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People	
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In Constitution	

Gypsy & Traveller Policy

Policy Details

What is this policy for?	The objectives of this policy are: <ul style="list-style-type: none"> • To balance the rights and needs of resident communities with those of Gypsies and Travellers. • To respond to unauthorised encampments in an efficient and effective way, taking account of the level of nuisance for local residents and the rights and responsibilities of Gypsies and Travellers. • To work with partners in other authorities, the voluntary sector and the Police, to address issues of social exclusion amongst Gypsy and Traveller communities and encourage reporting and action in respect of, 'Hate Crime'.
Who does this policy affect?	Gypsy and Traveller community
Keywords	Gypsy, Traveller, housing, encampments, education, health, welfare,
Author	Dorset County Council
Dorset Council policy adopted from	Dorset County Council. Dorset Council has adopted policies from its constituent councils. Please be aware varying policies apply within the Dorset Council area. Policies will be reviewed and/or harmonised by 1 April 2021.
Does this policy relate to any laws?	Human Rights Act 2000, Criminal Justice and Public Order Act 1994
Is this policy linked to any other Dorset Council policies?	No
Equality Impact Assessment (EqIA)	An EqIA will be completed when this policy is reviewed/harmonised for Dorset Council.
Other Impact Assessments	None

Status and Approvals

Status	Live	Version	
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Gypsy and Traveller Policy 2003



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INVESTOR IN PEOPLE



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Introduction

- 1.1 Dorset was the first county to be designated under the former 1968 Caravan Sites Act. It achieved this through its permanent Gypsy site provision. Many of the provisions of the Caravan Sites Act were repealed by the Criminal Justice and Public Order Act 1994 (the 1994 Act). Sections 77 and 78 gave local authorities new powers to deal with unauthorised encampments. The legislation was accompanied by Department of the Environment Circular (18/94). This guidance restated earlier advice advocating tolerance in eviction policies in respect of Gypsies and drew attention to the wider obligations authorities might have to Gypsies and Travellers under other legislation. Local authorities were advised to liaise with other authorities, health, education and welfare services.
- 1.2 In response to this changing legislative framework, Dorset applied a sensitive management approach seeking to balance the needs and individual circumstances of Gypsies and Travellers with those of the resident community, particularly in relation to the management of unauthorised encampments. This approach helped to protect the authority against legal proceedings and judgements of the type faced by other authorities over the way in which they had used their 1994 Act powers. These judgements effectively underlined the guidance of Circular 18/94 and commented on the types and timing of enquiries that the authority might have to make in order to properly take account of "considerations of common humanity" before starting eviction action.
- 1.3 In October 1998 the Government launched a Good Practice Guide on Managing Unauthorised Camping. The Guide recommended that local authorities should get to know travelling patterns and problems in their area and develop policies in consultation with local police forces and others. In August 2000, a revised Chapter 5 to this document and a revision to circular 18/94 were issued. These revisions gave further advice about the interpretation of the word "toleration" emphasised the need to take into account certain criteria on the effect of unauthorised encampments on local residents and reminded local authorities that they should try to identify possible emergency stopping places.
- 1.4 When the Human Rights Act came into effect in October 2000, the provisions from the European Convention on Human Rights were incorporated into UK law. The Act makes it unlawful for a public authority to act in breach of Convention Rights unless it could not have acted differently under primary legislation. The following Convention Rights are particularly relevant to the Authority's policies on Gypsies and Travellers.



- The right to respect for private and family life, home and correspondence.
 - The prohibition of discrimination in the enjoyment of the convention rights.
 - The right to education.
- 1.5 Diversity and Human Rights Issues – Gypsies are recognised as an ethnic minority group under the Race Relations Act 1976 for the purposes of anti-discrimination legislation. The standards of behaviour expected from the travelling community are the same as those expected from the general public but it is important to avoid the possibility of discrimination or a disproportionate response to the issues raised by Unauthorised Camping. The Race Relations (Amendment) Act 2000 states that, "All public authorities must promote race equality. They must have ... due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups."
 - 1.6 Consistent with its positive approach to Gypsy and Traveller issues, Dorset County Council responded to the government's Good Practice Guide by publishing an Issues Report which assessed the joint approach of the County Council, the District and Borough Councils and the Police Authority and other agencies in Dorset against the principles of the Good Practice Guide. This Issues Report was subject to widespread consultation.
 - 1.7 Following this consultation a County Council Member Policy and Scrutiny Review Panel was established to carry out a detailed assessment of available evidence, carry out further consultation and make recommendations for policy changes. This policy document is the outcome of the work of the Policy and Scrutiny Review Panel. Evidence heard by the Panel and its membership is attached as Appendix A.

Objectives

2.1 The objectives of this policy are:

- To balance the rights and needs of resident communities with those of Gypsies and Travellers.
- To respond to unauthorised encampments in an efficient and effective way, taking account of the level of nuisance for local residents and the rights and responsibilities of Gypsies and Travellers.
- To work with partners in other authorities, the voluntary sector and the Police, to address issues of social exclusion amongst Gypsy and Traveller communities and encourage reporting and action in respect of, 'Hate Crime'.



Travelling patterns in Dorset

- 3.1 There are marked seasonal differences in the numbers of "Gypsy Travellers" in Dorset, with increased numbers during the summer months. Unauthorised encampments of Gypsies tend to be located in and around the Bournemouth and Poole conurbation and in and around the Dorchester and Weymouth area.
- 3.2 Dorset has a consistent number of New Travellers, varying from smaller family groups, to more medium sized encampments of Travellers, in various locations in the rural parts of Dorset.
- 3.3 Large encampments of New Travellers have occurred in the county, often associated with music festivals in neighbouring counties or other social or spiritual events such as the Solar Eclipse or Summer Solstice. High levels of nuisance have been associated with these encampments with reports of playing of loud music and killing of livestock by uncontrolled dogs.
- 3.4 Travelling patterns and encampments are the subject of regular monitoring by the County Council's Gypsy and Traveller Liaison service. There is an extensive network of contacts with agencies and organisations that represent Gypsies and Travellers and Gypsy and Traveller liaison officers in neighbouring counties and through the National Association of Gypsy and Traveller Officers.
- 3.5 There has been a tendency, in recent years, for some Travellers to seek longer periods of time in each location and for sites to become very crowded. Travellers say that this is because their previously used stopping places are increasingly being defended against them.

Policies on site provision and the management of unauthorised encampments

4.1 There are permanent Gypsy sites at Coldharbour in Wareham, Piddlehinton near Dorchester, Thornicombe near Blandford, a small site at Shaftesbury and a closed site at Mannington Park. The active sites provide 46 pitches. The County Council has been successful in attracting grant aid to refurbish and improve the permanent Gypsy sites. These permanent Gypsy sites provide long term "settled" accommodation, mostly for ethnic Gypsies. There is no evidence of significant further demand for permanent Gypsy sites in the county, except in response to specific planning enforcement cases.

Policy

- The County Council will continue to provide permanent Gypsy sites in partnership with the appropriate District and Borough Councils.
 - The County Council will submit bids for grant aid to improve facilities at its permanent Gypsy sites in order to maintain and improve the quality of life for residents.
- 4.2 The County Council has no official sites for new Travellers in Dorset nor does it have any official transit sites or temporary stopping places. Instead, the County Council has for several years implemented a policy of sensitive management that is consistent with the government's good practice guidelines. This approach stresses the need for proper judgement in policy response according to the nature of the site, the Gypsy or Traveller group and the concerns of residents and businesses. This balanced approach has minimised the need for formal legal action with associated cost savings estimated at £0.25m a year. However, the approach is becoming increasingly difficult to sustain. Some of the sites that are commonly frequented by Gypsies and Travellers have been heavily defended or the land has been sold thus restricting the availability of such sites. There is no evidence that this has influenced overall Traveller numbers in Dorset but travelling patterns are affected as follows:
- Travellers (and in particular New Travellers) are seeking to remain for longer periods of time on land and sites that are still available to them.
 - The lack of availability of sites in unobtrusive locations has forced Travellers to move to increasingly obtrusive and therefore controversial locations.
 - Travellers have argued that the shortage of sites can result in the grouping of Travellers into increasingly larger encampments than would otherwise be the case.



There is also an increasing expectation by the Courts and other agencies that alternative site provision should be available when eviction procedures are being considered. Whilst the balanced approach works well in dealing with unauthorised encampments on relatively unobtrusive locations, the lack of temporary stopping places severely compromises the ability of the Gypsy and Traveller Liaison service and the Police to deal swiftly with encampments in obtrusive locations or causing a high level of nuisance when there are no alternative acceptable locations to direct the travellers to.

4.3 Government guidelines make it clear that all local authorities should seriously consider identifying "acceptable" temporary stopping places. It is recognised that proposals for additional temporary stopping places may be controversial but they can make a significant contribution to the better management of unauthorised encampments in circumstances that require a swift response. The County Council has been able to reach written agreements with Travellers on length of stay and standards of behaviour in some circumstances.

4.4 Private landowners are not required by the Courts to apply principles of "common humanity" or to take account of the European Convention of Human Rights when making decisions on eviction.

Policy

- Dorset County Council will work with Dorset Police to ensure that a consistent and balanced approach is taken in responding to unauthorised encampments.
- Decisions on dealing with unauthorised encampments will take account of the need to protect the public from nuisance created by unauthorised encampments as described in Appendix C (Grounds for Eviction). The County Council has, nevertheless, certain statutory duties with regard to education, the welfare of children and other principles of common humanity, including the obligations under the European Convention on Human Rights. (Human Rights Act 1998). These will be balanced with the extent to which the encampment impacts upon neighbours as specified in Appendix C.
- The County Council will, with Dorset Police and the other District and Borough and Unitary Councils of Dorset, use the Joint Protocol on responding to unauthorised encampments outlined in Appendix B.
- The County Council will provide advice and liaise between private landowners and Travellers but will not take formal legal action on behalf of private landowners.

4.5 The effectiveness of the above approach cannot, however, be sustained without addressing the issue of temporary stopping places.

Policy

- The County Council will identify tolerated temporary stopping places for agreed fixed periods. This policy will be pursued through the following practical strategy:
 - Land will be identified which is currently in the ownership of the County Council (and its partners) which might be suitable as tolerated temporary stopping places for small groups and decisions will be made not to defend such land against unauthorised encampments.
 - Sites which may be retained by the County Council for its wider operational purposes and which are frequented by unauthorised Traveller encampments will be identified and decisions made on partial protection which will allow operations to continue whilst maintaining access by limited groups of Travellers which would subsequently be managed in accordance with this policy.
 - Some sites will be made available through the policies for the planned protection of vulnerable land outlined later.



Site protection

- 5.1 Undertaking works to prevent access to land by Gypsies and Travellers so as to avoid unauthorised entry and encampment has an important role to play, especially in some urban areas. However, undertaking such works needs to be carefully considered. Protection of some land can simply transfer unauthorised encampments to more obtrusive locations. Public money spent trying to protect sites which are difficult to defend can be a waste of resources that could be more productively deployed to the creation of acceptable temporary stopping places.
- 5.2 The scheme to protect St James' Common near Shaftesbury from large scale unauthorised encampments by new Travellers is being jointly implemented by the County Council and North Dorset District Council following a public inquiry. The scheme approved by the Secretary of State allows ditching and banking of the common and provides three small areas for informal use as temporary stopping places for small groups of regular Travellers with access points to the ditched and banked areas for walkers and animals.

Policy

- Protection of land should be carried out on a planned basis and should only cover sites where encampment would cause or has caused unacceptable problems.
- Some sites may need to be temporarily protected to allow the land to recover.
- Protection schemes should, wherever possible, prevent access by larger groups of Travellers whilst still allowing access by small groups in more suitable locations.

Land use planning

6.1 DoE Circular 1/94 makes clear the expectation that Gypsies should be encouraged and supported in providing their own sites through the land use planning process. The same circular also noted that, "as a rule, it will not be appropriate to make provision for Gypsy sites in areas of open land where development is severely restricted" and "Gypsy sites are not regarded as being among uses of land which are normally appropriate in Green Belts." The latter point is intended to put Gypsies on the same level as any other developer in the planning system.

6.2 Circular 1/94 makes it clear that the Structure Plan should continue to provide a general framework for provision and Local Plans should provide detailed policies. Housing Policy G in the Structure Plan is as follows:

"Where there is an identified need, provision should be made for additional permanent or transit sites for gypsies. Such sites should not be located in the South East Dorset Green Belt. Elsewhere the location of sites should take account of the need to be within reasonable distances of local services and facilities and have regard to the possible mix of uses on site."

6.3 Local Plans should identify suitable locations for Gypsy sites or, if this is not possible, they should set out clear criteria for suitable locations. However, national research has shown that some authorities have had no policy at all on Gypsy sites and that, of those that did, many had adopted a "criteria-based" approach. Furthermore, some criteria in local plans were proving too difficult in practice for Gypsies to meet.

Policy

- Dorset's Structure Plan should continue to provide a general framework for Gypsy site provision.
- District and Borough Councils in Dorset should be encouraged to provide detailed policies and suitable locations for Gypsy sites in their Local Plans. If this is not possible, clear criteria for suitable locations should be set out which do not prove too difficult in practice for Gypsies to meet.



Housing

7.1 Gypsy and Traveller Liaison Service staff act as advisers and advocates for families who wish to be considered for permanent housing accommodation with local housing authorities or housing associations. Some Gypsies and Travellers choose to take up this option but it is recognised that this will always be a minority. Some moves into permanent housing, however are initially unsuccessful and continuing support may need to be provided. For Gypsies and Travellers on unauthorised encampments some of the residency rules that apply to local housing authorities can make it difficult for them to be considered as a housing priority.

Policy

- The County Council with its partner District Councils will provide a safety net to residents of its permanent Gypsy Sites, where an undertaking is given that a family can return to a public site, within a period of two years, if they find they cannot settle in permanent housing.
- Housing authorities in Dorset will be encouraged to be flexible in the interpretation of residency requirements in their housing policies to take account of the circumstances of Gypsies and Travellers.

Education, health and welfare

8.1 Travelling children have the same right to go to school as any other child. This right is facilitated in Dorset through the Traveller Education Service and is funded through a specific grant programme by the Department for Education and Employment under the Standards Fund. The service in Dorset has made great strides to ensure that Traveller children are educated through mainstream education. Furthermore, the Social Services Directorate also provides support to Gypsies and Travellers and their children and Social Services departments have a general duty under Section 17 of the Children Act 1989 to safeguard and promote the welfare of all children in their area who are in need. Following up allegations of abuse can be quite difficult but this is central to the County Council's statutory duties.

8.2 Gypsies and Travellers have, however, reported instances of bullying of their children and this is one problem that Gypsies and Travellers can experience in accessing education, health and other services, especially when travelling between unauthorised sites. Gypsies and Travellers can also experience difficulties in registering with local Doctors surgeries and in the delivery of mail to unauthorised encampments. Gypsies are an ethnic group and any incidents should, therefore, be recorded in accordance with County Council procedures.

8.3 The Gypsy and Traveller Liaison service has identified growing problems associated with drug and alcohol addiction amongst some Traveller groups. These problems can be compounded by difficulties in accessing health and other services and in particular services provided to help minimise the spread of blood borne diseases. Joint working on this issue is underway and a pilot scheme is being implemented which:

- Provides an outreach worker from a voluntary organisation
- Provides an information leaflet and confidential help line

Policy

- The County Council will provide services which enable Travellers' children to have the same access to education as any other child.
- The County Council will work with its partners in other agencies, the voluntary sector and with representatives of Gypsies and Travellers in developing measures to improve accessibility to education, health and other services.



- Incidents of bullying, abuse or discrimination towards Gypsies will be recorded and investigated in accordance with the County Council procedures on Managing Diversity.
- The County Council will consider health, welfare and education issues when responding to unauthorised encampments and in particular when deciding whether to proceed with eviction whatever the powers it decides to use.

Making decisions on unauthorised encampments

9.1 The aim of the County Council in responding to unauthorised encampments is to avoid conflict and develop a level of trust and understanding with Gypsy and Traveller communities to enable encampments to be managed effectively and reduce the level of nuisance to neighbouring residents. Gypsies and Travellers on unauthorised encampments will be encouraged to follow a code setting out their responsibilities and will also be informed that eviction action may have to be taken if the encampment meets certain criteria. This information is set out in a leaflet which is circulated to encampments shortly after arrival. The County Council will seek to apply guidelines developed jointly by the Home Office and the DTLR, when making decisions on unauthorised encampments.

9.2 The local authorities in Dorset and Dorset Police have developed a Joint Protocol for responding to unauthorised Traveller encampments. This Joint Protocol is attached as Appendix B.

Policy

- The County Council will work in partnership with other local authorities and Dorset Police through the application of a Joint Protocol when making decisions on the management of unauthorised encampments.
- Decisions on responding to unauthorised encampments will be informed by an assessment of the specific health, education and welfare needs of Travellers and their children. The education needs of children are an important consideration and will be taken into account in deciding whether encampments should be tolerated until half term or the end of term.
- The standards of behaviour expected of Gypsies and Travellers will be those expected of the settled community. Travellers will be issued with a code of conduct to outline clearly acceptable behaviour and to enlist their co-operation. (Appendix D).
- The Gypsy and Traveller Liaison Officer will assess unauthorised encampments and will seek to agree acceptable leaving dates. In the event of Travellers failing to agree, eviction action will be considered if the encampment meets some or all of the grounds for eviction outlined in Appendix C.
- If there are mitigating circumstances, discretion will be applied and Travellers may be permitted to remain. Any direction to leave must be justified and proportionate.



- Responsibility for taking decisions on unauthorised encampments will be delegated to the Director of Environmental Services and/or any staff which the Director specifically designates with the necessary powers.
- In the event of a decision being taken to evict the County Council will, generally, follow a route that requires a court order. The Joint Protocol will be used to determine the response of the County Council and the Police, based upon the obtrusiveness and environmental damage of locations and the level of nuisance.
- The County Council will not take legal action on behalf of private landowners.

Provision of services for encampments

10.1 By their nature, unauthorised encampments are likely to occur on land where services are not normally available.

Policy

- Travellers will always be encouraged to make their own temporary arrangements for service provision in the first instance.
 - The need for services for Gypsies or Travellers should always be discussed with them as in most cases Travellers themselves will have made arrangements for the provision or access to services.
- The County Council will not normally provide services unless:-
 - The provision of rubbish collection services or skips would mitigate nuisance on the site or would assist in ensuring that the land was free from rubbish at the end of the encampment.
 - The occupants have been unable to make their own arrangements and there are babies and young children or other vulnerable people whose welfare may suffer due to the absence of toilets and a water supply.
- Gypsies and Travellers will be expected to contribute to the cost of any services provided but an unwillingness or inability to pay will not automatically prevent provision, where there are children or vulnerable people on the site.



Keeping people informed

11.1 The County Council and its partners will endeavour to keep people informed on Gypsy and Traveller issues and on the status of unauthorised encampments. Information leaflets, regular contact with neighbours, the media, complainants, the general public and local elected members will all take place.

Policy

The County Council will seek to:-

- keep complainants, the general public, elected members and the media informed on the status of unauthorised encampments.
- raise awareness of Gypsy and Traveller issues
- communicate effectively with Gypsies and Travellers on its policies

Strategic background and joint working arrangements

- 12.1 Extensive liaison takes place on an informal level between the County's Gypsy and Traveller Liaison Service and other local authorities, the health authority, the police and fire authorities, Gypsy and Traveller representative bodies, voluntary organisations, Church bodies and Town and Parish Councils.
- 12.2 Formalised liaison arrangements at regional level no longer take place following the creation of the Regional Development Agency and the winding up of the South West Regional Planning Conference's Traveller Working Group.
- 12.3 The Joint Protocol on Responding to Unauthorised Encampments sets out the role and responsibilities of Police and Local Authorities.

Policy

- The Joint Protocol on Responding to Unauthorised Encampments will be implemented through the establishment of a Gypsy and Travellers' Working Group which will comprise officers from some or all of the agencies required to be involved in the management process.
- Working Groups will be established to ensure continuing dialogue and liaison with Travellers, other agencies and voluntary organisations and to address specific areas of identified need such as social exclusion or drug and alcohol addiction.
- The County Council will seek the re-establishment of regional arrangements for the consideration of Gypsy and Traveller issues.

Staffing and other resource issues

- 13.1 Feedback on the Gypsy and Traveller Liaison Service has been sought through MORI surveys of residents and perhaps, not surprisingly, residents considered this service to be one of the lowest priority in terms of allocation of resources. However, this feedback must be interpreted properly. Gypsies and Travellers are a particularly "hard to reach" group and MORI were not asked to undertake any special measures to obtain feedback from this minority. It is unlikely, therefore, that members of the Gypsy and travelling community had the opportunity to be included in the survey. It is also clear that whilst members of the general public would not wish to see resources for this service given a high priority, they still expect the County Council and its partners to be able to respond to and manage effectively unauthorised encampments in their locality.
- 13.2 Research by Cardiff University indicates that legal and associated eviction costs are quite frequently the most significant expenditure by many local authorities on Gypsy and Traveller issues. The County Council's policy of seeking to manage unauthorised encampments using a more balanced approach has therefore made a significant contribution to minimising these legal costs and thus reducing the level of resources that would normally be expended on Gypsy and Traveller issues.
- 13.3 The County Council has been successful in attracting grant aid from Government to enhance and improve its permanent Gypsy sites.
- 13.4 There is growing evidence both within Dorset and across the country that stress related illnesses can be associated with the difficulties encountered by staff responding to Gypsy and Traveller issues. There are also risks of physical and verbal abuse and attack by dogs.

Policy

- The County Council will monitor expenditure on Gypsy and Traveller issues and in particular the legal, enforced eviction and other costs associated with unauthorised encampments.
- The County Council will be pro-active in bidding for resources that may be available through government or other agencies to improve official permanent Gypsy sites in the interests of improving the quality of life of residents.
- The County Council will ensure that Gypsy and Traveller liaison staff have the necessary equipment and training to minimise the risks to health and safety.

Appendix A

Policy and scrutiny review panel on Gypsy and Traveller issues

Details of evidence heard by the panel

Meeting 1 - Friday 21 July 2000

- Received background information from officers and reviewed current position.
- identified initial key issues.
- Agreed programme of future meetings.

Meeting 2 - site visits - Friday 13 October 2000

- Unauthorised encampments at DCC's Blackdown Depot, near Hardy's Monument and Morgan's Wood, Durweston.
- Official permanent Gypsy Site at Piddlehinton.
- Farm at Durweston adjacent to an unauthorised encampment to meet the farmer and neighbouring residents, including Mr John Tory, a member of North Dorset District Council.

Meeting 3 - Friday 3 November 2000

- The Dorset Police - Supt Palmer
- North Dorset District Council - Head of Legal Services
- North Dorset District Council - Head of Environmental Health
- East Dorset District Council - Head of Environmental Health
- East Dorset District Council - Principal Environmental Health Officer
- The other District Councils were invited to attend but sent apologies
- West Dorset District Council sent a letter for consideration by the Panel



Meeting 4 - Thursday 30 November 2000

Two round table discussions with, firstly:

- DCC Officers from Education Welfare, Early Years and Child Development Unit, The Children with Disabilities Team, Social Services
- West Dorset District Council - Head of Housing
- South Somerset District Council - Community Worker responsible for Traveller Liaison

The second discussion was with groups representing Traveller views:

- The Children's Society
- Friends, Families and Travellers
- The Dorset Racial Equality Network (DREN)
- Salisbury Diocese Working Group for Gypsies and Travellers

Meeting 5 - Thursday 14 December 2000

- Presentation by Mr Alan Willis of Whitehead Vizard Solicitors. Mr Willis is a solicitor and part-time District Judge with considerable experience of Travellers within a legal context.
- Round table meeting with elected members who have expressed an interest in the issue. (Mrs L G Dolan, Mr R Gainey, Mr R A S Legg (All Dorset County Council) and Mr A Hutchings (Weymouth and Portland Borough Council).
- Weymouth and Portland Borough Council's draft protocol for the management of unauthorised encampments considered.

Meeting 6 - Tuesday 9 January 2001

- Progress report considered and an Interim Report to the Environmental Services Committee 23 January agreed.
- Notice to Travellers considered and agreed. This to inform Travellers of the Code of Conduct expected of them and possible Grounds for Eviction.
- Elected Members also heard details of the Government's Gypsy Site Refurbishment Grant Scheme.

Appendix B

Draft joint protocol for responding to unauthorised Traveller encampments

Between Dorset Police, Dorset County Council, Bournemouth Borough Council, Poole Borough Council, Christchurch Borough Council, Weymouth and Portland Borough Council, North Dorset District Council, Purbeck District Council, East Dorset District Council and West Dorset District Council.

Introduction

This protocol outlines the agreed procedure for dealing with unauthorised camping or trespassers on land within the areas of Dorset County Council, Bournemouth Borough Council, Poole Borough Council, Christchurch Borough Council, Weymouth and Portland Borough Council, North Dorset District Council, Purbeck District Council, East Dorset District Council and West Dorset District Council. It covers privately owned land as well as land owned by the local authority.

This protocol is intended to be used by police and local authority officers as a guidance document for action to ensure a corporate and agreed response.

Statement of intent

The Local Authorities detailed above and Dorset Police have agreed a common strategy towards unauthorised camping within the County. We agree to deal with each case of unauthorised camping according to the situation that arises and the needs of all concerned including residents in the settled community, tourists, business partners and travellers. Whilst we will take account of the travelling communities' humanitarian rights and freedoms we will not tolerate lawlessness associated with an unauthorised encampment any more than we would from the settled community.

Diversity issues

It should always be remembered that Gypsies and Irish Travellers are recognised minority ethnic communities under the Race Relations Act 1976 for the purpose of anti-discrimination law. Whilst the standard

Meeting 7 – Friday 9 March 2001

- This was a special meeting with Dorset Police, represented by the Assistant Chief Constable, Mr C D Lee MA (Oxon) MBA and Chief Inspector N Hazelton. County Councillor Rear Admiral Pritchard CB also attended.
- Joint arrangements with the Police were the main topic of the meeting but there was a wide-ranging discussion about Unauthorised Camping and perceived criminality and policing.
- The specific issue of Unauthorised Camping at the County Council's Blackdown Depot, near Hardy's Monument was also discussed
- It was agreed to submit a draft Policy to the Environmental Services Overview Committee.

Meeting 8 – Wednesday 19 September 2001

- The meeting considered and approved a draft Gypsy and Traveller Policy for submission to the Environmental Services Overview Committee.

Meeting 9 – Tuesday 19 February 2002

- Final draft of the Gypsy and Traveller Policy agreed
- Joint protocol with the Police and other Dorset local authorities considered in detail for a response to Dorset Police

Panel Members:

Mrs H A Cox,
Mrs P A Hymers,
DL Mrs J L Briggs,
Mr J C Peake, MBE
Mr J L Churchouse.



of behaviour expected from those trespassing should be the same as from the settled community, care must be taken to avoid the possibility of discrimination or treating people disproportionately on any grounds.

The race relations (Amendment Act) 2000

Section 71 of the Act states “All specified public authorities must promote race equality. They must have, when carrying out their functions, due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups”.

It is important to note that the Race Relations (Amendment Act) 2000 makes it unlawful for any public authority or a person carrying out the public functions of that body to racially discriminate against another person whilst carrying out his/her duties.

Human rights issues

This protocol has been reviewed in relation to the Human Rights Act 1998 (HRA). The need for records of decisions made in relation to these kinds of trespass cannot be overstated.

Stage one - initial actions

- On being alerted of an unauthorised trespass partners to this protocol will ensure that the local authorities in the area of the encampment and the police are notified.
- Upon notification of an unauthorised encampment a discussion should take place between the police (control room supervisor) and the local authority representative over the appropriate course of action.
- Following the initial discussion a site visit will be conducted by the appropriate individuals.
- If it has been decided that police officers are not required to attend the site it will be for the local authority to follow its own policy for dealing with unauthorised encampments.



- If police attendance is required at the site it will be for the police to make an assessment regarding the use of Section 61 powers.

Stage two - next steps decision making

Procedure

- Consult / decide on further action and form a strategy group if necessary.
- This group may be made up of police (Traveller Liaison Officer), local authority, landowners and other interested parties. Decisions must be recorded and it is advisable for the meetings to be minuted.
- Consider referring the Travellers to a more suitable site.
- The local authority should consider providing amenities to the Travellers and encouraging them to pay for any services provided.
- Consider setting a fixed time period for the encampment beyond which eviction procedure will start. Serving a notice to leave with the agreed date may support this.
- All interested parties should be informed of any decision for toleration and of conditions imposed.
- The local authority must consider its legal obligations in relation to welfare assessments.
- Consider assigning responsibility for monitoring site to named individuals.
- Each site should be visited at regular periods to monitor the condition of the site and behaviour of the group.
- Agree a communications strategy around the decisions made.
- Agree a crime prevention strategy including target hardening, any hate crime against the group, or any related crime or disorder.

Stage three - toleration procedures

The Home Office and the Department of Environment, Transport and the Regions have published a document titled 'Managing Unauthorised Camping – A Good Practice Guide'. This document states that local authorities should make it clear under which circumstances unauthorised encampments are likely to be tolerated for limited periods of time.

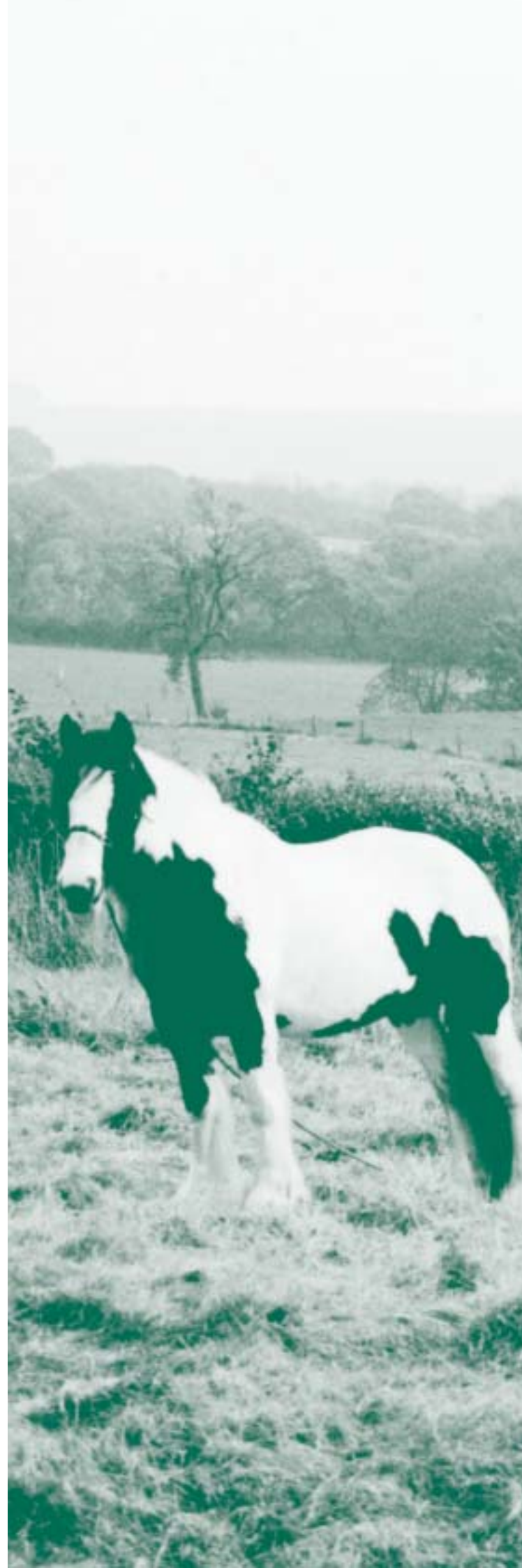
Toleration of the encampment will be considered in accordance with Appendix D, 'Reasons for toleration'.

Stage four - eviction procedure

Legislation and powers

There are a number of police and local authority powers that may be used to evict unlawful trespassers:

- Use of Section 61 Criminal Justice and Public Order Act, 1994 by police.
- Use of Section 77 Criminal Justice and Public Order Act, 1994 by the local authority.
- Use of powers under Common Law by the landowner to evict the trespassers.
- Use of civil remedies in the High Court or County Court to obtain a Possession Order.
- Use of Highways legislation by the police (for example, highway obstruction).
- Removal under local acts or bylaws by the local authority from areas such as parks and car parks.



Procedure for eviction

If necessary reconvene strategy group to consult / decide on further action.

- Confirm decision to evict is still valid. Record decision and include the following information:-
 - a) Confirm that power to evict still exists and identify the lead agency (Police or Local Authority).
 - b) Complete full risk assessment.
 - c) If necessary, complete Operational Order.
 - d) Complete full briefing to officers engaged on eviction.
 - e) Consider taking steps to prevent further trespass.
 - f) Prepare and serve relevant documents.
 - g) Consider video recording of the scene to reinforce the decisions made and record the service of forms.
 - h) If Section 61 is the agreed method of eviction a Police Inspector must attend the scene, authorise the eviction, and take charge of the incident. If it is operationally expedient to perform this process quickly and an Inspector is unavailable, a Sergeant should perform this role.
 - i) If possible record details of all those evicted for crime prevention and detection purposes. It is an offence to return to the site within three months under Sections 61 and 77.
 - j) Facilitate departure of group.
 - k) If eviction necessitates the use of force, review the risk assessment and summon appropriate resources in accordance with it.
 - l) The local authority may clear and re-secure the site under certain conditions.
 - m) Full debrief of all parties concerned is recommended.

Appendix C

Grounds for eviction

Eviction action may have to be taken when an encampment:

- Creates an intolerable nuisance to the general public by reason of its size, location, nature or duration or
- Creates an intolerable impact on the employment, use or habitation of adjoining property or interferes with the effective operation or management of that property or
- Creates a hazard to road safety or otherwise creates a health or safety hazard or
- Causes or is likely to cause damage to land or property, particularly SSSIs or SPAs or other environmentally sensitive areas or
- Prejudices or is likely to prejudice the use of land for its intended purpose or by legitimate occupiers or
- Is too large for its location or is causing unacceptable impact on its environment or
- Has been in place for too long a period of time without a removal date having been agreed or
- Would, for some other reason, be detrimental to the interests of the public if allowed to remain in place for an extended period
- Fails to comply with the Code for Travellers (Appendix D)



Appendix D

Reasons for toleration -

A code for Travellers

- In general terms, standards of behaviour should be the same as those expected of the settled community
- Keep groups small and inconspicuous. Anything more than six vehicles is likely to be a problem but this will depend on the site and proximity to other properties
- Consider your own health and safety. Space yourselves out and keep the area clean and tidy. Facilities may be requested and payment will be expected
- Do not allow the site or surrounding areas to become polluted with human or animal faeces
- Consider the dangers of fire, electrical cables and generators and passing traffic
- Look after the land you are on and consider nearby residents
- Do not dump or burn rubbish and leave the land clean and tidy.
- Keep animals, especially dogs, under control
- Co-operate with those responsible for land (eg the Highways Department) and do not park on land needed for another purpose
- Do not block Rights of Way with your vehicles, property, clothes lines and cables or impede the progress of walkers or riders in any way