

<b>Subject:</b>	<b>Gypsy Roma Traveller Action Plan 2011/12</b>	
<b>Date of Meeting:</b>	<b>14 July 2011</b>	
<b>Report of:</b>	<b>Strategic Director, Place</b>	
<b>Lead Member:</b>	<b>Cabinet Member for Environment &amp; Sustainability</b>	
<b>Contact Officer:</b> Name:	<b>Geoff Raw</b>	<b>Tel:</b> <b>29-7329</b>
	<b>E-mail:</b> <a href="mailto:geoff.raw@brighton-hove.gov.uk">geoff.raw@brighton-hove.gov.uk</a>	
<b>Key Decision:</b>	<b>No</b>	
<b>Wards Affected:</b>	<b>All</b>	

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report considers Gypsy, Roma and Traveller matters and recommends a review of the current Traveller Strategy, which was approved in 2008.
- 1.2 The report recognises our duty and responsibility to local residents to ensure they are able to enjoy the city's parks and open spaces whilst at the same time we are mindful that Gypsies, Roma and Travellers are an often marginalised group with a way of life that the authority seeks to protect.
- 1.3 The council takes a firm but fair approach to discourage Gypsy, Roma and Traveller groups from setting up unauthorised encampments in sensitive locations and reduces the costly and disruptive cycle where travellers move from site to site.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet approves the following measures that form part of an action plan for this year under the current Traveller Strategy:
  - (a) To commence a review of the 2008 Traveller Strategy to deal with the annual summer increase in unauthorised encampments
  - (b) To prioritise the provision of a permanent Travellers site
  - (c) To continue to offer appropriate support to assist Gypsy, Roma and Travellers with their welfare needs
  - (d) To promote cohesion between settled and travelling communities
  - (e) To focus site protection measures on those areas that are the most unsuitable for toleration
  - (f) To take firm enforcement and eviction action in partnership with the Police

- (g) A commitment to examine new ways of managing the seasonal summer increase in Travellers, including consideration of the appropriate use of limited toleration on lower impact sites
  - (h) To ensure that Gypsy, Roma and Traveller groups, local residents and their representatives are consulted as part of the development of the refreshed strategy
  - (i) To encourage and work with neighbouring authorities to play their part in supporting the Gypsy, Roma and Traveller way of life
- 2.2 That Cabinet approves the outline action plan in Appendix 1 based on these recommendations for 2011-15 and authorises the Strategic Director of Place, Lead Commissioner for Housing and Head of Housing & Social Inclusion to take all steps necessary or incidental to the implementation of the plan.
- 2.3 That Cabinet instructs officers to refer the refreshed Traveller Strategy, once drafted, to Cabinet for approval.

### **3. WHO WE DEFINE AS TRAVELLERS**

- 3.1 'Travellers' is a collective term used to describe different groups who have a nomadic lifestyle or tradition/heritage of nomadism. Romany Travellers, English and Irish Travellers are recognised in law as ethnic groups and are identified as having a shared culture, language and beliefs. Romany Gypsies have been in England for over 600 years and Irish Travellers have a long history of travelling and living in this country.
- 3.2 Gypsy, Roma and Travellers as a group suffer a high level of inequality, particularly around life expectancy, health and education issues, and face discrimination and racial hatred.
- 3.3 The term 'Travellers' also covers some groups not currently recognised as ethnic groups including 'New Travellers' who are non-traditional travellers (most of whom originate from the settled community, although some children have been born into New Traveller communities) and Travelling showpeople.

### **4. CURRENT NUMBERS OF TRAVELLERS IN BRIGHTON & HOVE**

- 4.1 Current experience of Travellers in Brighton & Hove is that we normally have approximately 14 to 16 mainly Irish Traveller families with local connections who remain in or around the city throughout the year.
- 4.2 During the summer there is a large increase in the number of Travellers visiting the city who are coming here for holidays or to obtain work locally. Potentially this can be up to 50 households at any time. The vast majority are not seeking permanent sites merely somewhere to stop whilst they visit.

### **5. THE TRAVELLERS STRATEGY**

- 5.1 The Brighton & Hove Travellers Strategy was approved in 2008 and is due for review. It is recommended to revise the strategy during 2011/12. This would also allow it to sequence with the upcoming Scrutiny Panel review of the existing

strategy. The revised strategy will be presented to Cabinet for approval before the 2012 season starting at Easter.

## **5.2 Permanent Site**

- 5.2.1 Nationally, there are not enough suitable sites to meet the accommodation needs of Gypsies, Roma and Travellers and the lack of authorised sites has lead to an increase in unauthorised encampments.
- 5.2.2 The Housing Act 2004 requires local authorities to assess the accommodation needs of Gypsies and Travellers and have a strategy that sets out how any identified needs will be met. The 2007 Gypsy & Traveller Accommodation Assessment identified a need for 16 permanent pitches in the city.
- 5.2.3 The Council is currently searching for a suitable site and hopes to be able to consult on this in Autumn with work starting early in 2012/13.

## **5.3 Transit Site**

- 5.3.1 The South East has 43 transit pitches with more than half of these (23) in Brighton & Hove (this is more than Greater London which has only 20).
- 5.3.2 The city has one authorised site (Horsdean Transit Site, Patcham) which provides accommodation for up to three months. However, the majority are occupied by households in need of permanent pitches. A new permanent site will free up transit pitches for those visiting the city.

## **5.4 Traveller Liaison Service**

- 5.4.1 The Traveller Liaison Service provides support to those living a nomadic lifestyle and entering the city, manages the Horsdean Traveller transit site, and manages unauthorised encampments within the city. The team consists of a part-time manager, 2 Traveller Liaison Officers and a Technical Support Officer.

## **5.5 Dealing with unauthorised encampments**

- 5.5.1 Where Travellers park on public land, the Police and Traveller Liaison Service make joint visits to assess the impact of the unauthorised encampment upon the local area and community and carry out welfare checks. Very often welfare needs result in some vehicles staying which encourages other vehicles to congregate on the site.
- 5.5.2 In some circumstances following a request from the Council over issues such as anti-social behaviour or crime and disorder, the Police can evict travellers relatively quickly using their powers under s.61 and s.62 of the Criminal Justice and Public Order Act. It is important to note that the Police do not make a decision to use these powers lightly. In order for the police to take such action they require evidence and they will also consider the wider impact of eviction on the community in terms of displacement.
- 5.5.3 The Council can also apply for a possession order in the County Court in circumstances where it's not appropriate for the Police to use powers under the

Criminal Justice and Public Order Act. Possession action can be lengthy, complex and open to legal challenge.

## 5.6 **Managing the seasonal summer increase in Gypsy & Traveller visits**

- 5.6.1 This report recommends focussing security measures on those locations that have a higher impact upon local residents and the environment. Security measures would vary depending on the nature of the location and could cost several tens of thousands.
- 5.6.2 As highlighted in both our existing Traveller Strategy and Government Guidance it is good practice to allow some toleration for short periods of time in locations where the encampment does not have any adverse impact on the settled community. This allows the Council to be better able to meet its responsibilities towards Gypsies, Roma and Travellers and take more effective enforcement action. Improved use of toleration on lower impact sites will be considered as part of the review of the strategy.
- 5.6.3 The Council recognises the importance of balancing the needs of the settled community with the needs of Travellers visiting the city. The Council is working in partnership with the Police on a 'firm but fair' approach to reports of anti-social behaviour, disorder or crime associated with a small minority of travellers. Examples of recent actions taken in partnership with the Police are:
  - Development of a Code of Conduct on Unauthorised Encampments that outlines behaviour which may result in eviction and sets the same standards of behaviour expected of the settled community
  - Development of a leaflet to remind people that the anti-social use of motorcycles on public open spaces could result in the vehicle being seized
  - The introduction of daily visits by the Police to unauthorised encampments to reassure both residents and travellers

## 5.7 **Good Neighbour Compact**

- 5.7.1 As part of the development of the revised strategy, the Council wants to explore the development of a Good Neighbour Compact. Traveller communities could be encouraged to agree a Good Neighbour Compact whenever they park on public land which will require them to treat the land they have occupied with respect, and that to respect the rights and freedoms of other people who also wish to use the area.
- 5.7.2 A Good Neighbour Compact would clearly outline the behaviour that may result in eviction from a site and would follow the same standards of behaviour that are expected of the settled community. The Council is clear that behaviour that is deemed unacceptable within society in general will not be tolerated. The Compact would also outline the welfare support that is also available as part of a balanced approach.
- 5.7.3 Thought will have to be given about the type of compact and what the consequences of breach will be. If we are to take action for breaches, then there will need to be evidence we face legal challenge as a consequence. Officers may seek Counsel's opinion on these matters before finalising any documentation to avoid setting unhelpful precedent.

## **6. CONSULTATION**

- 6.1 Engagement with Gypsies, Roma and Travellers, partner agencies and support groups (such as Friends, Families and Travellers), and the settled community is essential to ensure that the Travellers Strategy meets needs in an effective way.
- 6.2 As part of the development of a new Travellers Strategy, the Council will seek to enhance existing consultation and dialogue mechanisms with stakeholders, the local settled community and locally based Gypsy, Roma and Travellers. It is hoped that the Environment & Community Safety Overview and Scrutiny Committee will be involved in the strategy development.
- 6.3 In addition the Council will work proactively with partners and stakeholders to promote good race relations and community cohesion between Gypsies, Roma, Travellers and the settled community. This will involve the development of initiatives to raise awareness of issues relating to Travellers and address some of the 'myths' that still surround the travelling community.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The Traveller Liaison budget for 2011/12 is £0.310 million. Whilst budget efficiencies have been planned for, the budget is likely to overspend this financial year (as it has done in previous financial years). The costs of site protection measures will be assessed and any future service pressures will be included in the Targeted Budget Management reports for 2011/12 and also in the Budget Strategy for 2012/13.
- 7.2 Any financial implications associated with implementing the other measures in the action plan will be reviewed and included in future reports back to Cabinet as per the action plan timetable.

*Finance Officer Consulted:* Susie Allen

*Date:* 01/07/11

### Legal Implications

- 7.3 In relation to recommendation 2.1(a), formulating and adopting a revised gypsy and traveller strategy must be accompanied by appropriate consultation, and comply with the Human Rights Act.
- 7.4 Recommendations 2.1(b) and (c) reflect statutory requirements.
- 7.5 The setting up of a permanent site will be subject to the grant of planning permission for the same. The Town and Country Planning Act 1990 ("the 1990 Act") defines development, for which planning permission will normally be required, as including a material change in the use of land and building operations, both of which are likely to be involved in establishing the site.
- 7.6 Section 70(2) of the 1990 Act requires that the local planning authority, in determining any planning application, shall have regard to the provisions of the development plan, so far as material to the application, and any other material considerations. Moreover section 38(6) of the Planning and Compulsory

Purchase Act 2004 provides that the determination must be in accordance with the development plan unless material considerations indicate otherwise.

- 7.7 Relevant policies in the Brighton and Hove Local Plan 2005 will therefore have primacy in the determination of a planning application for a permanent site although other material planning considerations, for example the guidance contained in Circular 01/2006: "Planning for Gypsy and Traveller Caravan Sites", should also be taken into account.
- 7.8 Recommendation 2.1(d) reflects equalities and other local government legislation.
- 7.9 Further consideration will need to be given to the use of compacts to ensure they do not open up the question of licences, by suggesting a managed toleration. Further advice from Counsel will be sought on this area.
- 7.10 In relation to recommendation 2.1(e), there is no inherent problem with site protection where it is targeted at all, and not solely at ethnically defined travellers, which may fall foul of equalities legislation. A policy of site protection would require an Equality Impact Assessment.
- 7.11 In relation to recommendation 2.1(f), robust enforcement and eviction action in partnership with the police on unsuitable sites or where anti-social behaviour, disorder or other criminal behaviour is a concern, is current policy, and is likely to continue to be challenged.
- 7.12 In relation to recommendation 2.1(g), examining new ways of managing the seasonal summer increase in Travellers will need to take account of many of the factors raised above, including our land rights and the rights under the law of those who trespass on the land.
- 7.13 In relation to recommendations 2.1(h) and (i), appropriate consultation with all concerned is strongly advised. Close liaison with neighbouring authorities to encourage them to play their part in supporting the Gypsy & Traveller way of life is also advisable.
- 7.14 At each stage of strategy development, further legal advice may need to be sought – some of this will be specialist advice which will have to be sourced outside the Council legal teams.

*Lawyers Consulted:*

*Hilary Woodward*

*Date: 01/07/11*

*Simon Court*

*Date: 01/07/11*

*Abraham Ghebre-Ghiorghis*

*Date: 04/07/11*

*Equalities Implications:*

- 7.15 Gypsies, Roma and Travellers are an often marginalised group with a way of life that the authority seeks to protect whilst at the same time considering the needs of local residents. Gypsies, Roma and Travellers as a group suffer a high level of inequality, particularly around life expectancy, health and education issues, and suffer from discrimination and racial hatred.

- 7.16 The Gypsy & Traveller Accommodation Assessment 2007 identified a shortage of traveller pitches in the South East and Brighton & Hove. This report and its recommendations are in order to help address this need.
- 7.17 An Equality Impact Assessment was carried out as part of the development of the existing Traveller Strategy and a fresh assessment will be carried out as part of the upcoming review of the Traveller Strategy.
- 7.18 As swift action is required and these recommendations fall within existing Government guidance and our strategy, it is not felt that the recommendations in this report require a separate Equality Impact Assessment at this stage.

Sustainability Implications:

- 7.19 The repeated evictions of travelling groups from the city's parks, historic and otherwise important sites only to see them again camp on a similar site is causing distress to travelling groups, local people and the environment. In focussing protection measures on locations most unsuitable for encampments the report seek to minimise the impact on residents and travellers and also prevent further damage to the city's important open spaces.

Crime & Disorder Implications:

- 7.20 Joint work with the Police is strengthening our approach to dealing with anti-social behaviour, crime and disorder associated with a small number of the travelling community.

Risk & Opportunity Management Implications:

- 7.21 Separate advice will need to be sought from the insurance team as to insurance implications. This refers to liability to the travellers and in addition to those working and living around them, for example, a vehicle running over a member of the public. It is possible that some travellers will not have adequate insurance.

Corporate / Citywide Implications:

- 7.22 Effective management of unauthorised encampments is essential to support local residents, the Gypsy, Roma and Traveller community and to protect the city's open spaces. In addition, an ineffective approach is likely to exacerbate the number of unauthorised encampments with additional associated community tensions and costs.
- 7.23 The subject matter is open to legal challenge from a number of angles that has the potential to cost the authority significant sums.

**8. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 8.1 The current approach is visibly resulting in a cycle where travellers are moving from high profile site to high profile site as their preferred locations have been blocked. This is resulting in increased costs that would be more effectively used in securing the city's more important sites.

- 8.2 The other alternative would be to increase enforcement and eviction action however this is likely to only speed up the cycle rather than halt it with welfare needs likely causing delays to eviction and further loss of amenity space for local residents. This will increase community tension to the detriment of both the settled and travelling communities.

## **9. REASONS FOR REPORT RECOMMENDATIONS**

- 9.1 The current approach to dealing with unauthorised Gypsy, Roma and Traveller encampments has resulted in a number of high profile encampments on prominent locations throughout the city such as parks and open spaces. Historically these encampments would have been on lower impact sites however these have been secured to prevent access.
- 9.2 As the current approach has not been as effective as envisaged, there is a desire to consider the alternative measures available under the existing strategy which can be implemented at short notice for this summer pending a full review of the strategy. It is expected that in doing this, subject to an understanding of the risks associated with this course of action, there may be fewer encampments in high profile locations.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

1. Action Plan 2011/12-2014/15

### **Documents in Members' Rooms**

None

### **Background Documents**

1. Traveller Strategy, Brighton & Hove City Council, 2008  
[www.brighton-hove.gov.uk/travellers](http://www.brighton-hove.gov.uk/travellers)
2. Accommodation Needs of Gypsies and Travellers, Brighton & Hove City Council, 2007  
[www.brighton-hove.gov.uk/index.cfm?request=c1172974](http://www.brighton-hove.gov.uk/index.cfm?request=c1172974)