

Sunderland City Council

Unauthorised Encampment Policy

April 2018

(Revised April 2019)

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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 Gypsies and Travellers, in a way that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community. This is in line with Government guidance and legislation.

The Council has established an Unauthorised Encampment Policy with accompanying guidance and procedures to ensure a consistent approach to unauthorised encampments within its administrative boundary. In line with Government guidance, the Policy encourages an acceptance approach to unauthorised encampments.

For the purpose of this policy, an acceptance approach is one that allows those of a nomadic lifestyle, including Gypsies and Travellers, to stay on an authorised encampment, providing that the location is suitable and specified criteria relating to conduct is met.

This Policy and its associated procedures provide clear guidance for the Council and its partners regarding suitable locations for unauthorised encampments and appropriate behaviour whilst within the administrative boundary of the City of Sunderland. It also sets out the most appropriate course of action that should be taken by all necessary organisations when an unauthorised encampment occurs.

Background

There are a number of ways that Local Authorities can deal with unauthorised encampments and this is published in the Government’s advice of March 2015 “Dealing with illegal and unauthorised encampments”. The two main options are acceptance or removal from the site.

Unauthorised encampments over the last three years have been temporary in nature and for short periods of time, whilst Gypsies and Travellers are passing through the administrative boundary. Due to the nature of unauthorised encampments within the administrative boundary, the acceptance approach has been recommended as the most effective and efficient approach of meeting the needs of the City, the settled community and travelling groups.

The original Gypsy and Traveller Accommodation Assessment* indicated a need for some form of stop-over provision to accommodate up to 5 pitches. A further addendum to this assessment in 2017 indicated an acceptance approach for unauthorised encampments was the most appropriate solution to meet the City’s current needs.

Currently there are no allocated sites for Gypsy and Traveller provision within the administrative boundary of the City of Sunderland.

Footnote

*Sunderland and South Tyneside Gypsy and Traveller Accommodation Assessment March 2014 and revised in 2017
<https://www.sunderland.gov.uk/media/19048/Sunderland-Gypsy-and-Traveller-and-Travelling-Showpersons-Accommodation-Assessment-2017->
[/pdf/17_Sunderland_Gypsy_and_Traveller_and_Travelling_Showperson_Accommodation_Assessment_\(2017\).pdf](https://www.sunderland.gov.uk/media/19048/Sunderland-Gypsy-and-Traveller-and-Travelling-Showpersons-Accommodation-Assessment-2017-/pdf/17_Sunderland_Gypsy_and_Traveller_and_Travelling_Showperson_Accommodation_Assessment_(2017).pdf)

The Key Policy context and cultural perspective is set out in Appendix One.

Aims of the Policy

This policy aims to ensure that the Council and relevant partners. (Partnership Working is set out in Appendix 2) meet their obligations in relation to unauthorised encampments effectively and consistently within the administrative boundary of the City of Sunderland.

The Council is committed to ensuring that members of Gypsy and Traveller communities should be treated as equally and fairly as members of the settled community.

The Council and relevant partners aim to meet the needs of all travelling groups with regard to education, welfare and homelessness duties. Organisations should follow this Policy and associated procedure to protect the welfare needs of campers setting up unauthorised encampments.

Overall, the policy aims to:

- help promote good community relations and avoid the conflict and controversy associated with unauthorised encampments;
- balance the rights and needs of resident communities with those of Gypsies and Travellers;
- manage unauthorised encampments in an efficient and effective way taking account of the potential level of nuisance for local residents and the rights and responsibilities of Gypsies and Travellers; and
- work with partners in other authorities, the voluntary and community sector and the Police to address issues of social exclusion amongst Gypsy and Traveller communities.

Policy

Sunderland City Council will accept an unauthorised encampment providing the location is suitable (Paragraph 1.3 of the Unauthorised Encampment Procedure) and providing that those staying on the site comply with the Council's Unauthorised Encampment Code of Conduct as set out in the "Sunderland City Council Unauthorised Encampment Welfare Assessment and Officers' Checklist February 2018)

The Council opts for acceptance in the first instance wherever possible when it is the landowner. However, legal action can be taken where deemed necessary. Powers available to deal with unauthorised encampments are set out in Appendix 3.

Monitoring and Review

Lead responsibility for the implementation, monitoring and review of this Policy lies with the Council's Head of Commissioning, within the People Services Directorate. Other organisations also have their own responsibilities for action within this Policy as set out in the key contact list within this policy.

The Council's Senior Housing Manager within People Services 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 will be invited to comment on any proposed significant revisions to the policy prior to amendment.

A report will be produced annually that will give details on the unauthorised encampments that have taken place in the administrative boundary of the City and the resultant enforcement action undertaken when this has been necessary.

On occasions where an unauthorised encampment has proved problematic a meeting may be called to look at working practices to ensure efficient and effective procedures are being followed. Changes in policy or procedures may be made as a result of these.

Key Contact Details

Contacts details provided are for multi-agency meetings that may arise due to an unauthorised encampment being on the highway. In the first instance all services should be co-ordinated through the Customer Services Network.

Service	Contact Name	Responsibilities	Contact Number/email
Council: Together for Children	Maureen Barrow Traveller Teacher	Education of children on the site.	0191 5615772 maureen.barrow@togetherforchildren.org.uk 0191 5615776
	Integrated Contact and Referral Team	Safeguarding – referrals and advice	0191 561 7007 – safeguarding.children@sunderland.gcsx.gov.uk
	Out of Hours Service	Safeguarding Children	0191 5205513
Council: Environmental Services	Ian Richardson, Assistant Director of Environmental Services	Cleansing Services	0191 561 4672 ian.richardson@sunderland.gov.uk
Council: Partnerships and Strategy	Kirsty McNally, Associate Policy Lead for Communities & Equalities Joanne Scott, Senior Policy Officer (Planning)	Policy advice and development	0191 561 7961
			0191 561 2440
			0191 5612432

Council: Development Management (Unauthorised Developments)	Dave Evans, Compliance Team Leader	Planning compliance and enforcement	0191 561 1157
Council: Communications and Corporate Affairs	Press Office	Media enquiries and press releases	0191 561 1136
Health Service	Deanna Lagun Head of Safeguarding Sunderland CCG	Access to primary health services	0191 512 8484
Council Commissioning, Health, and Social care	Head of Commissioning – Graham King	Lead responsibility for implementation, monitoring and review of the policy	0191 5618949 Graham.king@sunderland.gov.uk
Council: Housing Services	Housing Manager Karen Dunn Interim Assistant Director of Housing Liz McEvoy	To call and record actions of the Encampment Review Group On-going Engagement with all organisations involved in the implementation of the policy. Homelessness and housing advice	01915614567 Karen.dunn@sunderland.gov.uk 0191 5618930 Liz.mcevoy@sunderland.gov.uk
Council: Public Protection	Marion Dixon, Interim Assistant Director of Housing	Statutory Public Protection duties and advice. Enforcement	0191 561 1664 Marion.dixon@sunderland.gov.uk
Council: Valuation Team	David Gustard, Strategic Property Manager	Provide statement of ownership on land	0191 5612678 David.gustard@sunderland.gov.uk

		where the unauthorised encampment is based. Obtain a warrant of possession. Photograph site after any evictions from the site.	
Council: Legal Services	Louise McCallum, Solicitor Janine Schaffrath Senior Legal Assistant	Legal advice and court procedures	0191 561 1057 Louise.mccallum@sunderland.gov.uk 0191 561 1028 Janine.schaffrath@sunderland.gov.uk
Northumbria Police (Local Issues)	Local Area Commands	Policing, enforcement	0191 454 7555
Council: Central Security	Steve Eagling Emergency Planning & Security Manager Anthony Lee – security compliance officer	Initial site visits and initial welfare assessments. Post court order notices on site. Follow up enforcement action	0191 561 2644 Stephen.eagling@sunderland.gov.uk

Sunderland City Council

Guidance and Procedure for dealing with Unauthorised Encampments

April 2018

Overview

An unauthorised encampment will be visited by a Council Officer within a maximum of 48 hours of it being reported to the Council. It will be the responsibility of the officer attending as to what action (if any) is to be taken. A welfare assessment will be carried out on all unauthorised encampments and kept on file for monitoring purposes. Wherever possible the Council will seek to follow government guidance and accept encampments.

Acceptance

Acceptance will always be considered if the encampment is situated at a suitable location and is not on land where prevention works have been carried out (this is work that has been carried out specifically to prevent an unauthorised encampment such as boulders being put in place and car parks being gated or locked..) Government guidance suggests that if Gypsies and Travellers only wish to stay for a short time, are on suitable land and co-operative then acceptance should be given.

If the location is deemed as unsuitable (as set out within paragraph 1.3 of the procedure) then an alternative location will be identified and the unauthorised encampment would be notified. The location of this site will be ascertained at the time of the encampment and will take into consideration suitable available council owned land wherever possible. The Council may in exceptional circumstances work with partners to find a suitable alternative location should it ever be necessary to do so.

The length of stay for unauthorised encampments will be determined on a case by case basis and will be decided by the visiting officer. It is anticipated that this would be no more than 7 days. If there are exceptional circumstances and an encampment is going to stay for longer than 7 days, a council officer will call a case conference. A case conference involves all partner agencies who have a responsibility for Travellers (the partner list is on page 12 and 13) and is used to make any decisions that may affect an unauthorised encampment such as extension to stay or justification for a court order to be issued. All decisions will be made collectively as a group and the reason why will be recorded.

Any requirements that arise from the welfare assessment will be acted upon as soon as possible and the officer dealing with the requirements will log the information for monitoring purposes on the Welfare Assessment and Officers Checklist.

Where the Council agrees to accept an encampment for a period of time, the campers will be provided with a Code of Conduct and Information as to what they can expect from the Council and what will be expected of the encampment (the visiting officer will convey the code of conduct to the encampment to ensure understanding of it). Evidence of failure to follow the code of conduct can result in eviction action.

Eviction

There are a number of locations and situations that do not allow an acceptance approach to be taken. When this is the case, the welfare assessment will still be carried out and the decision to evict will be advised to the encampment. In some

instances immediate eviction will be appropriate. This is especially the case when the encampment is close to a busy highway that could pose a threat to the encampment or the settled community.

Procedure

All unauthorised encampments will be dealt with using the following guidelines

Notification

The Council should be advised of an unauthorised encampment as soon as practically possible. They will then act on the information given.

- 1.1 A member of the Central Security Team will seek to inspect the site within 48 hours (office hours) of the encampment being reported (other than in exceptional circumstances). On the initial visit, officers will carry out a welfare assessment (this will be done regardless of land ownership). If required, the Central Security Team will contact the police to offer advice to newly arrived families and inform them that they are now part of the local community and that the Police are working with them to look after their interests as well as those of the settled community. The initial visit must give consideration to any safeguarding issues in respect of children including unborn babies. The state of the site will also be noted on the first visit and recorded on the officer's checklist. A Housing Officer will accompany the security officers to site, if this is beneficial or necessary.
- 1.2 Following the initial visit, the council officer will consult the Land Terrier and an Estates Surveyor to determine who owns the site. If there are any welfare needs of the Travellers, the officer should make the appropriate referrals to the key contacts within 24 hours of carrying out the assessment. The officer visiting the site should always notify the Traveller Teacher if there is any evidence of children on the unauthorised encampment. If the officer has concerns for the children or the family are in need of services a referral must be made to the Children's Safeguarding Team.
- 1.3 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. All of which will be considered and recorded accurately on the welfare assessment and officers checklist by the Central Security Team. The criteria includes:
 - location of the encampment and whether there are any immediate safety implications to the Travellers or the settled community;
 - welfare needs;
 - length of intended stay;
 - nature, site suitability and land use or the obtrusiveness of the encampment;
 - size of the group, their behaviour and the level of nuisance;
 - number, validity and seriousness of any complaints received; and
 - Any other factors that may be appropriate to the location of the encampment.

If there are no concerns regarding the encampment, then the encampment can be accepted for a length of agreed time (Council officer's discretion on circumstances). A copy of the Code of Conduct will be provided and read through by the Council's Central Security Officer with the spokesperson of the unauthorised encampment. It

should be made clear that the eviction process will be followed once the agreed time period has expired if still present. If there are specific welfare needs highlighted or the encampment is on a highway, then an Encampment Review Group (see below) should be called (contacts can be found on the contact list in the unauthorised encampment policy). Environmental Services will be contacted by the central security team to arrange appropriate refuse collection within 72 hours of the first contact. If there is evidence of fly tipping then the use of CCTV will be considered in order to obtain evidence for prosecutions.

The following list sets out locations which would not normally be accepted by the Council for unauthorised encampments. This list includes the Government's standard list of unsuitable locations:

- a) a site of Special Scientific Interest (SSSI) where an encampment could potentially endanger a sensitive environment or wildlife;
- b) school car park or playing fields (especially in term time);
- c) an urban park;
- d) car parks that are governed by a Traffic Regulation Order; including hospital, supermarket or leisure facility car parks;
- e) recreation ground and public playing fields ;
- f) a site where pollution from vehicles or dumping could damage ground water or water courses;
- g) a derelict area with toxic waste or other serious ground pollution
- h) a village green or other open area within a residential area;
- i) the verge of a busy road where the encampment could pose a danger to the settled and travelling community;
- j) any land that compromises the contractual obligations of the City Council;
- k) 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
- l) sites where preventative steps have been taken to restrict access.

Following a welfare assessment being carried out, if (for Council land only) eviction is considered to be the most appropriate course of action, the encampment will be notified and court action will be pursued.

Land with Prevention Works

A number of unsuitable sites that have been used in the past for unauthorised encampments have now had preventative measures taken to avoid future encampments (such as installing gates, large boulders placed at entrances). If an encampment occurs on these locations, criminal damage would have been encountered to enable access to the sites. In these instances, the police will investigate the damage and take action accordingly.

Preventative measures may be used at the unsuitable locations listed above and at time may be considered on sites that are not listed above. The following criteria will be taken into account when deciding whether preventative measures will be taken:

- site ownership – only council owned land will be considered;
- other strategic objectives and requirements for the land such as housing or highways;
- the cost of prevention costs and how this can be funded;

- the number and nature of complaints made in relation to unauthorised encampments;
- consultation with the police and local representatives; and
- consideration of the consequences and risks of placing preventative measures on a specific piece of land e.g. will the encampment move to another piece of land within the City or nearby.

It would be the decision of Property Services in consultation with the Encampment Review Group (see below) whether preventative measures would be taken.

Encampment Review Group (ERG)

The ERG meeting is a non standing body to enable a multi-agency approach to decision making to advise and decide on the course of action to be taken where any unauthorised encampment is a cause for concern including breaches of the “Code of Conduct”, confirmed reports of criminal activity, environmental impact, unsuitable location and large or long term encampments.

The Encampment Review Group will invite representatives from the key contacts listed within this policy, including Council, police and Health representatives. Representatives from the Gypsy and Travelling Community may also be invited. It would be expected that those attending the ERG had an understanding of Gypsy and Traveller issues.

If an unauthorised encampment is causing concern or is on an unsuitable location, as set out above then an ERG will be called by the Council’s Senior Housing Manager or Housing Manager to discuss options, including enforcement and eviction. Where it is the case that the only issue is that the length of the encampment has lasted beyond what was agreed or beyond a seven day period the ERG will the next steps via email communication rather than call a physical meeting.

The eviction/court process can differ between locations and robust evidence is required to pursue eviction, however, both require a multi-agency approach and therefore an ERG is needed. Members of ERG must demonstrate that the eviction is being carried out due to the safety of the people residing on the unauthorised encampment. The ERG will ensure any decisions taken are fair and transparent and that there are no outstanding welfare issues.

The ERG will consider all of the issues that have been presented outlining why an eviction is being considered for the unauthorised encampment. The ERG case conference will be fully recorded by the Council’s Housing Manager or Senior Housing Manager (Neighbourhood Directorate) to ensure that the decision making process and subsequent decisions taken are clear and that the process is robust and able to withstand scrutiny – especially in respect to any future court/appeals hearings. The record of the meeting will be circulated by e-mail (where possible) by the Council’s Housing Manager or Senior Housing Manager within 5 working days of the ERG case

conference to all attendees of the meeting for verification purposes. (Records will be assumed to be accurate unless amendments are received 5 days after receipt.)

All welfare needs must be disclosed in order to make a full informed decision on what action will be agreed. A representative from the Council's Safeguarding Team will be present, if there are any safeguarding issues.

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

Eviction

Council Owned Land

The Council has two main powers to tackle unauthorised encampments. Firstly, it can obtain a possession order in the civil courts using Part 55 of Civil Procedure Rules which allows any 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 (s77), gives Local Authorities powers to make directions to leave land being used by itinerant groups. Use of either of these powers is dependent upon a welfare assessment of the family's needs being carried out and the outcome of them.

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

- A member of the Central Security Team will obtain plans showing the site. This may contain other Council owned land which the travellers may not move onto.
- The Council's Valuation Team based on the information provided by Central Security will forward the necessary paperwork and plans to the Council's Solicitor to enable them to prepare the statement of ownership and will assist in the completion of this.
- A member of the Central Security Team will instruct a Security Officer to post notices on site in clear plastic sleeves marked to 'the occupiers'.
- Security Officer will give details to City Solicitor to enable a statement of service to be prepared.
- Security Officer to post court order on site.

In the event of Travellers failing to leave:

- The Council's Valuation Surveyor to liaise with the Council Solicitor to obtain a warrant of possession
- If appropriate or necessary, a Security Officer from the Central Security Team will liaise with bailiffs who will enforce the order, (with police presence to prevent any breach of the peace)
- When Travellers leave a site, a Valuation Officer should inspect and photograph site and if necessary place an order with Environmental Services to have the site cleared.

Highways Land

This process will be carried out following the decision being made at the ERG case conference.

If the encampment is on Council land, and is Highways land, the Council will issue a 'Direction', in line with the requirements of the Criminal Justice and Public Order Act, which instructs the unauthorised campers to leave on a particular date and time.

In the event of Travellers failing to leave:

Once a 'Direction' has been issued and contravened by the campers, the Council can apply to the Magistrates' Court under Section 78 of the Criminal Justice and Public Order Act. If the Magistrates' Court is satisfied that a contravention of the 'Direction' has occurred, the Court can authorise the Council to remove the campers and their vehicles 24 hours after the Court Order has been served.

If the campers 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 subjected to Police arrest and prosecution.

Private Landowners

Where campers are on land that they do not own without the owner's permission, they are 'trespassers'. Many encampments can be dealt with through negotiation but where this is not possible action can be taken to remove them from the Land. Private landowners, local authorities and the Police all have powers to deal with unauthorised encampments. (March 2015 Dealing with illegal and unauthorised encampments).

Where there is a wrongful act of trespass, landowners can ask a trespasser to move and, if they refuse, may use reasonable force to remove them. Landowners may, for example, privately employ bailiffs for this purpose. Alternatively, a landowner 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 land owner to seek vacant possession. (Due to the complexities associated with common law trespass on private land, the Council would suggest that the private landowner seeks the instruction of a legal professional as to ensure that they do not infringe the law in any way). The Council will carry out a welfare assessment. The Council will only pursue eviction on private land in exceptional circumstances. These circumstances would be reviewed and agreed at a case conference prior to any decisions being made.

Police Powers

Northumbria Police can only use the powers they hold after they are confident and completely satisfied that the Council has exhausted all of their legal options.

Powers to remove trespassers on land under CJPOA s.61. The police may direct trespassers to leave any land (other than land forming part of a highway) if two or more people are trespassing with intent to take up residence and if reasonable steps have been taken by the landowner to ask them to leave. This is a discretionary power and any one of three further conditions must be met:

- any of the persons has caused damage to the land or property on the land;
- any of the persons has used threatening, abusive or insulting behaviour towards the occupier, a member of his family or an employee or agent of his;
- that those persons have between them six or more vehicles.

It is an offence to fail to comply with a direction to leave or to return to the land within three months, punishable by up to three months imprisonment and/or a fine of up to £2,500 (at the current time).

CJPOA s.62 allows the police to seize and remove vehicles if a direction under s.61 has not been complied with or the trespassers have returned to that land with a vehicle within a period of three months from the date of the direction under section 61.

Power to remove trespassers where a suitable pitch is available under CJPOA ss.62A-E can be used by the police where all of the following conditions are met:

- at least two persons are trespassing;
- the trespassers have between them at least one vehicle on the land;
- the trespassers are present on the land with the common purpose of residing there for any period;
- the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land; and
- If it appears to the officer that the person has one or more caravans in his possession or under his control on the land, that there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans (S62A(d))

The issue that surrounds the police eviction under section 62A-E is that they can only intervene if the city has an alternative site within the Council's administrative boundary to direct travellers onto and the Police have to be confident and completely satisfied that the Council has exhausted all of its powers in the first instance.

Unauthorised Developments

Should a land owner allow the change of use for his land, the Council would ensure that relevant planning permissions are secured in line with planning policy and follow the guidance set out for local authorities whereby the campers are Gypsies and Travellers the "Gypsies and Travellers: Guide to responsibilities and powers".

Out of Hours (Emergency Procedure)

Should any concerns arise regarding an unauthorised encampment out of normal office hours (8.30am – 5.15pm Monday to Thursday and 8.30am to 4.45pm Friday) a message can be left for the Central Security Team out of hours on 5531999/1888 and

an officer will attend as soon as possible in office hours. If there are criminal concerns, Northumbria Police should be contacted on 101.

If there are any safeguarding or Child Protection concerns outside of normal hours, the Emergency Duty Team, Together for Children "Out Of Hours Service" can be contacted on 0191 5205513. Alternatively, if there are immediate concerns for the safety of the children the police should be contacted.

Animal Welfare

Any concerns in relation to animal welfare on unauthorised sites should be reported to the RSPCA on tel 03001234999. Please refer first to advice on animal welfare on the RSPCA's web site

https://www.rspca.org.uk/utilities/contactus/reportcruelty/-/articleName/ENQ_ReportCruelty

Sunderland City Council

Unauthorised Encampment Welfare Assessment and Officers' Checklist

February 2018

(This form is designed as a script for the visiting officer to directly ask the Gypsies and/or Travellers the questions included on it).

Unauthorised Encampment Welfare Assessment

Site Location

(Is this in a location that is listed as unsuitable?) **YES** **NO**

Date of Arrival

Date of intended Departure

Number of vehicles on site

Number of caravans on site

To ensure we are meeting the needs of you and those with you, we would like you to complete this welfare assessment.

Contact Name

Contact Tel No

Family

Approximately how many adults are on site?

Do you have any children with you? **Yes** **No**
(If yes, please complete the form at the end of the assessment if possible)

Do any of the children have any special educational needs? (if yes, **Yes** **No**
please give details.

.....

.....

Do any of the children with you currently receive education? **Yes** **No**
If yes, please give details (name and address of school and contact)

.....

If no, would you like information on education/schools? **Yes** **No**

Any additional information

.....
.....

Health

Does anyone with you have any on-going health conditions? **Yes** **No**

If yes, are you receiving treatment and where are you receiving treatment? **Yes** **No**

.....

If in Sunderland, when is next appointment?

.....

Is anyone on the site pregnant? **Yes** **No**

If yes, what is the due date?

Are there any known complications/issues? **Yes** **No**
(If yes, please give details)

.....

Are all maternity appointments up to date? **Yes** **No**
(If no, please give details of requirements)

.....

Which hospital are they intending to have the baby?

.....

Any other information

.....

.....

Housing

Is there anyone on the encampment who would consider themselves as homeless? **Yes** **No**

Does anyone on the encampment require housing advice?

Yes

No

Any other information

.....
.....

Other

Are there any cleansing requirements?

Yes

No

I agree that the information provided is correct, and that by ticking this box, I agree that it may be shared with other council departments and partners

OR

I have declined to provide Welfare Information to the Council Officer or their representative

Name

of

Officer

.....

Date

.....

Thank you for your co-operation.

Officers Visit Information/Notification List

			Date contacted (if yes)
Is education required to visit?	Yes	No
Is health information required?	Yes	No
Is a dog warden required on site?	Yes	No
Is cleansing services required?	Yes	No
Are there horses on site?	Yes	No
Are toilets required?	Yes	No
Is a water bowser required?	Yes	No

Land Ownership

Council Owned
(Department)

.....
.....

Privately Owned

(Owner details)

.....
.....
.....

Evidence of

Human Waste	Yes	No
Refuse/Waste	Yes	No
Fly tipping	Yes	No
Animals on site (If yes, what animals?)	Yes	No

.....
.....

Is the encampment being accepted?
(If no, please give reasons)

Yes

No

.....

.....

Travellers' Information

When you reside on an unauthorised encampment in the city, we will (regardless of location)

- visit to ask you about your circumstances and to carry out a welfare assessment. This will give you a chance to tell us about any specific factors that you feel should be taken into account before a decision is made about the future of the encampment.
- inform you of any decisions which are made about you and why they have been made
- contact agencies that you may need support from
- provide housing and homelessness advice should it be required
- treat you fairly and with respect
- provide refuse sacks and organise their collection
- deal with any complaints in a simple, honest and straightforward way in accordance with the Council's complaints procedure
- visit you regularly to check on the condition of the site and update on welfare needs as requested by yourselves

Code of Conduct

Whilst you are in the city, the Council may accept an unauthorised encampment for a short period of time. This is provided that you have not made an unauthorised encampment on the same land within the previous 3 months and provided that the site is not one which the Council considers to be unsuitable for camping.

When you are in the city, you must remember that you must behave in the same way that the settled community are expected to.

May we remind you that short term acceptance of an unauthorised encampment is subject to your compliance with this information sheet? Any breaches will be used as evidence in any action for eviction from the land.

You Must

- Keep groups of caravans small and appropriate to the size of the site
- Leave the site clean and tidy
- Keep noise within reasonable levels – when encamped near to the settled community, generators should not be used after 10 p.m. or before 7 a.m.
- Use toilets where provided, if no toilets are provided, do not go to the toilet in public view and do not leave used toilet paper lying around
- Keep all animals under control and all mess should be cleaned up. Appropriate action will be taken should dog fouling be evident
- Park vehicles safely and they should not obstruct public highways or rights of way
- Respect the community where you are staying
- Ensure litter or rubbish – this includes domestic waste and trade is disposed of in the correct manner i.e. bags/bins provided or local waste stations. (Any evidence of fly tipping will be used appropriately for consideration of separate legal action)

You Must Not

- Allow any other caravans on site that have not been logged on the initial visit
- Engage in any anti-social behaviour or criminal activity. Any instances of this will be reported to the police and dealt with accordingly
- Damage any facilities provided
- Chop down or damage any trees in the vicinity of the camp
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7837/143582.pdf

If you break any of these conditions you could be evicted immediately. Enforcement action will also be taken should any fines be issued.

We may use CCTV cameras, and other monitoring methods to ensure the land you are residing on is clean and tidy. If you have any information about anyone else bringing waste onto the site, please contact us immediately.

Please report any incidents of harassment to the Council or Northumbria Police on 0191 5205555 or 0191 454 5555 respectively.

Glossary

Gypsies and Travellers

This policy adopts the definition of 'Gypsies and Travellers' as set out within "Planning Policy for Traveller Sites" (PPTS) first published in March 2012 and updated in August 2015:

"Persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their families dependants' educational or health needs or old age, have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such."

In addition, updated PPTS (August 2015) adds the following 'clarification' for determining whether someone is a Gypsy or Traveller;

In determining whether persons are "Gypsies and Travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances'.

Unauthorised encampment

Trespassing by Gypsies and Travellers on land which they do not own.

Unauthorised Development

Development of a site on land owned by Gypsies and Travellers, but for which they do not have planning permission.

Appendix One

Cultural Perspective and Key Policy Perspective

Cultural Perspective

There are 58,000 people country-wide who have identified themselves as Gypsy or Irish Travellers in the 2011 Census. There are three main Gypsy and Traveller Groupings in England – traditional English Romany Gypsies, traditional Irish Travellers and New Travellers.

Gypsies are described as members of travelling people speaking the Romany language. Romany Gypsies are the largest group of Travellers, and have been in England since the early 16th Century. Since 1988 they have been recognised in law as a racial group. Irish travellers have been travelling in England as a distinct social group since the 1800's and they received legal recognition as a racial group in England and Wales in 2000.

Romany Gypsies and Irish Travellers groups are accepted as ethnic minorities under the Equality Act 2010. However, there are additional numbers of Welsh, Scottish and New Age Travellers. All groups have different economic, social, cultural and lifestyle characteristics and therefore cannot be treated as homogenous groups. They each have different practices and backgrounds, which mean they have different needs.

Key Policy Context

Equalities

Irish Travellers and Romany Gypsies are legally recognised as an ethnic group and are therefore protected from discrimination under the Equality Act 2010.

In April 2011, the public sector equality duty came into force in England, Scotland and Wales. The duty replaces the existing race, disability and gender equalities duties.

Section 149 of the Equality Act 2010 imposes a 'General Equality Duty' on all public bodies covered by the Act, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

Human Rights

The Office of the Deputy Prime Minister (now the Ministry of Housing, Communities and Local Government) set out guidance in 2006 stating, "Local authorities should ensure that, in accordance with their wider obligations, and to ensure that they comply with Human Rights legislation, proper welfare enquiries are carried out to determine whether there are pressing needs presented by the unauthorised campers and that, where necessary, the appropriate agencies are involved as soon as possible". The

policy takes into account the Council's responsibilities under the Human Rights Act 1998.

Safeguarding

The Council accordingly has due regard to legislation and to its policies and relevant guidance in assessing its response to unauthorised encampments which, if the need is identified, may require the provision of health, education, adult services, and housing. The Council has a duty to safeguard and promote the welfare of children in the city under the provisions of the Children Act 2004.

Accommodation Assessments

The Housing Act 1985 and the Housing and Planning Act 2016 requires local authorities to assess the need for Gypsy and Traveller (including travelling show people) accommodation in their areas at the same time as they assess the housing requirements of the rest of the population. The needs identified through the accommodation assessments inform the policies set out within the Local Plan.

Appendix 2

Partnership Working

Regional Working

The Council will always collaborate where necessary with neighbouring authorities to discuss any issues associated with unauthorised encampments that may have occurred prior to camping in Sunderland.

A sub regional officers group and regional officers group meet on an ad hoc basis to discuss any current issues around Gypsies and Travellers.

City Working

When dealing with unauthorised encampments the Council will work with all organisations that have a duty to Gypsies and Travellers. All organisations are accountable for their responsibilities to Gypsies and Travellers in the city. In order to keep the policy up to date all organisations referred to in this policy are responsible for providing policy updates on their specialist areas, namely the Council, Northumbria Police, Sunderland Clinical Commissioning Group and Tyne and Wear Fire and Rescue Service.

Council: Homelessness and Housing Advice

Gypsies and Travellers 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 that the unauthorised encampment may have caused? and make any relevant referrals.

Council: Children, Young People and Families

On visiting an unauthorised encampment, if the visiting officer on site believes there are children on site, the Traveller Teacher will be notified within 24 hours of the visit and will visit as soon as possible (in line with their working pattern). This is regardless of whether the campers highlight a need for education. This is in order to identify any educational needs for the time the campers are in the city. Community and Family Wellbeing will then be responsible for visiting the site as soon as they can to identify any requirements. Support will be offered including enrolment in schools where appropriate.

Council: Safeguarding

If there are safeguarding welfare requirements from Gypsies and Travellers a referral should be made by the officer in contact with the family to the Integrated Contact and Referral Team (Together for Children) at safeguarding.children@sunderland.gcsx.gov.uk. Advice can be sought by telephoning 0191 5617007. Out of hours the Emergency Duty Team can be contacted on 0191 5205513. Anyone working on behalf of the Council must have regard to the duty to safeguard and promote the welfare of children and adults, when working with Gypsy and Travelling families. Further information on safeguarding

Children is available at <https://www.sunderland.gov.uk/article/14086/Report-a-Safeguarding-concern-professionals-and-volunteershttp>:

Northumbria Police

The Police will deal with issues such as anti-social behaviour, public disorder, trespassing and criminal behaviour in relation to an encampment.

There are other powers that can be used; these are listed in Appendix 3.

Sunderland Clinical Commissioning Group (CCG)

Gypsies and Travellers are a small but significant group who continue to suffer from poor health and lower life expectancy. The Equality and Human Rights Commission reports that the life expectancy for Gypsy and Traveller men and women is 10 years lower than the national average. Gypsy and Traveller mothers are 20 times more likely than the rest of the population to have experienced the death of a child.

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. The 2010 NHS Constitution states that "No one can deny you the right to access these services because of your race".

Gypsies and Travellers 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. The application can be made using [form GMS3](#).

Anyone experiencing difficulties registering with a GP should contact their CCG, which has the power to allocate patients to a doctor's list. The visiting officer can assist where a camper may have difficulty in doing this.

It is not necessary to be registered where any treatment required is emergency or immediately necessary (i.e. treatment needed by a person that cannot be reasonably delayed). This must be provided free of charge by a GP regardless of whether the person is registered or not.

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. A list of all of these clinics can be made available should the welfare assessment identify a medical need.

Appendix 3

Powers Available to Deal with Unauthorised Encampments

Private Landowners

Landowners can ask a trespasser to move and, if they refuse, may use reasonable force to remove them. Landowners may, for example, privately employ bailiffs for this purpose.

A landowner can regain possession of their land by pursuing a claim for possession through the County Courts under Civil Procedure Rules 55. County Court Bailiffs can be used to remove trespassers from the land once a possession order has been granted.

Local Authorities

Criminal Justice and Public Order Act 1994, Section 77 - can be used to direct unauthorised campers to leave. If unauthorised campers fail to comply with a section 77 direction, local authorities can use a section 78 of the Criminal Justice and Public Order Act 1994 to take court action and obtain an order which allows the removal of campers.

Section 77 (1) – can be used by a local authority to give a direction requiring a Gypsy or Traveller who is residing in a vehicle within the local authority's area to move on where:

- They are on land forming part of a highway
- On any unoccupied land; or
- On any occupied land without the consent of the owner

A summary offence is committed where a person to whom such a direction has been given fails to comply with it. (There is a statutory defence contained in section 77 (5) – the failure to move due to illness, mechanical failure or other immediate emergency).

Police

Criminal Justice and Public Order Act 1994, Section 61 – can be used to direct trespassers to leave. The Police may direct trespassers to leave any land, if two or more people are trespassing with intent to take up residence and if reasonable steps have been taken by the landowner to ask them to leave. This is a discretionary power and any one of three further conditions must be met:

- Any of the persons has caused damage to the land or property on the land
- Any of the persons has used threatening, abusive or insulting behaviour towards the occupier, a member of his family or an employee or agent of his
- That those persons have between them six or more vehicles

However, a senior police officer would have to take into consideration whether it is appropriate to use the power, based on various factors, including whether

- There are other activities on the encampment, such as serious breaches of the peace, disorder, criminal activity or anti-social behaviour which would necessitate police involvement under their wider powers;
- Given the impact of the unauthorised encampment on the environment and the local settled community, it is reasonable and proportionate to use police powers;
- Action by the police legally sustainable;
- Sufficient resources are available.

It is an offence to fail to comply with a direction to leave or to return to the land within three months, punishable by up to three months imprisonment and/or a fine of up to £2500.

Section 62 allows the police to seize and remove vehicles if a direction under section 61 has not been complied with or the trespassers have returned to that land with a vehicle within a period of 3 months from the date of the direction under section 61. Vehicles would be impounded in an appropriate police facility with a fee payable for their return (Section 62c).

Section 62 (a)-(e) – gives the police the power to remove trespassers where a suitable pitch is available (for up to 3 months) in the same local authority area that the unauthorised encampment has occurred. This can be used where all of the following conditions are met:

- At least two persons are trespassing
- The trespassers have between them at least one vehicle on the land
- The trespassers are present on the land with the common purpose of residing there for any period
- The occupier of the land or a person acting on his behalf has asked the police to remove the trespassers to remove the trespassers from the land

If the unauthorised campers do not leave when directed to do so under Section 62a, or if they return within 3 months after being directed, they are committing an offence, and the police may then use their powers under Section 62b of the CJPOA to arrest and detain them. If the campers are subsequently convicted of an offence under the Act, they may be subject to a imprisonment (of not more than 3 months), or a fine not exceeding level 4 of the scale (currently a maximum of £2500)

The Local Authority will offer an alternative stopover area if the location of the unauthorised encampment is unsuitable or the police need to utilise their powers. This area of land will be determined on a case by case basis and take into consideration available council land at the time. Local Authorities will need to confirm that there is an appropriate alternative location available in the area before the police can use their powers.

Further information can be accessed at <https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments>