

Agenda



Delegated Decisions - Cabinet Member for Regeneration & Housing

Date: Tuesday, 19 February 2019

To: Councillor J Mudd

Item

Wards Affected

- | | | |
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| 1 | <u>Gwent Regional Protocol for the Management of Unauthorised Encampments</u> (<i>Pages 3 - 54</i>) | |
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Report

Cabinet Member for Regeneration and Housing

Part 1

Date: 19 February 2019

Subject **Gwent Regional Protocol for the Management of Unauthorised Encampments**

Purpose To approve the attached Gwent regional protocol for the management of unauthorised encampments by gypsies and travellers.

Author Housing & Assets Manager
Housing Strategy & Development Manager

Ward All

Summary In accordance with Welsh Government guidance a Gwent regional protocol for the management of unauthorised encampments has been developed. This formalises existing arrangements and ensures a consistent approach is taken to the issue of unauthorised encampments.

Proposal **To approve the attached Gwent regional protocol for the management of unauthorised encampments by gypsies and travellers**

Action by Head of Regeneration, Investment & Housing

Timetable Immediate

This report was prepared after consultation with:

- NCC Senior Leadership Team
- Strategic Director - Place
- Head of Regeneration, Investment and Housing
- Housing & Assets Manager
- Head of Finance – Chief Finance Officer
- Head of Law and Standards – Monitoring Officer
- Head of People & Business Change
- Newport Norse

Signed

Background

An unauthorised encampment is an encampment of caravans and vehicles by Gypsies or Travellers on land they do not own or have permission to occupy. During the financial year 2017/2018 there were 14 unauthorised encampments recorded in Newport. Many were on sensitive land owned by the local authority such as, but not limited to, parks and the adopted highway.

Welsh Government has issued guidance on managing unauthorised camping which recommends that local authorities develop protocols for responding to unauthorised encampments when they occur. As the Police are major stakeholders in dealing with the issue the decision was taken to develop a joint protocol that covers all the local authorities within the Gwent Police area.

The protocol formalises many of the existing arrangements that are already in place for managing unauthorised camping in Newport. It ensures that all partners are clear about their roles and responsibilities. It establishes a consistent approach to the issue of unauthorised camping that is compliant with Welsh Government guidance. The protocol provides a decision making framework for agreeing a course of action in respect of individual encampments.

The protocol, and the decision making framework, will be used to show that the local authority has complied with its duties under the Human Rights Act 1998. This requires the local authority to demonstrate that a decision to require the cessation of an unauthorised encampment is justified, proportionate, and takes into account the occupant's rights to home, family and private life. It is vital that the local authority and their partners have this evidence before using their powers under legislation such as the Highways Act 1980 and the Criminal Justice and Public Order Act 1994.

Information gathered through the implementation of the protocol will be used to inform Newport's Gypsy and Traveller Accommodation Assessment (GTAA). Section 225 of the Housing Act 2004 places a statutory duty on local authorities to produce a GTAA and act on its findings.

If a decision is not made to sign up to this Gwent wide protocol the Welsh Government would expect the Council to develop its own protocol. This would be a lengthy and time consuming exercise and would require the co-operation of many of the organisations already participating in the Gwent wide protocol.

As the protocol is formalising an existing arrangement there is not expected to be any implications in terms of staffing. It is expected the protocol would be implemented as soon as it is approved by the Cabinet Member.

Financial Summary

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					As this is the formalisation of an existing process there are not expected to be any additional financial implications.
Net Costs (Savings)					
Net Impact on Budget					

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Decisions related to unauthorised encampments are challenged	M	L	The protocol contains a decision making process which compiles evidence in support of any decision.	

Links to Council Policies and Priorities

The Newport Community Well-being profile makes specific mention of Newport's Gypsy and Traveller population and their distinct needs. The Council's Corporate Plan outlines the priorities for Newport over the next five years and contains a number of objectives. Wellbeing objective number four refers to building cohesive and safe communities. The protocol ensures that unauthorised encampments are managed in a consistent manner that considers the needs of both the occupants and the community.

Options Available and considered

Option 1 - To agree and approve the attached Gwent regional protocol for the Management of Unauthorised Encampments; or

Option 2 - To request amendments are made to the current protocol; or

Option 3 - To develop a stand-alone protocol for Newport City Council for the Management of Unauthorised encampments.

Preferred Option and Why

Option 1 - To agree and approve the attached Gwent regional protocol for the Management of Unauthorised Encampments. This will ensure the local authority is acting in a way that is compliant with legislation and national guidelines on managing unauthorised camping.

Comments of Chief Financial Officer

The proposal to approve the Gwent regional protocol formalises existing arrangements and as such has no further financial implications. The management of unauthorised encampments of gypsies and travellers is dealt with through existing budgets so approval of the protocol adds no further pressure to these budgets.

Comments of Monitoring Officer

The Welsh Government Guidance on Authorising Unauthorised Camping 2013 requires that local authorities develop strategies for managing unauthorised encampments in their areas, in conjunction with other partners such as the Police and the Health Board, and be responsible for overseeing and monitoring its implementation. This draft protocol meets the requirements of the statutory guidance and provides a uniform and consistent approach for dealing with unauthorised encampments throughout the Gwent area. The protocol is intended to strike a balance between the rights of landowners (including the Council) to evict trespassers from their land and the equalities, Human Rights and housing needs of the illegal occupiers of these sites. It provides a framework for determining the most appropriate and proportionate means of dealing with unauthorised encampments, and to ensure that relevant statutory duties are complied with. The protocol requires the Council and the Police to demonstrate that a decision to remove an unauthorised encampment is justified and proportionate, having regard to the occupiers' rights to home, family and private life, before exercising their enforcement powers under the common

law, the Highways Act 1980 or the Criminal Justice and Public Order Act 1994. Welsh Government guidance requires that, where there are no official transit sites to which gypsy and traveller encampments can be directed, then their presence should be “tolerated” for a reasonable time, provided that they do not cause any nuisance and the sites are not regarded as sensitive.

Comments of Head of People and Business Change

There are no staffing implications for this report.

The sustainable development principle of the Well-being of Future Generations (Wales) Act 2015 has been fully considered in the development of the protocol which contributes towards meeting adopted well-being goals.

Local issues

N/A

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

Both Gypsies and Irish Travellers are recognised ethnic minorities, which falls within the protected characteristic of race under the Equalities Act 2010. Gypsies and Irish Travellers are also, proportionately, more likely to suffer from poor health or a disability than other ethnic groups and to live in households containing dependent children.

The protocol will have a differential impact on Gypsies and Irish Travellers, aimed as it is, on addressing the issue of unauthorised encampments. There are provisions within the protocol for carrying out welfare assessments that take into account the health and wellbeing of encampment occupants. It will also take into account any pregnant women, persons with mental health issues or newborn children present.

The protocol also includes an information leaflet that provides details of services including advocacy groups in the local area. Having a clear process in place for dealing with unauthorised encampments may also lead to an improvement in relations between Gypsies and Travellers and the settled community. Both parties will be able to understand the rationale behind decisions which could counteract accusations of bias and lead to greater mutual understanding.

Children and Families (Wales) Measure

As part of the welfare assessment process children present on unauthorised encampments are recorded and their needs considered. The protocol also contains provisions around safeguarding and ensuring children are safe from potential harm.

Wellbeing of Future Generations (Wales) Act 2015

Well-being goals and the approval of the protocol will meet the goal of **a resilient Wales** as it contains provisions to ensure encampments are not tolerated in ecologically significant areas such as SSSIs. The protocol meets the goal of **a Wales of cohesive communities** as both Gypsies and Travellers and the settled community will be able to understand how decisions are made on unauthorised encampments.

Well-being plan interventions highlights how the protocol fits with the **strong and resilient communities** intervention as it considers the needs of both Gypsies and Travellers and the settled community. It also fits with the **green and safe spaces** intervention as it intends to protect public open space from harmful unauthorised encampments.

Well-being objectives and the approval of the protocol will make a positive contribution to the objective **to build cohesive & safe communities**. As previously mentioned it is anticipated that the protocol will lead to an increased understanding between Gypsies and Travellers and the settled community. It also

ensures that any safety risks of unauthorised encampments to both the occupants and the neighbouring communities are identified and addressed.

Approval of the protocol will mean the implementation of a **long term** policy that aims to **prevent** unauthorised encampments from causing issues for both the occupiers and neighbouring communities. The protocol is a **collaboration** between the local authorities, Gwent Police and health board partners who have all been **involved** in developing the protocol. This **integrated** approach ensures that the protocol is making a significant contribution towards meeting adopted well-being goals.

Crime and Disorder Act 1998

The protocol is compliant with the local authority's duties under Section 17(1) of the Crime and Disorder Act 1998. It puts in place a clear process for addressing the issue of unauthorised camping for the benefit and safety of both Gypsies and Travellers on unauthorised encampments and the settled community.

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Gwent Regional Protocol
FEIA

Dated: 19 February 2019

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GWENT Regional Protocol For Managing Unauthorised Encampments



Authorised Professional Practice (APP)

APP is developed and owned by the College of Policing (the professional body for policing) and can be accessed online. It is authorised by the College of Policing as the official and most up-to-date source of policing practice. The range of subjects covered by APP is growing all the time.

It has the same legal status as previous guidance; it is not the law and so, while Police Officers and Staff are expected to have regard to APP in discharging their responsibilities, the status of APP is advisory. There may be circumstances when it is legitimate to deviate from APP, providing there is a clear rationale for doing so.

- This Procedure has been checked against APP. Gwent Police has adopted the APP provisions, with supplementary information contained herein, which reflects local practice and the needs of the communities served by Gwent Police.

PRINTED VERSIONS OF PROCEDURES SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE, TOGETHER WITH POLICIES/EIAs.

**The Local Authorities of Newport, Torfaen, Caerphilly,
Monmouthshire and
Blaenau Gwent**

Caerphilly County Local Authority – Chief Executive	
<i>Name:</i>	
<i>Signature:</i>	
<i>Date:</i>	

The agreed Gwent Joint Protocol for managing Unauthorised Encampments

The following signatories agree to the multi agency unauthorised encampments protocol and will work in partnership with signed

organisations and other relevant partner agencies to deliver the aims of the protocol.

Signatories:

Gwent Police – Area Commander	
<i>Name:</i>	
<i>Signature:</i>	
<i>Date:</i>	

Torfaen County Local Authority - Chief Executive	
<i>Name:</i>	
<i>Signature:</i>	
<i>Date:</i>	

Monmouthshire County Local Authority - Chief Executive	
<i>Name:</i>	
<i>Signature:</i>	
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Appendix C	Welfare Assessment
Appendix D	Code of Conduct
Appendix E	Advice letter for Landowners
Appendix F	Case Conference Form
Appendix G	Occurrence Response Flow Chart
Appendix H	Privately Owned Land Flow Chart
Appendix I	Regional Contacts List

This protocol constitutes a memorandum of understanding over the responsibilities involved in dealing with unauthorised encampments within the Gwent Police Force areas of Newport, Torfaen, Caerphilly, Blaenau Gwent and Monmouthshire, in line with the Welsh Government 'Managing Unauthorised Camping' Guidance (2013).

VERSION CONTROL				
Version ref	Status	Date	Author/Owner	Review Date
V1	Draft	13/05/15	Insp Brian Jones	June 2015
V2	Draft	12/09/15	T/PS 894 Hannah Lawton	May 2016
V3	Final Draft prior to consultation	12/09/2016	DC Lawton, PC Jones	Sept 2017
V5	Following local consultation	29/09/2016	DC 894 Hannah Lawton	Sept 2017
V6	APP Draft	09/12/2016	DC 894 Hannah Lawton	Dec 2017
V7	Draft following APP	01/03/2017	PS 894 Hannah Lawton	March 2018
V8	Draft following further local consultation	01/11/2018	PS 894 Hannah Lawton	Nov 2018
V9	Final Draft	03/05/2018	DS 894 Hannah Lawton	May 2018

Introduction

The Welsh Government Guidance on Authorising Unauthorised Camping 2013 recommends that Local Authorities should take the lead in formulating the strategy for managing

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Unauthorised Encampments, be responsible for overseeing and monitoring its implementation, and ensure that the process is driven forward.

An unauthorised encampment is an encampment of caravans and/or vehicles on land whether privately owned or owned by the Local Authority or other public body without the landowner's or occupier's consent and therefore constituting trespass.

An unauthorised encampment can be any group of individuals or vehicles trespassing on land. However this Protocol highlights the specific needs around the unauthorised encampments of Gypsies and Travellers. It is essential that the multi-agency approach act with fairness and impartiality, and will not discriminate unlawfully or unfairly.

'Gypsies and Travellers' is a generic term used to define a number of people who subscribe to the Gypsy and Traveller way of life, as well as to certain cultural and moral beliefs. It therefore applies to Romani Gypsies, Irish Travellers, English, Scottish or Welsh Gypsies/Travellers and European Roma, Show-people and 'New Travellers'.

The Welsh Government definition of Gypsy & Traveller as prescribed in the Housing (Wales) Act 2014:

"Gypsies and Travellers" means—

(a) persons of a nomadic habit of life, whatever their race or origin, including—

(i) 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

(ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such), and

(b) all other persons with a cultural tradition of nomadism or of living in a mobile home;"

In Wales unauthorised encampments tend to occur along the main transport routes which traditionally provide opportunities for work as well as access to the main ports for Ireland. The main routes are found along the M4 corridor, being the main route from east to west in the south of Wales, the A470, being the main route from north to south Wales and along the A55, being the link from east to west in the north of Wales. However, encampments are found throughout Wales, often nowhere near these busy routes.

The Protocol takes account of the guidance published by the Welsh Government and complies with the responsibilities placed on all public bodies by the Equality Act 2010 and other relevant legislation.

The Welsh Government does not condone unauthorised encampments by Gypsies and Travellers. However, without sufficient and appropriate site provision, effective and justifiable enforcement against unauthorised encampments cannot be achieved. Addressing the issue of unauthorised encampment must be considered in the context of the current availability of adequate site provision. Delivering more authorised sites, coupled with effective site management, will remove the reason for unauthorised encampments. It is vital that Local Authorities have protocols in place to deal appropriately and proportionately with unauthorised encampments. As the necessary sites and stopping places are developed these protocols will need to be invoked less and less, thereby reducing the administrative and financial implications of dealing effectively with the unauthorised encampments.

The Association of Chief Police Officers (ACPO) has issued its own "*Guidance on Unauthorised Encampments*" (June 2011), which is designed specifically for members of the

police visiting unauthorised sites. In conjunction with that guidance, Police will consider this document when dealing with instances of unauthorised camping.

The Protocol Objectives are to:

- Provide all parties involved in unauthorised encampments with clear guidance on roles, responsibilities and rights.
- Ensure a fair and consistent approach to dealing with unauthorised encampments, which complies with legislation to a standard that meets the needs of all involved.
- Provide guidance for public authorities to ensure there is a balance between the rights of the campers and local residents and businesses and to manage the potential for community tension.
- Implement a clear framework of consistent and timely decisions linking strategies and services that affect Gypsies and Travellers (e.g. health, housing, education, planning).
- Work with partner agencies to promote community cohesion and prevent the social exclusion of Gypsy and Travellers.

Roles and Responsibilities

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

All Agencies will:

- Comply with their responsibilities under the Equality Act 2010 to:
 - eliminate unlawful discrimination
 - promote equal opportunities
 - promote good relations between people from different racial backgrounds.
- act at all times in a humane and compassionate manner
- nominate an officer to act as a Single Point of Contact (SPOC) for the purposes of responding to an unauthorised encampment (that officer having sufficient authority to make decisions on behalf of their respective organisations) and include arrangements in the event that the usual SPOC is absent for some reason. Communicate this to protocol partners.
- liaise with other agencies and agree the requirement to keep protocol partners informed of contact arrangements.
- maintain a co-operative, open and honest working relationship

- keep accurate records, including maintaining the Caravan Count System
- ensure that information supplied under this Protocol is used solely for the purpose for which it is obtained, is kept confidential and complies with the Data Protection Act and all other relevant legislation and guidance

Call Handlers

Each agency will ensure that their public call handlers:

- know about the Protocol and their nominated Single Point of Contact Officer
- have information on how to deal with calls appropriately and effectively. Be aware of the initial necessity of gathering information through completing the Notification Form (**Appendix A**).
- are provided with up-to-date information about who deals with unauthorised encampments

The Relevant Local Authority

Where an unauthorised encampment arises and there are no alternative authorised pitches in the area, Local Authorities have three clear paths relating to how they can resolve the encampment. **Each** option should be carefully considered:

Path 1 – To seek and obtain possession of the occupied site (eviction proceedings).

Path 2 – To ‘tolerate’ the Gypsy or Traveller occupiers, if only for a short time, until an alternative site can be found or the occupiers move on voluntarily.

Path 3 – To find an alternative site, if only on a temporary basis, and offer the Gypsy or Traveller occupiers the chance to move onto it.

Deciding which path to take is about finding a critical balance between considering the welfare and human rights of Gypsies and Travellers, whilst safeguarding the human rights of landowners, occupiers and the public, and protecting them from health and safety hazards or public nuisance. Each encampment should be dealt with on a case-by-case basis.

The Relevant Local Authority will:

- Attend the site and speak with the Gypsies/Travellers ideally within 24 hours of notification (but definitely within 3 working days) to determine their intentions and whether they have any initial service needs or urgent welfare needs, and to complete the initial Encampment Assessment Form (**Appendix B**) and Welfare Assessment (**Appendix C**). The health related questions on the Welfare Assessment are to be asked of the occupants; it is not expected that the Local Authority representatives will provide opinion on the medical needs of the occupants.

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- If any health concerns are raised as a result of asking occupants the questions within the Welfare Assessment, the Local Authority will then signpost the occupant/s to the relevant medical service using their Information Leaflet.
- Each Local Authority will ensure that they have an Information Leaflet with up to date details of health provision local to their area and where to access it, which can be provided to occupants.
- Inform all relevant agencies of the location of unauthorised encampments and the number of persons involved, as soon as is practicable, utilising the notification form **(Appendix A)**.
- Make contact with the land owners to determine their intentions and to provide information on the intentions of the Gypsies/Travellers.
- Signpost persons to health services required using the Information Leaflet detailing local health provision. Health provision is provided by Health Practitioners under the Travelling to Better Health Policy July 2015.
- The onus is not on the Local Authority to prove that the occupants have a full bill of health prior to eviction, but for those who are suffering from any immediate health issues (unless obvious) to prove that this will prevent them from being evicted.
*******Currently awaiting confirmation from the Local Medical Committee as to how they would provide documentation of health issues preventing eviction to occupants*******
- Identify and respond to any environmental health concerns and needs
- Identify and respond to any outreach educational service needs where appropriate
- Identify and respond to road safety or other safety concerns
- Identify whether alternative appropriate sites are available and make this known to the Gypsies/Travellers and the Police.
- If necessary, arrange a case conference with Gwent Police to decide whether to tolerate or require the removal of the encampment, and record the decision of the conference using the pro forma **(Appendix F)**.
- On sites that are tolerated, negotiate a code of conduct with the Gypsies/Travellers **(Appendix D)**. As levels of literacy should not be assumed, the contents of the notice and its meanings should be thoroughly explained.
- Make arrangements to remove any rubbish left after the Gypsies/Travellers have gone.
- Lead on providing information to the media, within the context of the responsibility to promote good relations between Gypsies/Travellers and the settled community.

Local authorities should consider publishing their reasoning for any actions taken in response to unauthorised camping. This document would make the case for the decision that has been reached by balancing the legal obligations of public authorities to both occupiers and local residents or businesses. By publishing this reasoning, local authorities can avoid accusations from either side that their decision was biased in

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some way. Transparent communication of the reasons why an encampment has been tolerated or evicted may lead to greater public understanding of what considerations need to be addressed and may possibly reduce community tension.

- Share copies of press releases with all relevant parties.
- Ensure that any press releases refer to the Protocol and the processes being jointly undertaken by the agencies and give the context under which any decision has been reached.
- Inform and liaise with local councillors and the settled community. This can provide an opportunity to minimise any community tension by ensuring that there is a proper flow of information.
- Advise private land owners of their rights to recover land from trespassers and the role that the Local Authority can play in mediation (but not detailed legal advice) and to inform Gwent Police of any intention to evict.
- Monitor and respond to local community tensions.
- Monitor, update and share relevant information with other agencies and update the Welsh Government Caravan Count system with details of the encampment.
- Advise the occupiers of the encampment to approach the Citizens Advice Bureau, Shelter Cymru or a solicitor for legal advice.

Relevant Health Authority should:

- Belle Vue Surgery and Rugby Surgery to provide Enhanced Services within the Newport area (**Appendix I**)
- Provide a specific point of contact in relation to midwifery issues (**Appendix I**)
- Provide health services to the persons present, where appropriate, in line with the Travelling to Better Health Policy Guidance 2015
- Share relevant information with other agencies.
- Refer media enquiries to the Local Authority, but respond to any questions that arise within the health remit.

Gwent Police

Gwent Police acknowledges the status and unique lifestyle of Romany Gypsies and Irish Travellers as distinct ethnic groups. As such, these communities are protected under the Equality Act 2010.

Police officers should not be used as a standard way of dealing with unauthorised encampments. The involvement of Police Officers should not presume an eviction.

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The Police, as with other public authorities, also have a responsibility to assess the situation and the impact of the encampment before making an informed decision which minimises the impact on the safety or health of any party involved.

Where required, a Police Officer will visit the unauthorised encampment with a Local Authority officer, the landowner or an officer from another relevant agency. Where it is possible, this will be the nominated SPOC for the policing area.

It will not be assumed that police will attend on every occasion.

Police visits can be perceived as confrontational and the presence of Police Officers may inflame a situation, so Police personnel attendance should be kept to a minimum whilst ensuring the safety of the attendees.

The level of personnel should be determined by the attending Police Force in conjunction with the ACPO guidance.

The lead role for decision making should rest with the Local Authority and the use of Police powers should not normally be considered as a first response (ACPO Guidance).

Gwent Police will:

- When the encampment comes to Police notice, they will inform the Local Authority of the location of unauthorised encampment and the number of persons involved, utilising the notification form. **(Appendix A)**.
- Identify and respond to evidence of public safety problems.
- Monitor and respond to local community tensions in consultation with the Protocol partners
- Provide policing services and reassurance to the Gypsy/Traveller and settled communities.
- Should there be an immediate mental health issue at an Unauthorised Encampment, officers at the scene can utilise the Accredited Mental Health Practitioner (AMHP) based in the Force Control Room, to assist in obtaining information regarding the individual and locating immediate care.
- Prevent and deal with crime and disorder.
- Work with partners to address any obstruction to the highway.
- In the event of an eviction taking place, maintain the peace and prevent disorder as required.
- A Niche Occurrence will automatically be created for each Unauthorised Encampment and all relevant documentation will be stored on this. The FPOC will ensure that any information received from the Local Authority is stored on the Niche Occurrence.
- Refer media enquiries to the Local Authority, but respond to any questions that are within the Police remit.

Gypsies and Travellers will be expected to:

- Agree the duration of their stay and leave on the agreed date.
- Agree to follow a negotiated Code of Conduct during their stay (**Appendix D**).
- Not overcrowd the site (keep groups small).
- Be responsible for the safety of children in and around the site.
- Keep animals under control and be responsible for their welfare.
- Respect the environment, the surrounding area and property.
- Not create a hazard to road users or create other health and safety hazards.
- To use the waste refuse sacks/bins/toilets as provided by the Local Authority and to otherwise leave the site in a clean and tidy condition

Consideration for Tolerating or Evicting Unauthorised Encampments

People in the settled and business communities, almost always view unauthorised encampments brought to the attention of statutory agencies, as unacceptable.

Each encampment location must be considered on its merits against criteria such as health and safety considerations for the unauthorised campers, traffic hazard, public health risks, serious environmental damage, genuine nuisance to neighbours and proximity to other sensitive land uses.

When assessing the campers' circumstances, it is particularly important that Local Authorities consider how the encampment impacts on children and how eviction actions will also impact on them. This process should help Local Authorities to assess what action would be in the best interests of child occupants, which should be a key factor in deciding how to proceed.

Local Authorities may consider that some encampments should be allowed to remain either on a long-term or short-term basis. This decision will be determined by factors including:

• The Initial Encampment Visit Assessment.

• The Welfare of the individuals.

• Local circumstances and needs of the community

• General considerations such as health and safety hazards, traffic issues, public health risks and other land users.

There will be locations where the encampment may not be considered acceptable, because they fall into one of the categories listed below:

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National Nature Reserves, Special Areas of Conservation and Special Protection Areas and sites of Special Scientific Interest.

Sites where there is potential for significant harm or disturbance to protected species known to be present at, or in close proximity to, the site.

School car park or playing fields.

Car parks for other key facilities, such as hospitals.

An urban park.

Public playing fields.

A site where pollution or waste from vehicles could damage ground, water or water courses.

An area with toxic waste or other serious land contamination.

The verge of a busy road which poses a danger to the occupiers of the encampment.

The local authority and relevant partner agencies will need to decide whether the individual circumstances of the encampment, for example the risks to public safety or the impact on the local community, outweigh other factors such as the welfare and human rights considerations of the encampment occupiers.

If the Initial Encampment Assessment identifies serious safety and welfare concerns, a Local Authority may wish to consider taking immediate action to either rectify the safety concerns, temporarily relocate the encampment, or evict the occupiers altogether. All possession actions will require welfare assessments to be undertaken (**Appendix C**).

Relocating an encampment will be far easier if the Local Authority has established temporary stopping places to be utilised. In these circumstances, the Police powers under Section 62 A-E of the Criminal Justice & Public Order Act 1994 provide the Police with the power to direct trespassers to move themselves and their vehicles and property to where a suitable pitch on a relevant site within the local authority area is available.

There are currently (September 2016) no transit campsites in Gwent. Therefore, police in Gwent cannot use this power (S62) to direct Travellers from an unauthorised site. However, if any of the persons trespassing have: caused damage to the land or to property on the land; or used threatening, abusive or insulting words or behaviour towards certain specified persons; or there are 6 vehicles or more on the land, the police where deemed appropriate, can consider issuing a notice to the Travellers to move under Section 61 of the 1994 Act, irrespective of the lack or otherwise of any suitable pitches.

The Initial Encampment Assessment may also identify urgent welfare concerns, which may suggest the need of immediate medical or social care responses from the Local Health Board or Local Authority. In this scenario, a Local Authority may consider that the encampment should be tolerated, if only for a short period of time.

When assessing unauthorised encampments with children and young people under 18 years of age, it is important to recognise that these children may be statutorily homeless and, as

such, may be considered as 'Children in Need'. The Children's Act 1989, Section 20(1)(c) states that:

"Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of...the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care."

Furthermore, Section 17(1) of the Children's Act 1989 states that it is, *"the general duty of every local authority –*

- (a) to safeguard and promote the welfare of children within their area who are in need; and .*
- (b) so far as is consistent with that duty, promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs."*

Conducting robust welfare assessments can help public authorities to ensure that they have fully considered the needs of these children and can safeguard against potential harm.

Legislation

There is a range of legislation that is applicable with regard to unauthorised encampments. Some of this is detailed below. It is important to remember that legislation and protection by law, applies to both the land owner and also to Gypsy and Traveller communities.

Detailed information on this legislation is set out in the Welsh Government's Guidance on Managing Unauthorised Camping 2013, but in summary, the following Acts and powers are most relevant:

- Human Rights Act 1998
- Equality Act 2010
- Convention on the Rights of the Child

Power	Who Can Use it?	What Court?
Civil Procedure Rules (CPR) 1998 Part 55	Anyone with a sufficient interest in the land including a licensee	Usually County Court, exceptionally in the High Court
CJPOA 1994 Section 77	The Local Authority	Magistrates' Court
Highways Act 1980 Section 143/149	Highways Authority	Magistrates' Court
Bye-laws	The Local Authority and certain other public authorities	Magistrates' Court
Town & Country Planning Act 1990 (as amended) Planning Enforcement Powers	The Local Authority	Depends on type of enforcement action
Local Government Act 1972	The Local Authority	County Court
Criminal Justice and Public Order Act (CJPOA) 1994 Section 61	The Police	Magistrates' Court
CJPOA 1994 Section 62A-E	The Police	Magistrates' Court
Environmental Protection Act 1990		
Section 1 of the Anti-Social Behaviour Crime and Policing Act 2014 and Section 187B of the Town and Country Planning Act 1990	Local Authority	Magistrates' Court

This document also complies with the ACPO Manual of Guidance which can be found here: (hyperlink to be attached)

Information Sharing

Partners operate in alignment with the Community Safety Partnership arrangements and these "responsible authorities" are under a statutory duty to ensure that they come together, formulate and implement a strategy for the reduction and prevention of crime within a Community Safety Partnership area. To work in partnership requires information to be shared effectively between these agencies.

The legislation driving information-sharing within a Partnership framework is Section 115 of the Crime and Disorder Act (1998) which has the effect of allowing information to be shared for the purposes of community safety between "relevant authorities." These include Police, Probation providers, Health, Local Authorities and registered social landlords.

2.0 The Legal Basis and Legitimate Aims

Please see Legislation above

3.0 Human Rights Certification of Compliance

- 3.1 This Procedure has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts, the legitimacy of its aims, the justification and proportionality of the actions intended by it, that it is the least intrusive and damaging option necessary to achieve the aims and that it defines the need to document the relevant decision making processes and outcomes of actions.

4.0 Compliance with The Welsh Language Scheme

- 4.1 This Procedure aims to comply with the organisation's Welsh Language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the Language Scheme.

5.0 Risk Assessment / Health & Safety Considerations

- 5.1 The Gwent Police Service Dynamic Risk Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Identification Section

Procedure Title:	Gwent Regional Protocol for Managing Unauthorised Encampments
Reference:	
Chief Officer Lead:	Emma Ackland
Service Area Owner:	Hannah Lawton
Department Responsible:	
Links to other Policies/ Procedures:	<ul style="list-style-type: none">• Code of Ethics• Data Protection• Freedom of Information• Information Security• Licence to Lead• National Decision Model• ACPO guidance• Travelling to Better Health Policy 2015
Implementation Date:	
Review Date:	01/01/2019

**PRO FORMA FOR NOTIFICATION OF AN
UNAUTHORISED ENCAMPMENT**

Date of arrival of Travellers:	
Address/Location of Travellers: (to include specific location description)	
No. of units and vehicles: (make sure to specify number of caravans)	
Land ownership, if known:	
Children (numbers and ages if known):	
Animals:	
Detail of any problems/issues:	
Contact details:	

These details should be forwarded to the Local Authority as soon as possible. The Single Point of Contact Officer from the Local Authority will then visit the site, if necessary with a Gwent Police Officer, within 24 hours of receiving notification to undertake an assessment.

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File classification: OFFICIAL-SENSITIVE LEGAL PROFESSIONAL PRIVILEGE

Initial Encampment Assessment

Date of Assessment	
Time of Assessment	
Assessor/s	

Location		
Landowner		
Landowner complaint made		
Number of Occupants	How many men?	
	How many women?	
	How many children (under 18)?	
Immediate Welfare Issues Identified May include: pregnancy, elderly people, sickness, disability, receiving urgent, planned or a course of medical treatment, children close to exam period		
Number of Vehicles. How many cars and vans? Any other vehicles?		
Number of Caravans		
Number of Animals and general welfare conditions		
Damage to Land Evident	Existing state of land: (Photographed)	
	Any damage caused by gaining entry:	
Litter or waste present		

<p>Community Impact - Impact of encampment to public, neighbours or Landowner</p>	
<p>Environmental impact? (Is this a Site of Special Scientific Interest, in a flood risk area, contaminated land, protected species known, risk of polluted watercourses? Consult Natural Resources Wales)</p>	

Survey of Occupants	
<p>Have you stayed in this area before? Where, when, for how long, any problems encountered?</p>	
<p>Reasons for this current stay? There may be multiple reasons, including: Passing through, Local to the area, Work in the area, No authorised pitch, Family event, Visiting/ Holiday, Illness, Hospital Visit, Other.</p>	
<p>Date of arrival?</p>	
<p>How long are you expecting to stay here?</p>	
<p>Are you expecting more people to arrive?</p>	
<p>How many? When?</p>	

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Do you have permanent accommodation (pitch or bricks and mortar) anywhere else?	
Do you want permanent accommodation (pitch or bricks and mortar) in the area? Do you want to discuss your options with a housing advice officer?	
Are you seeking a transit pitch in the area?	
Are you willing and able to pay for services on this encampment? (provide estimated cost; services should not be withheld purely due to lack of payment)	Toilet Water Refuge Other
Are there school age children on site? Are they accessing school?	

Initial Assessment	
Are there urgent concerns that may necessitate possession action? May include: obstruction, health and safety concerns e.g. dangerous place to stop, damage to land, threats or violence	
Code of Conduct issued?	Yes / No
Displayed attitude	<i>Cooperative, dismissive, evasive, abusive, threatening.</i>
Agreement that information collected is correct	
Signature of Occupier	Date
Signature of Lead Officer	Date

Welfare Assessment

Date of Assessment	
Time of Assessment	
Location of Encampment	
Initial Encampment Assessment Completed?	Date:
Names and Positions of assessors At least TWO Assessors required.	1. 2. 3.

		Response	Comments / Follow Up
1.	Location of Encampment / Address		
	Map or Grid Reference		
	When was the last Encampment on this land? (If known)		
	Were services provided to the site? If so, what services? May include: Water, refuse, skips, toilets.		
	Were services paid for? (Only applicable if these are the same occupants)		
2.	Date informed of Encampment.		
	How was the report made? By Whom?		
	How was access gained by Assessors?		
	Condition of site Compare to condition at time of initial Encampment Assessment.		

		Response	Comments / Follow Up
3.	Group Origin (if known) Romani, Gypsies, Roma, Irish Travellers, etc.		
	Number of Family Groups. It may be that the Encampment is one extended family.		
	Number of Adult Occupants.	Male: Female:	
	Number of Child Occupants.	0-5: 6-10 11 – 15: 16-17:	
4.	Number of Caravans	Static: Tourer size: Motor Homes: Other (Describe)	
	Number of other Vehicles.	Cars: Vans: Lorries: Other:	
	Number and Type of Animals. Please note whether these are tethered and any welfare concerns.		
5.	Reason for Encampment.		
	Expected duration of stay?		

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		Response	Comments / Follow Up
6.	Services provided at Encampment?	Toilets: Water: Refuse: Other:	

		Response	Comments / Follow Up
7.	Are any Women Pregnant?	Yes / No	
	Name		
	D.O.B.		
	Due Date		
	Concerns		
	Doctor / Practice		
	Receiving urgent, local Medical Treatment		
	Is the resident in good health generally? A health professional may be required to give an accurate assessment with regard to being 'moved on'.		
	Overall assessment of condition. Health professionals may need to be consulted with regards to 'moving on'.		
		Response	Comments / Follow Up
8.	Does anyone within the group require regular medical treatment / examinations?	Yes / No	
	Name		
	D.O.B.		
	Are they receiving treatment now? Please note the resident does not have to disclose information on their condition unless they choose to do so. However, this may impact on the		

	decision whether or not to tolerate the Encampment on a short-term basis.		
	Is that one of the reasons for the Encampment? Explain if possible.		
	Overall assessment of condition. Health professionals may need to be consulted with regards to 'moving on'.		
9.	Is a Doctor or Health Visitor required to visit the Encampment?		
	On-going treatment or long term care required?		
	Overall assessment of condition. Health professionals may need to be consulted with regards to 'moving on'.		
		Response	Comments / Follow Up
	Have any of the group received or are they currently in receipt of urgent medical treatment? Do any of the group require urgent medical treatment which has not yet been sought?	Yes / No	
	Name		
	D.O.B.		
	Treatment received / required. Please include length of stay if being treated as an 'in patient' and whether or not the patient is still in Hospital.		
	Hospital / Surgery		

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		Response	Comments / Follow Up
10.	<p>Are there any disabled or elderly persons that are unable to move on currently? Health professionals may need to be consulted.</p>		

		Response	Comments / Follow Up
11.	Number of children attending local schools?		
	Number of children within 4 weeks of examinations		
	Would you like the Traveller education Service to visit?		

		Response	Comments / Follow Up
12.	<p>Did occupiers refuse to provide information? If yes, what reasons were provided?</p>		
13.	<p>Have there been significant changes to the Encampment since the initial Encampment visit? (Please explain)</p>		

Agreement that information collected is correct			
Signature of Occupier:		Date:	
Signature of Lead Officer:		Date:	

Negotiated Code of Conduct for Tolerated Stopping

Relevant County Council

You and your family	<i>Name:</i>
have been permitted to remain on this land as a tolerated but unauthorised Gypsy or Traveller Encampment for a period of :	
Until	<i>Date:</i>

This is because

By staying on this land you are agreeing to this negotiated Code of Conduct which explains the standard of behaviour which is expected of you and your family. You are expected to treat the land you have occupied and the surrounding neighbours with respect. You must also respect the rights and freedom of those who also wish or need to use the land.

You have been permitted to park your caravan and vehicles on a particular area of land. You must not camp on any land other than that which you have been given permission to remain on.

Camping on other publicly used land, such as parks, school fields, car parks or play areas, may lead to immediate eviction action.

You must not force entry onto any other part of the land or buildings on the land.

Be careful not to cause any damage to the land itself or property on it including fencing or boundary walls, fixtures or fittings. This includes any flood defences or defences to prevent trespassing. Particular care should be taken not to cause damage to parks, woodlands, school fields, or play areas.

Vehicles should not be driven on footpaths or highways not designed for road vehicles. Doing this could put others at risk and is unlawful.

Vehicles and caravans should also be parked in a way that does not block access for other people who want to pass or to public facilities.

Dumping, tipping rubbish or placing waste materials or trade waste such as rubble or tree cuttings on this land may lead to eviction proceedings. Please use bins that are provided for domestic waste or dispose of trade waste at an authorised waste site.

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Burning of commercial or domestic waste is not allowed on this site. Open fires will only be permitted where basic fire safety is observed and agreed with the local authority / fire service.

You must not dispose of or deposit any human waste on this site. You will be issued with a portable toilet.

You will be provided with access to water supply.

Abuse, harassment or intimidation of any person using this land lawfully will not be tolerated.

The local authority asks that those who are willing and able to pay for received services (portable toilet, water supply, bins) notify the local authority and pay. Services may be withdrawn if they are being used inappropriately.

You must ensure the welfare of other occupiers and animals, as far as reasonably practicable.

Animals, Birds, reptiles or other living creatures owned or reasonably considered to be under your care / control must be provided with adequate care, shelter, food and water. That whilst you remain resident on this site you will allow reasonable access by professionals / officials for animal welfare inspections i.e. veterinary surgeons, animal health officers RSPCA officers or other persons charged with a duty to ensure animal health and welfare standards. You agree to comply with animal health and welfare legislation and to dispose of any animal waste appropriately and without endangering public / animal health.

Where agencies consider animal welfare is unsuitable, you reserve the right to seek a second opinion at your own cost, subject to the competency and qualification of the person providing such advice and that it is achieved within a reasonable time limit to prevent undue stress or discomfort to the creature.

As a last resort, failure to comply with this condition could result in action being taken against you including the seizure and disposal of the animal, bird / creature if necessary without your consent and for agencies to seek reimbursement from you for any reasonable costs associated with this action.

Signature of Lead Officer	
Time, Date	
Signature of Land Occupier	

ADVICE LETTER TO LANDOWNERS

Relevant
County
Council

Relevant
Health
Authority

Gwent Police
Address:

Dear.....

Unauthorised Encampment

I am the Inspector for the Local Policing Team which covers thearea.

I am writing on behalf of Gwent Police, xx Local Authority and xx Health Board.

I have been advised that an unauthorised encampment has been established on your land. I realise this may be a distressing issue for you and Gwent Police will do what we can to help. The law relevant to these situations is, however, fairly complex and my purpose in writing to you is to provide you with some information about what the Police can and cannot do in these circumstances.

Gypsy and Travellers

Gypsies and Travellers are recognised as ethnic groups under the Equality Act 2010 and as such, public bodies have a duty to promote good relations between all communities and ethnic groups. Police strive to provide a high-quality, professional service to everyone involved in such situations, including you as the landowner, the local community and the Gypsy or Traveller occupiers.

Responsibility for Unauthorised Encampments

In general it is the responsibility of the landowner to take steps to secure, protect and reclaim their own property, be that public or private land.

If the encampment is on public ground, the Local Authority will consider options, including eviction proceedings, if there is good reason for this. The Local Authority is, however, obliged to consider the welfare needs of individuals and may provide temporary toilets, bins and such like. Providing these facilities may reduce the likelihood of incurring costs to clear the land after the site has been vacated and occupiers may be required to pay towards this. If the encampment is on private land, the Local Authority will retain responsibility for the management of the encampment, but any eviction proceedings will be at the discretion of the landowner. The Local Authority has no powers to evict persons from private land, although they may assist the landowner with advice and the provision of essential facilities, such as refuse collection.

The Law in Respect of Unauthorised Encampments

There is no legislation focused primarily on the management of unauthorised encampments, but, in certain circumstances, laws concerning trespass, the management of roads, or public order can become relevant.

What this means in practice is that the Police will only move unauthorised encampments in very specific circumstances and fairly exceptional cases.

I wish to stress, however, that these restrictions on Police action only apply to the establishment of the unauthorised encampment. Police will respond to and investigate other reported crimes or offences in the normal way, regardless of whom it is alleged was responsible.

When an unauthorised encampment is reported, Gwent Police visit the site with officers from the Local Authority and follow a mutually agreed protocol for the management of the encampment thereafter. The Police will continue to give periodic attention to the encampment to ensure that any changes in circumstances are notified to the Local Authority and to determine whether further Police action is necessary, as outlined above.

Further Advice

Officers from your local Policing Team will assist where they can. Please contact us via our control room on 101.

.....Local Authority also has staff with specific responsibilities for unlawful encampments. They can be contacted on or at email address.....

If you require legal advice in terms of your rights and responsibilities as a landowner, you may wish to discuss the matter with a solicitor.

I wish to give you my personal assurance that Gwent Police will work in accordance with the law and in partnership with the Local Authority to seek solutions which meet the needs of all the communities we serve. We recognise that these situations can be difficult for landowners and we will, at all times, seek to strike the right balance between your rights and those of the occupiers.

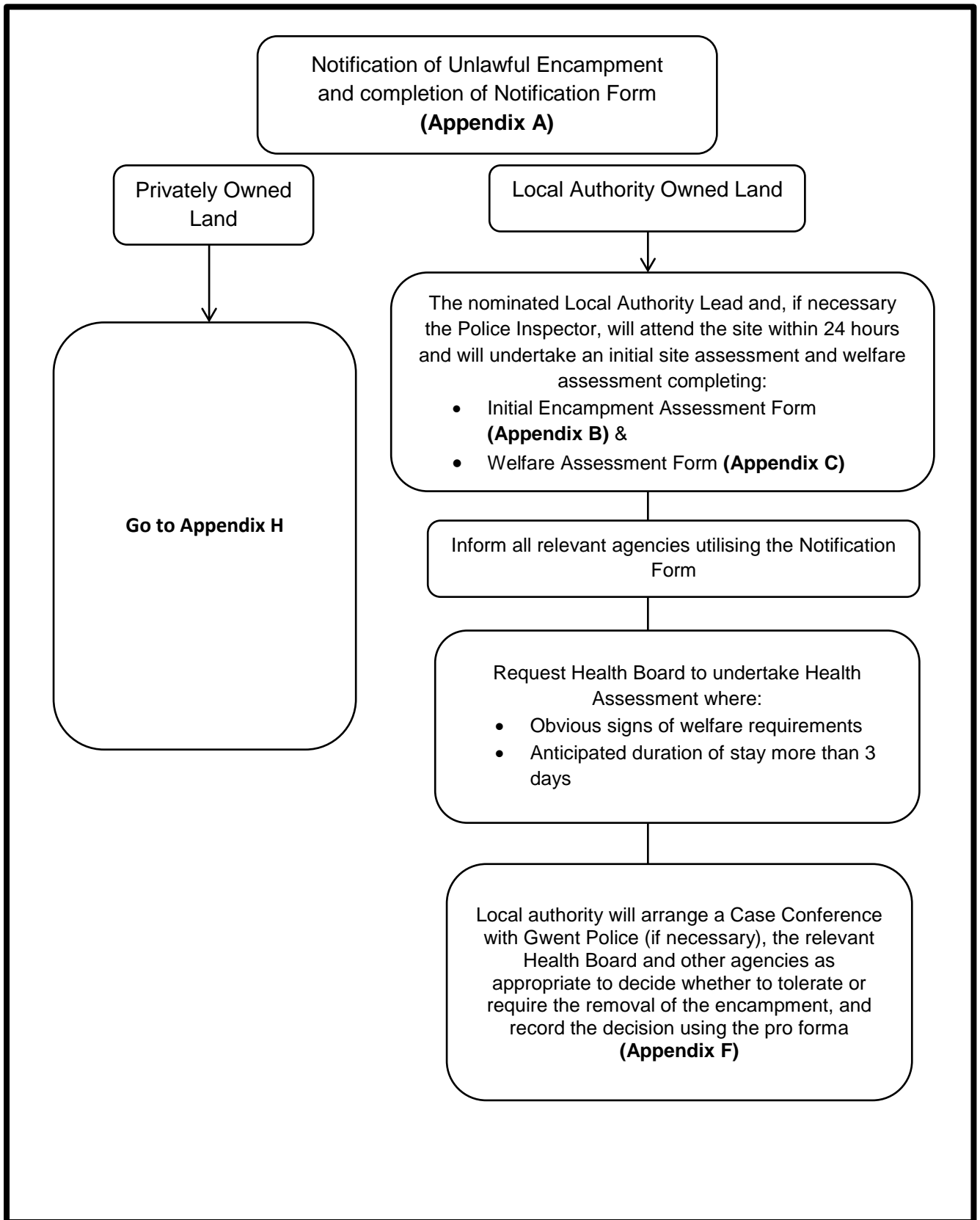
Yours sincerely,

RECORD OF CASE CONFERENCE DECISIONS

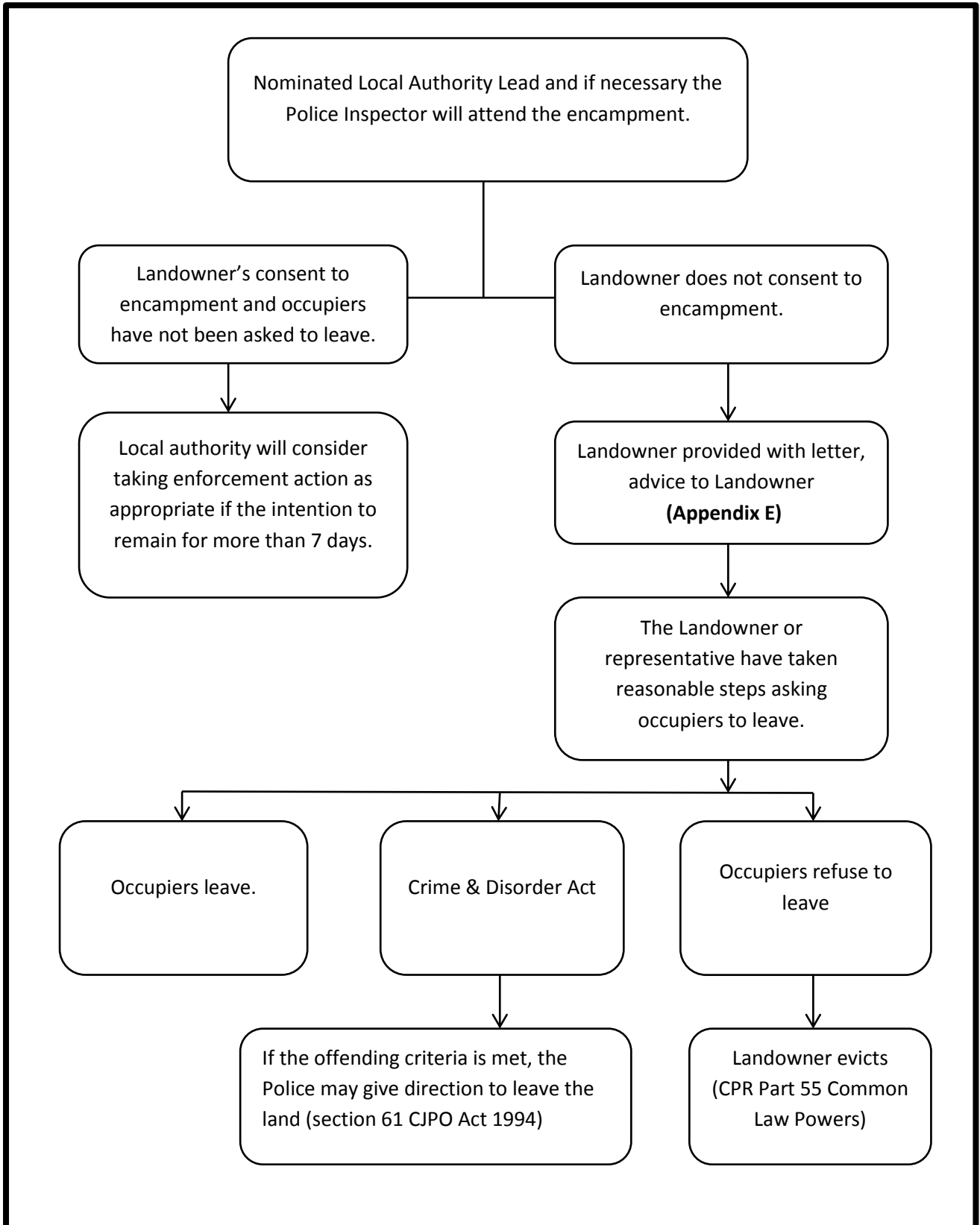
To will be completed at the end of the case conference.

Date of Meeting:		
Attendees:		
Site Details:		
<p>Decisions: After taking into account the information contained in the Initial Site Assessment Form and any detailed Welfare Assessments is there a pressing need to evict?</p> <p>Would eviction be proportionate?</p> <p>Recommendations for dealing with the encampment, including a record of referrals made to other agencies.</p> <p>A Communication Strategy between Protocol Partners, Community members and the land occupiers. Designating a named contact who will have responsibility for updating individual groups, the frequency of updates and the recording of discussions.</p>		
Action	Who	By When
Recommendations agreed by:		
Signature	Printed Name	Organisation

Occurrence Response Flow Chart



Privately Owned Land



Regional Contacts

Organisation	Name	Role	Contact
Welsh Government	John Davies	Senior Gypsy, Roma and Traveller Policy Manager	John.davies35@wales.gsi.gov.uk
Monmouthshire County Local Authority	Huw Owen	Principle EHO	Huwowen@monmouthshire.gov.uk
Monmouthshire County Local Authority	Contact Point		contact@monmouthshire.gov.uk
Torfaen County Local Authority	Anne Garrett	Senior EHO	anne.garratt@torfaen.gov.uk
Torfaen County Local Authority	Contact Point		calltorfaen@torfaen.gov.uk
Blaenau-Gwent County Local Authority	Mark Congreve	Team Manager	Mark.Congreve@blaenau-gwent.gov.uk
Blaenau-Gwent County Local Authority	Contact Point		Environmental.health@blaenau-gwent.gov.uk
Caerphilly County Local Authority	Lyndon Ross	Senior EHO	rossl@caerphilly.gov.uk
Caerphilly County Local Authority	Contact Point		EHAdmin@caerphilly.gov.uk
Newport Local Authority	Benjamin Hanks	Housing and Assets Manager	Benjamin.Hanks@newport.gov.uk
Newport Norse	Fiona Mannings	Estates Portfolio Officer	fiona.mannings@newportnorse.co.uk
Newport Local Authority	Contact Point		info@newport.gov.uk
Health Board	On call midwifery	Senior Midwife	01633 234234 (Switchboard)
Health Board	Belle Vue Surgery, Newport	Enhanced Services Provider	01633 256337 01633 744285 - OOH
Health Board	Rugby surgery, Newport	Enhanced Services Provider	01633 258564 01633 744285 - OOH
Gwent Police	Supt. Corcoran	GRT Force Strategic Lead	Steve.Corcoran@gwent.pnn.police.uk
Gwent Police	DS Hannah Lawton	GRT Force Operational Lead	Hannah.Lawton@gwent.pnn.police.uk
Gwent Police	Heather Powell	Diversity and Inclusion Manager	Heather.Powell@Gwent.pnn.police.uk
Gwent Police	PC Leanne Pole	SPOC for GRT issues	leanne.pole@gwent.pnn.police.uk
Gwent Police	Inspector Sarah Davies	East Newport LPA Inspector	Sarah.Davies@gwent.pnn.police.uk
Gwent Police	PC Jeffrey Harris	SPOC for Newport Central	jeff.harris@gwent.pnn.police.uk

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Gwent Police	Inspector John Davies	Central Newport LPA Inspector	John.Adrian.Davies@gwent.pnn.police.uk
Gwent Police	PC Paula Spence	SPOC for Newport West	Paula.Spence@gwent.pnn.police.uk
Gwent Police	Inspector Paul Davies	West Newport LPA Inspector	Paul.Davies@gwent.pnn.police.uk
Gwent Police	PC Tom Delaney	SPOC for Gwent Police, Torfaen	Thomas.delaney@gwent.pnn.police.uk
Gwent Police	Inspector Jason White	Torfaen LPA Inspector	Jason.White@gwent.pnn.police.uk
Gwent Police	PC Maldwyn John	SPOC for Gwent Police, Monmouthshire North	Maldwyn.John@gwent.pnn.police.uk
Gwent Police	Inspector (To be appointed)	Monmouthshire North LPA Inspector	
Gwent Police	PC Bridget Griffiths	SPOC for Gwent Police, Monmouthshire South	Bridget.griffiths@gwent.pnn.police.uk
Gwent Police	Inspector Neil Jones	Monmouthshire South LPA Inspector	Neil.m.jones@gwent.pnn.police.uk
Gwent Police	PC Adam Lang	SPOC for Gwent Police, Caerphilly Central	Adam.Lang@gwent.pnn.police.uk
Gwent Police	PC Stuart Turley	SPOC for Gwent Police, Caerphilly North	Stuart.Turley@gwent.pnn.police.uk
Gwent Police	Inspector Gavin Clifton	Caerphilly North Inspector	gavin.clifton@gwent.pnn.police.uk
Gwent Police	PC Stuart Lewis	SPOC for Gwent Police, Caerphilly South	Stuart.Lewis@gwent.pnn.police.uk
Gwent Police	Inspector Andrew O'Keefe	Caerphilly South LPA Inspector	Andrew.Okeefe@gwent.pnn.police.uk
Gwent Police	PC Ryan Hill	SPOC for Gwent Police, Blaenau Gwent	Ryan.Hill@gwent.pnn.police.uk

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Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

Completed by: Michelle Aspey **Role:** Housing Strategy Manager

Head of Service: Keir Duffin **Date:** 10/05/2018

I confirm that the above Head of Service has agreed the content of this assessment

Yes

When you complete this FEIA, it is your responsibility to submit it to
impact.assessment@newport.gov.uk

1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.

The policy being assessed is the Gwent Regional Protocol on Managing Unauthorised Encampments. The aim of the protocol is to ensure that unauthorised encampments by Gypsies and Travellers are managed in a fair and transparent way that takes into consideration the needs of encampment occupiers as well as the wider community.

2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal.

The protocol is collaboration between Gwent Police, Aneurin Bevan Health Board and all the local authorities in the Gwent Police area. All stakeholders agree to follow the protocol once it is adopted.

3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.

During the year 2017/18 fourteen unauthorised encampments were recorded in Newport. Unauthorised camping, particularly on areas such as parks and public open spaces can lead to tensions between the Gypsy and Traveller community and the settled community. Encampments on the highway or in industrial areas can present a safety risk to occupants, particularly if there are young children present. Welsh Government guidance recommends that local authorities adopt protocols along with their partners in order to clearly set out how unauthorised camping will be managed.

4. Equalities and Welsh language impact





Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Gypsy and Traveller households are more likely to contain dependent children. The 2011 Census found that of the 28 households identified in Newport as being headed by a Gypsy or Irish Traveller 6 contained dependent children, around a fifth of households. In Newport as whole only about 15% of households contain dependent children. The true number of Gypsy and Traveller households with dependent children is likely to be much high as we know the census under records the number of Gypsies and Travellers in Newport. The Gypsy Traveller Accommodation Assessment (GTAA) carried out in 2015 interviewed 23 Gypsy and Traveller households of which 17 contained dependent children. Assessments are carried out for all encampments on local authority owned land. Of the assessments conducted over the last year the majority have recorded children as being on site.</p> <p>Of the 85 Gypsies and Irish Travellers recorded in Newport as part of the 2011 Census only 5 were aged 65 plus. The GTAA had no respondents over the age of 60. Gypsies and Irish Travellers have a lower than average expectancy when compared to the general population and old age and ill health are one of the most common reasons for ceasing to travel.</p> <p>The protocol sets out a process to be followed by all partners when incidents of unauthorised camping occur. It is compliant with the Children and Families Wales Measure as it ensures children present on unauthorised encampments are recorded and their needs considered. It also makes</p>


Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
				<p>provisions around safe guarding and ensuring children are free from potential harm. This policy is likely to have less of an impact on older Gypsies and Irish Travellers as fewer numbers have been recorded in Newport and old age is one of the most common reasons for ceasing to travel.</p> <p>The protocol also makes specific reference to encampments on sensitive sites such as school playing fields and the need to ensure these facilities are made available again as soon as possible.</p>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Gypsies and Travellers are more likely to report being in poor health than the population as a whole. Although poor health is frequently given as a reason for ceasing to travel some encampments can occur due to people seeking medical care or attending appointments. This is particularly the case in Newport due to the presence of the Royal Gwent Hospital.</p> <p>The protocol ensures that any health or welfare needs of encampment occupants are taken into consideration when deciding what action to take. Occupants are also provide with contact details of local health services that can assist them.</p>
Gender reassignment/ transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The protocol will be used to manage incidences of unauthorised camping. Whilst data on gender reassignment and people who identify as transgender is limited there is no evidence of a link between this issue and unauthorised camping.</p>
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The protocol will be used to manage incidences of unauthorised camping. Whilst some unauthorised encampments may occur due to a wedding being held in the area there is no evidence that the protocol will have a differential impact on people depending on their marital status.</p>
Pregnancy or maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The protocol requires that assessments of unauthorised encampments take place that specifically ask about</p>

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
				pregnant women on site. Occupants will also be provided with details of on-call midwives should they need them. The health and wellbeing of any pregnant women on site, as well as the presence of children are one of the factors that will be considered when making a decision about how best to manage an instance of unauthorised camping.
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gypsies and Irish Travellers are both recognised ethnic minorities. The protocol will have a differential impact on Gypsies and Irish Travellers, aimed as it is on addressing the issue of unauthorised encampments. The protocol includes an information leaflet that will be given out to occupants of unauthorised encampments. This leaflet includes details of support and advocacy organisations that specifically work with Gypsies and Travellers. Having a clear process in place for dealing with unauthorised encampments may also lead to an improvement in relations between Gypsies and Travellers and the settled community. Both parties will be able to understand the rationale behind decisions which could counteract accusations of bias and lead to greater mutual understanding.
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The protocol will be used to manage incidences of unauthorised camping. There is no evidence that the protocol will have a differential impact on people depending on their religious beliefs.
Sex/ Gender Identity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The protocol will be used to manage incidences of unauthorised camping. There is no evidence that the protocol will have a differential impact on people depending on their sex or gender identity.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The protocol will be used to manage incidences of unauthorised camping. There is no evidence that the

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
				protocol will have a differential impact on people depending on their sexual orientation.
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rates of Welsh speaking amongst the Gypsy and Irish Traveller community are very low but we are able to make information available in Welsh if requested. Members of the public are able to report instances of unauthorised camping through the medium of Welsh if they wish.

5 How has your proposal embedded and prioritised the sustainable development principle in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term needs</p>	<p>The protocol is a long term policy that seeks to formalise how the local authority and its partners manage instances of unauthorised camping. The protocol contains a decision making process that balances the immediate needs of the encampment occupiers and local communities against the long term consequences of any action taken.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>The protocol is a partnership between Gwent Police, Aneurin Bevan Health Board and all the local authorities that fall within the Gwent Police area. It will ensure that all partners deliver the same service in a collaborative way no matter where encampments occur in the Gwent Police area.</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The protocol has been discussed at various multi agency meetings which are attended by groups that work with Gypsies and Irish Travellers as well as those that advocate on their behalf. We will endeavour to seek the views of both the Gypsy and Irish Traveller communities in any future reviews of this protocol.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The protocol aims to prevent unauthorised encampments becoming problematic for both occupiers and the wider community. It does this by ensuring assessments are carried out at an early stage and shared with all relevant partners so that a decision can be made about how best to manage the encampment.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>Well-being goals – adoption of the protocol will meet the goal of a resilient Wales as it contains provisions to ensure encampments are not tolerated in ecologically significant areas such as SSSIs. It also meets the goal of a Wales of cohesive communities as both Gypsies and Travellers and the settled community will be able to understand how decisions are reached on unauthorised encampments.</p> <p>Well-being plan interventions – the protocol fits with the strong and resilient communities intervention as it considers the needs of both Gypsies and Travellers and the settled community. It also fits with the green and safe spaces intervention as it aims to protect public open space from harmful unauthorised camping.</p> <p>Well-being objectives – the adoption of the protocol will make a positive contribution to the objective to build cohesive & safe communities. As previously mentioned it is anticipated that the protocol will lead to an increased understanding between Gypsies and Travellers and the settled community. It also ensures that any safety risks of unauthorised encampments to both the occupants and the neighbouring communities are identified and addressed.</p>

6 Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?

No. Unauthorised encampments are known to occur in various locations across the city.

7 How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission

- Equal treatment whilst recognising difference – the protocol seeks to manage unauthorised encamping for the benefit of both Gypsies and Travellers and the settled community.
- Mutual obligations between citizens and local government – as well as setting out the process the local authority and its partners will take in addressing instances of unauthorised camping the protocol also has standards of behavior encampment occupiers are expected to adhere to.

- Interdependency and reciprocity within community relations – having a clear protocol with associated decision making framework will help both Gypsies and Travellers and the settled community understand why decisions were reached and should lead to a greater understanding of the issues each group faces.
- Transparency and accountability in decision-making – the protocol is a clear statement of how instances of unauthorised camping will be managed.

8 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?

The provision of a transit site within the Gwent region would assist with managing unauthorised camping. The provision of such a site is a target for delivery in the adopted LDP and the issue is currently being addressed at a regional level.

9 Monitoring, evaluating and reviewing

The implementation of the protocol will be monitored on a case by case basis as the policy is implemented. It was also be reviewed as part of the work of the task and finish group established to manage instances of unauthorised camping.

10 Involvement

The FEIA will be available on the local authority website.

11 Summary of Impact (for inclusion in any report)

Equality Act 2010 AND Welsh Language

Both Gypsies and Irish Travellers are recognised ethnic minorities, which falls within the protected characteristic of race under the Equalities Act 2010. Gypsies and Irish Travellers are also, proportionately, more likely to suffer from poor health or a disability than other ethnic groups and to live in households containing dependent children.

The protocol will have a differential impact on Gypsies and Irish Travellers, aimed as it is on addressing the issue of unauthorised encampments. There are provisions within the protocol for carrying out welfare assessments that take into account the health and

wellbeing of encampment occupiers. It will also take into account any pregnant women or newborn children present. The protocol also includes an Information Leaflet that provides details of services including advocacy groups in the local area. Having a clear process in place for dealing with unauthorised encampments may also lead to an improvement in relations between Gypsies and Travellers and the settled community. Both parties will be able to understand the rationale behind decisions which could counteract accusations of bias and lead to greater mutual understanding.

Rates of Welsh use amongst Gypsies and Irish Travellers are very low but information will be made available in Welsh if requested. Members of the public can report unauthorised encampments through the medium of Welsh.

Wellbeing of Future Generations (Wales) Act 2015

Adoption of the protocol will mean the implementation of a **long term** policy that aims to **prevent** unauthorised encampments from causing issues for both the occupiers and neighbouring communities. It is a **collaboration** between the local authority, Gwent Police and health partners who have all been **involved** in developing the protocol. This **integrated** approach ensures that the protocol is making a significant contribution towards meeting adopted well-being goals.

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