

North Wales Joint Protocol on Managing Unauthorised Encampments

1. Introduction

- 1.1 Unauthorised encampments are defined as ‘encampments of caravans and/or other vehicles on land without the landowner’s or occupier’s consent and constituting trespass’. They fall into two main categories: those on land owned by the Council (such as highways, parks, schools) or another public body, and those on private land. The process of responding to them may alter depending on who owns the land, with public bodies having additional responsibilities that do not apply to private landowners.
- 1.2 Unauthorised encampments arise from time to time for a variety of reasons. Responding to them requires sensitivity in order to balance the rights and responsibilities of Gypsies and Travellers (the ‘travelling community’) and local residents and businesses (the ‘settled community’).
- 1.3 This protocol provides a framework for managing all unauthorised encampments in North Wales in a positive and consistent way, for the benefit of all people concerned and affected by them.
- 1.4 It has been drawn up to facilitate a co-ordinated approach between:
 - the six Local Authorities, Anglesey, Gwynedd, Conwy, Denbighshire, Flintshire and Wrexham
 - North Wales Police (NWP)
 - North Wales Fire and Rescue Service (NWFRS)
 - Betsi Cadwaladr University Health Board
 - other public bodies such as Snowdonia National Park and the Welsh Government
 - private landowners
 - Gypsies and Travellers
 - and local residents
- 1.5 The Protocol takes account of ‘Guidance on Managing Unauthorised Camping 2013’ published by the Welsh Government and complies with the responsibilities placed on all public bodies by the Equality Act 2010 and other relevant legislation.
- 1.6 The objectives of the Protocol are to:
 - manage unauthorised encampments in an efficient and effective way, balancing the rights and responsibilities of Gypsies and Travellers, local residents and key stake holders and to minimise any environmental or community impacts

- work with partner agencies to promote community cohesion and prevent the social exclusion of Gypsies and Travellers
- Introduce clarity on process of responding to enquiries and sharing information
- set a framework within which clear, consistent and timely decisions can be made which link to other strategies and services that affect Gypsies and Travellers (e.g. housing, education, planning).

2. Roles and Responsibilities of all Agencies

2.1 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.

2.2 They agree to:

- comply with their responsibilities under the Equality Act 2010 to:
 - eliminate unlawful discrimination
 - promote equality of opportunity
 - promote good relations between people from different racial backgrounds
- act at all times in a humane and compassionate manner
- nominate a Single Point of Contact (SPOC), be this a specific officer or contact point (e.g. Police 101) for the purposes of co-ordinating a response to an unauthorised encampment (that officer having sufficient authority to make decisions on behalf of their respective organisations)
 - to put in place arrangements in the event that the usual SPOC is absent (if an officer) and appropriate response cover
 - produce their own detailed Policies and Procedures reflecting their own structures and procedures, and taking this protocol as the minimum standard for managing unauthorised encampments
- publicise the protocol on their web sites
- ensure that all SPOC's are informed when an encampment occurs to ensure an appropriate response from each agency
- maintain a co-operative, open and honest working relationship between all partners

- ensure that information shared 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
- Keep accurate records through the All-Wales Caravan Count system. Local Authorities create automatic email protocols so encampment data can be shared.

2.3 Each Agency will ensure that their public call handlers:

- know about the Protocol and their nominated Single Point of Contact officer
- have training on how to deal with calls from or in respect of Gypsies and Travellers appropriately, effectively and consistently
- are provided with up to date information about who is responsible for dealing with unauthorised encampments in each partner organisation

2.4 Whilst **Local Authorities** will lead on providing information to the media, all Agencies are asked to ensure a co-ordinated response to media enquiries within the context of the responsibility to promote good relations between Gypsies and Travellers and the settled community.

3. Individual Agency Responsibilities

3.1 The responsibilities of each agency are dependent upon the location of the encampment, i.e. whether it is on:

- Local Authority land
- Other Public land
- Private land
- Gypsy and Traveller owned land

3.2 The **Local Authority** may be asked to determine the ownership of the land if it is unknown.

3.3 Encampments on Local Authority Land

3.3.1 **Local Authorities** will:

Initial contact

- Make initial contact with the Gypsies/Travellers as soon as practically possible to determine their intentions and whether they have any initial service needs or urgent welfare needs

- Determine if there are any obvious signs of welfare requirements and request BCUHB to undertake health assessments of the individuals on the site where the duration of stay is more than 3 days.
- Identify and respond to road safety or other safety concerns

Services and Facilities

- Provide household waste facilities
- Provide toilets
- Provide information to encampment occupiers, such as locations of local Civic Amenity sites, schools and health care settings.
- Identify and respond to any outreach educational service needs where appropriate.
- Discuss a code of conduct with the Gypsies and Travellers and provide information to them about what local support is available to them.
- Identify whether alternative appropriate sites are available and make this known to the Gypsies and Travellers

Decision-Making

- Local Authorities will seek to balance the welfare and human rights of occupiers against the impact on nearby residents and businesses, with particular consideration of health and safety hazards and public nuisance.
- Decide whether to tolerate or require the removal of the encampment in a timely manner in line with the current Welsh Government guidance.
- Ensure any possession action does not take place where such action amounts to an unjustified interference with Article 8 of the Human Rights Act 1998 or where the action is contrary to the best interests of child occupants.

Eviction

- On sites where the decision is not to tolerate, provide information to the Gypsies and Travellers about the proposed action and what support is available to them.
- Take eviction action where appropriate, including the service of documentation and the use of bailiffs, but in liaison with NWP
- Make arrangements to remove rubbish after the Gypsies and Travellers have left the site.
- Inform and liaise with local elected Councillors and the settled community.

3.3.2 North Wales Police (NWP) will:

- Comply with the requirement of the NPCC guidance on managing unauthorised camping.
- Identify and respond to evidence of public safety problems.

- Monitor and respond to local community tensions.
- Inform relevant agencies of the location and size of the unauthorised encampment.
- Provide policing services to the Traveller and settled communities.
- Prevent and detect crime.
- 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.

3.3.3 **Betsi Cadwaladr University Health Board (BCUHB) will:**

- Assess the health needs of the Gypsies and Travellers on the sites as soon as is practicable after being requested to do so by the Local Authority.
- Provide a general summary report to the Local Authority no later than 5 working days after the date that the request is made. The report will only provide a general statement as to whether there are, or are not, any health needs that should prevent an eviction. *(This information will be provided to the Local Authority without personal information that would require the formal consent of the individuals who are subject to the health assessments. The statement provided will be in a form suitable to be presented in evidence to a court).*
- Provide health services to the Gypsies and Travellers.

3.3.4 **North Wales Fire and Rescue Service (NWFRS) will:**

- Assist partner agencies and Gypsies and Travellers in undertaking risk assessments of the site relating to Arson vulnerability and fire spread.
- Provide advice in relation to access for fire appliances and water supplies in the event of fire.
- Offer the opportunity for a free safety check of caravans and install specialist smoke detection and other prevention equipment, free of charge, as and when required.

3.4 **Encampments on other Public Land**

- 3.4.1 The **Land Owning Authority** should liaise with local authorities to arrange welfare needs enquiries, and **Local Authorities** should be prepared to help. The decision to evict or tolerate and level of welfare needs enquiries will be the same as for local authorities land.

3.5 **Encampments on Private Land**

- 3.5.1 In accordance with the Welsh Assembly guidance, private land owners experiencing unauthorised Gypsy and Traveller encampments on their land are not bound by the same statutory responsibilities as public authorities, but should in the first instance contact their local authority to determine if a Gypsy and Traveller Liaison Officer (or equivalent) is in place to mediate. Alternatively, the SPOC / lead officer or the local police force may be able to assist.

3.5.2 Private land owners will need to seek their own legal advice when attempting to resolve unauthorised encampments on their land. Where they chose to tolerate, they will need to take advice from the Local Authority planning department.

3.6 Encampments on Gypsy and Traveller Owned Land

3.6.1 **Local Authorities** will advise the encampment occupants of the planning status of the land if they intend to stay for more than 7 days. Planning enforcement action may be considered.

Appendix

Relevant Organisations:

Welsh Government

Fairer Futures Division
Local Government and Communities Department
Welsh Government
Rhydycar Office
Merthyr Tydfil
CF48 1UZ

North Wales Regional Equality Network (NWREN)

Y Ganolfan Cydraddoldeb / The Equality Centre
Ffordd Bangor
Penmaenmawr
LL34 6LF

01492 622233
info@nwren.org

The Unity Project

Bryn Hall: Community Engagement Officer
07920567652
bryn.hall@pembrokeshire.gov.uk

Catherine Fortune: Health & Wellbeing Officer
07920567668
catherine.fortune@pembrokeshire.gov.uk

Denise Barry Advice: Advocacy & Information Officer
07810551331
denise.barry@pembrokeshire.gov.uk

National Advocacy and Advice line for Gypsy & Travellers living in Wales
All Wales Helpline Number
01646 686139

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