
REPORT TO:	HOUSING AND COMMUNITY SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	24th April 2008	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	JACK TWOMEY (5856)	PARAGRAPH NO:
SUBJECT:	NEW POLICY & PROCEDURE FOR UNAUTHORISED ENCAMPMENTS OF TRAVELLERS AND THE ADOPTION OF DERBYSHIRE TRAVELLER ISSUES WORKING GROUP INTER-AGENCY GUIDANCE	DOC:
WARD(S) AFFECTED:	ALL	REF:
		TERMS OF REFERENCE: HCS12

1.0 Recommendations

- 1.1 To approve the new "Policy and Procedure for Unauthorised Encampments".
- 1.2 To adopt the guidance "Working together on Gypsy and Traveller Issues" produced in partnership with other Derbyshire authorities as part of the Derbyshire Traveller Issues Working Group.

2.0 Purpose of Report

- 2.1 To advise member of the need to update the current procedure for dealing with unauthorised encampments in line with Government guidance and to request it's approval.
- 2.2 To advise members of the recently produced Derbyshire Traveller Issues Working Group Guidance document, and to ask that the benefits of the guidance are considered and adopted.

3.0 Detail

- 3.1 Unauthorised camping in South Derbyshire is an issue which all are well aware of, but many do not perhaps realise the extent of the problem in comparison with other local authorities.
- 3.2 South Derbyshire contains around half of the authorised site gypsy and traveller population of Derbyshire, which includes the two sites run by the Authority at Lullington and Foston.
- 3.3 However, South Derbyshire does also get more unauthorised encampments than other districts. Figures since 2005 indicate the numbers of unauthorised encampments in South Derbyshire totalled 32, the next largest number being North East Derbyshire with just 12 encampments over the same period. (Source: CLG Bi-annual Local Authority Caravan Count)

- 3.4 It is thought that the main reason for the increased traveller population in South Derbyshire is due to the A50 providing a through route between Cheshire and Lincolnshire, which traditionally also have a high traveller population.
- 3.5 In recent years the majority of unauthorised encampments in South Derbyshire have not been on land owned by this authority. This reduction can be attributed, in the main, to the closing off of Gresley Common. Following any eviction from an unauthorised site owned by this Authority, Environmental Health will always advise the relevant Department on the need for better and improved security to prevent a recurrence.

SDDC Policy and Procedure for Unauthorised Encampments

- 3.6 In 2006 the Department for Communities and Local Government produced the document "Managing Unauthorised Camping – A Good Practice Guide"
- 3.7 This guide is designed to assist local authorities and others relevant organisations in tackling unauthorised camping and minimise the disruption it can cause. Whilst the guidance is only advisory, members should be aware that local authorities are strongly advised to bear it in mind when implementing our approach to unauthorised sites. The Courts would undoubtedly consider the guidance as a material consideration in eviction or other enforcement decisions.
- 3.8 Recent cases concerning the rights of travellers and the rights of local authorities to evict unauthorised encampments from their land have led to a greater understanding of what local authorities need to consider in order to prevent an infringement of the rights of the travellers.
- 3.9 The proposed Policy and Procedure for Unauthorised Encampments has been formulated in consideration of all of the above information. It should be noted that in many respects the procedure has remained much the same as before. The main change has been the need to ensure welfare checks are carried out and consultees respond rather than the previous method of allowing 7 days for a response and then assuming no problems with eviction if no response is received. Improved information gathering at the initial site visit undertaken by Environmental Health will enable consultees to provide a swift response.
- 3.10 Consultation on the new Policy and Procedure has taken place with Derbyshire Social Services, the Police, the Environment Agency, Derbyshire Education, the Primary Care Trust, the Derbyshire Traveller Issues Working Group and the Derbyshire Gypsy Liaison Group. At the time of writing this report no negative comments have been received.

Working together on Gypsy and Traveller Issues – Guidance produced in partnership with the Derbyshire Traveller Issues Working Group

- 3.11 The Derbyshire Traveller Issues Working Group (DTIWG), members of which include all Derbyshire Authorities, NHS Derbyshire, Connexions Derbyshire, Derbyshire Constabulary, Derbyshire County Council, Derbyshire Gypsy Liaison Group and the Environment Agency, have produced a guidance document; "Working together on Gypsy and Traveller Issues", which is to be used to guide our actions in relation to contacts with travellers.

- 3.12 The guidance has been produced due to recognition that dealing with travellers can be a difficult and contentious issue. The Authority provides a range of services in relation to Travellers, including dealing with planning applications and enquiries, homelessness applications, managing the Authorities authorised sites at Lullington and Foston and dealing with unauthorised encampments where they occur.
- 3.13 These statutory functions carried out by the Authority often require difficult decisions to be made. Duties under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 require the Authority to treat all persons fairly, regardless of, amongst other things, their ethnic origin. It should be noted that the vast majority of travellers who come into the District are a recognised ethnic minority.
- 3.14 The guidance therefore illustrates the intent of the Authorities and other Agencies to work together to ensure that travellers are dealt with fairly and in compliance with the law, Government guidance and local authority equalities policies.
- 3.15 Whilst the guidance considers the need to treat travellers fairly, it also ensures that on occasions such as evictions from unauthorised encampments, the Authority acts in such a manner that where a decision is made to evict, it can be shown that all needs were considered to ensure that the eviction is defensible in court, should that prove necessary.
- 3.16 This document is very much about the issues which need to be considered in relation to all contacts with travellers, be they on unauthorised sites or otherwise, rather than the Policy and Procedure for Unauthorised Encampments which is a document specific to that issue.

4.0 Financial Implications

- 4.1 There are no direct financial implications envisaged as a result of the adoption of these two documents.
- 4.2 The Policy and Procedure on Unauthorised Encampments ensures that in cases where the Authority takes action to evict travellers on an unauthorised site, procedures are followed which enable any court action to be robust against any claim of an infringement of the rights of the travellers. This will prevent potentially costly court action and delays.

5.0 Corporate Implications

- 5.1 None

6.0 Community Implications

- 6.1 The settled community of South Derbyshire is well aware of the issue of unauthorised encampments. Further, with two authorised Council run sites in the district it is clear that South Derbyshire does consider the rights of travellers and provides for them.
- 6.2 In relation to the minority of travellers who take up residence on unauthorised sites and the problems it may cause for the settled community, the new Policy and Procedure will enable the authority to take action, confident that any accusations in court can be defended.

7.0 Conclusions

- 7.1 South Derbyshire District Council is considered by many to be amongst the very best authorities when it comes to dealing with travellers.
- 7.2 Public site provision in the district is comparatively high, and it is of a quality which is good enough for it to be considered by the Department for Communities and Local Government when drafting national guidance on managing authorised sites.
- 7.3 The authority respects the rights of travellers and the documents to which this report relates ensure that their rights are balanced with the rights of the settled community. In doing so, it ensures that we are in a stronger position for legal action where that is necessary.

8.0 Background Papers

- 8.1 South Derbyshire District Council “Policy and Procedure for Unauthorised Encampments of Travellers”.
- 8.2 Inter-Agency Guidance “Working together on Gypsy and Traveller issues”.