

JOINT PROTOCOL FOR THE MANAGEMENT OF UNAUTHORISED ENCAMPMENTS OF GYPSIES AND TRAVELLERS ON LOCAL AUTHORITY LAND IN WORCESTERSHIRE

The purpose of this protocol, as agreed by all 7 local authorities within Worcestershire and the West Mercia Police & Crime Commissioner, is to ensure that the aforesaid partners act in a predetermined, co-ordinated and consistent manner.

1. GENERAL INTENT

- 1.1 There is a need for a single agreed protocol for managing unauthorised encampments of Gypsies and other Travellers in the County and there is a responsibility on all 7 local authorities and the police to collaborate in devising one.
- 1.2 Integral parts of such a protocol are a consistent, positive and informed approach to enforcement having due regard to relevant legislation such as the Human Rights Act 1998, the Housing Act 2004, the Equality Act 2010 and relevant regulations and guidance.
- 1.3 Throughout this document, the term “Gypsy” and “Traveller” means those Gypsies and Travellers who come within the definition of “Gypsy” in Section 24 of the Caravan Sites and Control of Development Act 1960 (as amended and as clarified by the Courts).
- 1.4 Where no other specific policies, protocols or procedures apply, unauthorised encampments by persons who are not Gypsies or Travellers shall normally be managed in accordance with this protocol.
- 1.5 This protocol **does not** relate to unauthorised encampments on privately owned land or illegal developments which fall within the consideration of relevant planning policy and procedures

2. GYPSIES AND TRAVELLERS WHO ARE ENCAMPED WITHOUT AUTHORISATION ON LOCAL AUTHORITY LAND IN WORCESTERSHIRE

General

- 2.1.1 Once it becomes known that a person has encamped, an officer or agent of the local authority responsible for taking action (as identified in paragraph 3.2 below) will visit the encampment immediately if enforcement action might be undertaken straight away or otherwise within a maximum of two working days. Once satisfied that the trespasser is a Gypsy or Traveller and, having asked their intentions, the officer (or agent) will advise, if appropriate, that the trespassers contact the County Council who can advise of any vacancies on authorised sites and the process for applying to the waiting list if there are no vacancies. A welfare check and Equality Impact Assessment will be carried out, and, if appropriate, the Gypsies/Travellers will be offered contact details of other relevant agencies for issues such as health, housing or education. Where consultation between authorities is necessary, there shall be close co-operation and thorough communication in order to ensure that information is made available promptly so as not to unnecessarily

2.2 Immediate Action

2.2.1 Enforcement action will be commenced immediately if, in the opinion of the responsible authority, circumstances such as those listed below apply:-

- (1) A level of nuisance is occurring which cannot be effectively controlled including:
 - a. Unreasonable effect on neighbouring property or nuisance to the local community.
 - b. Road safety hazards, usually determined by highway or police officers.
 - c. Statutory nuisance or circumstances prejudicial to health or safety.
 - d. Obstruction of access to land either owned by the local authority or a private individual or company.
- (2) Demonstrable requirement of land for operational use.
- (3) Environmental damage.
- (4) Criminality demonstrably linked to the encampment, usually determined by the police.

2.2.2 Where circumstances such as those listed above apply, or if a Gypsy or Traveller without good reason, considering guidance on deferred enforcement, unreasonably rejects an offer of accommodation, he/she will be informed that they must vacate the land

2.3 Deferred Enforcement

It may not be necessary nor constructive to seek to evict Gypsies or Travellers immediately and consideration will be given to the potential deployment of a period of deferred enforcement of up to 21 days.

- 2.3.1 If the land is not vacated within the specified period, the responsible authority may then recover the land.
- 2.3.2 If the Gypsies and Travellers are cooperative, only wish to stay for a short time and the encampment is not in a sensitive location, it may only be necessary to monitor the situation pending their departure. It may also be appropriate to provide the unauthorised campers with some means of disposing of rubbish and waste in order to minimise clear-up costs when they have left.
- 2.3.3 During a period of deferred enforcement the responsible authority may take appropriate steps in order to recover the land as soon as the 21 day deferred enforcement period has expired. That is, it is not necessary for the 21 days to expire before commencing legal or other proceedings. The status of the encampment shall be kept under review in the event that either the circumstances set out in 2.2.1 apply or significant welfare concerns have arisen.

- 2.35 It would be appropriate to conduct a welfare assessment with an encampment every 14 days. The local authority should continually review if deferred enforcement is appropriate. This decision will be based upon information from the police, other partners and the public.
- 2.35 If deferred enforcement is appropriate, the local authority should inform the police so they are aware of the circumstances of the encampment.

3. RESPONSIBILITY FOR TAKING ACTION

3.1 Role of the police

- 3.1.1 Other than in the case of highway land, the local police commander (normally the Duty Inspector) may be approached at an early stage to ascertain whether he/she would be prepared to exercise powers under Section 60/ 61/62A-E of the Criminal Justice and Public Order Act 1994 as amended by the Police, Crime, Sentencing and Courts Act 2022
- 3.1.2 The local police commander will assess the situation and give an initial decision within two days.
- 3.1.3 If the commander confirms that s/he may take action, the responsible local authority will hold back from any action for a short period in order to avoid possible confusion regarding deadlines etc.
- 3.1.4 Even if s/he decides not to take action under Section 60/61/62A-E, the local police commander may wish to reconsider if circumstances change. In this eventuality, s/he will immediately inform a nominated officer from the local authority by telephone or email.
- 3.1.5 In cases where the police are not themselves taking enforcement action, they will

3.2.4 If it is decided that enforcement action is not to be deferred, it will be a matter for the officer of the authority responsible for the land to determine by what means action will be taken. Once it has been decided that action is necessary, this should be implemented without undue delay.

3.2.5 In all cases, there will be close co-operation and thorough communication at all times between the County Council, District Councils and the police. The County Council will inform the relevant District Council when it is taking formal action against Gypsies or Travellers within their area or when exercising deferred enforcement and vice-versa. Similarly, both the police and the County Council will inform the relevant District Council when they are taking formal action against Gypsies or Travellers within their area or when exercising deferred enforcement and vice-versa.

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