

Gypsies and Travellers and Protocol for Managing Unauthorised Encampments Presentation to Neighbourhood Scrutiny Panel 20/6/11

Definition of a Gypsy or Traveller

- 'Travellers' are defined in law as 'persons of a nomadic habit of life, whatever their race or religions', including:
 - such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have **ceased to travel temporarily or permanently**, and
 - members of an organised group of travelling showpeople or circus people (whether or not travelling together as such)."
- The arrival of Gypsies was first recorded in 1505 in Scotland and 1514 in England
- Various types of Travellers: Roma Gypsies / Irish Travellers English, Welsh and Scottish Travellers / New Age Travellers / Showpersons/Circus Travellers

Race Relations Amendment Act 2000 – Provides for the first time 'minority status' for Gypsies and Travellers, meaning they are protected by law against race and/or hate crime committed against them.

National and Local overview of Gypsies and Travellers

- Government requirement for all local authorities to carry out a bi annual caravan and pitch count. Latest figures available (July 2010) revealed:
 - 18146 caravans in England.
 - 1373 of which were in the North West
 - 31 which are in Salford (equates to 0.16% of the total number of caravans nationally)
- Bi annual pitch count revealed:
 - 4931 pitches in England
 - 375 pitches in the North West
 - 31 Pitches in Salford (0.62% of the total number of pitches nationally)
- Unauthorised encampments on council owned land:
 - 2008-9 Six sites
 - 2009-10 Thirteen sites
 - 2010 – to date Twenty seven sites
 - (council does not hold data about encampments on private owned land – land owner duty to take the appropriate action)

Issues faced by Gypsies and Travellers

- A MORI survey (2001) revealed that Gypsies and Travellers were the most reviled groups in terms of ethnic minorities, closely followed by asylum seekers and refugees
- Various amounts of academic research has highlighted the link between the lack of good authorised sites and the inequalities faced by Gypsies and Travellers. Examples include:
 - Average Life expectancy is 12 years less for women and 10 years less for men
 - 17.6% of Gypsy and Traveller mothers have experienced the death of a child compared to 0.9% of mothers from the settled population
 - 21% of all G&Ts living in caravans are classed as homeless because they don't have anywhere 'lawful' to park their caravan (less than 1 square mile of land in England would be needed to accommodate these 'homeless' G&Ts)
 - Only 40% of roadside G&Ts are registered with a GP
 - 85% of G&T women have never had a cervical smear test – compared to 20% in the settled community
 - 10% of G&T pupils attain 5 A-C GCSEs (based on figures from DoE for 2010) passes compared to over 50% of the settled population

What is the Protocol

- The Protocol brings together into one document the **current working practices** of Salford City Council and its partners when dealing with unauthorised encampments
- Outlines the role and responsibility of each organisation that has a part to play when dealing with unauthorised encampments
- Highlights the relevant legal and statutory duties that applies to unauthorised encampments, including good practice from other authorities and agencies from across the country.

What is the purpose of the Protocol?

- The protocol acts as a practical guide for all relevant agencies to be adhered to when responding to unauthorised encampments.
- Ensures that Salford City Council and its partners respond to unauthorised encampments in the city in an **efficient and legal manner**.
- To ensure that we act in accordance with the **Race Relations Act (1976), Human Rights Act (1998), Crime and Disorder Act (1998)** and the **Race Relations Amendment Act (2000)**,

History of the Protocol

- The previous Labour Government highlighted the importance for authorities to have a cross agency agreed protocol for managing unauthorised encampments
- Protocol written with oversight from the Gypsy and Traveller and Showpersons Steering Group (GTSSG)
- Written with involvement from various partners including:
 - Greater Manchester Police
 - Urban Vision
 - Riverside English Churches Housing Group
 - Salix Homes
 - Salford Primary Care Trust
 - The Gypsy Council
 - Elected members and officers representing a number of directorates including Education and Environment

Who is responsible for dealing with unauthorised encampments in Salford and why can't we just evict Travellers as soon as they set up an encampment?

- Urban Vision Partnership, in their role as property managers for all of Salford City Council, **act on our behalf** on matters relating to unauthorised encampments. This includes taking the decision to start eviction proceedings and dealing with enquiries from elected members and other interested parties.
- Local authorities have a duty towards unauthorised campers, under various legislation (mainly regarding children, education and homelessness). **Local authorities need to be able to demonstrate that they have taken into consideration** any welfare needs prior to making a decision to evict. This is to ensure that if the Courts are involved then we can **demonstrate that we have acted fully within the law**.

Role of Urban Vision

- Urban Vision act as co-ordinators of the processes required in matters relating to unauthorised Gypsy and Traveller encampments.
- This involves dealing with enquiries from elected members, local authority officers, the general public and other relevant agencies.
- Urban Vision ensures that all interested parties involved are kept informed about any matters relating to the encampment and ensures that there are open channels of communications between the Council and relevant agencies to ensure that appropriate action is taken to deal with encampments and any matters arising from it.
- Once the first notice of an unauthorised encampment is received, Urban Vision will seek to establish ownership of the site, as the responsibility of dealing with the encampment (in general terms) lies with the site owner.
- Urban Vision will also ensure that the Police are notified as soon as possible of any unauthorised encampments.

Role of Urban Vision

- If the site is in private ownership, Urban Vision will attempt to contact the owner or their agents and try to establish what action the owner plans to take.
- If the site is in Council ownership or is an adopted highway, then the Council can use its powers as landowners or the Highways authority to seek an eviction where necessary.
- In these circumstances there are a number of interested parties who need to be notified including the Police, the Gypsy and Traveller Liaison Officer and Uniqwin.
- With advice from Uniqwin, Urban Vision manages any eviction process
- Urban Vision ensures that relevant sections of the Council and their partners are kept informed and involved in any process. Where appropriate, Urban Vision will seek the assistance of relevant sections of the Council and partner agencies to manage the encampment or seek eviction. After vacation of a Council owned site, Urban Vision will co-ordinate any requirements for the site to be cleared and for the site to be re-secured if necessary.
- Urban Vision also provide information to the Council on yearly costs of Travellers to Salford and the setting of Budget Provision for finances to accommodate Travellers for forthcoming Financial Years.

Role of Gypsy and Traveller Liaison Officer

- Assess the needs of travellers at unauthorised encampments and identify any welfare issues.
- Address any welfare issues by referring to external agencies e.g. midwife, health visitor etc
- Feed back relevant information to partnership agencies (Urban Vision, Police, Uniqwin etc) to assist with decisions made for timescales for eviction.
- Encourage travellers to act responsibly whilst staying at an unauthorised encampments with an emphasis on the "code for travellers", as detailed in the protocol.
- Attempt to engage travellers at unauthorised encampments with the floating support service so that needs can be address and realistic goals can be achieved.

Some examples of support needs are:

- **Housing** (either assistance obtaining a pitch on an authorised site or applying for brick and mortar accommodation)
- **Benefits** (Assessing benefits, completing forms, liaising with DWP, reading and writing letters, assisting with appeals)
- **Debt** (completing income and expenditure, referrals to debt advice agencies liaising with agencies to implement payment plans, applying to trust funds)
- **Health** (registering with GP, liaising with health visitors/midwives, attending appointments etc)
- **Education** (liaising between families and traveller education services, provide information on college courses, literacy etc)

Role of Salford City Council's Legal Section

- If the Travellers fail to leave after service of a direction notice, the Legal Section is instructed to commence legal proceedings under s.78 Criminal Justice and Public Order Act 1994. Application is made under that section for an order that the Travellers must leave the land on which they are unlawfully camped
- The procedure is that a summons is taken to the Magistrates' Court, this is checked by the Court's legal advisor and then collected and sent to Uniqwin by email to be served. Normally, if the summons is taken to Court on day one, it is collected and served on day 2 or 3 and the application is heard on day 4 or 5, so the whole process should be completed within a week. The closure of Salford Magistrates' Court will no doubt impact on this, since applications will have to be made to Manchester Magistrates' Court which may find it more difficult to accommodate applications at short notice

QUESTIONS ?

Role of Urban Vision

The Urban Vision is a strategic document that sets out the long-term vision for the city and provides a framework for the development of the city's infrastructure and services. It is a key document for the city's planning and development process and is used to inform the development of the city's infrastructure and services.

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