

CABINET MEETING - 8 FEBRUARY 2022

EXECUTIVE SUMMARY SHEET – PART I

Title of Report: Unauthorised Encampment Policy	
Author(s): Report of the Executive Director of Neighbourhoods	
Purpose of Report: The purpose of the report is to seek approval for the Unauthorised Encampment Policy	
Description of Decision: Cabinet is recommended to approve the Unauthorised Encampment Policy	
Is the decision consistent with the Budget/Policy Framework? *Yes	
If not, Council approval is required to change the Budget/Policy Framework - No	
Suggested reason(s) for Decision: This policy is required to provide a framework of activity in the management and welfare of Unauthorised Encampments	
Alternative options to be considered: To continue with the previously approved Unauthorised Encampment Policy was considered and rejected as there were concerns that a new updated policy was required to meet equality, welfare, and best practice in the management of unauthorised encampments.	
Impacts analysed; Equality <input checked="" type="checkbox"/> Privacy <input type="checkbox"/> Sustainability <input type="checkbox"/> Crime and Disorder <input type="checkbox"/>	
Is the Decision consistent with the Council's co-operative values? Yes/	
Is this a "Key Decision" as defined in the Constitution? Yes	
Is it included in the 28-day Notice of Decisions? Yes	

UNAUTHORISED ENCAMPMENT POLICY

Report of the Executive Director of Neighbourhoods

1.0 Purpose of the Report

- 1.1 The purpose of the report is to seek approval for the Unauthorised Encampment Policy

2.0 Recommendations

- 2.1 Cabinet is recommended to approve the Unauthorised Encampment Policy

3.0 Background

- 3.1 The Council's current Unauthorised Encampment Policy was adopted in April 2018. This Policy outlines how we manage encampments via the use of powers which ensure welfare issues are addressed, 'stays' are minimised, camps are well managed and the effect on local communities is limited.
- 3.2 The Policy was reviewed and updated in January 2020.

4.0 Policy Review

- 4.1 Two years have passed since the last Policy review. Therefore, the Unauthorised Encampment Policy is due for a review and update.
- 4.2 In consultation with the Portfolio Holder of Dynamic it was agreed that the Policy review work would include a Councillor Sub-Group to ensure the views of Members were considered. This was a new positive approach and would complement the Officer reviews that would normally take place.
- 4.3 Twelve Members volunteered and attended the sub-group. Two meetings were held in October 2021 which covered:
- Legal requirements
 - Equality and Diversity requirements
 - Regional and National good practice
 - City data and statistics relating to encampments and response
 - Police perspective and views
 - Policy specific aspects that would form part of the review
 - Member discussions
- 4.4 The feedback from Members were fed into a policy review action plan under the following themes:
- Code of Conduct for Travellers
 - Traveller engagement arrangements
 - Encampment Review Group representation

- Appropriateness of locations of Encampments
- Tone of Policy to be more accepting, to ensure equality issues are incorporated and correct terminology is used
- Availability of information for Travellers; Council website, welcome packs, and information for local communities
- Welfare Assessment process to ensure sign posting to services and more robust support in service provision and support

4.5 The Action Plan from the sub-groups have fed into the Policy review with all themes being considered and incorporated as necessary into the revised Policy.

4.6 The proposed new Unauthorised Encampment Policy is attached at Appendix 1 along with the proposed Welcome Pack at Appendix 2.

5.0 Reasons for the Decision

5.1 This policy is required to provide a framework of activity in the management and welfare of Unauthorised Encampments

6.0 Alternative options to be considered:

6.1 To continue with the previously approved Unauthorised Encampment Policy was considered and rejected as there were concerns that a new updated policy was required to meet equality, welfare, and best practice in the management of unauthorised encampments

7. Impact Analysis

(a) **Equalities** – This Policy reflects all Equality Legislation and is in line with Best Practice and an Equality Impact Assessment has been completed

(b) **Privacy Impact Assessment (PIA)** – n/a

(c) **Sustainability** – N/A

(d) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – This Policy ensures that appropriate measures to manage and maintain unauthorised encampments with Code of Conduct and welfare considerations in place

8. Other Relevant Considerations / Consultations

(a) **Co-operative Values** – There are no implications

(b) **Financial Implications.** The costs associated with any investment required by the Council would be met from the provision for the Housing Delivery and Investment Plan within the existing capital programme.

- (c) **Legal Implications** – All legal aspects of the Policy and its development have been made with input from the Council's Legal Team
- (d) **Health & Safety Considerations** – The Policy takes due account of site safety and welfare considerations

9. List of Appendices

- Appendix 1 - Unauthorised Encampment Policy
- Appendix 2 – Welcome Pack

10 Background Papers – N/A

Sunderland City Council - Unauthorised Encampment Policy

Reviewed December 2021

Introduction

Sunderland City Council (referred to as “the Council”) aims to meet the needs of all of its residents and to ensure fair and equal treatment for all Gypsy, Roma and Traveller people who visit the City. This policy outlines and encourages the Council’s acceptance approach to unauthorised encampment which respects and protects the traditional and nomadic way of life of Gypsy, Roma and Traveller communities, while balancing this with the interests of settled communities.

This is in line with Government guidance and legislation.

<https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments>.

In summary, this policy outlines how our approach of acceptance allows those of a nomadic lifestyle, including Gypsy, Roma and Traveller groups, to stay on an Unauthorised Encampment for a period of time, providing that the location is suitable.

Legislation

The legal background includes:

- Equality Act 2010 (specifically Section 149 of the Equality Act 2010 which sets out the duties placed on Local Authorities - The Public Sector Equality Duty)
- Human Rights Act 1998
- Race Relations Amendment Act of 2000 These provide local authorities with a framework within which their actions and decisions should be made.
- The Criminal Justice and Public Order Act 1994 (Section 77 and 78)
- Public order powers. (Police)
Sections 61-62E, Criminal Justice and Public Order Act 1994 provides the Police with powers to direct those in unauthorised encampments to leave land based on their behaviour
Section 61 allows senior officers to direct those in an unauthorised encampment to leave land if requested to do so.

Aims of the Policy

This policy aims to:

- ensure that the Council and relevant partners meet their obligations in relation to unauthorised encampments effectively and consistently within the City of Sunderland.
- meet the needs of all Gypsy, Roma and Traveller groups regarding education, health, welfare and housing.
- eliminate discrimination and advance equality of opportunity for Gypsy, Roma and Traveller groups
- Foster good relations between Gypsy, Roma and Traveller groups and settled communities.

Our partners will follow this policy and associated procedure to protect the welfare needs of people setting up Unauthorised Encampments.

Monitoring and Review

Lead responsibility for the implementation, monitoring and review of this policy lies with the Council's Assistant Director of Housing, within the Neighbourhood Directorate.

Other organisations also have their own responsibilities for action within this policy as set out within key contact details.

The Council's Senior Housing Manager and Housing Manager (Vulnerable People) within the Neighbourhood Directorate will ensure on-going engagement with all of the organisations involved in the implementation of this policy.

The policy will be reviewed and amended when necessary, should there be any changes in legislation, new case law or any new guidance issued by Central Government. Partner organisations, service users and Members will be invited to comment on any proposed significant revisions to the policy.

Procedure for dealing with Unauthorised Encampments

Notification

The Council will act on all information regards Unauthorised Encampments. All Unauthorised Encampments will be visited by a Council Officer within two working days of being reported to the Council.

Initial Assessments

On the initial visit, Council Officers will carry out a welfare assessment (this will be done regardless of land ownership) and an assessment of site will be conducted to ensure it is a safe and suitable place for an Unauthorised Encampments. A suitable site is generally defined as:

'No more than 5 caravans and 10 campers (including children) with caravans spaced 6 metres apart and at least 2 metres away from a road'

Following the initial visit, Council Officers will consult the Land Terrier and an Estates Surveyor to determine site ownership.

Acceptance

Following initial assessment, an Encampment Review Group (ERG) will be convened to ensure there is a multi-agency approach to managing Unauthorised Encampments (see p5).

If the land is identified as Council land, the following criteria will be considered when deciding what action is to be pursued by the Council.

- Location and safety
- Potential implications to the Travellers and settled community
- Welfare needs
- Length of intended stay and previous stays
- Nature, site suitability and land use
- Size of the group, previous behaviours
- Numbers, validity, and seriousness of any complaints received
- Other factors that may be appropriate to the Unauthorised Encampments

If there are no safety concerns regarding the Unauthorised Encampments, it can be accepted for a period of time. The length of stay for an Unauthorised Encampment will be determined on a case-by-case basis by the Encampment Review Group (ERG). All decisions will be recorded. These decisions can be based on previous behaviour, local links and any welfare needs identified.

Where the Council agrees to accept an encampment for a period of time, the encampment will be provided with a welcome pack with signposting to local services, our Code of Conduct and information as to what they can expect from the Council. The Council recognise that Gypsy, Roma and Traveller communities often experience poorer outcomes than settled communities, particularly in relation to health and education. The ERG will ensure there is a partnership approach to engaging the relevant services to meeting the needs of Gypsy, Roma and Traveller people living on an unauthorised site, where appropriate.

Code of Conduct

Evidence of failure to follow the Code of Conduct could result in eviction action and curtail the length of permitted stay.

A link to the Code of Conduct will be added

Unsuitable Encampments

If the location is deemed as unsuitable, then an alternative location may be identified with the Unauthorised Encampment advised of the site. The Council may in exceptional circumstances work with partners to find a suitable alternative location should it ever be necessary to do so.

The following list sets out locations which would not normally be accepted by the Council for unauthorised encampments and may be subject to immediate eviction:

- a) a site of Special Scientific Interest (SSSI) where an encampment could potentially endanger a sensitive environment or wildlife.
- b) school grounds, including car park
- c) recreation areas, playing fields and formal parks.
- d) car parks that are governed by a Traffic Regulation Order, including hospital, supermarket or leisure facility car parks.
- e) a site where pollution from vehicles or dumping could damage ground water or water courses.
- f) a derelict area with toxic waste or other serious ground pollution

- g) the verge of a busy road where the encampment could pose a danger to settled and Gypsy, Roma and Traveller communities.
- h) any land that compromises the contractual obligations of the City Council (for example areas for development where the Council has contractual obligations to provide vacant possession).
- i) any land or buildings used for operational purposes by the City Council or its partners, which would have an adverse impact on business continuity and
- j) sites where preventative steps have been taken to restrict access.

Eviction

If an Unauthorised Encampment is causing concern or is on an unsuitable location, as set out above suitable action, including eviction will be considered by the ERG.

Council Owned Land

The Council has two main powers to ensure that Unauthorised Encampment are well managed and remain safe.

Firstly, a possession order in the civil courts using Part 55 of Civil Procedure Rules can be used to allow the landowner to regain possession of his/her land. This must be issued by the County Court in whose jurisdiction the property or land is situated.

Alternatively, the Criminal Justice and Public Order Act (CJPOA) 1994 (section 77), gives the Council powers to make directions to leave land being used by itinerant groups. Use of either of these powers is dependent upon the findings of a welfare assessment.

If the site is owned by the Council and eviction is agreed the following will be carried out to obtain an order for possession under the procedures in Part 55 of the Civil Procedure Rules: -

- An officer will prepare and post notices to vacate the site (giving not less than 24 hours' notice) on site in clear plastic sleeves.
- An officer will obtain plans showing the site. This may contain other Council owned land which Gypsy, Roma and Traveller people may not move onto.
- An officer will forward the necessary paperwork and plans to Law and Governance Services to enable them to prepare the statement of ownership and the court documents and will assist in the completion of this.
- Law and Governance will submit the application for an order for possession to the appropriate county court and will obtain the notice of hearing.
- An officer will deliver the notice of hearing on site in clear plastic sleeves marked to 'the occupiers'.
- An officer will give details to Law and Governance Services to enable a confirmation of service to be prepared.
- A Solicitor from Law and Governance will attend the hearing and obtain the order for possession
- An officer will forward the order for possession on site.

In the event of Gypsy, Roma and Traveller people failing to leave:

- An officer will liaise with the Law and Governance Services to obtain a warrant of possession
- If appropriate or necessary an officer will liaise with bailiffs who will enforce the order, (with police presence to prevent any breach of the peace)
- When Gypsy, Roma and Traveller people leave a site, an officer should inspect and photograph site and if necessary, place an order with Environmental Services to have the site cleared.

If the Unauthorised Encampment fail to move or remove any vehicles and other property or move and return within 3 months to the same site, they are classed as having committed a criminal offence and could be subject to Police arrest and prosecution.

Private Landowners

Where Unauthorised Encampments are sited on land without an owner's permission, they are trespassers. Many Unauthorised Encampments can be dealt with through negotiation but where this is not possible action can be taken to remove them from the land. Where there is a wrongful act of trespass, landowners can ask a trespasser to move and, if they refuse, the landowners can regain possession of their land by pursuing a claim for possession through the County Courts under Civil Procedure Rules, Part 55. County Court bailiffs can be used to remove trespassers from the land once a possession order has been granted.

If the Unauthorised Encampment is on private land, then it is up to the landowner to seek vacant possession.

Key Contact Details

Encampment Review Group (ERG)

The ERG is a non-standing body which enables a multi-agency approach to managing Unauthorised Encampments.

The ERG consists of relevant offices from key contacts, including Council, Police and Health. A representative from the Council's Safeguarding Team may also attend to help advise regards safeguarding issues.

In exceptional circumstances, if a meeting is unable to be called in the time required, all partners will be contacted and presented with information to make a decision. At times this may be via e-mail.

Regional Working

The Council will liaise with neighbouring authorities to share information associated with Unauthorised Encampments.

Northumbria Police

On most occasions the Police will be contacted when a new Unauthorised Encampment is reported. Police involvement is to uphold the law, but will also take humanitarian considerations into account when deciding on appropriate action/s. Where there are reports of violence, threats of intimidation or criminal damage the Police will risk assess the situation, whether the threats emanate from Gypsy, Roma and Traveller or settled communities.

The ERG will work in close partnership with the designated Police liaison officer from the Community Engagement Team to ensure effective management of any Unauthorised Encampment present in the City.

Children's services

The Council will ensure that children and young people from Traveller communities have equal access to education, training and learning opportunities where they feel safe and are able to enjoy learning, to achieve and to succeed.

Enquiries for school admissions can be directed here:

schooladmissions.team@sunderland.gov.uk. Or at (0191) 520 5553

If there are any safeguarding concerns or worries, a referral or request for advice and guidance can be made by the officer in contact with the family to the Integrated Contact and Referral Team at Together for Children at

safeguarding.children@sunderland.gov.uk. Or at (0191) 561 7007. Out of hours the children's services Emergency Duty Team can be contacted on (0191) 520 5513.

Anyone working on behalf of the Council must have regard to the duty to safeguard and promote the welfare of children and families.

Health Services

Health professionals will support Gypsy, Roma and Traveller people during their stay in our City. The Council will contact Health Practitioners and Adult and Children's safeguarding services where Unauthorised Encampment are identified to ensure support is available to all.

Access to NHS Primary medical services is normally via registration as an NHS patient (either permanently or temporarily) with a general practice or Personal Medical Services (PMS) provider. Practices may use their discretion whether to accept or decline the application. If the practice does decline the application it must have reasonable grounds for doing so, which do not relate to a person's race, gender, social class, age, religion, sexual orientation, appearance, disability, or medical condition.

Gypsy, Roma and Traveller people are entitled to register with a GP or PMS provider for free NHS treatment through primary care services. Patients do not need to have a permanent address to register with a GP or a PMS provider. It is possible for those without a permanent address to register with a GP by using the practice's address.

Any person who intends to be in an area for more than 24 hours or less than 3 months, is regarded as temporarily resident in that place and can apply to a GP to be accepted

as a patient on a temporary basis. They can receive emergency treatment from a GP surgery for up to 14 days.

Individuals may access health advice and care by telephoning 111, or by attending an NHS Walk-In / Minor Injuries Centres, or an Accident or Emergency Department in an emergency situation.

COVID 19 Response

The ERG will work closely with NHS Partners and Public Protection to identify and minimise any risk to the Traveller community posed by the pandemic. The Local Authority will continue to protect the public by ensuring local outbreaks are managed quickly and effectively and will continue to offer support and advice to Traveller families as set out in the Government roadmap. (March 2021).

Council: Homelessness and Housing Advice

Gypsy, Roma and Traveller people can make a housing application if they consider themselves homeless. All homeless applications will be dealt with in accordance with the Housing Act 1996, Part VII, as amended by the Homelessness Act 2002; and the Homelessness Reduction Act 2018, whilst having regard to the Homelessness Code of Guidance and relevant case law. The welfare assessment should identify any housing need and homelessness and make any relevant referrals.

Out of Hours (Emergency Procedure)

Should any concerns arise regarding an unauthorised encampment out of normal office hours (8.30am – 5pm Monday to Friday) If there are criminal concerns, Northumbria Police should be contacted on 101.

GYPSY, ROMA AND TRAVELLER WELCOME PACK

WHAT YOU NEED TO KNOW DURING YOUR STAY

Contents:

- 1) Welcome
- 2) Encampments
- 3) Day of arrival
- 4) Moving on
- 5) Support Available

1) Welcome to the City of Sunderland

Sunderland City Council aims to:

- Meet the needs of all residents, including those staying for a short time
- Make sure Gypsy, Roma and Traveller communities have fair and equal treatment
- Protect the interests of our settled communities

The council provides the residents of Sunderland, including you, with a range of services and support such as:

- Public health
- Housing
- Adult social care
- Education
- Children's welfare
- Sport and leisure
- Community safety.

You can find out more on our website: www.sunderland.gov.uk

2) Encampments

Currently there are no Gypsy, Roma and Traveller sites in Sunderland.

- We accept Unauthorised Encampments on our land if the location is safe and suitable.
- We'd like you to be able to stay with us for as long as you need, however this is not always possible.
- Your length of stay on an Unauthorised Encampment will be discussed with you and determined on a case-by-case by the Encampment Review Group (ERG).
- Not all locations are suitable and areas which are not safe or suitable must be vacated immediately.
- Please respect our local communities and stick to our Code of Conduct to make your stay safe and happy for all.

3) Day of Arrival

We will always treat you fairly and with respect. You can contact us via **07765428809 or 07443202322 and we are happy to chat on the phone or by text message.**

Support Officers will examine the site suitability within 24 hours

We will take photographs to record conditions of the camp

If the site is suitable a Welfare Assessment will be carried out to help identify if you need any support around: -

- Housing
- Children, Young People and Families
- Hate crime
- Your Health
- Domestic Abuse
- Access to NHS services, GPs, NHS Walk-In, Minor Injuries Centres, A&E, Dentist, Pharmacist, Optician
- Rubbish bags
- Advice about your stay

Code of Conduct

Our Code of Conduct must be adhered to whilst you remain on site. If you break any of these conditions you could be evicted immediately. You must:

- Work with Council officers and police officers who visit the site
- Provide the correct information to help us support your stay
- Leave a space of 6 metres between each caravan and Park vehicles safely
- Keep, and leave the site clean and tidy
- Put all rubbish in rubbish bags or bins – we will organise regular collection
- Keep noise to a minimum, especially after 10.30pm and before 7.30am
- Keep all animals under control and clear up all 'mess'
- Respect the community where you are staying
- Do not allow any other caravans onto your site.
- Do not take part in anti-social behaviour or criminal activity.
- Do not damage any facilities provided, or the local environment including trees and shrubs
- Do not leave children unsupervised on site.
- Do not use the site to undertake commercial or business works.

4) Moving on

You must leave the area in the same condition as when you arrived.

You must place all litter or rubbish in bags/bins provided. (Evidence of fly tipping will be used for consideration of separate legal action).

Please notify a Housing Officer Vulnerable Groups by contacted or texting **07765428809** or **07443202322** that you are leaving.

Sunderland City Council - Enforcement Powers Explained

Depending on the circumstances of the Unauthorised Encampment, the Council will use one of the following powers/procedures:

- Part 55 Civil Procedure Rules – the Council (as Landowner) will apply to the County Court for a possession order which will be enforced by eviction overseen by either County Court Bailiffs or High Court Bailiffs
- Section 77 Criminal Justice & Public Order Act 1994 – the Council will issue a direction to leave and any person who fails to comply commits a criminal offence
- Section 78 Criminal Justice & Public Order Act 1994 – the Council may issue a summons for breach of Section 77 (above) and obtain an Order from the Magistrates Court authorising the Council to effect eviction within 24 hours.

The Council will apply the most appropriate legal route depending on the specific circumstances of the case.

Moving on - Useful Contacts

Northumberland Council

www.northumberland.gov.uk/Housing/Travellers

0345 600 6400

North Tyneside Council

www.my.northtyneside.gov.uk/category/1452/traveller-communities

(0191) 643 6542

South Tyneside Council

customerhelp@southtyneside.gov.uk

0191 427 7000

Newcastle Council

www.newcastle.gov.uk

0191 278 7878

Gateshead

www.gateshead.gov.uk/article/5933/Gypsies-and-Travellers

0191 433 3000

Durham County Council

grtservice@durham.gov.uk

03000 26 0000

5) Support available

- Friends, Families and Travellers - gypsy-traveller.org
- The Traveller Movement - travellermovement.org.uk
- Leeds Gypsy and Traveller Exchange, Leeds GATE - leedsgate.co.uk
- Gate Herts - gateherts.org.uk
- GRT Police Association - grtpa.co.uk