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# SEFTON JOINT AGENCY AGREEMENT FOR RESPONDING TO AND SUPPORTING UNAUTHORISED GYPSY AND TRAVELLER ENCAMPMENTS

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## Policy Statement

The policy statement below outlines some of the key points that this policy is based on and addresses: -

- Gypsies and Travellers are not the only groups to be involved in unauthorised camping. The purpose of focusing this agreement on the Gypsy and Traveller community is in recognition of the particular needs of this community and the discrimination suffered. The agreement will ensure that their needs are part of the solution to any problems arising from unauthorised encampments.
- The agreement ensures a joint agency approach to any encampment with key partners having specific roles. This joint approach will ensure the needs of Gypsies and Travellers and the settled community are balanced and will reflect compliance with applicable law, best practice, and Government guidance.
- The agreement will be reviewed annually by the corporate Gypsy and Traveller Steering Group and will address any issues arising from the use of the agreement at its regular meetings.
- It is recognised in the recent Gypsy & Traveller Accommodation Assessment that there are low numbers of unauthorised encampments each year, but this policy will ensure the needs of Gypsies and Travellers and the settled community are recognised and acted on appropriately.



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## 1. AIMS OF THE POLICY

To manage unauthorised encampments in a supportive, effective, and efficient way addressing the support needs and rights of Gypsies and Travellers and balancing these with the rights of the settled community.

- To consider the needs of all parties including residents, Gypsies and Travellers, landowners, and local businesses in every situation.
- To set out recommended courses of action which local authorities, the Police and other partner agencies should follow to provide an effective response to unauthorised camping in their area.
- To develop best practice in terms of the engagement of Gypsies and Travellers and the settled community when unauthorised encampments occur.

## 2. WHO DOES THE POLICY RELATE TO?

This protocol relates to all travelling groups and all unauthorised encampments in Sefton. This will include but is not limited to: -

- Romanies of England and Wales
- Romanies who have come from Europe.
- Irish Travellers
- Scottish Travellers
- Show and Fairground Travellers
- New Travellers

In communication where possible the term accepted by the group in question will be used. It is important to note that unauthorised developments are outside the scope of this agreement.

## 3. INTRODUCTION

The first joint agreement on unauthorised sites was developed in 2006 by the Gypsy and Traveller Strategy Group, but it is accepted that this does not now cover the full range of issues that need to be addressed by such an agreement.

Government guidance has identified the how clear leadership role for local authorities in dealing with unauthorised encampments; but also notes how they should work collaboratively with other agencies.



Merseyside Police will take the lead only where urgent action is needed, this will usually involve utilising their powers pursuant to the Criminal Justice and Public Order Act 1994 (CJPOA)

### **Five Key Principles**

The joint agency group recognises their statutory and moral responsibility to work together for the safety and well-being of Gypsies and Travellers and the settled community.

- Gypsies and Travellers and the settled community are entitled to live free from crime, harassment, and intimidation.
- Gypsies and Travellers must have equitable access to services.
- A travelling way of life is legitimate.
- All offensive behaviour in any unauthorised encampment situation will be treated in the same manner as any other situation, within the rule of law.

### **4. CURRENT AND PROPOSED SITES**

In October 2022 Opinion Research Services produced a Gypsy and Traveller Accommodation Assessment (GTAA) commissioned by the Council; the primary objective of which was to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation within borough of Sefton. The GTAA can be found by following the link [sefton-gtaa-final-october-2022.pdf](#)

the GTAA identified that Gypsies and Travellers do move through Sefton. However, that due to low numbers of unauthorised encampments, and an undeveloped transit site at New Causeway, that is allocated in the Local Plan, it is not recommended that there is a need for any additional transit provision in Sefton at this time.

### **5. PROCESS TO BE FOLLOWED WHEN UNAUTHORISED ENCAMPMENTS OCCUR.**

An 'unauthorised encampment' refers to caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass'.

Unauthorised encampments fall into two main categories:

- those on land owned by local authorities (highways, schools, public parks, and car parks)
- those on privately owned land



When there is an unauthorised encampment there will be a clear and consistent response which will develop in consultation with all relevant partners.

### **How unauthorised encampments are managed on Local Authority land.**

- If an unauthorised encampment arrives, the Council are informed, and the site is visited. Various checks are made including welfare, cleanliness, disruption to local businesses and obstruction of highways. The law requires that the Council give due consideration to the welfare needs of the Traveller community whenever an incursion occurs:
  - **Initial Contact.** All partners to work with occupants/ landowner etc. showing dignity and respect for those involved. The purpose of the visit is to gather initial basic information and check accuracy of public reports etc.
  - **Unauthorised Camping on the Public Highway.** All encampments on the highway are technically an obstruction. The first visit will identify whether the obstruction is actual, for example, will it cause real problems due to the volume of traffic etc. or technical issues. If the obstruction is actual then the process for moving occupants on will commence immediately, if possible, through negotiation with the occupants, and as appropriate supported by the police. If the obstruction is technical then the procedure referred to above for local authority land will be followed.
  - **Co-ordinator.** The coordinator will keep records of all decisions made and the reasons for these. Records will also be kept of any complaints and response made. This information will form an important basis of the annual review of the agreement and ensure the lessons from each encampment can be learned.
  - **Contact with the Local Community.** This will include as appropriate:
    - Involvement of local Councillors.
    - Briefing Corporate Communication staff in advance of media enquiries.
    - Information available on the Sefton website explaining the joint agency response.
- A decision to allow the encampment to stay for a short time in line with government guidelines may be made.
- If a decision to evict is made; if possible, we would seek to negotiate a mutually acceptable deadline for the families to move on without any formal action.



- The council will then serve a direction to leave under section 77 of the Criminal Justice and Public Order Act 1994.
- If the group fail to move, they are committing a criminal offence.
- If the individuals continue to remain on the land past the date given, the Council will apply to the Magistrate's court for an order pursuant to section 78 of the Criminal Justice and Public Order Act 1994. Once obtained this will be served on the group and they will again be asked to vacate the site.
- The Council may in the exercise of their rights to remove vehicles from land employ the assistance of a tow truck.

All action taken will be proportionate and are subject to the Human Rights Act and the Equality Act and can be challenged in Court.

After the unauthorised encampment has been moved the council will make every effort to clean the site as soon as possible. Also, an assessment will be undertaken to see if the land can be better protected from future encampments.

Where the unauthorised encampment is on Local Authority land, it is landowning department who are responsible, on behalf of the Council.

In some situations, it may be more appropriate for the Police to exercise their powers under the CJPOA.

### **Deciding whether the unauthorised encampment will be tolerated:**

Before deciding whether to exercise the powers referred to below to remove any unauthorised encampment, the Council will need to consider whether the encampment should be tolerated. The council will have regard to the following legislation:

- The European Convention of Human Rights
- United Nations Convention on the Rights of the Child
- The Equality Act 2010
- Sections 61, 62, 62A-E, 77 and 78 of the Criminal Justice and Public Order Act 1994.

That legislation is bound by various interpretations from the courts (case law) and guidance notes from Government which do not allow racial discrimination or tolerate anti-social or criminal behaviour.

Equality legislation recognises Gypsies and Travellers as specific racial groups i.e., Romany Gypsies, Irish and Scottish Travellers, and those other Gypsies and Travellers who are of ethnic or national origin and come within



the definition of a racial group within the legislation. The legislation places a duty on public authorities to promote race equality.

### **Unauthorised encampments on private land**

If the unauthorised encampment is on private land, it is primarily the landowner's responsibility to deal with the issue. The Council will provide advice and help if asked to do so by the landowner.

## **6. ROLES AND RESPONSIBILITIES**

Council Coordinator– Provision of coordinating role and ensure that the policy is cascaded through all relevant departments including the customer contact centres. Provide information on range of council services available leisure services/ libraries etc.

- **Landowner** – Responsible for instigating legal action to remove any unauthorised encampment in consultation with the Council Co-ordinator
- **Merseyside Police** –Share all relevant information and undertake role in terms of maintaining public order, prevention and detection of crime, and where necessary support the move on from the site. In practice, unauthorised encampments which require a police input should be reported through the Force Contact Centre.
- **NHS Sefton** –Support the assessing and delivery of any health needs, communicate information to partners within agreed information sharing protocols. Address safeguarding issues as appropriate.
- **Children Schools and Families** – School Support Service will liaise with the Complementary Education Service to signpost services as appropriate, support temporary school admissions where requested, offer guidance regarding home education where needed and share information with partners in line with agreed information sharing protocols. Safeguarding issues will be addressed as appropriate.
- **Environmental Protection Officer & Operational Services** – To provide advice & services on sanitation, refuse collection services as appropriate.
- **Regulation & Compliance** – To support the coordinator in legal action when this is required to move occupants on from the site.
- **Fire Service Contact** – To support the addressing of any fire safety hazards or risks related to the site and support the occupants in addressing these with any other relevant services.



- **RSPCA** - Any concerns relating to animal welfare should be passed to the local branch of the RSPCA and/or Merseyside Police with a request that they investigate. It should be noted that since July 2009 there is a requirement for horses to have a passport.

## 7. COMMUNICATION OF THE AGREEMENT

The strategy will be communicated in the following ways: -

- Publish agreement on Council websites.
- Cascade through relevant sections and departments and named contacts for partners support relevant teams in delivery of the agreement and developing a response to any new or emerging issues.
- Consult as appropriate on any changes or developments with staff, settled community and Gypsies and Travellers.

## 8. MONITORING THE AGREEMENT

The agreement will be monitored through the Sefton Gypsy and Traveller Steering Group who will review all encampments and delivery on the agreement annually. This will be carried out using information provided by the coordinator and all partners.

Any issues from an individual encampment can be brought to the next meeting of the strategy group by any partner in the agreement.

## 9. HOLISTIC APPROACH

This agreement recognises that unauthorised encampments are linked to a range of policy areas including: -

- Homelessness
- Policies relating to land use.
- Community Cohesion
- Environmental Protection
- Health Provision
- Education and Children's Services



The success of this agreement will be based on these policy areas having clearly addressed the needs of Gypsies and Travellers in the development of the respective areas of work, so that a clear agency response can be made when an unauthorised encampment occurs.

**To be reviewed annually:**

**Revision date August 2024**

