



# Brighton & Hove City Council

## TRAVELLER STRATEGY

(DRAFT)

April 2008

# Brighton & Hove Traveller Strategy

## Draft – April 2008

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## Section 1 - Introduction

Brighton & Hove City Council has developed this strategy in partnership with key service providers. It aims to provide a strategic framework for addressing the needs of travelling and settled communities. The strategy will focus on delivering and developing services, accommodation and dealing with unauthorised encampments. It outlines how we will work in partnership with service providers and stakeholders to ensure an effective and consistent approach to Gypsy and Traveller Community issues.

This strategy aims to:

- Set out a clear and consistent approach to any issues relating to Gypsies and Travellers that balances enforcement with service and accommodation provision.
- Ensure an integrated, multi-agency approach and establish a strategy that is clearly linked with other Council and partnership strategic priorities.
- To set out priorities and key actions to take work forward and improve services.
- Set out how we will meet our statutory duties towards Gypsies, Travellers and the settled (non-travelling) community and apply Government guidance where relevant.
- Promote community cohesion and the well-being of all residents (including Gypsies and Travellers)

The Council recognises the cross-border nature of Gypsy and Traveller issues and the need for a regional and national approach to addressing them. All local authorities need to meet their responsibilities in order for national and regional policies to be successfully implemented. The Brighton & Hove City Council will continue to work closely with neighbouring local authorities and to lobby for a national approach to the issues outlined in this strategy, for continued central Government funding and effective sanctions against local authorities that do not contribute appropriately.

The Council will ensure it fulfils its duties and responsibilities to all members of the community, including the settled and travelling community. All members of the community, whether Travellers or settled, also have a responsibility to show understanding and toleration of others and respect for the law.

The Foundations of Brighton & Hove's Sustainable Community Strategy form the guiding principles that we will use to deliver the Travellers Strategy for the city. The guiding principles of this strategy are:

- Equality – ensuring that the rights and needs of both settled and travelling communities are recognised and upheld and that everyone is able to access the opportunities and services on offer in Brighton & Hove.
- Community engagement – involving settled and traveller communities in meaningful dialogue regarding Gypsy and Traveller issues.
- Rights and responsibilities – everyone has a right to equal access to services such as education, health and accommodation, and the right to protection under the law from discrimination and harassment. Everyone also has a responsibility to respect the rights of others and to live within the law.
- Sustainability – promoting the environmental, social and economic sustainability of the city.

## **Section 2 – Background**

'Travellers' is a collective term used to describe different groups of people who have a nomadic lifestyle or tradition/heritage of nomadism. Romany Travellers and Irish Travellers are recognised in law as ethnic groups under the Race Relations Act (1976) and identified as having a shared culture, language and beliefs. Romany Gypsies have been in England for over 600 years and Irish Travellers have a long history of travelling and living in this country.

Whilst all Gypsies and Irish Travellers have a nomadic heritage, the extent to which they travel varies. Most Gypsy and Traveller families are now settled on authorised residential caravan sites or in conventional housing and may still travel for part of the year for work or for family occasions. A number of travellers live on unauthorised developments where they own the land but do not have planning permission to live there. Some groups are highly mobile and move on regularly, often against their will, as they have no permanent base.

Gypsies and Travellers as a group suffer from a high level of inequality, particularly around health and education issues, and suffer from discrimination and racial hatred.

The term 'Travellers' also covers groups that are not currently recognised as ethnic groups. These include 'New Travellers,' who are non-traditional travellers, (most of whom originate from the settled community, although some children have been born into New Traveller communities) and Travelling Showpeople.

There is no definitive data for the number of Gypsies and Travellers in the UK however the Commission for Racial Equality (CRE) estimates that there are between 200,000 and 300,000 living in the country. The

majority of these live in caravans on authorised public or privately owned sites and many Gypsies and Travellers also live in bricks and mortar housing.

Local authorities carry out a bi-annual count of Gypsy and Traveller caravans in January and July and this information is submitted to the department for Communities and Local Government (CLG). The latest figures from the January 2007 count suggest that there are over 16,500 caravans in England. Of these approximately 78.5% were on authorised sites, including socially rented sites and privately owned sites), 13.5% were on sites where Gypsies and Travellers owned the land but did not have planning permission (unauthorised developments) and 8% were on unauthorised encampments on land not owned by them and not designated as an authorised site.

The bi-annual caravan counts only provide a snapshot of the caravans in Brighton & Hove on a particular day and the January and July counts reflect the seasonal nature of travelling in the local area. In January 2007 there were 20 caravans on unauthorised encampments, none on unauthorised developments and none on authorised sites (as Horsdean Transit Site was closed for refurbishment at this time). In July 2007 there was a total of 65 caravans in Brighton & Hove all on unauthorised encampments. The CLG caravan counts do not include 'van dwellers' as individuals living in their vehicles are not recognised as Travellers in any national or regional policy. (See further information in Section 5 – Lived in vehicles parked on the highway).

### **Outcomes for Gypsies and Travellers**

The Commission for Racial Equality has highlighted concerns over tensions between Gypsies and Travellers and the settled community and inequalities in terms of access to services and outcomes such as health and education. Gypsies and Travellers remain excluded and socially disadvantaged, they often lead separate parallel lives, not helped by sometimes hostile media reports that can fuel tensions.

Gypsies and Irish Travellers fare worse than any ethnic group in terms of health and education. Levels of prenatal mortality, stillbirths and infant mortality are significantly higher than the national average. Life expectancy for women is 12 years and for men 10 years less than the general population. Gypsy and Irish Traveller children have lower levels of school attendance than other groups, particularly those of secondary age. In 2006 10% of Roma Gypsy pupils and 19% of Irish Traveller pupils achieved five or more A\*-C GCSE passes compared with 57% of the general population, these were the lowest levels of any ethnic group.

### **Links with other strategies and plans**

It is important that the priorities and actions set out in the Traveller Strategy complement and link with other relevant local strategies and plans in order to ensure that the specific needs of Gypsies and Travellers can be incorporated into the development of mainstream services as well as within specific initiatives and services. This section outlines some of the strategies and initiatives that are most relevant to Gypsies and Travellers.

### **The Council's Corporate plan**

Brighton & Hove City Council's top priorities and strategic goals are set out in the Corporate Plan. For 2006-07 the corporate priorities are:

- o Develop a prosperous and sustainable economy
- o Develop a safe city that values our unique environment
- o Develop a healthy city that cares for vulnerable people and tackles deprivation and injustice
- o Ensure all our children and young people have the best possible start in life

### **Sustainable Community strategy**

Brighton & Hove's Sustainable Community Strategy sets out a long term plan to improve the social, economic and environmental well-being of the city, now and in the future. The partners involved with the 2020 Community Partnership, Brighton & Hove's Local Strategic Partnership are responsible for the delivery and

implementation of the strategy. Membership of the 2020 Community Partnership includes Council, Public, Private, Community and Voluntary sector representation.

### **Inclusive Council Policy**

The Inclusive Council Policy is a strategy and programme of action to guide the City Council's approaches to equality, diversity, social cohesion and inclusivity. It aims to take a holistic approach to equality and diversity that sets out fundamental principles for an inclusive Council. This is an over-arching policy that sits above other documents related to the equality and diversity agenda such as the Race Equality Scheme, Gender Equality Scheme and Disability Equality Scheme.

### **Local Development Framework**

The Planning and Compulsory Purchase Act 2004 introduced a new system for preparing development plans. The Local Development Framework is a set of planning documents that together will form the new development plan for Brighton and Hove and must conform to the Regional Spatial Strategy/South East Plan. The Development Plan Documents, which make up the Local Development Framework are gradually replacing the Brighton & Hove Local Plan.

### **Housing Strategy**

The vision of the housing strategy is to ensure that all the people of Brighton & Hove have access to decent affordable housing that enables a good quality of life. This includes appropriate accommodation for Gypsies and Travellers. The Council is currently developing a new Housing Strategy for the City that will cover the housing market, housing needs and support issues, and is seeking the views of local people, services users and service providers.

### **Crime and Disorder Reduction Partnership**

The partnership audits crime and safety and works to deliver reductions in crimes and incidents in priority crime areas of the Community Safety, Crime Reduction and Drugs Strategy. This includes reducing hate crimes, domestic violence, crimes related to the misuse of drugs and alcohol including violent crimes and anti-social behaviour.

### **Children & Young People's Plan**

The Children and Young People's Plan is a single, strategic overarching plan for all local services for children and young people aged up to 19 years. The plan defines clear priorities that aim to secure improvements in outcomes for all children and young people in Brighton & Hove and is built around the government's five Every Child Matters Outcomes: Being Healthy, Staying Safe, Enjoying and Achieving, Achieving Economic Well-being, and Making a Positive Contribution.

### **City Employment and Skills Plan**

This plan provides support and advice to adults wishing to improve their skills and/or qualifications, or re/enter the labour market.

### **Healthy City Partnership**

The healthy City Partnership aims to improve health for everyone in the City with particular emphasis on communities experiencing greatest inequality of health and improving the provision of services to vulnerable groups through housing, health and social care partnerships.

### **Legal and Policy Context**

The Caravan Sites and Control of Development Act 1960 gave local authorities discretionary powers to provide sites for Gypsies. The Caravan sites Act 1968 made this a statutory duty and from 1980 the Government gave financial support to local authorities that provided sites. However the duty to provide sites was repealed by the Criminal Justice and Public Order Act 1994 and the financial support for site

provision was also withdrawn. The Act also gave greater enforcement powers against traveller encampments. As a result of this and of changes in the use of land there are now too few sites to accommodate all Gypsies and Travellers leaving many with no authorised place to live.

The issue has been reassessed and further guidance through the Government's Gypsy and Traveller Accommodation Policy has sought to meet the accommodation needs of Gypsies and Travellers. The Housing Act 2004 and Circular 01/06: Planning for Gypsy and Traveller Caravan Sites set the context for this. There is also a Gypsy and Traveller Caravan Sites Grant available from the Government. Accommodation for Gypsies and Travellers is explained in more detail in section 4 of this strategy.

The Race Relations Act 1976 makes it unlawful for employers and service providers to discriminate against any group on the grounds of race. This includes Gypsies and Irish Travellers who are recognised as ethnic groups. The Race Relations Amendment Act 2000 placed a general duty on public authorities to eliminate unlawful discrimination, and promote equality of opportunity and good race relations in carrying out their functions. In common with other local authorities, the Council has published a Race Equality Scheme that sets out how it will meet this duty.

The Human Rights Act 1998 incorporates the European Convention on Human Rights into British law. Several convention rights are relevant to dealing with unauthorised camping especially; the right to respect for private and family life, the right to protection of property, the right to education, and the prohibition of discrimination. When considering an eviction from an unauthorised site the Human Rights Act requires authorities to have regard to whether the action is necessary and proportionate under the circumstances.

### **Section 3 – Service provision**

The Council and its partners aim to ensure equal access to services and an equal standard of service provision for all sectors of the community including Gypsies and Travellers, and recognises the specific needs of this community. Therefore there are some specialised services for Gypsies and Travellers as well as mainstream services that are relevant to meeting their needs.

This strategy aims to facilitate access to mainstream services, and to ensure that the future planning and development of services considers how better to meet the needs of Gypsies and Travellers, especially when a permanent site is provided in the City.



## **Specialist service provision for Gypsies and Travellers**

### **Traveller Liaison Team**

The service provided by the Council's Traveller Liaison Team includes:

- The management<sup>1</sup> of unauthorised encampments
- Provision of advice and support to landowners and the public
- Management of the Horsdean Transit Site
- Support in helping Gypsies and Travellers access services such as education and health

The team develops and maintains partnerships with other service providers in order effectively to manage authorised and respond to unauthorised encampments and encourage and facilitate access to services by the travelling community. This involves taking legal action as well as allowing for periods of toleration when required, for example because of health or welfare needs (see section 5). The service liaises with and provides information to settled and travelling communities. The Traveller Liaison Team aims to promote good race relations and equality of opportunity between the travelling and settled community.

### **Traveller Education Service**

The 1944 Education Act – statutory duty on local authorities to make education available to all children residing in the area (whether permanently or temporarily)

Parents have a duty to ensure their child's attendance at school or make suitable alternative arrangements

Local authorities obligations to Traveller children met through the Traveller Education Service that works with schools to ensure that children receive their full educational entitlement

The service works to:

- support the access and admission of Traveller children residing in or resorting to Brighton and Hove;
- provide guidance and advice to schools on relevant legislation and strategies for successful inclusion;
- provide targeted teaching support for new arrivals;
- provide early years outreach provision

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<sup>1</sup> 'Managing' an unauthorised encampment involves responding appropriately, in partnership with other agencies to the incidence of an encampment and to any issue or cause for concern that may be associated with it. This includes taking action to end the encampment, provision of services to the campers where required, keeping stakeholders informed of the situation, and managing the impact of the encampment until the site is vacated.

- collaborate with other services to provide multi agency outreach support;
- support the ongoing achievement of Traveller pupils;
- provide culturally relevant curriculum materials;
- provide home-school liaison;
- ensure good attendance;
- promote knowledge and understanding of Traveller communities in all schools and the wider community;
- support the Council's Race Equality Action Planning and delivery

### **Health Services**

Brighton & Hove City Primary Care Trust provides targeted outreach services in order to ensure the Gypsy and Traveller community has access to mainstream healthcare provision. These services include the following –

#### for women and children

- midwifery and health visiting support (including immunisation and child health checks covering developmental milestones); welfare and educational support.

There is a midwife providing a service to Travellers in Brighton & Hove and other areas.

#### for the working age population

- screening for cardiovascular problems and participation in routine cancer screening programmes
- advice and screening for alcohol and substance misuse problems
- timely access to accurate medical histories

#### for young people

- sexual health screen and contraceptive provision, including emergency hormonal contraception
- access to the specialist young people's drug and alcohol service (ru-OK?)

#### for older people

- winter warmth
- flu vaccination
- mental health screening

Friends, Families and Travellers, a small national charity based in Brighton, employs a part-time Gypsy and Traveller Health Adviser (funded by Brighton & Hove Primary Care Trust) to assist in bridging members of the travelling communities into the mainstream health services they need.

A walk-in clinic is available daily at Morley Street Surgery in Brighton to those who are not registered with a GP including Gypsies and Travellers.

A dental service is available by appointment for those who find it extremely difficult to register for NHS dental care, including Gypsies and Travellers.

### **Employment Services**

There are opportunities available in the city for training and learning post 16 and to access employment or for in-work progression.

### **Multi-agency Traveller Team**

A new multi-agency team aimed at effectively managing unauthorised encampments was formed in spring 2007. The team includes officers from the Traveller Liaison Team, police officers, trading standards and waste enforcement officers. The multi-agency team has proved to be an effective means of partnership working through regular meetings to share information and joint visits to Traveller encampments.

### **Waste Collection**

The Council uses a contractor to provide a waste collection service for Travellers. The service collects domestic waste from Horsdean Traveller Site and usually from unauthorised encampments, in order to help Travellers to keep the area as clean and tidy as possible. The contractors also clean the communal toilet and shower block at Horsdean and where necessary clear sites after unauthorised encampments on public land have been vacated. This contract meets the requirements of the Council's Race Equalities scheme.

### **Community and Voluntary Sector Services**

Friends, Families and Travellers (FFT) is a national organisation, based in Brighton that seeks to address the problems facing the Gypsy and Traveller community. FFT carries out research and policy development but also provide a service to all members of the travelling community through advice and information as well as legal advice and advocacy. The advice and information unit is available to drop in or by appointment.

There are also other local community groups, such as Sussex Traveller Action Group that represent Gypsies and Travellers that contribute to dialogue around issues affecting them.

### **Mainstream services relevant to the needs of Gypsies and Travellers**

#### **Youth and Connexions**

The Youth and Connexions area teams work to ensure that young people make a successful transition into adult life and provide an important point of contact for information, advice and guidance.

### **Supporting People/ housing related support services**

Supporting people is a Government programme that aims to help people get housing related support services that enable them to live more independent lives. The Gypsy and Traveller Accommodation Assessment highlighted important needs around disability and adaptations. As part of the development of the new Housing Strategy the Council is consulting on how best to deliver housing related support services to the travelling community including the option of specific services for Gypsies and Travellers.

### **Community safety**

The Community Safety team leads the work to reduce crime, fear of crime and anti-social behaviour across the City and it leads and manages the Crime and Disorder Reduction Partnership. Priority areas include reducing race and hate crime, domestic violence, drug and alcohol related crime and anti-social behaviour.

In order to tackle harassment and racist incidents directed at Gypsies and Travellers Traveller Liaison Officers (TLOs) and other officers who work with Gypsies and Travellers will be trained to report racist incidents and will use the Pan-Sussex racist incident reporting form. TLOs will work with Hate Crime Caseworkers towards identifying perpetrators and carrying out prevention work or restorative justice work to reduce the incidence of harassment experienced by Gypsies and Travellers.

Funding has also been gained from the Victims Fund for a short term project aimed at increasing the reporting of racist incidents to be carried out by Friends, Families and Travellers, a third sector organisation.

### **Children's social services**

The Children & Young People's Trust is responsible for the safeguarding of all children in Brighton & Hove, in line with the Staying Safe outcome of Every Child Matters.

### **Priorities/Actions:**

- Expand the Multi-Agency Traveller Team in order to join up support services, to enable Travellers to access the services they need and to signpost them to the support that is available
- Set up recycling facilities at Horsdean and explore methods of encouraging recycling on other occupied sites
- Facilitate successful transfer to a new waste contract and monitor to ensure effectiveness and efficiency
- Make engagement with the Traveller Education Service an expectation for Travellers on Horsdean Transit Site and for any encampments that are tolerated for a period of time

- Develop a multi-agency information leaflet for distribution to Travellers during the initial visit to a site
- Increase the reporting of racist incidents involving Gypsies and Travellers

## **Section 4 - Accommodation**

The Government recognises that there are not enough suitable sites to meet the accommodation needs of Gypsies and Travellers. The lack of authorised sites has led to an increase in unauthorised encampments. Therefore more sites are required in order to meet the need for accommodation for Gypsies and Travellers and to reduce the level of unauthorised encampments. This section sets out how Brighton & Hove will play its part in achieving this.

### **Current provision**

In Brighton & Hove there is one authorised site, called Horsdean Transit Site, located at Braypool Lane, Patcham, which is managed by the local authority and has 23 pitches. This is a transit site, which means it provides temporary accommodation for up to three months.

Horsdean has recently been refurbished after the Council was successful in securing a 75% percent grant. This included installing an electrical substation and providing water and electric points on each pitch. The Council will consider any further improvements, subject to availability of funding, that may be required in order to ensure the site's facilities comply with Government Guidance.

Policies and procedures for the management of the site have recently been reviewed in order to ensure the site is used in an efficient and effective way and in line with Government guidance. Gypsies and Travellers who are granted a license on the site pay rent and a utilities charge for water and electricity, which off-sets the costs of running the site. The site is to be used as a facility for travellers who are in transit and need/want to stop in the city for a short period. It is also intended to be a useful tool in the effective management of unauthorised encampments.

### **Future provision**

The Housing Act 2004 requires local authorities to assess the accommodation needs of Gypsies & Travellers and have a strategy that sets out how any identified needs will be met. Brighton & Hove City Council took part in a sub-regional Gypsy and Traveller Accommodation Assessment (GTAA) in 2005 as part of the Housing Needs Survey. The GTAA study looked at the accommodation needs and aspirations of Gypsies and Travellers in East Sussex and Brighton & Hove.

*Circular 01/06: Planning for Gypsy and Traveller Caravan Sites* establishes a new planning framework to help increase site provision to meet the accommodation needs of Gypsies and Travellers, reduce the number of unauthorised sites and promote good relations with the settled community. Regional Spatial Strategies, including the South East Plan, will identify the number of pitches required in each local authority area in light of local assessments of Gypsy and Traveller accommodation need.

The South East England Regional Assembly (SEERA) is undertaking a partial review of the South East Plan specifically to consider Gypsy and Traveller pitch requirements for the South East region. Brighton & Hove City Council has worked closely with its GTAA partners; district and borough councils in East Sussex and East Sussex County Council, and has submitted advice to SEERA regarding additional provision of permanent pitches for Gypsies and Travellers in the GTAA area.<sup>2</sup> SEERA will develop their Preferred Option(s) for pitch numbers and distributions across the region and a formal consultation period is planned for May-August 2008.

The partial review of the South East Plan focuses on the permanent provision of accommodation for Gypsies and Travellers and only qualitative information regarding temporary (transit) provision has been requested by SEERA. A more comprehensive assessment of the need for Transit pitches is expected at a later date, when the impact of the additional permanent provision across the region on travelling patterns is clear. The Council's transit site at Horsdean is expected adequately to meet the, mainly seasonal, current need for transit provision in the City. This will be subject to monitoring and review.

Circular 1/2006 requires local authorities to plan for Gypsy and Traveller sites by identifying suitable sites within their Development Plan Documents to meet the pitch requirements for their area as set out in Regional Spatial Strategies. As with all forms of housing/accommodation requirements set out in the Regional Spatial Strategy and Local Development Framework, the Council must ensure this is 'deliverable' (as stated in Planning Policy Document 3). The Local Development Framework (LDF) Core Strategy includes a Preferred Option regarding planning for Gypsy and Traveller sites, which states that provision will be made in accordance with targets in the South East Plan. The document also sets out planning criteria to be

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<sup>2</sup> Advice submitted in October 2007 states that there is a need for 47 additional permanent pitches in Brighton & Hove and East Sussex. The advice includes two different options for the distribution of these pitches with either 11 or 14 permanent pitches in Brighton & Hove. The final pitch requirements to be included in the South East Plan may be different to the figures provided in the advice.

used to guide the process of site selection and site location to meet these requirements. This will include an assessment of the social, environmental and economic impact of site options for both Gypsies and Travellers and the settled community.

Circular 1/2006 also states that local authorities should bring forward site provision ahead of the strategic planning process where there is unmet need. The Department for Communities and Local Government has a Gypsy and Traveller Sites Grant, which local authorities can bid for to refurbish or build new sites although the continuation of this funding has not been confirmed. The Council is currently looking into the possibility of bringing forward proposals for a permanent site in advance of the above process, which has a lengthy timetable.

This is to take full advantage of the opportunity currently available to bid for 100% of the funding required to develop a new site. Local knowledge shows that there are some Gypsies and Travellers who travel in and around Brighton & Hove for all or the majority of the year. As they have no authorised permanent place to live they often go on to unauthorised encampments. Some of the residents on Horsdean Transit Site also need permanent accommodation, as they have no authorised place to live once their temporary licence comes to an end. Providing a permanent site would therefore meet the pressing accommodation needs of some locally based Gypsies and Travellers, reduce the number of unauthorised encampments and free up spaces on Horsdean Transit Site. It is expected that Horsdean will cater for current seasonal transit needs in the city.

The Government has produced draft guidance for the design and the management of Gypsy and Traveller sites. The Council will ensure that any new site developed in the City will conform with Government guidance, being of an appropriate standard with good facilities and services.

Sites identified in Development Plan Documents do not have to be developed by the local authority; Gypsy and Traveller accommodation needs can be met through private provision as well as Registered Social Landlords (RSLs). In August 2006, an Order came into force allowing RSLs to set up and manage Gypsy and Travellers Sites and receive a grant to do so. RSLs will be able to bid for funding from the Gypsy and Traveller Sites Grant and the Housing Corporation will make these payments.

**Priorities/actions:**

- Reviewing the new management procedures in place at Horsdean and ensuring its continued successful operation

- Participating in the partial review of the South East Plan and identifying suitable locations for Gypsy and Traveller Sites within the Local Development Framework
- Exploring the possibility of developing a permanent site with Government funding ahead of the timescale for the strategic planning process
- In the longer term, preparing for the next GTAA and ensuring any additional need is met

## **Section 5 – Enforcement action**

This section aims to set out a clear and consistent strategy for taking enforcement action against Traveller encampments. This is based on multi-agency working to ensure the rights of both Travellers and the settled community are protected. The aim is to be tolerant of the way of life of Gypsies and Travellers wherever possible but to take swift action and not to tolerate any anti-social behaviour, illegal activity, or occupation of sensitive sites associated with an encampment (or directed at a Traveller encampment). The Council also recognises that a key element of tackling the issue of unauthorised encampments is adequate site provision. Section 4 covers accommodation provision in more detail.

### **Unauthorised encampments**

There are a range of enforcement powers that can be used to deal with unauthorised encampments. Each encampment will be assessed individually in order to determine the best course of action to take. These powers are outlined briefly in Appendix A - more detail can be found in Government guidance document *Guide to effective use of enforcement powers* produced by the Gypsy & Traveller Unit.

The Multi-Agency Traveller Team will deal with unauthorised encampments by following the operational protocol agreed between Sussex Police and Local Authorities (N.B. This protocol is currently being revised by the Police and will be attached when the final version is available). Initial action will be to carry out a joint visit between local authority and police officers, usually within 24 hours of becoming aware of the encampment. During this visit the situation is assessed in order to decide on the most appropriate course of action.

The information taken into account will include the number of families and vehicles involved, the location of the encampment and its impact on the community, the state of the encampment including any damage and rubbish. An assessment of health, welfare and educational needs is carried out during the initial visit and the findings of this are documented and used to inform the decision to be taken. This is to ensure that any action taken to deal with an unauthorised



encampment is proportionate and compatible with the Human Rights Act.

There are several options that can then be pursued:

As stated in Government Guidance it is important to consider whether enforcement action is necessary. In certain circumstances, for example if Horsdean is full, where Gypsies and Travellers only wish to stay for a very short time, are cooperative, and are in an unobtrusive location it may be preferable and more cost effective to agree a departure date with them.

In deciding which enforcement powers should be used to carry out an eviction consideration will be given to whether immediate action to remove the unauthorised campers should be taken. If immediate action is required Police powers under Section 61 or Section 62 of the Criminal Justice and Public Order Act 1994, which do not require the involvement of the Courts, may be used. If their removal from the land is not deemed to be an immediate requirement, action will usually be taken through Part 55 Civil Procedures or through the use of Section 77-78 (of the Criminal Justice and Public Order Act 1994). These powers do require the involvement of the Courts in order for an eviction to be carried out and the processes take longer than a Section 61 or 62.

For the police to use Section 61 there must be a need for immediate action such as:

- The location of the encampment presents a risk to those on the site (for example it is very close to a busy highway)
- The land is of a particularly sensitive nature (for example, a Site of Special Scientific Interest)
- The presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or to conduct their businesses (for example school grounds during the term time, urban parks, retail, leisure or business parks)
- There must be two or more persons trespassing on the land
- Any one of the three following conditions have also been met –
  - the unauthorised campers have caused damage to the land or property on the land;
  - they have used threatening, abusive or insulting words or behaviour to the occupier, a member of his family, or his employee or agent;
  - there are six or more vehicles on the land.

Decisions on what action will be taken will also take into account health and welfare needs, the size of the encampment and whether any anti-social behaviour has been associated with it. Decisions that are taken must be lawful, reasonable, balanced and proportionate.

Where the welfare assessments carried out identify acute need(s) for particular services the relevant departments or agencies will be contacted in order to meet those needs. It may be necessary to delay the eviction of an encampment in order to address these needs or to relocate the unauthorised campers to another, more appropriate location within the area while those needs are addressed. In making such decisions the advice of relevant professionals will be sought.

The use of Section 62A is also an option that will be considered for dealing with unauthorised encampments. This will depend on the size of the encampment and whether there are enough available pitches at Horsdean Transit Site to accommodate the Travellers. The effective management of Horsdean and its policy for allocating pitches is therefore a vital part of the strategy for dealing with unauthorised encampments. Where the encampment is very large or has been associated with anti-social behaviour or illegal activity, such as fly-tipping, it is likely that a Section 61 will be more appropriate.

In addition to authorised permanent or transit sites Government Guidance states that it is good practice to allow some toleration for short periods in locations where the encampment does not have any adverse impact on the settled community. This is because through having different types of accommodation provision including toleration in some locations, the Council will be better able to meet its responsibilities towards Gypsies and Travellers and will be able to take more effective enforcement action. The quickest and most effective enforcement action requires the provision of appropriate authorised accommodation elsewhere in the area. Encampments will therefore be tolerated on certain sites especially during busy periods (for example in the summer season) when Horsdean may be full and Travellers with health or welfare needs require accommodation for short periods of time.

### **Managing the impact of unauthorised encampments**

The Council recognises that reducing the incidence and impact of unauthorised encampments, for example through avoiding encampments on sensitive sites, will benefit both the settled and travelling community by reducing tensions between them. The Council therefore aims to work with partners to control the impact of unauthorised encampments through:

- Reducing the frequency of unauthorised encampments by working towards adequate site provision
- Using Horsdean Transit Site to help better manage unauthorised encampments including through the use of section 62A
- Provision of an authorised permanent Gypsy and Traveller site

- Working with the police to take swift action where the need to use police powers in order to evict Travellers immediately is identified
- Considering whether the protection of sensitive sites would be appropriate

The use of measures to prevent access to land, such as bunding or height barriers will be considered in locations of a particularly sensitive nature. It may sometimes be appropriate temporarily to make use of site protection measures, for example to allow the land to recover where a location has had repeated unauthorised encampments. Site protection will be carefully considered and due regard will be given to its impact on the travelling community and their lifestyle. The Council will also consider whether the location can be easily secured and whether this is the most effective use of resources.

These actions will also help reduce the costs of dealing with unauthorised encampments including legal and clearance costs. Local authorities in other areas have found that site provision has been an effective way of reducing unauthorised encampments and the costs associated with them.

### **Unauthorised encampments on private land**

Landowners are able to take such action as is reasonably necessary to remove Travellers from their land using the Common Law. They may also go to the County Court under Part 55 Civil Procedure Rules to regain possession of their land. Where Travellers are camped on private land it is the responsibility of the landowner to take enforcement action. The Council will not normally intervene unless the nature of the encampment or the behaviour of the Travellers is causing substantive problems to the settled community, although the Traveller Liaison Team will monitor the situation and may advise the landowner

### **Unauthorised developments**

The Government recognises that many Gypsies and Travellers wish to buy and live on their own land. Some areas have a number of unauthorised developments where Gypsies and Travellers live on land, which they own but do not have planning permission for. The Council is not aware of any such unauthorised developments in Brighton & Hove but should this situation occur it will be dealt with according to Government guidance.

### **Lived-in vehicles parked on the highway**

It is illegal to live in a vehicle, which is parked on the highway, therefore the Council does not support this as an appropriate lifestyle choice. Those living in vehicles generally do not meet the current legal

definition of a Traveller and are not recognised as such in national and regional policy.

Lived-in vehicles are recognised as an issue for the city and a separate protocol for van dwellers is under consideration.

Section 77-78 of the Criminal Justice and Public Order Act can be used to take enforcement action and require the vehicles to move.

However, taking this action is costly and often not effective as it moves the problem elsewhere in the City. The Council will therefore explore a more joined-up approach to dealing with the issue of lived-in vehicles involving a range of Council departments and the police. The Council will also ensure that it investigates the needs of individuals living in vehicles on the highway and ensure it meets its obligations to them in terms of service provision and access to services, as it will for the rest of the population.

### **Priorities/actions**

- Work towards achieving adequate accommodation provision in the City and ensuring effective management of Horsdean Transit Site (see section 4)
- Multi-agency enforcement team continues to share information about unauthorised encampments and starts proceedings quickly once the course of action has been agreed
- To prepare site profiles regarding locations that have frequent unauthorised encampments so that information is available to make a quick decision if a new encampment occurs
- Investigate reports of anti-social or illegal behaviour where it is associated with unauthorised encampments and take action against this wherever possible
- Continue to provide up to date information on the status of unauthorised encampments to stakeholders and those who enquire
- Consider alternative approaches to deal effectively with lived-in vehicles parked on the highway through a separate protocol for van dwellers

## **Section 6 – Communication and Consultation**

### **Joint working and sharing information**

A key element of successful working arrangements to deal with Gypsy and Traveller issues is the sharing of information so that informed decisions can be made. The Council will look closely at the information and data available concerning the Gypsy and Traveller community, in order to make good use of relevant information for the development of services and to identify any gaps in data. The Council will also work

to establish mechanisms for sharing information across the Council, with partner agencies and other local authorities. One aspect of this is to encourage the inclusion of Gypsies and Travellers as categories within standard ethnic monitoring by the Council and its partners in order to provide more accurate and reliable information about the Gypsy and Traveller population.

The Council will continue to meet with neighbouring local authorities and work together in order to share information about the pattern of Traveller movements within the area so as to be able to make a reasoned assessment of local need, as well as to discuss and develop best practice.

In addition to working with neighbouring authorities the Council will build on the joint working arrangements in place with partner agencies within the City, through further expanding and developing the Multi-Agency Traveller Team. The aim will be to have in place a network of officers who are well informed and well connected in order to respond quickly and appropriately to the needs of the travelling and settled community and adapt and develop services to meet needs.

### **Community engagement**

Engagement with Gypsies and Travellers and the settled community is essential to ensure that the services meet needs in an effective way. The Council will review existing mechanisms for consultation and dialogue with relevant stakeholders, especially locally based Gypsies and Travellers. It will consider how these can be developed or how new mechanisms can be established in order to develop further good relations with stakeholders and ensure ongoing and meaningful engagement.

Consultation will also be carried out in order to seek stakeholders' views on specific issues relating to Gypsies and Travellers. For example, the Council and its partners will assist SEERA locally for its consultation in 2008 on pitch requirements for Gypsies and Travellers in the partial review of the South East Plan.

### **Promoting good race relations and community cohesion**

The council will work with partners and stakeholders to promote good race relations between Gypsies and Travellers and the settled community and to increase community cohesion to the benefit of all members of the community. This involves taking positive action to raise awareness of issues relating to Gypsies and Travellers and to combat some of the 'myths' that still surround the travelling community. This will be done through education and information, for example by helping schools develop educational programmes for children and through Holocaust memorial events. The Traveller Liaison Team will continue to

respond to queries and complaints by providing accurate information and helping people fully understand the issues involved. The Council has provided training for some members of staff to raise awareness of Gypsy and Traveller issues. It aims to make this training available to more members of staff as well as to provide training and/or information for Councillors. Positive action is also being taken to challenge discrimination and increase the reporting of racist incidents.

The Council will work to ensure that it encourages responsible and balanced reporting of Gypsy and Traveller issues in local and national media.

The Council will also work with representatives from Communities and Local Government to explore new approaches to reducing tensions and conflict between communities especially in developing a permanent Traveller site in Brighton & Hove.

**Priorities/actions:**

- Review the information and data available regarding Gypsies and Travellers to identify any gaps and consider how to use information to develop services
- Further expand the Multi-Agency Traveller Team to build on good joint working arrangements with partner agencies (see section 3)
- Review and consider how best to consult and engage with stakeholders including Gypsies and Travellers on an ongoing basis and in relation to specific issues
- Take positive action to promote community cohesion and good race relations through education and awareness raising of the lifestyles of the Gypsy and Traveller community. The Council, through its Inclusive Council Policy, positively promotes equality.

## **Section 7 – Delivering the Strategy**

This strategy sets out the strategic direction for issues relating to Gypsies and Travellers and their impact on both travelling and settled communities for the next three years. The strategy will be reviewed annually and after three years the situation will be comprehensively reassessed in order to set priorities looking further ahead. The Travellers Members Steering Group will review the progress of the strategy and ensure that the actions it sets out are carried out.

Taking the strategy forward:

Gaining cross party agreement on the strategic direction set out in this strategy

Consulting with stakeholders on the strategy

## Glossary

Settled community – generally this refers to non travelling residents in the city

Pitch – plot of land on a site on which a single Gypsy or Traveller household would reside

Permanent site/pitch – site/pitch that provides long term accommodation

Transit site/pitch – site/pitch that provides temporary short term accommodation for Travellers in transit across the area

Unauthorised developments – sites/pitches normally purchased by Travellers,

occupied and/or developed without planning

permission

Unauthorised encampments – land occupied for camping without land owners

permission

SEERA- South East England Regional Assembly

SEP - South East Plan

RSS - Regional Spatial Strategy

LDF - Local Development Framework

DPD - Development Plan Documents

## References

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Appendices:

Appendix A – Summary of Enforcement Powers



## Appendix A

### **Enforcement powers for dealing with unauthorised encampments**

Part 55 Civil Procedure Rules – allows any landowner (or where the land is leased this may be the lessee) to gain possession of his/her land. This is done through a County Court hearing and a Bailiffs Warrant is sought, a date to carry out the eviction will then be set.

The use of the above powers mean that those individuals cannot return to the location for a period of three months and there are criminal sanctions for doing so.

Section 77-78 Criminal Justice and Public Order Act 1994 – can be used on any land within the local authority area including the highway and gives the local authority the power to direct individuals to leave the land and remove their vehicles and belongings. If the individuals fail to move the case can be taken to a Magistrates' Court to obtain an Order for the Removal of Persons and Vehicles.

Section 61 Criminal Justice and Public Order Act 1994 – the Police can use this power to direct unauthorised campers to leave the land, if they fail to leave having been requested by the landowner to do so by a particular time and date. The landowner initially makes a formal request to the Police to evict the Travellers and a senior police officer considers whether it is appropriate to use the power based on various factors and conditions being met.

The use of the above powers mean that those individuals cannot return to the location for a period of three months and there are criminal sanctions for doing so.

Section 62A-E Criminal Justice and Public Order Act 1994 – allows the Police to direct unauthorised campers to leave the land where a suitable pitch on a relevant caravan site is available within the same local authority area. The Local Authority needs to confirm that an appropriate alternative pitch is available. The use of this power means that the individuals cannot return to anywhere within the local authority area (other than the site they have been directed to) for a period of three months and there are criminal sanctions for doing so.

### Injunctions and Anti-Social Behaviour Orders

Where particular individuals or groups repeatedly return to an area and have been associated with anti-social behaviour public disorder or so on it may be appropriate to consider further options such as injunctions or Anti-social Behaviour Orders.

### Common Law Powers

Private landowners can use their Common Law rights to regain possession of their land and evict trespassers. This does not require the involvement of the Courts and can be enforced by the landowner or private bailiffs. Case law has established that a trespasser who enters land peaceably is entitled to a request to leave before being forcibly removed and the landowner may use no more force than is reasonably necessary to evict the trespasser(s).