

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	Partnership and Regeneration Scrutiny Committee The Executive Committee
Date:	26 th September 2016 – Scrutiny 17 th October - Executive
Subject:	North Wales Joint Protocol on Managing Unauthorised Encampments
Portfolio Holder(s):	Councillor Aled M Jones
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Local Members:	All

A –Recommendation/s and reason/s
<p>Members of Partnership and Regeneration Scrutiny committee support the recommendation to approve the North Wales Joint Protocol for Managing Unauthorised Gypsy Traveller Encampments and adoption by Isle of Anglesey County Council.</p> <p>Background</p> <p>i. Welsh Government policies and guidance</p> <p>In 2013, Welsh Government produced a document called <i>Guidance on Managing Unauthorised Camping</i>. It wrote to all Local Authority Chief Executives in 2015 to remind them of the recommendation in this guidance to adopt a protocol for their organisation.</p> <p>The Guidance provides some important context about the occurrence of unauthorised encampment in Wales. They tend to occur most regularly along main transport routes which traditionally provided opportunities for work as well as access to the main ports in Wales. The guidance is aligned with the Welsh Government’s Strategic Equality Plan. It states that the primary reason unauthorised encampments occur is the lack of authorised sites and stopping places. Nomadic Gypsies and Travellers have seen closures of traditional stopping places through bye-laws, strengthening of laws relating to the used of common land for camping and landowners blocking off historical resting points. Delivering more authorised sites coupled with effective site management will remove the reason for unauthorised encampments. As the necessary sites and stopping places are developed, unauthorised encampment protocols will need to be used less.</p> <p>The Guidance is primarily for local authorities but also provides advice on the role of Health Boards, Police and Traveller Education Services in assisting the local authority</p>

when unauthorised encampments arise.

ii. Joint working in North Wales

A North Wales Gypsy and Traveller forum meets several times a year to support joint working between the six North Wales authorities along with Snowdonia National Park, North Wales Police, Betsi Cadwalader University Health Board [BCUHB], and North Wales Fire and Rescue Service.

All the local authorities along the A55 corridor experience unauthorised encampments on a number of occasions each year. In some instances several local authorities will experience an encampment from the same group of Gypsies and Travellers. At present no authority has official transit sites or temporary stopping places to which Gypsies and Travellers can be directed.

The protocol was developed by the forum to set out consistent agreed principles. This was considered particularly important in terms of ensuring a clear framework for BCUHB, and the North Wales Police and Fire Service who work across all the authorities. The Protocol was discussed at the North Wales Chief Executive meeting in January 2016 where it was agreed to submit to each organisations decision making process.

There was a previous attempt to agree a North Wales protocol in 2012. While this was agreed by Isle of Anglesey County Council it was not formally adopted by all partners across the region. The new Protocol has focused on setting out key principles which are agreed by all partners and states that “By adopting the protocol each organization will commit to reviewing and/or developing its own internal procedures” (4.3.1). This ensures that each authority retains the ability to set out suitable detailed procedures to meet the circumstances of its own area.

Prior to the development of the North Wales Protocol, a procedures guide for dealing with Unauthorised encampments had already been developed by the Housing Services and has been shared with internal and external officers who may be involved with dealing with encampments when they occur. Following the development of the North Wales Protocol, work is taking place to review this guidance with the relevant local stakeholders to ensure it provides detailed guidance for officers on Anglesey which works in tandem with the principles of the North Wales Protocol. The Protocol has been used to guide the Council response since January.

Purpose of the North Wales Protocol

The intention of the Protocol is to establish common principles for addressing unauthorised encampments which reduce social tension where encampments occur, reduce enforcement and clean up costs and ensure a co-ordinated approach between the

services that may need to be involved.

Section 1.6 summarises the objectives of the Protocol as to

- manage unauthorised encampments in an efficient and effective way, balancing the rights and responsibilities of Gypsies and Travellers, local residents and key stake holders and to minimise any environmental or community impacts
- work with partner agencies to promote community cohesion and prevent the social exclusion of Gypsies and Travellers
- introduce clarity on process of responding to enquiries and sharing information
- set a framework within which clear, consistent and timely decisions can be made which link to other strategies and services that affect Gypsies and Travellers (e.g. housing, education, planning).

Sections 2 set out principles of interaction with Gypsy and Travellers on authorised encampments and specific actions that the local authority will undertake, primarily provision of a Single Point of Contact, who leads the authority's response, and to ensure record keeping and data protection. This will help with the Council's duty under the Housing (Wales) Act 2014 to assess the need and inform the next Gypsy and Traveller Accommodation Needs Assessment.

Section 3.3.1 sets out tasks that the local authority will undertake when an encampment occurs on local authority land. This includes whether to tolerate an encampment or the removal in line with Welsh Government guidance; and discussing a code of conduct with the Gypsy and Travellers.

Section 3.4 and 3.5 explains the more limited role the authority can play when an encampment is on other public or private land but recognises that the local authority can offer the benefit of its experience and mediation.

Benefits of the protocol for Anglesey

Unauthorised encampments can present inconvenience to neighbours and provoke tensions between established communities and the Gypsies and Travellers. To see a resolution of these difficulties there is a need for practical measures such refuse collection, communication between all parties and timely and considered action by the local authority. Joint working in this area has already led to improvements in liaison between authority officers and BCHUB and the Police when encampments have occurred. The Council is now working consistently with colleagues from across North Wales. The protocol provides an agreed framework to maintain these standards and reduce negative impacts of encampments.

B – What other options did you consider and why did you reject them and/or opt for this option?

Not supporting a joint North Wales Protocol on managing encampments and development of an Isle of Anglesey Protocol. This option is not supported as close working with Police and BCUHB is required to effectively respond to encampments and both bodies were

strongly in support of a North Wales Protocol.

C – Why is this a decision for the Executive?

The Protocol was considered at the North Wales Chief Executives Forum where it was agreed that it should be submitted to each organisations usual decision making process.

CH – Is this decision consistent with policy approved by the full Council?

Not applicable

D – Is this decision within the budget approved by the Council?

Costs from the protocol arise from the need to make portaloo provision and household waste collection / clearance on most encampments when they arise. Where household waste facilities and toilets are provided from early in the encampment this saves on substantial clear up costs when the encampment ends. An existing budget covers these costs. Not providing such facilities can lead to accumulation of waste, clean up costs and complaints from local residents.

The Council is in the process of identifying sites for Temporary Stopping Places . When authorised stopping places are established, it is normal practice to make a charge for their use.

There are also staffing resource implications in implementing the Protocol. However existing staff within the Housing Services undertake the role of Single Point of Contact.

DD – Who did you consult?		What did they say?
1	Chief Executive / Strategic Leadership Team (SLT) (mandatory)	
2	Finance / Section 151 (mandatory)	
3	Legal / Monitoring Officer (mandatory)	
4	Human Resources (HR)	
5	Property	
6	Information Communication Technology (ICT)	

7	Scrutiny	
8	Local Members	
9	Any external bodies / other/s	

E – Risks and any mitigation (if relevant)		
1	Economic	
2	Anti-poverty	The protocol enables the social, health and educational needs of travelling communities to be assessed and catered for.
3	Crime and Disorder	An unauthorised encampment is an act of trespass not a criminal act unless proof of damage to land or property on entering the site can be proven. The Protocol is supported by North Wales Police as a framework to manage unauthorised encampments in a balanced manner for the benefit of local residents and Gypsies and Travellers. The protocol sets out clearer responsibilities and communication between agencies which will ensure that encampments are managed effectively thereby helping to reduce community tensions
4	Environmental	Unauthorised encampments can result in waste from normal household activities and from work related activity. The Protocol aims to put in place mechanisms which prevent this as much as possible. Unauthorised encampments can put members of the families at risk from environmental hazards when situated in inappropriate locations. The Protocol advocates a decision making process which considers health and safety alongside human rights issues in deciding if the encampment should be tolerated.
5	Equalities	The adoption of the Protocol is in compliance with the local authority's duties under the Equality Act 2010.
6	Outcome Agreements	
7	Other	

F - Appendices:

North Wales Joint Protocol on Managing Unauthorised Encampments

FF - Background papers (please contact the author of the Report for any further information):

Welsh Government Guidance on Managing Unauthorised Camping 2013
<http://gov.wales/docs/dsjlg/publications/equality/131220-guidance-managing-unauthorised-camping-2013-en.pdf>

North Wales Joint Protocol on Managing Unauthorised Encampments

1. Introduction

- 1.1 Unauthorised encampments are defined as ‘encampments of caravans and/or other vehicles on land without the landowner’s or occupier’s consent and constituting trespass’. They fall into two main categories: those on land owned by the Council (such as highways, parks, schools) or another public body, and those on private land. The process of responding to them may alter depending on who owns the land, with public bodies having additional responsibilities that do not apply to private landowners.
- 1.2 Unauthorised encampments arise from time to time for a variety of reasons. Responding to them requires sensitivity in order to balance the rights and responsibilities of Gypsies and Travellers (the ‘travelling community’) and local residents and businesses (the ‘settled community’).
- 1.3 This protocol provides a framework for managing all unauthorised encampments in North Wales in a positive and consistent way, for the benefit of all people concerned and affected by them.
- 1.4 It has been drawn up to facilitate a co-ordinated approach between:
 - the six Local Authorities, Anglesey, Gwynedd, Conwy, Denbighshire, Flintshire and Wrexham
 - North Wales Police (NWP)
 - North Wales Fire and Rescue Service (NWFRS)
 - Betsi Cadwaladr University Health Board
 - other public bodies such as Snowdonia National Park and the Welsh Government
 - private landowners
 - Gypsies and Travellers
 - and local residents
- 1.5 The Protocol takes account of ‘Guidance on Managing Unauthorised Camping 2013’ published by the Welsh Government and complies with the responsibilities placed on all public bodies by the Equality Act 2010 and other relevant legislation.
- 1.6 The objectives of the Protocol are to:
 - manage unauthorised encampments in an efficient and effective way, balancing the rights and responsibilities of Gypsies and Travellers, local residents and key stake holders and to minimise any environmental or community impacts

- work with partner agencies to promote community cohesion and prevent the social exclusion of Gypsies and Travellers
- Introduce clarity on process of responding to enquiries and sharing information
- set a framework within which clear, consistent and timely decisions can be made which link to other strategies and services that affect Gypsies and Travellers (e.g. housing, education, planning).

2. Roles and Responsibilities of all Agencies

2.1 All agencies engaged in responding to unauthorised encampments recognise that Gypsy and Traveller families can experience difficulties in gaining access to education, health and community services and will work to minimise these difficulties.

2.2 They agree to:

- comply with their responsibilities under the Equality Act 2010 to:
 - eliminate unlawful discrimination
 - promote equality of opportunity
 - promote good relations between people from different racial backgrounds
- act at all times in a humane and compassionate manner
- nominate a Single Point of Contact (SPOC), be this a specific officer or contact point (e.g. Police 101) for the purposes of co-ordinating a response to an unauthorised encampment (that officer having sufficient authority to make decisions on behalf of their respective organisations)
- to put in place arrangements in the event that the usual SPOC is absent (if an officer) and appropriate response cover
- produce their own detailed Policies and Procedures reflecting their own structures and procedures, and taking this protocol as the minimum standard for managing unauthorised encampments
- publicise the protocol on their web sites
- ensure that all SPOC's are informed when an encampment occurs to ensure an appropriate response from each agency
- maintain a co-operative, open and honest working relationship between all partners
- ensure that information shared under this Protocol is used solely for the purpose for which it is obtained, is kept confidential and

complies with the Data Protection Act and all other relevant legislation and guidance

- Keep accurate records through the All-Wales Caravan Count system. Local Authorities create automatic email protocols so encampment data can be shared.

2.3 Each Agency will ensure that their public call handlers:

- know about the Protocol and their nominated Single Point of Contact officer
- have training on how to deal with calls from or in respect of Gypsies and Travellers appropriately, effectively and consistently
- are provided with up to date information about who is responsible for dealing with unauthorised encampments in each partner organisation

2.4 Whilst **Local Authorities** will lead on providing information to the media, all Agencies are asked to ensure a co-ordinated response to media enquiries within the context of the responsibility to promote good relations between Gypsies and Travellers and the settled community.

3. Individual Agency Responsibilities

3.1 The responsibilities of each agency are dependent upon the location of the encampment, i.e. whether it is on:

- Local Authority land
- Other Public land
- Private land
- Gypsy and Traveller owned land

3.2 The **Local Authority** may be asked to determine the ownership of the land if it is unknown.

3.3 Encampments on Local Authority Land

3.3.1 **Local Authorities** will:

Initial contact

- Make initial contact with the Gypsies/Travellers as soon as practically possible to determine their intentions and whether they have any initial service needs or urgent welfare needs
- Determine if there are any obvious signs of welfare requirements and request BCUHB to undertake health assessments of the

individuals on the site where the duration of stay is more than 3 days.

- Identify and respond to road safety or other safety concerns

Services and Facilities

- Provide household waste facilities
- Provide toilets-
- Provide information to encampment occupiers, such as locations of local Civic Amenity sites, schools and health care settings.
- Identify and respond to any outreach educational service needs where appropriate.
- Discuss a code of conduct with the Gypsies and Travellers and provide information to them about what local support is available to them.
- Identify whether alternative appropriate sites are available and make this known to the Gypsies and Travellers

Decision-Making

- Local Authorities will seek to balance the welfare and human rights of occupiers against the impact on nearby residents and businesses, with particular consideration of health and safety hazards and public nuisance.
- Decide whether to tolerate or require the removal of the encampment in a timely manner in line with the current Welsh Government guidance.
- Ensure any possession action does not take place where such action amounts to an unjustified interference with Article 8 of the Human Rights Act 1998 or where the action is contrary to the best interests of child occupants.

Eviction

- On sites where the decision is not to tolerate, provide information to the Gypsies and Travellers about the proposed action and what support is available to them.
- Take eviction action where appropriate, including the service of documentation and the use of bailiffs, but in liaison with NWP
- Make arrangements to remove rubbish after the Gypsies and Travellers have left the site.
- Inform and liaise with local elected Councillors and the settled community.

3.3.2 North Wales Police (NWP) will:

- Comply with the requirement of the NPCC guidance on managing unauthorised camping.
- Identify and respond to evidence of public safety problems.
- Monitor and respond to local community tensions.

- Inform relevant agencies of the location and size of the unauthorised encampment.
- Provide policing services to the Traveller and settled communities.
- Prevent and detect crime.
- Work with partners to address any obstruction to the highway.
- In the event of an eviction taking place maintain the peace and prevent disorder as required.

3.3.3 **Betsi Cadwaladr University Health Board (BCUHB) will:**

- Assess the health needs of the Gypsies and Travellers on the sites as soon as is practicable after being requested to do so by the Local Authority.
- Provide a general summary report to the Local Authority no later than 5 working days after the date that the request is made. The report will only provide a general statement as to whether there are, or are not, any health needs that should prevent an eviction. (*This information will be provided to the Local Authority without personal information that would require the formal consent of the individuals who are subject to the health assessments. The statement provided will be in a form suitable to be presented in evidence to a court*).
- Provide health services to the Gypsies and Travellers.

3.3.4 **North Wales Fire and Rescue Service (NWFRS) will:**

- Assist partner agencies and Gypsies and Travellers in undertaking risk assessments of the site relating to Arson vulnerability and fire spread.
- Provide advice in relation to access for fire appliances and water supplies in the event of fire.
- Offer the opportunity for a free safety check of caravans and install specialist smoke detection and other prevention equipment, free of charge, as and when required.

3.4 **Encampments on other Public Land**

3.4.1 The **Land Owning Authority** should liaise with local authorities to arrange welfare needs enquiries, and **Local Authorities** should be prepared to help. The decision to evict or tolerate and level of welfare needs enquiries will be the same as for local authorities land.

3.5 **Encampments on Private Land**

3.5.1 In accordance with the Welsh Assembly guidance, private land owners experiencing unauthorised Gypsy and Traveller encampments on their land are not bound by the same statutory responsibilities as public authorities, but should in the first instance contact their local authority to determine if a Gypsy and Traveller Liaison Officer (or equivalent) is in place to mediate. Alternatively, the SPOC / lead officer or the local police force may be able to assist.

3.5.2 Private land owners will need to seek their own legal advice when attempting to resolve unauthorised encampments on their land. Where they chose to tolerate, they will need to take advice from the Local Authority planning department.

3.6 Encampments on Gypsy and Traveller Owned Land

3.6.1 **Local Authorities** will advise the encampment occupants of the planning status of the land if they intend to stay for more than 7 days. Planning enforcement action may be considered.

Appendix

Relevant Organisations:

Welsh Government

Fairer Futures Division
Local Government and Communities Department
Welsh Government
Rhydycar Office
Merthyr Tydfil
CF48 1UZ

North Wales Regional Equality Network (NWREN)

Y Ganolfan Cydraddoldeb / The Equality Centre
Ffordd Bangor
Penmaenmawr
LL34 6LF

01492 622233
info@nwren.org

The Unity Project

Bryn Hall: Community Engagement Officer
07920567652
bryn.hall@pembrokeshire.gov.uk

Catherine Fortune: Health & Wellbeing Officer
07920567668
catherine.fortune@pembrokeshire.gov.uk

Denise Barry Advice: Advocacy & Information Officer

07810551331
denise.barry@pembrokeshire.gov.uk

National Advocacy and Advice line for Gypsy & Travellers living in Wales
All Wales Helpline Number
01646 686139