

## Protocol for Managing Unauthorised Encampments in Northumberland

### Why a Protocol?

The Local Government Association has highlighted that 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.

It is 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; that the Protocol has been developed.

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 strategy, the term 'Travellers' has been used to include all of 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 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 therefore the need to evict will be balanced against the need of those involved in, and affected by an encampment.

### **Northumberland County Council (NCC)**

NCC 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 need is identified the appropriate department and agencies are alerted. NCC will identify need through an information sharing process, with the GRTLO informing partner agencies of all encampments and their constituents.

NCC will ensure that a copy of the Protocol is available to the Travelling community in written format along with the Code of Respect and other appropriate material, and both are clearly explained to the community by the GRTLO.

### **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 take into account 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.

### **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. It is expected that the GRTLO will contact Health Visitors where unauthorised encampments are identified and support is required for the families.

## **Provision in Northumberland**

Two local authority Gypsy and Traveller sites have been established in Northumberland, at Lynemouth and Hartford Bridge. There has been significant recent 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 and a yard in Ashington, plus access for approximately 19 travelling fairs a year in Northumberland. GRT families are also resident in private sector housing, lay-ups on farms and on holiday caravan camps.

Government guidance states that local authorities should try to identify possible emergency stopping places where Gypsy families and others would be allowed to camp for short periods.

Northumberland County Council recognises the important role that site provision plays as an essential corollary to tackling unauthorised camping. It is the policy of the County 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 places.

## **Local Authority Procedures for Managing Unauthorised Encampments**

### **The Decision to Tolerate**

The County 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.

In line with Government advice the local authority will tolerate for an agreed period unauthorised camping where there are no problems and no nuisance is being caused. 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. These locations will be assessed against a set of criteria which will include known seasonal migration routes and trends. This 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 Planning, Housing and Resilience in advance** of a group being directed to an identified location.

Tolerance at these sites would be for a period of up to **Four 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
- Has more than six trailers on the land
- 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 particular nuisance problems resulting from recurring unauthorised encampments and take appropriate action in respect of these sites.

The County 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 County 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 on the numbers of vehicles and families involved, past and intended future movement, anticipated length of stay, and reasons for stay on a proforma. The GRTLO will give Travellers the opportunity to identify any particular 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 County Council, Northumbria Police and all other relevant agencies and organisations, will be prepared and kept up to date in order 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 taken into account

in the decision on whether to evict. 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, electronic mail 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 other cases for encampments on privately owned land the County Council will expect the landowners to decide on the appropriate action, including seeking eviction if appropriate. The Council will assist a private landowner if requested acting on their behalf and has developed an Unauthorised Encampment Charging Policy to support the delivery of this service.

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 on 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.

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; taking into account 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. As a consequence 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.