

Joint Core Strategy and Development Management Policies Development Plan Document

Independent Examination

Hearing Session 5: Communities and Design

Further information on Oldham Council's Gypsy, Traveller and Travelling Showpeople working arrangements, provided by Housing Strategy.

Submitted 10 June 2011

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1. Policy of Compassion and Tolerance

1.0 General

- 1.1 The objectives of this policy are
- a) To make clear, consistent and appropriate decisions on unauthorised encampments.
 - b) To ensure that a balance is struck between the needs of all parties.
 - c) To ensure that decisions taken will withstand challenge.
- 1.2 The policy relates to all travelling groups including non-traditional Travellers since the issues raised by encampments are similar and the education, welfare and homelessness duties owed are identical.
- 1.3 The policy will detail the responsibilities of different authorities and agencies, which authority will act in specified circumstances where, the alternative courses of action to be taken, the circumstances in which eviction processes would be instigated and the circumstances in which an encampment might remain for a period under regular review. It will also detail the characteristics of encampment sites, which would normally trigger rapid eviction proceedings, the standards of behaviour expected from unauthorised campers on encampments and the circumstances in which arrangements for refuse storage and collection services, water supply or toilets to an encampment, may be arranged.

2.0 Policy

- 2.1 On identification of an encampment, Oldham MBC Officers will visit as soon as practicable for the purposes of supplying information to the travellers and to begin to assess the suitability of the site.
- 2.2 Information provided to travellers includes details of how to access the education service for any children present, housing options centre, social services, health services, refuse services, police and details of nearby authorised sites for travellers. Hate incident report forms will be supplied to allow any travellers subject to such incidents to report them to the police for investigation. Contact details for the Council Officer involved will be provided.
- 2.3 In addition to providing such information, the relevant agencies are advised in writing of the encampment so they can fulfil any obligations in terms of welfare provision.
- 2.4 Arrangements for refuse collection will be made and communicated to the travellers along with details of civic amenity sites.
- 2.5 Every encampment is considered against criteria such as health and safety considerations for the unauthorised campers, traffic hazard, public health risks, serious environmental damage, genuine nuisance to neighbours, anti social behaviour and proximity to other sensitive land-uses etc. If the

encampment is deemed not to be disruptive, the council will not commence proceedings to evict the travellers. Officers will continue to visit the site to assess any further needs and to keep the situation under review. If the land is privately owned, the owner may choose, despite our tolerance, to commence proceedings in the County Court under Civil Procedure Rules, Part 55 or take action under common law through the use of Baliffs.

2.6 In general, an unauthorised encampment would not normally be acceptable in the following locations:

a) A site of Special Scientific Interest (SSSI) where an encampment endangers a sensitive environment or wildlife

b) School car park or playing fields (especially in term time)

c) An urban park

d) Car parks, including hospital, supermarket or leisure facility car parks

e) An industrial estate

f) Recreation ground and public playing fields

g) A site where pollution from vehicles or dumping could damage ground water or water courses

h) A derelict area with toxic waste or other serious ground pollution

i) A village green or other open area within a residential area

j) The verge of a busy road where fast traffic is a danger to unauthorised campers' children

2.7 In such situations, or where other unauthorised encampments are deemed disruptive, the council will normally commence proceedings to evict the travellers in accordance with the Criminal Justice and Public Order Act 1994. This applies to both council owned land and privately owned land where the owners have requested the council's assistance.

3.0 Proceedings & Eviction

3.1 Before commencing and throughout proceedings to evict, however, the officer will take into account any information provided by the travellers and the agencies notified so as to ensure the health & welfare of the travellers are not put at risk. Where possible the Council will be sensitive to the needs of the group or individuals. This may lead to toleration of individual caravans or immediate families where, for example the campers are in need of assistance from local Health or Welfare Services, particularly where pregnant women or newly born children are involved. The decision to evict is taken seriously and only where the interference with Gypsy/Traveller family life and home is justified and proportionate

- 3.2 The decision to commence proceedings must be authorised by the Principal Environmental Health Officer in line with the Councils Enforcement Policy and be:
- a) 'Lawful' - that is in line with local policy and procedures, taking into account relevant considerations and not taking into account the irrelevant.
 - b) 'Reasonable' in the legal sense of not being perverse or irrational in the light of the evidence available.
 - c) 'Balanced' in that they take account of the rights and needs of both the settled community and Gypsies and Travellers.
 - d) 'Proportionate' - what is proportionate will vary according to the precise circumstances of each encampment, including the nature of the location and the behaviour and needs of the unauthorised campers.
- 3.3 The travellers are made aware of their right to attend court or send legal representation on their behalf during legal proceedings.
- 3.4 Every effort will be made to avoid forced eviction, however the Council is prepared to take such action where necessary. Prior to the eviction, officers will liaise with the police to formulate a plan as to which personnel would be involved, which towing contractors will be used, where towed vehicles would be put and any traffic management issues.
- 3.5 Many encampments include children, who will find forced eviction especially stressful and frightening. All authority and other personnel involved in an eviction will remember this and seek to ensure that their actions have the least possible harmful effect on children.
- 3.6 Social services (who may need to provide temporary care for children in the rare cases where parents are arrested and held in custody), Education and homelessness officers will be forewarned of the eviction and if appropriate accommodation identified for horses and dogs.
- 3.7 A senior local authority officer will attend forced evictions to ensure that all agents follow codes of behaviour. The officers should attempt to encourage the unauthorised campers to move voluntarily wherever possible.
- 3.8 Police should be involved at a very early stage in planning a forced eviction. They will be able to advise on personal safety issues. In addition, forced evictions could have implications for traffic management and the like.

4.0 Other Action

- 4.1 All decisions and actions are undertaken in accordance with written work instructions and detailed records of all decisions & actions are retained in case of challenge.
- 4.2 In situations where the encampment may be causing a serious obstruction on a highway, or where there are aggravated features (damage to land,

threatening / abusive behaviour), the matter will be referred to the police for investigation / action. Action may still be necessary by the Council.

- 4.3 In situations where a court order has been obtained within 3 months for the site of the unauthorised encampment and for that group of travellers, they will be asked to leave the site immediately and if necessary a copy of the order action will be issued followed by action taken to evict.
- 4.4 In the case of the illegal development of sites (laying of concrete bases, amenities and other (semi) permanent structures), the matter will be referred to the planning enforcement officers, who will consider swift action in the form of temporary stop notices and injunctions.
- 4.5 In the case of private landowners giving permission for encampments, action will be considered in the short term to require them to provide basic amenities, whilst the council considers further action against them for any breach of planning etc.

2. Statement of Intent



STATEMENT OF INTENT

Greater Manchester Police
and

Oldham Metropolitan Borough Council

Signature of Cheryl

ACTING HEAD OF
PUBLIC PROTECTION
OLDHAM COUNCIL

- The Duty Inspector should be informed of an illegal encampment. They should then contact OMBC on 0161 770 4580
- OMBC to contact the Duty Inspector on 0161 856 8921 /8922 once notified of an illegal encampment.
- OMBC to identify land ownership and contact the land owner to inform them of the encampment and find out if they have permission. If not, get written confirmation that they want the people to leave.
- The Duty Inspector and OMBC to arrange a site meeting. This should be done within 4 hours or early the following morning should the notification be received after 6pm.
- At site meeting OMBC should issue welfare notices.
- OMBC to contact Welfare Services.
- The Duty Inspector to complete the GMP site assessment form and OMBC to complete their site assessment form and record all details and rationale for the decision making process.
- If Sec 61 powers to be used OMBC to serve letter requesting occupiers to leave and advising them that the police have been notified with a view to them using their powers.
- If Sec 77 powers to be used, OMBC should start the process 24 hours after the welfare notices are issued and taking into account any issues raised.
- GMP to collate and maintain a record of number of site occupants with OMBC.
- Daily visits by GMP and OMBC to assess site. Work together to deal with any problems/issues arising.
- Where action is taken for removal under Local Authority powers, GMP will support council officers to ensure that the peace will be maintained.
- Complainants to GMP and OMBC will be informed that investigation and action is being taken jointly.
- OMBC to arrange for land to be cleared and secured by owner.
- OMBC to identify vulnerable sites and take measures to protect them.

3. Illegal Encampments of Gypsies/Travellers

ILLEGAL ENCAMPMENTS OF GYPSIES/TRAVELLERS

1.PURPOSE

To provide detailed work instructions for dealing with illegal gypsy/traveller encampments.

2. RELATED DOCUMENTS

[Guide to effective use of enforcement powers - Part 1: Unauthorised encampments](#)

[Guidance on Managing Unauthorised Camping](#)

[Supplement to the Guidance on Managing Unauthorised Camping](#)

[Local Authorities and Gypsies and Travellers:Guide to Responsibilities and Powers](#)

[Criminal Justice and Public Order Act 1994, Sections 77 and 78](#)

[EDRS 6030132 Managing Unauthorised Encampments of Travellers/Gypsies](#)

[WI – PH21 Receipt of service requests](#)

Flare service request database

[Qdoc – PH1008 Policy of compassion and tolerance](#)

Library doc – PH1009 Information for Travellers

Library doc – PH1010 Memo to Agencies (Travellers)

Library doc – PH1011 Memo to Legal Services (Travellers)

Council Tax/Rates database

[LG46 Land Registry Enquiry](#)

Library doc – PH1012 Initial Visit Record

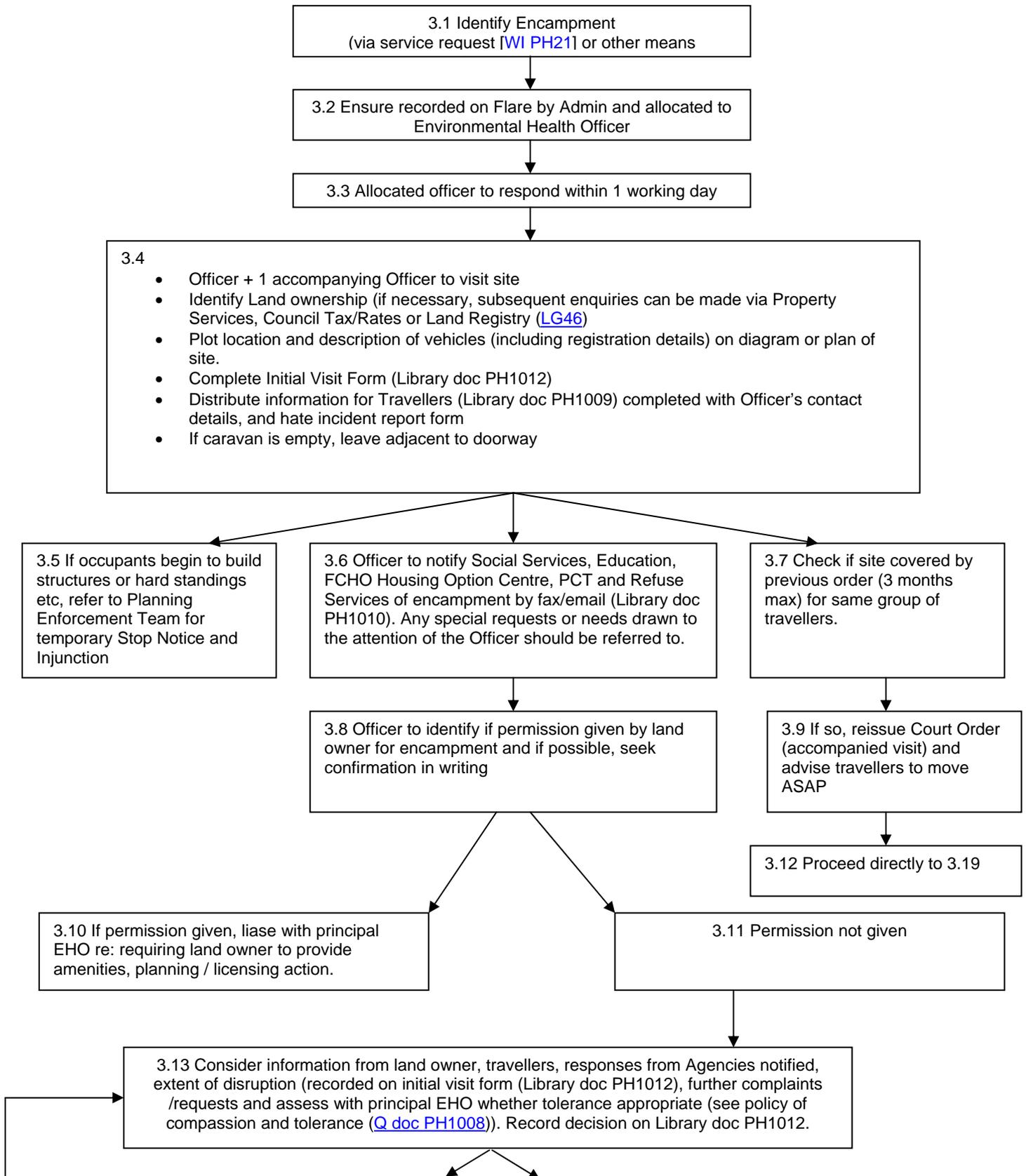
[Qdoc – PH1013 Direction To Leave Land](#)

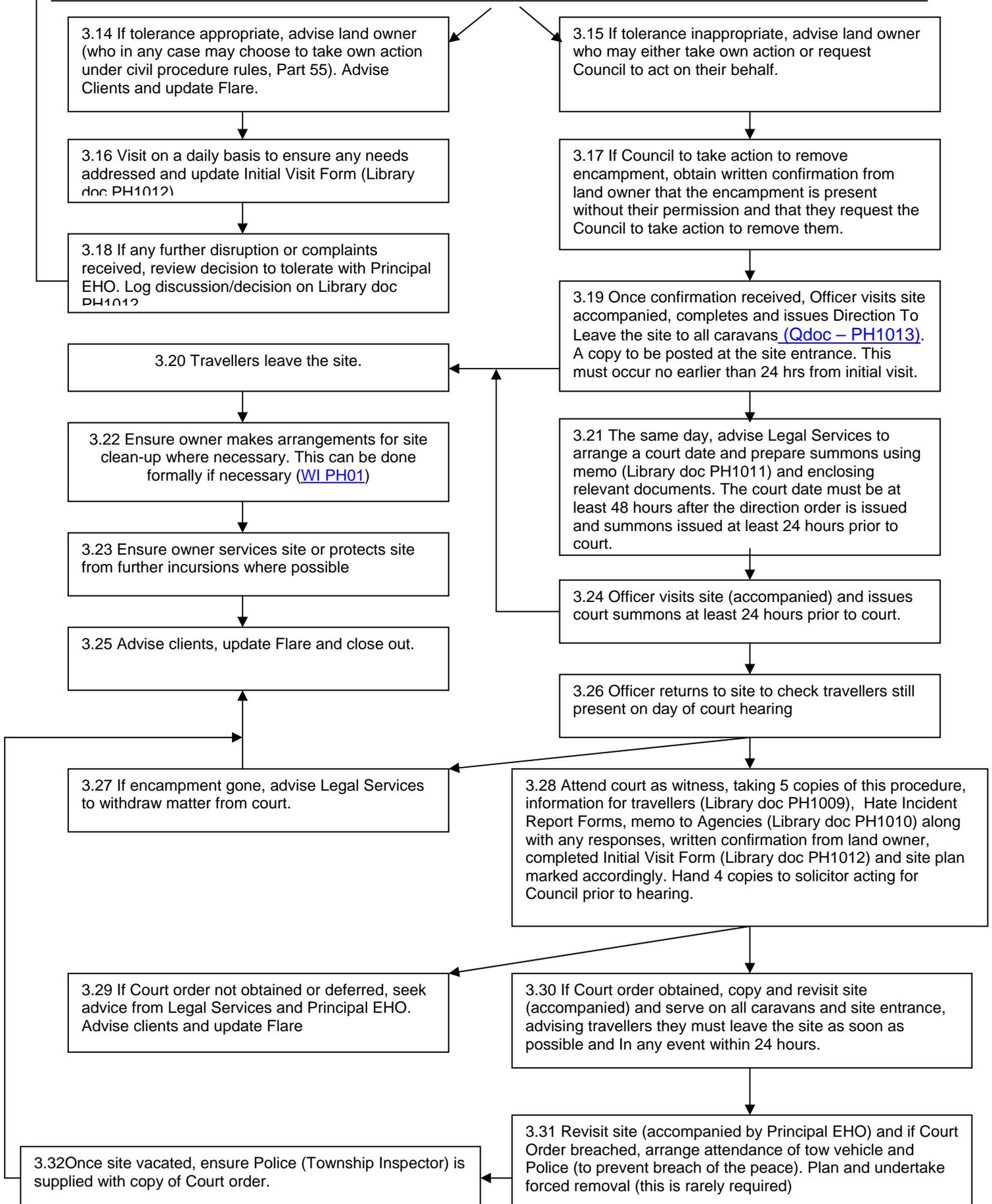
[Risk Assessment Ref: RPH07](#)

Police hate incident report form

[OMBC Enforcement Policy](#)

3. ACTION





4. Dealing with Illegal Encampments of Gypsies / travellers

OMBC ENVIRONMENTAL SERVICES RISK ASSESSMENT FORM

Assessment Ref No: ...RPH07.....

Work Activity / Process / Environment:
Dealing with Illegal Encampments of Gypsies / travellers

Workplace details
Open Land

Personnel involved:
Environmental Health Officers, Enforcement Officers, Senior Enforcement Officers, Students assigned to the unit

(Only consider hazards that could be reasonably expected to result in significant harm)

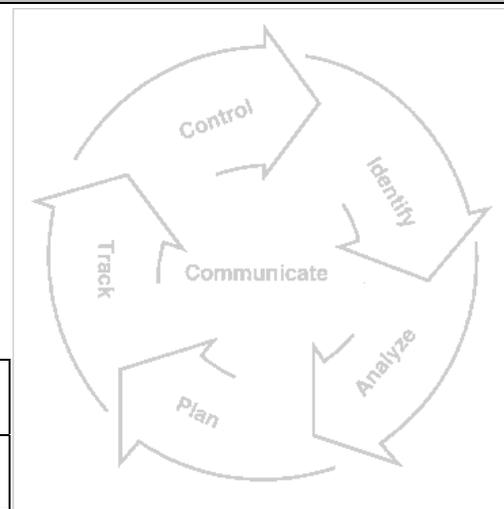
See Risk rating table below for calculation.

Take action when:

- Any individual Hazard is above **9**
- The sum of all Hazards is above **30**

Risk Rating Table

Severity rating	Nil	1	Slight	2	Moderate	3	High	4	Extreme	5
Likelihood Rating	Improbable	1	Possible	2	Probable	3	Very Likely	4	Certain	5



Task details	Hazard	Persons affected:	Current control measures:	Risk = S x L			Are they adequate:	Further action:	By who and when:
				S = 1 - 5	L = 1 - 5	Risk = S x L			
	Slips & Trips		Safety footwear provided. All staff able to access uneven ground.	2	2	4			
	Impact injuries from vehicles			2	2	4			

Task details	Hazard	Persons affected:	Current control measures:	S = 1 - 5	L = 1 - 5	Risk = S x L	Are they adequate:	Further action:	By who and when:

Sum of all Hazards Total **8**

Assessment prepared by:	Managers signature:	Date: 1.11.09
Job Title:	Managers title: Principal Environmental Health Officer	Review Date: 1.11.10

