

Report to Cabinet

Subject: Policy for dealing with unauthorised Gypsies and Traveller Encampments

Date: 24th April 2014

Author: Community Protection Manager

Wards Affected

Borough wide

Purpose

To present the Policy for dealing with unauthorised Gypsies and Traveller Encampments for approval.

Key Decision

This is not a key decision

Background

- 1.1 Since 2009 there have been six unauthorised Gypsy and Traveller encampments within the Gedling Borough Council area. All these encampments have been on Council owned recreation grounds and have caused a degree of disruption to the local community. Regaining possession of this land has placed a significant burden on both the Council's Public Protection and Legal Services teams. Following removal of the Gypsies and Travellers from the site the clean-up costs and associated repairs are borne by the Council's Parks and Street Care service and this places a significant financial burden on existing resources.
- 1.2 Following the last encampment in August 2013 officers set up a working group. The group considered the readiness of officers to react to such encampments; reviewed security arrangements at a number of high risk Council owned locations and reviewed its internal policies and procedures in relation to the Gypsy and Traveller community as well as safeguarding issues arising out of such encampments.
- 1.3 There is a general planning policy covering Gypsies and Travelling show

people in the Aligned Core Strategy, which is currently being examined. We are carrying out an assessment of need for gypsy and traveller accommodation with neighbouring Councils which will provide up to date evidence. This assessment is at a very early stage. Sites will be allocated through the Gedling Borough Local Planning Document.

- 1.4 The group agreed to develop and review their own practices and procedures to make them more robust and set out the clear steps to be followed and to develop a Council policy that would benefit the Council and would be compliant with the Human Rights legislation.
- 1.5 The Human Rights Act 1998 (HRA 1998) states that it is unlawful for a Public Authority to act in a way that is incompatible with the Convention Rights. This has meant in practice that Public Authorities have had to review their decision making process to ensure that any decisions taken are compatible with the HRA 1998. As a result this Council has decided to ensure its Policy and procedures in relation to Gypsies and Travellers fairly balances the rights and freedoms of all the individuals concerned (including gypsies/Travellers and local residents), ensuring any decisions are proportionate in the circumstances.
- 1.6 When drafting the policy officers have had regard for a number of relevant pieces of legislation namely: Crime & Disorder Act 1998, Homelessness Act 2002, Criminal Justice and Public Order Act 1994 and the Public Health (Control of Disease) Act 1984.
- 1.6 The proposed policy has been drafted in consultation with the Nottinghamshire Gypsies and Traveller Partnership.
- 1.8 Officers have carried out an Equality Impact Assessment in relation to the policy which is set out in Appendix A. This assessment will require updating periodically in order to accommodate changes in relevant guidance.

Proposal

- 2.1 It is proposed that the Council adopt the Policy for dealing with unauthorised Gypsies and Traveller Encampments set out in Appendix B.

Alternative Options

- 3.1 The Council do not adopt a Policy at all for dealing with such encampments. The risk in this situation is that there are no clear guidelines for the Council to follow and the process for dealing with encampments is not clear or transparent for those affected.

- 3.2 Adopt an alternative Policy for dealing with Gypsies and Traveller Encampments. However, having consulted with partnership agencies and different departments across the Council on what approach to adopt, this Policy document at Appendix B reflects what is, in the officers opinion the best approach.

Financial Implications

- 4.1 There are no immediate financial implications arising from the adoption of this policy.
- 4.2 Effective and timely removal of Gypsies and Travellers is likely to result in reduced clean-up costs after the Council has retaken possession of the land. It is anticipated that in most instances the costs associated with the implementation of this policy will be accommodated within the approved base budget. However, when this is not possible, budget approvals will be requested via the normal quarterly budget monitoring process.

Appendices

- 5.1 Appendix A - Equality Impact Assessment
- 5.2 Appendix B - Policy for dealing with unauthorised Gypsies and Traveller encampments

Background Papers

- 6.1 None

Recommendation

It is recommended that the Policy for dealing with unauthorised Gypsies and Traveller Encampments as set out in Appendix B of this report is approved.

Reasons for Recommendations

To ensure the Council has a clear and transparent Policy for dealing with Gypsies and Traveller Encampments.