used to remove identified individuals and/or their vehicles from the land;
- do not require the involvement of the courts;
- possession is enforced by the police;
- the return of unauthorised campers to the local authority area within three months carries criminal sanctions (ODPM, 2006, 8).

10 EVICTION PROCEDURES

Before commencing any action to evict an unauthorised encampment, local authorities have an obligation to carry out welfare assessments of the unauthorised campers. This may necessitate the involvement of local NHS bodies, where health issues are apparent (CLG, Feb 2006, 11).

If an eviction is being carried out by a local authority or bailiffs, the police should be advised at an early stage so that they can advise and

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assist in relation to the issue of personal safety to minimise the possibility of physical harm. Police should also be on hand when an eviction is taking place in order to ensure that breaches of the peace do not occur. If the police recommend that the eviction should not proceed for any reason, action should be delayed until an agreed time (ODPM, Feb 2006, 20).

If private bailiffs are to be used to evict unauthorised campers, stringent vetting should take place to ensure that those employed in this capacity are appropriately qualified to do so (ODPM, Feb 2006, 20).

Where an eviction is being carried out by a local authority, its appointed representatives or the police, a local authority officer should always attend, as the local authority may have obligations to offer assistance to those who have been evicted, due to their wider social responsibilities. This may include temporarily caring for children where parents or guardians have been arrested and held in custody, or offering alternative accommodation to those Gypsies and Travellers who are identified as being homeless and in priority need (ODPM, Feb 2006, 20).

Local authorities should also ensure that the appropriate departments, such as housing, social services, education and NHS bodies are made aware of the eviction and are in a position to be able to respond swiftly to any requests for assistance. If unauthorised campers have pets or livestock it may also be appropriate to involve the relevant bodies, the RSPCA for instance, in finding appropriate accommodation for them (ODPM, Feb 2006, 6, 20).

Government commissioned research concludes, 'There can be no reason not to give those living on an unauthorised site due notice of an intention to carry out an eviction'. 'Local authorities and landowners, their enforcement agents, and the police should give clear notice of an intention to carry out an eviction, to provide an opportunity for those living on an unauthorised site to leave voluntarily; and should provide information on alternative, appropriate places to go (CLG, Dec 2007, 34, 35).

Wherever possible, the forthcoming eviction should be discussed with those on the encampment, and they should be notified of the date and time for the eviction. However, there may be circumstances in which this is not appropriate – for example where those on the encampment have announced their intention of violently resisting the eviction (ODPM, Feb 2006, 20).

11 OTHER POWERS AVAILABLE TO AUTHORITIES

Anti-Social Behaviour Orders (ASBOs)

Gypsies and Travellers acknowledge that there are members of those communities who commit crimes and behave anti-socially, as there are those within the settled community who do so. It must also be recognised that Gypsies and Travellers may be the victims of crime and anti-social behaviour both from within and outside the travelling community, experiences which they may feel reluctant to report to the police (CLG, Dec 2007, 37).

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. Anti-Social Behaviour Orders 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 has 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. ASBOs are particularly useful in the Gypsy and Traveller context because they:

- can be specifically tailored to address the particular problem
- could apply nationally if justified
- would be registered on the national police database (CLG, May 2007, 31).

Fly-tipping

When fly tipping occurs at or near a Gypsy or Traveller encampment, it should not be automatically assumed that the group themselves are responsible for it. Members of some travelling communities do indeed fly-tip, as do a number of members of settled communities, and it is not uncommon for people to fly-tip near a site so as to give the impression that the travelling group are responsible.

Fly-tipping is defined as is the illegal deposit of any waste onto land, ie waste dumped or tipped on a site with no licence to accept waste. Section 33 of the Environmental Protection Act 1990 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.

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Under the 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 (CLG, May 2007,31-32).

Highways Act 1980

Where highways are obstructed, Section 149 of the Highways Act can be used:

If anything is so deposited on a highway as to constitute a nuisance, the highway authority for the highway may by notice require the person who deposited it there to remove it forthwith.

- i If the highway authority for any highway have reasonable grounds for considering –
 - (a) that anything unlawfully deposited on the highway constitutes a danger (including a danger caused by obstructing the view) to users of the highway, and
 - (b) that the thing in question ought to be removed without the delay involved in giving notice or obtaining a removal and disposal order... the authority may remove the thing forthwith

The 'thing unlawfully deposited' could include vehicles. If sufficient danger is caused, impoundment could occur. Other than this circumstance, impoundment without an order is not possible (Johnson & Willers, 2007, 186).

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Unauthorised vehicles

Vehicles can be confiscated by Police under section 59 CJPOA....
(police statement.....)

12 PREVENTING FURTHER UNAUTHORISED CAMPING

Prevention through provision

Government commissioned research concludes, 'A need for repeated enforcement action is a sign of failure. Such action is costly and stressful for all concerned, but it is the inevitable consequence of ignoring the need for adequate levels of accommodation for Gypsies and Travellers (CLG, Dec 2007, 9, 21).

'It is essential both to increase the number of authorised sites for Gypsies and Travellers and to do so quickly. Without levels of provision that are commensurate with need, unauthorised encampments and developments and the attendant problems they cause are not only likely, they are inevitable. Local authorities must take the necessary steps to ensure that adequate accommodation is available for Gypsies and Travellers in their areas if they are to be able to take rapid and robust action against unauthorised encampments in inappropriate locations (CLG, Dec 2007, 9, 21).

The most effective method of combating unauthorised camping is to provide sites in accessible locations for those Gypsies and Travellers who pass through the area. This may not be limited to official residential and transit sites; it might also include particular locations which have been identified in the district where Gypsies and Travellers can stop for limited and agreed short periods of time, without having adverse impact on the settled community (ODPM, Feb 2006, 21).

The government recognises that where problematic encampments are allowed to remain, or repeatedly return, community hostility and conflict will be inflamed, and a sustainable long-term solution will become much harder to achieve. It also recognises that enforcement action can be taken more swiftly, and can be more effective, where appropriate authorised provision for Gypsies and Travellers is in place within a local authority's area (CLG, Feb 2006, 5).

Adequate provision will have wide benefits in the management of unauthorised camping as:

- * there will be less unauthorised camping in the first place;
- * the police will not be restricted in the use of sections. 62A-E CJPOA if suitable pitches are available;
- * legal challenges are less likely to occur or succeed;
- * the courts are more likely to grant possession orders to local authorities who show they are acting responsibly in carrying out

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their wider duties and who deal with each incident of unauthorised camping on its merits (ODPM, Feb 2006, 17).

Government commissioned research indicates that the total area required to accommodate all Gypsy and Traveller caravans in England is about one square mile of land (CLG, Dec 2007, 13).

Legal Prevention

ASBOs (see Section 10) may be used to prevent Gypsies and Travellers from returning to an area where they have caused problems in the past. Local authorities may be able to obtain these remedies at the same time as taking court action for possession or eviction (ODPM, Feb 2006, 21).

Physical Prevention

Site protection measures could also be considered in locations which are vulnerable to unauthorised camping, for instance by creating earth bunds, or embankments around the site, or by introducing height restrictions to entrances (ODPM, Feb 2006, 21). Planning authorities may need to be consulted to ensure planning regulations are not breached.

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Watson, J., and Woolf, M. (2008) *Human Rights Act Toolkit, Second Edition*, London, Legal Action Group.

Other research and guidance

Joseph Rowntree Foundation (2007) *Providing Gypsy and Traveller Sites: Contentious Spaces*, Coventry, Chartered Institute of Housing.

Local Government Association (July 2006) *Report of the LGA Gypsy and Traveller Task Group*, LGA.

Norfolk Gypsy and Traveller Liaison Group (2005) *The Norfolk Protocol for the Consideration of Unauthorised Encampments*.

Ormiston Children and Families Trust (2007) *Consultation with Gypsy and Traveller Communities*, Milton CAMBS.

South Norfolk Council (2005) *A Strategy for Gypsies and Travellers in Norfolk*.

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APPENDIX 2: CONTACTS LIST

Local

Borough Council of King's Lynn & West Norfolk: (01553) 616200; www.west-norfolk.gov.uk

Breckland Council: (01362) 656870; www.breckland.gov.uk

Broadland District Council, (01603) 431133; www.broadland.gov.uk

Environment Agency (Anglian Region): (08708) 506506; www.environment-agency.gov.uk/regions/anglian; Emergency Hotline (0800) 807060

Great Yarmouth Borough Council: (01493) 856100; www.great-yarmouth.gov.uk

Norwich District Citizens Advice Bureau: (01603) 679679; www.ncab.org.uk

Norfolk County Council Gypsy and Traveller Liaison Service: (01603) 222473; www.norfolk.gov.uk

Norfolk County Council Childrens Services, Traveller Education Service: (01603) 727880; www.norfolk.gov.uk

Norfolk Fire Service: (01603) 810351; www.norfolkfireservice.gov.uk

North Norfolk Council: (01263) 513811; www.northnorfolk.org

Norfolk Police: (0845) 4564567; www.norfolk.police.uk

Norfolk Property Services: 01603 222674; www.nps.co.uk

Norwich City Council: (01603) 212212, www.norwich.go.uk

Norwich and Norfolk Race Equality Council: (01603) 611644; www.nnrec.org.uk

Ormiston Norfolk Travellers Advocacy Service: (01362) 854264; www.ormiston.org

Planning Aid (East of England): (08708) 509801; www.planningaid.rtpi.org.uk

Shelter Housing Advice: (01603) 667740; www.norfolk@shelter.org.uk

Showmans Guild (Norwich and Eastern Counties Section): 01508 471772;

South Norfolk Council: (01508) 533633; www.south-norfolk.gov.uk

The Traveller Liaison Service can provide names of specific officers on request.

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Regional and National

Association of Chief Police Officers: 020 7227 3434; www.acpo.police.uk

Commission for Racial Equality: see Equalities and Human Rights Commission (EHRC).

Communities and Local Government (formerly ODPM):
www.communities.gov.uk

Community Law Partnership: (0845) 1202980; www.justask.org.uk

Department for Environment, Food and Rural Affairs, (DEFRA):
www.defra.gov.uk

East of England Development Agency: (01223) 713900; www.eeda.org.uk

East of England Planning Aid Service: (01473) 631616;
www.eeplanaid@rtpi.org.uk

East of England Regional Assembly: (01284) 728151; www.eera.gov.uk

Equalities and Human Rights Commission (EHRC - formerly Commission for Racial Equality (CRE)): 08457 622 633; www.equalityhumanrights.com

Friends, Families and Travellers: Advice, information and training service (01273) 234777: www.gypsy-traveller.org

The Gypsy Council for Health, Education and Welfare: 01708 868 986;
www.thegypsycouncil.org

Irish Traveller Movement in Britain: 020 7625 2255; www.itmtrav.com

Legal Action Group: 020 7833 2931; www.lag.org.uk

Local Government Association: 020 7664 3131; www.lga.gov.uk

NHS Direct: (0845) 4647; www.nhsdirect.nhs.uk

Traveller Law Reform Project; 0845 120 2890; www.travellerslaw.org.uk

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APPENDIX 3: GLOSSARY OF TERMS

Authorised site: a site with planning permission or lawful development certificate

Caravan: Mobile living vehicle used by Gypsies and other Travellers.

Caravan count: The count, undertaken twice a year by local authorities, provides a snapshot of the number of families and caravans on public, private, authorised and unauthorised sites in England.

Emergency stopping places: used by Gypsies and Travellers in transit for very short stays – normally up to one month

Fly-Tipping: the illegal and unauthorised dumping of waste

Illegal (or unauthorised) development: A development where the group owns or has the owner's permission to be on the land, but where planning permission for residential use has not been granted.

Illegal (or unauthorised) Encampment: An encampment where Gypsies and Travellers reside in vehicles or tents without permission.

Permanent site: sites used by families as their main base

Pitch: a space on site for one family, typically accommodating one to three caravans

Protocol: an agreement of an approach, usually between various different public bodies

Site: an area of land where caravans are stationed

Toleration: A decision to allow encampments to remain in place on a short (or longer) term basis, often for a fixed period of time, and subject to conditions.

Traveller Education services: A local education authority support service, which works closely with schools and families to ensure access, and to raise Gypsy and Traveller pupils' achievement.

Traveller Liaison Service: A service normally run by the local authority for establishing and maintaining contact with travelling communities, and providing liaison with wider communities and relevant agencies.

Vardo: A horse drawn caravan

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APPENDIX 4: CODE OF RESPECT

To be issued to new encampments by the local authority officer

How long you can stay on this land may depend on your co-operation

- Please drive carefully
- Please make sure there is a minimum of 6 metres between caravans, and park away from other groups
- Please keep groups small and away from built up areas
- Please show respect to nearby residents
- Please do not play loud music
- Please do not damage the land you park on or other property
- Please use black plastic bags for rubbish and leave it at agreed collection points
- Please dispose of all other waste at official refuse tips
- Please use toilet facilities where provided
- Please do not have open fires, unless agreed with the landowner
- Please make sure animals are kept under control at all times
- Please clear up thoroughly when you leave

Your willingness to co-operate in this way will affect future stays on land in the area

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APPENDIX 5: INITIAL SITE VISIT CHECKLIST

Location of Encampment:	
Initial visit carried out by:	Date:

Land ownership (if known): -.....In which District?	
When was the encampment established?	
Code of conduct issued and explained?	
Numbers of caravans/dwellings present: -.....Numbers of motorised vehicles:	
Numbers of adults present: -.....Known to authority? -.....If yes, previous location: -.....Period group has indicated it wishes to stay:	
Any health issues?:	
Numbers of children present: -.....Age range?	
Which other agencies have been informed?	
What arrangements are there for rubbish collection/sanitation?	
What animals (if any) are present? -.....Do they present a danger to officers or members of the public?	
Is there evidence of damage to property? Have there been reports of criminal or antisocial behaviour? -.....If yes, have police been notified?	
Proposed action/s of landowner:	
Proposed action/s of Police:	

Please copy completed form to: County Council, District Council, Traveller Education, Traveller Health, Police Safer Neighbourhood Team, Ormiston Advocacy Service, Environment Agency, Fire and Rescue Service.

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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 evidence of land ownership is available?	
Does the site have hard standing? - <i>if no, please describe the terrain</i>	
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>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> - <i>could this be remedied without forcibly moving the group?</i>	

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<p>Is the encampment on or near to a nature reserve, SSSI, or other environmentally sensitive area?</p> <ul style="list-style-type: none"> - if yes please give details - 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"> - <i>if yes, please explain</i> - could this be remedied without forcibly moving the group? 	
<p>Is the land liable to flooding?</p> <ul style="list-style-type: none"> -.....<i>if yes, when was it last flooded?</i> -.....<i>what might be the consequences?</i> 	
<p>Roughly how far from the road are the living units situated?</p> <ul style="list-style-type: none"> - <i>does this present hazards to the group or motorists through children or animals getting onto the road?</i> 	
<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"> - <i>if yes, could these reasonably be made safe?</i> 	
<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"> - <i>if yes, could these be economically removed?</i> 	
<p>Are there watercourses or aquifers that could be contaminated as a result of the encampment?</p> <ul style="list-style-type: none"> - <i>if yes, in what ways (if any) could this be rectified without forcibly removing the group?</i> 	
<p>Are trade activities being conducted by members of the encampment?</p> <ul style="list-style-type: none"> - <i>if yes, please specify</i> 	

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<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? 	
<p>Are there other site conditions or activities that may put people or animals at risk?</p> <ul style="list-style-type: none"> - if yes, please explain 	

4. WASTE AND SANITATION

<p>Are arrangements in place for the disposal of waste?</p> <ul style="list-style-type: none"> - if yes, please specify - if yes, are these arrangements effective? 	
<p>What toilet arrangements are in place?</p> <ul style="list-style-type: none"> - are these satisfactory? - if no, how could these be improved? 	
<p>Is there evidence of domestic, human or trade waste on or beyond the boundaries of the encampment?</p> <ul style="list-style-type: none"> - what has been done to deal with it? -has the Environment Agency been notified? - If yes, what are its intended actions? 	
<p>Does the encampment pose a risk of contamination to water courses, crops, or other commodities?</p> <ul style="list-style-type: none"> - if yes, please explain - what actions could be taken to minimise the risk? 	

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5. NEIGHBOURHOOD RELATIONS

<p>How far is the encampment from the nearest residence or business? - in what ways (if any) does this affect them?</p>	
<p>Is the encampment separated from other properties by a road or other boundary? - <i>if yes, please specify</i></p>	
<p>Has the encampment prevented members of the settled community from using amenities? If yes: - are these public amenities? - could use of amenities be restored without eviction?</p>	
<p>Has the Code of Respect (see appendix 4) been issued and explained to the group? - have they agreed to comply?</p>	
<p>Has criminal and/or antisocial behaviour been witnessed against or by members of the encampment? If yes: - <i>what specific incidents have been reported?</i> - <i>who have they been reported to?</i> - <i>are these reported incidents verifiable, and by who?</i> - <i>what are the views and proposed actions of the Police?</i> - <i>what actions are other authorities taking?</i></p>	

6. WELFARE AND EDUCATION

<p>Are any members of the group in need of medical treatment? If yes: - <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>	
<p>Are there disabled or otherwise infirm members of the group? If yes: - <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>	

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<p>Are there members of the group, who are pregnant or caring for an infant? 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>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>roughly 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> <ul style="list-style-type: none"> - <i>if yes, are members of the encampment eligible to move on?</i> - <i>if yes, are members of the encampment willing and able to move on</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> 	

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<p>Do members of the group require advice or assistance with making a planning application?</p> <p>- <i>if yes, what advice or assistance has been offered or given?</i></p>	
<p>Has the district council made plans for providing new permanent or temporary pitch accommodation?</p> <p>- <i>if yes, when is this expected to be available?</i></p> <p>- <i>If yes, could this encampment be tolerated (subject to conditions) until the new provision is available?</i></p>	

8. TOLERATION CONDITIONS

<p>If the encampment is to be tolerated, what conditions (if any) should be imposed?</p>

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.

9. HUMAN RIGHTS

With reference to Article 1 of the Declaration of the Human Rights Act 1998	
<p><i>Would eviction constitute interference with the right to respect for private and family life of group members?</i> - <i>If yes, in which way/s?</i></p>	
<p><i>Would non-eviction deny the settled community of the right to respect for its members' private and family life?</i> - <i>If yes, in which way/s?</i></p>	
With reference to Article 14 of the Declaration of the Human Rights Act 1998	
<p><i>Is there evidence that eviction is being pursued on the grounds of the travelling community's ethnic or social origin status?</i> - <i>If yes, please explain</i></p>	
<p><i>Is there evidence that the settled community has been subjected to discriminatory behaviour by the travelling community?</i> - <i>If yes, please explain</i></p>	
With reference to Article 1 of the First Protocol of the Human Rights Act 1998	
<p><i>Would eviction deny members of the travelling community peaceful enjoyment of their possessions?</i> - <i>If yes, in which way/s?</i></p>	
<p><i>Would non-eviction deny members of the settled community peaceful enjoyment of their possessions?</i> - <i>If yes, in which way/s?</i></p>	

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With reference to Article 2 of the First Protocol of the Human Rights Act 1998	
<p><i>Would eviction deny the travelling community's children access to their right to education?</i></p> <p><i>- If yes, in which way/s?</i></p>	

10. RECOMMENDATIONS

<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>With regard to the considerations in Part 1, would a decision to enforce a move be proportionate to the inconvenience the encampment causes to the local community?</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>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>	

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11. TIMESCALE FOR PROPOSED ACTIONS

Action	Officer/organisation

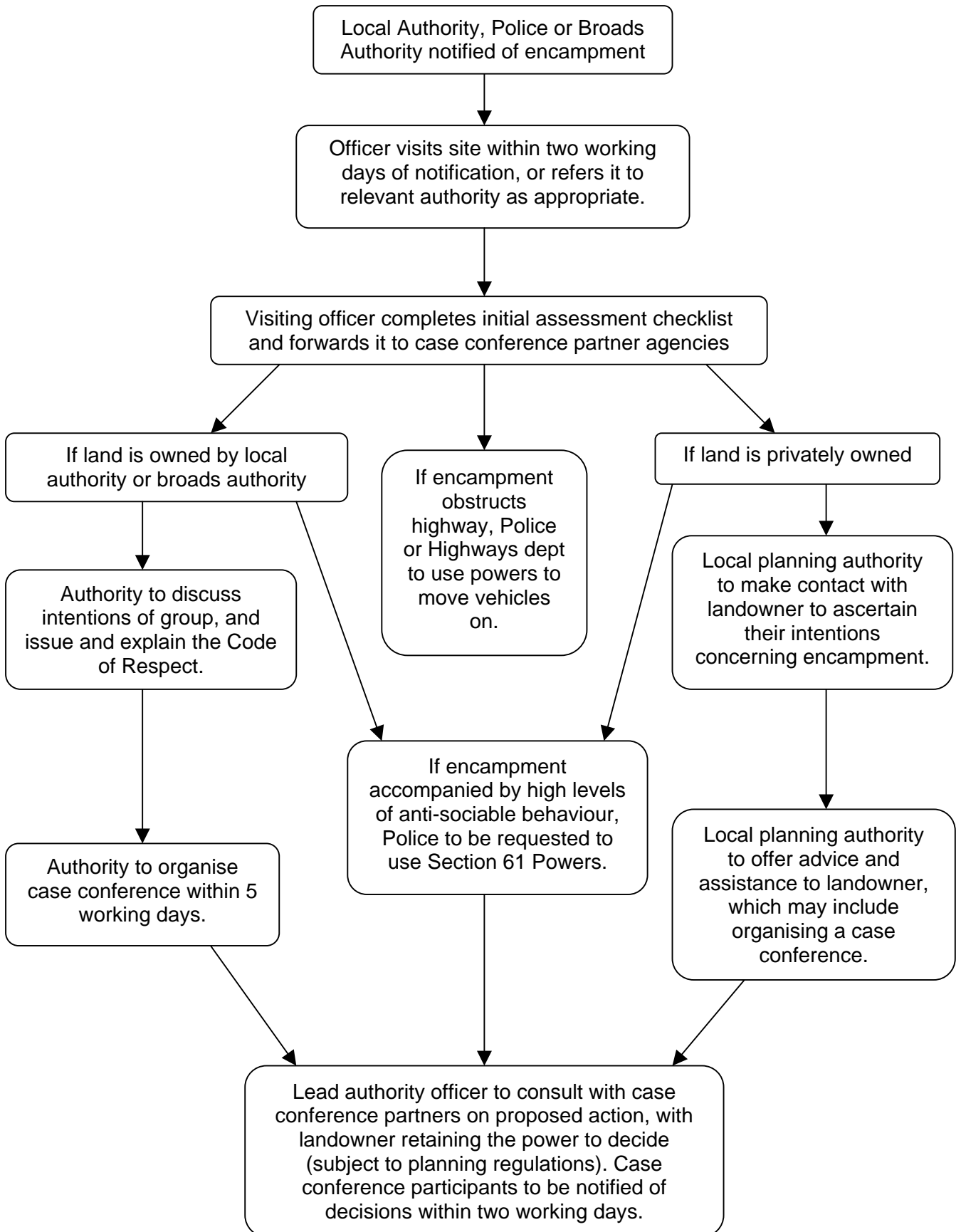
Decision agreed by:

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

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APPENDIX 7: PROTOCOL PROCEDURES MATRIX



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