



Northumberland
County Council

**Management Protocol for Unauthorised
Encampments in Northumberland
January 2023**

Why a Protocol?

The Local Government Association has highlighted the lack of appropriate accommodation (long-term accommodation, transit sites etc...) means that unauthorised encampments are inevitable. This leads into the 'vicious cycle' identified by the Commission for Racial Equality - unauthorised encampments lead to heightened community tension and negative reporting, pressure not to grant planning permission resulting in a shortage of authorised sites and continued and increased unauthorised encampments.

The protocol aims to address these issues and ensure that the welfare of both Travellers and the settled community are protected and that all parties are clear what their responsibilities are.

Gypsies and Travellers have been part of the community in Northumberland for hundreds of years and for the purposes of this Protocol the definition for Gypsies and Travellers includes those recognised as a racial group under the Equality Act 2010. These are Romany Gypsies and Irish Travellers and other Gypsies and Travellers who are ethnic or national in origin who would come in the definition of a racial group such as Scottish Travellers. Throughout this document the term 'Travellers' has been used to include all these groups.

The Government recommends the use of joint protocols between the local authority, the police and other relevant agencies. This means that each partner is clear on their roles and responsibilities and how they work together. Northumberland County Council (NCC) and Northumbria Police have taken advice and guidance from the **Dealing with illegal and unauthorised encampments: a summary of available powers** issued by the Home Office in March 2015 and **Guidance on Managing Unauthorised Camping** published by the DCLG in 2006.

The guiding principles of the Protocol are:

- Balanced consideration of all encampments on their own merits
- Equal consideration to the rights of Travellers and the settled community
- Proportionality of all actions

Duties of Protocol Partners

All partners involved in the Protocol are concerned with the need to build trust and confidence in local communities and will therefore follow the Practitioner's Pathway to ensure the need to evict will be balanced against the needs of those involved in and affected by an encampment.

Traveller

This is a generic term that is used to cover those people who live a nomadic way of life. It includes those recognised as groups with defined ethnic status under the Race Relations (Amendment) Act 2000, Romany Gypsies, Irish Travellers, and Scottish Travellers, as well as those who could come within the definition of a racial group such as Scottish and Welsh Gypsies; and Occupational Travellers including; Showmans Guild Persons; Circus Travellers; New Age Travellers and Bargees.

The council recognises its obligations under the Human Rights Act of 1998 and has adopted a clear human rights policy. In all decisions relating to Traveller issues Northumberland County Council will ensure full compliance with the act. The council recognises that many Travellers in its area are covered by the provisions of the Race Relations Act of 1976 and the Race Relations Amendment Act of 2000. Travellers represent one of the largest minority groups in the Northumberland area.

Legislation

The legal background includes:

- Equality Act 2010
- Human Rights Act, (1998)
- Race Relations Act of 1976 and the Race Relations Amendment Act of 2000
- Police, Crime, Sentencing and Courts Act 2022

These provide local authorities with a framework within which their actions and decisions should be made.

- The Criminal Justice and Public Order Act 1994 (Section 77 and 78)
- Public order powers. (Police)
- Sections 61-62E, Criminal Justice and Public Order Act 1994 provides the Police with powers to direct those in unauthorised encampments to leave land based on their behaviour
- Section 61 allows senior officers to direct those in an unauthorised encampment to leave land if requested to do so
- Section 60 provides Police with the power to direct those residing on land without consent in or with a vehicle to either leave the land or remove their property from the land

Northumberland County Council

The council must respond to reports of unauthorised encampments in a timely manner, with the Gypsy Roma Traveller Liaison Officer (GRTLO) visiting within 24 hours during normal working hours (Monday to Friday). The council also has an obligation to carry out welfare assessments on unauthorised encampments, ensuring that where a need is identified the appropriate department and agencies are alerted. The council will identify the need through an information sharing process, with the GRTLO informing partner agencies of all encampments and their constituents.

The council will ensure that a copy of the protocol is available to the Travelling community in written format along with the **Code of Conduct** and other appropriate material, and both are clearly explained to the community by the GRTLO.

Code of Conduct

Anyone on an Unauthorised Encampment or Negotiated Stopping Location is expected to:

- Make sure the area is kept clean and tidy.
- Pick up and bag all rubbish and use bags and/or bins if provided.

- Take all green waste, trade waste and gas bottles off the area and use appropriate disposal facilities;
- Use the toilets if provided or use appropriate toilet facilities.
- Be responsible for animals, keep horses securely tethered at all times.
- Ensure dogs are kept on a lead or are secure.
- Ensure animals are kept away from roads and footpaths.
- Have consideration for local communities, residents & businesses.
- Keep noise pollution from persons, animals, and generators to a minimum.

Northumbria Police

On most occasions the Police would be the first agency called when a new unauthorised encampment is found. The Police do have a duty to uphold the law but must consider humanitarian considerations when deciding on appropriate action. Where there are reports of violence, threats of intimidation or criminal damage the Police will risk assess the situation, whether the threats emanate from the Travellers or the settled community.

The GRTLO will work in close partnership with the designated Police liaison officer from the Community Engagement Team to ensure effective management of any Unauthorised encampment present in the County.

Children's Services

Northumberland's Traveller Education Service (NTES) works to ensure that children and young people from Traveller communities have equal access to education, training and learning opportunities where they feel safe and are able to enjoy learning, to achieve and to succeed.

NTES will be notified as soon as encampments arrive so that children can receive continuity in their educational experience and NCC records of missing children can be updated.

Health Services

Health professionals within Northumberland have a remit that includes working with Traveller families. The GRTLO will have close contact with NHS Health Practitioner, Adult and Childrens safeguarding services where unauthorised encampments are identified, and support required for the families.

COVID 19 Response

The GRTLO will work closely with NHS Partners and Public Protection to identify and minimise any risk to the Traveller community posed by the pandemic.

The Local Authority will continue to protect the public by ensuring local outbreaks are managed quickly and effectively and will continue to offer support and advice to Traveller families as set out in the Government roadmap. (March 2021).

Provision in Northumberland

Two local authority Gypsy and Traveller sites are already established in Northumberland, at Lynemouth and Hartford Bridge. There has been significant investment in both sites to upgrade the facilities for residents. There is also a privately owned site in Berwick-upon-Tweed, a Showman's Guild Site at Bomarsund

plus access for approximately 19 travelling fairs a year in Northumberland. GRT families are also resident in both private and social housing sectors.

It is the policy of the council to retain the two local authority Gypsy and Traveller sites and to ensure that they are managed effectively. Development plans include policies against which proposals for new Gypsy sites will be considered. Northumberland County Council will endeavour to seek and identify acceptable temporary stopping locations working closely with the Planning Department to identify suitable locations and funding.

Local Authority Procedures for Managing Unauthorised Encampments

The Decision on period of Tolerance

The council recognises that there are opportunities in Northumberland for temporary encampments for Travellers and others who have a genuine reason for staying on a site, for example for welfare reasons, in locations which can cause minimum disruption to other communities and pursuance of the Nomadic lifestyle.

In line with Government advice the local authority will tolerate for an agreed period unauthorised camping where there are no problems of nuisance, crime, or anti-social behaviour. Negotiations with the Travellers and others will take place to agree a departure date beyond which eviction action may result.

Encampments will be kept under review and regularly visited by local authority officers, the frequency of which will depend on the location and circumstances of the encampment. If a camp is remotely sited the Police may visit in place of the GRTLO after the initial assessments, otherwise visits will occur no more than daily but no less than weekly. Changed and deteriorating circumstances such as nuisance or environmental damage, justified complaints from the local community or unacceptable increase in the size of the encampment are likely to precipitate eviction action.

There are locations where immediate action to move on Travellers must be taken, either because the site is likely to endanger the health and safety of the group or because the encampment seriously disrupts the ability of the settled community to go about their business.

Negotiated Stopping Places

The council may direct an encampment to a Negotiated Stopping Place at their discretion. These locations will be assessed against a set of criteria which will include known seasonal migration routes and trends. These criteria will include:

- The number of caravans / trailers to be accommodated
- The locations of any occupied housing within 200 metres of the site
- The provision of facilities and services within 2 miles of the site
- Easy access to an A Class Road
- Land ownership
- Accessibility of site by emergency services and council vehicles
- The location of any Special Scientific Interest / Historic Conservation Areas
- If the area is gated or able to be secured outside of seasonal need

- The level of flood risk on site

Sites would be identified and assessed on an individual basis having regard to the nature and size of the encampments.

Approval for the allocation of a site as a Negotiated Stopping Place would be sought from the **Head of Housing** and the **Policy Board Member for Housing and Public Protection in advance** of a group being directed to an identified location.

Tolerance at these sites would be for a period of up to **Three Weeks** with a S77 Notice issued to the group when directed to the Negotiated Stopping Place confirming in advance the day of expected departure.

The Decision Not to Tolerate

An encampment on local authority or highway land (including encampments on any designated temporary stopping places) will not be tolerated and eviction action will be taken where the encampment:

- Has caused damage to the land or property on the land, where necessary involving public protection officers to ensure that all risks to both the Travellers themselves and to the wider community are minimised
- Causes, or is likely to cause, a serious Health and Safety risk, where necessary involving public protection officers to ensure that all risks to both the Travellers themselves and to the wider community are minimised
- Or unauthorised campers have used threatening, abusive, or insulting words or behaviour to the occupier, a member of his family or his employee or his agent
- Is causing an obstruction
- It has more than six vehicles on land. (Police Powers to be considered)
- Where Travellers or others have moved from one site to another within the same locality having caused nuisance or environmental damage at any previous site without exceptional reasons for doing so.

The council will monitor sites where there are nuisance problems resulting from recurring unauthorised encampments and take appropriate action in respect of these sites.

The council will not tolerate unauthorised encampments which result in criminal or anti-social activity. In such circumstances the council will immediately issue a Direction to Leave, giving the Travellers or others a reasonable time to be off the property. If the Travellers or others fail to move off the property when requested to do so, a request will be made to the police to use their powers to evict the Travellers. The police will liaise with the council in respect of the use of their powers.

Encampments on Local Authority Land

Where an illegal encampment is on land owned by the local authority, it is the council's responsibility to lead in determining a course of action. Unauthorised encampments will be visited by the GRTLO as soon as practicable (normally within 24 hours Monday to Friday) who will collect basic information, using a proforma, on the numbers of vehicles and families involved, past and intended future movement, anticipated length of stay, and reasons for stay. The GRTLO will give Travellers the opportunity to identify any health, educational or other welfare needs. The tone of the initial visit will be, in keeping with the ethos of community cohesion, conducted in a cordial and respectful manner.

The information from the visit will be shared with partners including the Police, Traveller Education Service and Health Visitors where all unauthorised encampments are found. Health, education, and welfare assessments will be carried out by the relevant professionals and the information will be shared with the GRTLO and Police. A list of contacts in the council, Northumbria Police and all other relevant agencies and organisations will be prepared and kept up to date to assist collaborative working. Each department or organisation will take responsibility for updating their records and ensuring that this information is disseminated to all partners.

To ensure the best outcomes for the Travellers and the settled community and to support community cohesion the encampment will be closely monitored and visited regularly by local authority officers.

Prior to any decision to evict being taken the welfare assessments carried out up to that date and further information provided by the Travellers will be considered. Where Traveller children gain access to schools, this will be taken into consideration before a decision is reached. The health and welfare assessments that have taken place will be shared via case conference, email or telephone calls as appropriate to ensure all parties have sufficient and timely information on which to base their judgements.

Encampments on Privately Owned Land

In cases of encampments on privately owned land the council will expect the landowners to decide on the appropriate course of action, including seeking eviction at their discretion and expense. It is the legal responsibility of the private landowner to seek eviction, not the local authority. The council will assist a private landowner offering advice and act as a liaison with the Police if required.

For encampments on land registered as common land or village green and where the public has a lawful right of access the County Council (including Parish Councils) may request the Police to use their powers to evict the Travellers.

Government Guidance

Advice on managing unauthorised encampments is contained in the *Guide to Effective Use of Enforcement Powers, Part 1: Unauthorised Encampments* issued by the Home Office in February 2006. This document stresses that criminal or anti-social activity that might be associated with an unauthorised encampment should not be tolerated in any circumstances. By contrast toleration may be appropriate where

an encampment is not causing a level of nuisance which cannot be effectively controlled, and, in such cases, local authorities should consider providing basic services such as toilets, a refuse skip and a supply of drinking water at their discretion.

The guidance states that local authorities should not use their powers to evict Travellers or others needlessly, but they should act in a humane and compassionate way; considering the rights and needs of the Travellers and others, the landowners, and the wider community whose lives may be affected by the situation.

In all cases local authorities are required to take careful account of their statutory obligations under other legislation e.g., to make appropriate educational provision, to provide support for children and their families, and in relation to housing the homeless. Local authorities should also liaise with other relevant authorities e.g., health authorities, and GRT Charities where appropriate.

Consequently, in every case where eviction is being considered local authorities must consider welfare issues when deciding whether to proceed and therefore, they are advised to undertake welfare assessments.

10/01/2023