

Subject: Unauthorised Gypsy and Traveller Encampments

Director: Chief Operating Officer

Officer Responsible: Richard Webb, Assistant Director Environmental Health and Licensing

<p>Background and Reason for Briefing Note</p>	<p>This paper provides a briefing on unauthorised Gypsy and Traveller encampments in the Cherwell area and the response to these provided by the council and its partners. It also provides an overview of two measures which can reduce the negative impact of unauthorised encampments: the provision of transit sites and the use of injunctions.</p>										
<p>1.0 Introduction</p>											
<p>1.1 An unauthorised encampment occurs when trespassers enter and occupy land belonging to private landowners or local authorities without permission. Unauthorised encampments occur on car parks, highway verges, parks, fields and any other area of accessible land. They occur frequently throughout the year and can cause significant concern to the local settled community. However, the council has in place arrangements for responding to these encampments in partnership with Oxfordshire County Council utilising the range of legal powers available to local authorities.</p> <p>1.2 This briefing does not address unauthorised development. This is a situation where land is developed by the land owner, or there has been a material change of use of land, without the appropriate planning approval being secured in advance.</p>											
<p>2.0 Details</p> <p>Unauthorised Encampments in Cherwell</p>											
<p>2.1 The table below summarises the unauthorised encampments in the Cherwell area recorded by the county council Gypsy and Traveller Service. A full list of encampments showing the locations and the number of vehicles involved is included in annex 1 of this paper.</p> <table data-bbox="204 1780 667 1966"> <thead> <tr> <th>Year</th> <th>Number of encampments</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>5</td> </tr> <tr> <td>2016</td> <td>14</td> </tr> <tr> <td>2017</td> <td>16</td> </tr> <tr> <td>2018 (to 1st December)</td> <td>28</td> </tr> </tbody> </table> <p>These encampments were spread across county council land (car parks), highway verges, district or town council land (e.g. parks), open land (e.g. village greens) and private land.</p>		Year	Number of encampments	2015	5	2016	14	2017	16	2018 (to 1st December)	28
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- 2.2 Council officers who work regularly with Gypsies and Travellers know that most Gypsies and Travellers are very habitual. In particular, they will regularly return to areas that their relatives have travelled to especially when they can find work in those areas.
- 2.3 Oxfordshire has two main transit routes running through it; the M40 motorway and the A34 trunk road. As a result, the towns of Banbury and Oxford are visited by Gypsies and Travellers as stop off points when they travel through the county. The county council Gypsy and Traveller Service has met the same families visiting the same areas over a number of years and expect that this will continue. Whilst there are a number of different reasons for the families choosing to travel and camp in the County, it is noticeable that there are three particular groups that are commonly seen-
- Those who live in “bricks and mortar” homes most of the year but who travel to teach their children Gypsy and Traveller cultural ways.
 - Those that live on a local authority permanent site or a private site who, again, travel at times to teach their children their cultural lifestyle.
 - Those passing through the county who stop in Oxfordshire either to rest or to look for work.

All three of these types of families, in most cases, do not cause any problems to the local community. They abide by our Code of Conduct and bag their rubbish for collection and do not fly tip any waste.

- 2.4 Most encampments experienced in Cherwell over the last few years were of relatively short duration and caused no significant problems to the local community. In most cases the campers left on their own volition after enforcement processes had been commenced. However, a minority of encampments cause more significant problems. Of most note recently was the large group that occupied various car parks around Oxford, mainly between December 2017 and April 2018. This group of Travellers occupied 14 locations (including 2 park and ride car parks in Cherwell) and on average contained around 35 caravans and 25 vehicles. Each location occupied was high profile and resulted in a loss of amenity for the local community (for example, we estimated the loss of income from a car park for a single day the group was camped in that car park was over £500). The total cost of evicting the Travellers, repairing damage done, clearing up waste left and defending the land against further incursion was over £60,000 (excluding council staff time). The response to this group required the investment of time and funds from 3 different local authorities, the Police, Chiltern Railways and 2 private land owners. This group has recently returned and re-occupied the park and ride car parks around Oxford.
- 2.5 Many of the encampments cause significant local concern and generate comments on community social media forums or result in pressure on elected members and Parish Councils. Many members of the local community affected by encampments do not report any crime or anti-social behaviour to the Police through fear of reprisals. This presents challenges when responding to the encampment as problems experienced and discussed anecdotally cannot be used as part of the decision making process or supporting evidence for enforcement action.

3.0 Our Response

- 3.1 Our response to unauthorised encampments is led by the county council’s Gypsy and Traveller Service. This team is authorised to act on our behalf in responding to encampments on our land and Parish Council land.

- 3.2 On being notified of a new encampment, the Gypsy and Traveller Service will attend the site and liaise with the campers to ascertain their intentions and situation. They also liaise with the Police to ascertain if the Police will be using their powers to require the campers to move. They will issue the campers with a Code of Conduct and black bin bags. Compliance with the Code of Conduct is voluntary. Through informal and formal means the team will then seek to have the campers move on and mitigate the impact of the encampment on the local community. The team, with our support, will also manage communications with stakeholders, including elected members, the parish council and other local community representatives. We do not pay the county council for this service but will need to pay for bailiffs or enforcement agents should they be required.
- 3.3 Annex 3 of this paper contains a draft Member guide to unauthorised encampments which contains details of how to report new encampments.

4.0 Legal Powers

- 4.1 Local Authorities have a number of powers available to them which can be used to require campers to leave land they are occupying without permission. Most of these powers require us to follow processes which can take some time (approx. 3-4 weeks and sometimes longer). In order to maximise the chances of success in any court hearings which may be required as part of these process it is important that local authorities consider the welfare needs of the campers. Of particular note is the need to identify and contact the landowner before any action can be commenced and this can sometimes take several days. Annex 2 of this report includes a summary of the powers available to local authorities and the processes which must be followed to exercise them.
- 4.2 It should be noted that the Police have stronger powers to require people to leave land they are occupying without permission than local authorities do. Providing certain conditions are met, the Police can require campers to move immediately and not return to the land. However, the Police will only use these powers if they consider it necessary and proportionate to do so. In general, they will not use these powers without there being a public safety risk or identifiable crime and disorder resulting from the encampment.

5.0 Target Hardening

- 5.1 As will be seen from the detail in annex 1, campers frequently occupy the same areas of land. After each encampment has been removed, the Gypsy and Traveller Service will consider what measures could be taken to reduce the likelihood of further encampments on the land. In practice it is very difficult to defend land from further encampments, especially land which needs to be accessible to normal vehicles (e.g. car parks). Effective measures can be expensive and given the large number of locations that may be targeted by illegal campers it is practically impossible to reduce unauthorised encampment numbers by target hardening alone.

6.0 Government Consultation Paper

- 6.1 In May this year the Government issued a consultation paper on powers to respond to unauthorised encampments. This paper sought views on the adequacy and deficiencies in both Police and Local Authority powers in respect of both unauthorised encampments and unauthorised developments. The consultation sought views on the potential to criminalise unlawfully occupying land and on the use of transit sites (see below). We provided a

response to this consultation.

7.0 Thames Valley Police and Local Authority Joint Protocol

- 7.1 Following a Police and Crime Panel discussion on the response to unauthorised encampments, Thames Valley Police led the development of a joint Local Authority and Police Protocol for responding to these encampments. The aim of this protocol is to ensure that a consistent approach is adopted to dealing with unauthorised encampments across Thames Valley and that any use of available powers is proportionate, non-discriminatory and compliant with the Human Rights Act 1998. In addition, the protocol seeks to ensure that Local Authorities and Thames Valley Police work together to effectively manage unauthorised encampments and minimise their impact.
- 7.2 The protocol confirms that responsibility for dealing with an unauthorised encampment initially rests with the landowner. It also states that local authorities are the lead agency for unauthorised encampments. The introduction of the protocol was supported by an internal training programme to improve the consistency of the local policing response to unauthorised encampments.

8.0 Public Communications

- 8.1 One of our key challenges when responding to unauthorised encampments is in ensuring good communication with the local community. When a new encampment arrives in a local area the issue can quickly escalate with many residents directing emails requesting action or information to local elected members, parish councils, the Police and us. Frequently, we see rumour spreading quickly on local social media forums. Residents also continue to seek updates or progress reports and explanations of why the encampment has not been moved. This can be challenging to manage and result in reputational damage.
- 8.2 The Gypsy and Traveller Service provide regular email updates to identified stakeholders, including local elected members, when they are managing a new encampment. They also provide a weekly update sheet to a wide group of interested parties summarising the status of all known encampments. For problematic encampments Oxfordshire County Council will create a mini-news site on their website which stakeholder and communities can refer to for up to date information.

9.0 Transit Sites

- 9.1 Transit sites are Gypsy and Traveller sites which are maintained for short-term use only. Travellers arriving in the area are permitted to stay on these sites for a maximum period and pay rent whilst they do so. The Police have stronger powers to require Travellers to move from unlawful locations if there is space for them on a Traveller site in the local authority's area.
- 9.2 The availability of a transit sites may have an impact on the number of local unauthorised encampments in some circumstances. If space is available on such a site and the Police have sufficient resources available to use their powers to require campers to move, a quick resolution to an unauthorised encampment can be achieved. However, transit sites are not a solution to all problems related to unauthorised encampments.
- They are difficult to create, with proposals often facing considerable opposition from local communities.

- Travellers frequently wish to stay in a certain locality (e.g. near a hospital or town). Therefore, the provision of a transit site in another part of the local authority's area may provide the Police with the power to require the campers to move from a certain location but may only result in the campers moving to another unauthorised location if the transit site is not where the campers wish to be.
- Transit sites are expensive to maintain, suffering high incidence of damage to facilities.
- Transit sites need to be sufficiently large to accommodate the larger groups of Travellers, which tend to be the most problematic groups.
- Where there is not sufficient capacity for Travellers on permanent sites in a location, a transit site can be misused, with Travellers remaining on the site for long periods. This negates the benefits of the presence of a transit site when dealing with further unauthorised encampments and results in the local authority needing to take repossession action to remove Travellers from the transit site.

9.3 The Council, as part of its approved Local Development Scheme, is committed to carry out a Review of the Cherwell Local Plan. As part of that process the issue of the location and level of provision of Gypsy and Traveller sites, both permanent and temporary, will be assessed. A 'call for sites' will be made which will test the market's appetite to put forward land for a range of purposes, including for Gypsy and Traveller sites. Any such sites that may come forward would then need to be considered against land use policy and other material planning considerations. These matters will form part of the formal public consultation that must be carried out as part of the Review process.

10.0 Injunctions

- 10.1 Several local authorities have had success in securing injunctions to address problems of unauthorised encampments. Injunctions can have the effect of banning named persons (or, in some cases unknown persons) from setting up illegal encampments in defined areas. The effectiveness of these injunctions depends on whether the Court attaches a power of arrest to the order so that anyone in breach of the order can be arrested. In the absence of a power of arrest being attached to the order, to act on a breach the local authority has to seek a further order from the court and this can take several weeks to secure.
- 10.2 In all cases where injunctions have been secured the local authority sought the injunction as a result of persistent and large-scale encampments occurring in their area. An application for such an injunction will need to be supported by evidence showing a historical pattern of unauthorised encampments (in the area to be covered by the injunction), the actual problems caused and that the local authority has attempted to deal with the encampments through using other powers available to them. Injunctions have only been granted to date where there is evidence of large numbers of encampments on the land concerned and that these encampments have caused problems to the local community (e.g. community tensions, fly tipping, etc).
- 10.3 In a recent presentation on the background to an injunction secured by Basingstoke and Dean Council they commented that the evidence pack for the application contained approximately 30 witness statements and a dedicated officer took 4 months to gather all the required material for the hearing.
- 10.4 The Thames Valley Police and Local Authority Protocol is being reviewed after the first year of operation. We will evaluate the potential use of injunctions as part of this review process with consideration of their use elsewhere and the need for consistency across the county.

11.0 Conclusion

- 11.1 Our response to unauthorised encampments in the district is based on a long-standing relationship with the County Council. Addressing unauthorised encampments through use of the legal powers available to local authorities can take time and good communication with the local community during this time is important. Most unauthorised encampments are resolved promptly and without any significant issues arising for the local community. However, some prove more problematic and greater support is required for the local community whilst the encampment remains.
- 11.2 There are no opportunities available to the council which would eliminate future unauthorised encampments in the district. Preventative measure can be costly with no certainty that they would have a significant impact on the number of unauthorised encampments that are experienced.
- 11.3 Elected Member awareness of the processes that are followed when a new unauthorised encampment is identified, and the council's powers to deal with the encampment, can aid communication with the local community. The Guide for Members in appendix 3 will be provided to all members to raise awareness of the processes for reporting new encampments.

12.0 Information

Links to Corporate Plan and Policy Framework

The councils' work to respond to unauthorised encampments supports our organisation vision to create great places to live, work, visit and invest and the business plan priorities to tackle environmental crime and maintain the district as a low crime area. The partnership approach, working with Oxfordshire County Council, supports our Public Value objective to provide efficient and effective services.

Lead Councillor

Councillor Andrew McHugh, Lead Member for Environment

13.0 Appendix :

- Appendix 1 Details of Unauthorised Encampments
- Appendix 2 Summary of Powers and Processes
- Appendix 3 Member Guide and Reporting Processes

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