

**CARLISLE
CITY COUNCIL**



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PORTFOLIO AREA: ENVIRONMENT, INFRASTRUCTURE & TRANSPORT

Date of Meeting: 8th November, 2004

Public

Key Decision: Yes

Recorded in Forward Plan: Yes

Inside Policy Framework

Title: DRAFT JOINT PROTOCOL FOR RESPONDING TO
UNAUTHORISED GYPSY AND TRAVELLER ENCAMPMENTS
Report of: HEAD OF ENVIRONMENTAL PROTECTION SERVICES
Report reference: EPS.55/2004

Summary:

The joint protocol identifies and gives guidance on the procedures which will be followed by all agencies when dealing with unauthorised encampments of Gypsies and Travellers in Cumbria.

The protocol was considered by Community Overview and Scrutiny Committee on the 7th October. Members comments are shown in the minute excerpt appended to this report.

Recommendations:

Members agree to adopt the Joint Protocol for Gypsy's and Travellers and that it be forwarded to Council for approval on 23rd November, 2004.

Contact Officer: David Ingham

Ext: 7328

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1.0. BACKGROUND INFORMATION AND OPTIONS

- 1.1. Many different agencies are involved with unauthorised Gypsy and Traveller encampments in Cumbria, including the Cumbria Constabulary, the District Councils and County Council together with several support agencies which are listed in the protocol as members of the Joint Working Group.

In response to an initiative introduced by Cumbria Constabulary the officer representatives of all these agencies were brought together to agree a cross-cutting joint protocol intended to give clear guidance on the procedures which will be followed when dealing with the unauthorised encampments of Gypsies and Travellers in Cumbria.

By following these procedures the enforcement agencies will be able to effectively discharge their duties and responsibilities in accordance with the stipulations of the legislative requirements.

- 1.2. The joint agency approach has involved enforcement officers and other professionals from all the Councils in Cumbria and the Cumbria Constabulary together with representatives of the Gypsy and Traveller community and other relevant agencies and support groups.
- 1.3. The protocol is essentially a good practice guidance for officers of the agencies to follow and its adoption will help to maximise co-ordination of response between agencies to help ensure an efficient and uniform approach throughout the County.
- 1.4. Consultation will also take place regarding the Joint Protocol with Corporate Management Team and Joint Management Team.
- 1.5. The Protocol will be reviewed and monitored and the Council, through its officers, will be involved in this process. Any significant changes will be brought to Members.
- 1.6. The Cumbria Police Diversity Advisor has been instrumental in co-ordinating the initiative for a joint protocol.

The Council is firmly committed to its duty to promote equality, in whatever form, in all aspects of its work.

The joint protocol addresses issues which are likely to be compatible with the Council's developing Diversity Policy and Race Equality Scheme.

- 1.7. The intention regarding final publication of this document is that the current process of seeking commitment to the protocol from the participating parties will lead to the final version which will incorporate a signed agreement on behalf of those parties that they agree to the policy statement and the protocol guidelines.

2.0. CONSULTATION

- 2.1. The document has been developed through widespread consultation involving officers of all relevant agencies. A full list is included within the Policy Statement.
- 2.2. The draft joint Gypsy and Traveller protocol was considered by Members of Community Overview and Scrutiny Committee on 7th October 2004 and a Minute Excerpt is appended.

The Committee resolution made two specific suggestions to be referred to Executive.

These were:-

- a) Page 4, box headed 'Document Control' – this should be removed from the Draft Protocol.
- b) Page 9, paragraph 1 – Introduction – last bullet point – the words "who challenges the rule of law" should be removed from the Draft Protocol.

With regard to point a) Members can be assured that the Document Control section was only incorporated in the draft stages of the protocol, as is good practice, and will be omitted from the completed document.

With regard to point b) this has been discussed with The Cumbria Police Diversity Advisor, who produced the Protocol, and who observed that the document in this format had been considered and approved by their legal department and the 5 key principles, of which this is one, are made in line with national guidance and that the specific terminology used is robust and accurate. As the Joint Protocol is not a Council owned document our action would be limited to making a request to the Cumbria Constabulary for an amendment. To change this "key principle" by the omission of these words will change its meaning so this is not an issue relating to a matter of preference and would necessitate alternative phraseology being inserted to convey the intended point.

- 2.3. Consultation proposed.
No further consultation on the protocol is proposed.

3.0. RECOMMENDATIONS

Members agree to adopt the joint Protocol for Gypsy's and Travellers and that it be forwarded to Council for approval on 23rd November, 2004.

4.0. REASONS FOR RECOMMENDATIONS

To introduce the joint agency approach to dealing with unauthorised encampments of gypsies and travellers occurring within the Council's area.

5.0. IMPLICATIONS

- Staffing/Resources – staff resources will be involved in the attending of Joint Agency and Practitioner meetings and in encampment monitoring visits and enforcement action. However this will be contained within existing resources.
 - Financial – No financial implications.
 - Legal – The protocol will identify the legal procedures to be followed.
 - Corporate – The joint protocol has been developed through consultation with all Councils in Cumbria and will ensure a unified response.
 - Risk Management – No implications.
 - Equality Issues – The protocol will ensure equality of approach by all agencies.
 - Environmental – Nil.
 - Crime and Disorder – The protocol implementation will help address crime and disorder concerns involving Travellers.
 - Impact on Customers – The protocol will give a clear intention of the action which will be taken by the various agencies.
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Joint Protocol for responding to unauthorised Gypsy and Traveller Encampments.

Document Control

Version	Date	Comment
Draft 4.0	11 th March. 2004	Amended by legal dept.
Draft. 5.0	29 th March 2004	Takes account of Practitioners groups.
Draft 6.0	31 st March	Takes account of Operations board and March meeting
Draft 7.0	14 th April	Note Risk Assessment changes.
Draft 8.0	15 th July	Note changes to pages 18 and 20 and addition of flow chart Appendix xi)
Draft 9.0	2 nd August	Note addition of paragraph on monitoring and review. Page 10.

Policy Statement.

It is recognised that Gypsies and Travellers are not the only groups to be involved in unauthorised camping. The intention of focusing this protocol on the Travelling community is to ensure that their needs are part of the solution to any problems arising from unauthorised encampment.

There will be a joint agency approach to unauthorised encampment in Cumbria that will balance the needs of Gypsies and Travellers and the settled community, reflect compliance with applicable law and take account of guidance from the Home Office and the Commission for Racial Equality.

There will be a Joint Agency Strategic Planning group, including Gypsy and Traveller representatives. It will meet bi-annually to consider and review Policy and Guidelines on issues and matters affecting Gypsies and Travellers. When appropriate it will make representations and respond as needed to various bodies, authorities and Government Departments.

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

There will also be Joint Agency Groups at practitioner level, including Gypsy and Traveller representatives, in each council area. These groups will meet formally quarterly with additional meetings being called if any partner perceives a need.

The Parties undersigned agree to the policy statement and the attached guidelines:

Members of the Joint Working group

This is not intended to be an exclusive list so if I have missed your organisation out I apologise. Please let me know of omissions.

Agency		Contact/signatory	Date
Cumbria Constabulary			
Eden PCT			
Carlisle and District PCT			
Carlisle Acute Trust			
West Cumbria PCT			
Mental Health PCT			
Morecambe Bay PCT			
Cumbria CC.			
Copeland BC			
Allerdale BC			
Barrow BC			
South Lakeland DC			
Eden D C			
Carlisle C C.			
The Multi Cultural Forum at Barrow			
Connexions			
CAB Carlisle Penrith, Allerdale, Copeland			
Shelter			
RSPCA			

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The Policy and Guidelines apply to all unauthorised encampments by Gypsies and Travellers, including New Age Travellers, and to authorised encampments, whether temporary or permanent, where problems are identified.

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Guidance

1. Introduction

The purpose of this document is to give clear guidance on the procedures, which will be followed by all agencies when dealing with the unauthorised encampments of Gypsies and Travellers in Cumbria. It recognises the importance of successful partnership working requiring adequate resources, commitment from all participants and a consistent and balanced approach.

Representatives of the Gypsy and Traveller community have been involved in developing this strategy in order to foster better understanding and appreciation of their needs.

There are five key principles to be considered when responding to unauthorised encampments:

- We, the Joint Agency group, accept joint responsibility for the safety of Gypsies and Travellers with other statutory agencies and the community
- Gypsies and Travellers and the settled community are entitled to live free from crime, harassment and intimidation.
- Gypsies and Travellers should have equitable access to Services.
- A nomadic way of life is legitimate.
- Gypsies and Travellers who offend will be treated in the same manner as any one else who challenges the rule of law.

2. Legal and other references

- Race Relations Act 1976 and the Race Relations (Amendment Act) 2000
- The European Convention on Human Rights 1998
- Human Rights Act Oct 2000
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- The Treaty of Amsterdam
- Council Directive 2000/43/EC
- *Gypsy Travellers. A policing Strategy* Insp. Ian Taggert. Grampian Police.
- *Unauthorised Encampments of Gypsy Travellers Dumfries and Galloway Constabulary.*
- *Travellers Policy statement.* Central Scotland Police.
- *The Management of unauthorised Gypsy and Traveller encampments.* Leicestershire constabulary.
- *Mass Incursions. An Aide Memoir.* Cambridge, Essex, Humberside, Lincolnshire, Norfolk, Nottinghamshire and Suffolk Force publication

- *Guidance on Managing Unauthorised Camping*. Feb 2004. Office of the Deputy Prime Minister.
- *Managing Unauthorised Camping Operational Guidance*. A Consultation Paper. Home Office. April 2003.
- *Local Authority Gypsy/Traveller Site in England*. A research paper Commissioned by the Home Office. July 2003
- *Gypsies and Travellers- A Strategy 2003-2006*. Consultation Draft 27th October 2003. Commission for Racial Equality.
- *'Aiming High' Raising the Achievement of Gypsy and Traveller Pupils*. DfES. 2003.
- *Romani Culture and Gypsy Identity*. Ed. Thomas Acton and Gary Mundy. University of Herts. Press. ISBN 0 900 458 76 3
- Specialist Booklist available from 'Cottage Books', Galesmoor, Coleorton, Leicestershire. LE67 8HQ

3. Background information

Many different agencies are involved with Gypsy and Traveller encampments in Cumbria. Prior to the introduction of this protocol, the approach has been largely ad-hoc, and uncoordinated resulting in unnecessary stress, inconvenience and cost to every one involved. Joint working has been the exception rather than the rule.

In the paper 'Managing Unauthorised Camping Operational Guidance', the Home Office have said that it is appropriate that Local Authorities take the lead in formulating strategy for responding to Gypsy and Traveller issues. However all agencies carry their own responsibility to respond appropriately.

3.1. Race legislation

The Race relations Act 1976 as amended by the *Race Relations (Amendment) Act 2000* creates a general duty on a wide range of public authorities, including the police service, to eliminate unlawful racial discrimination; promote equality of opportunity, and promote good race relations between people of different groups.

At present Romany Gypsies and Irish Travellers have been recognised as racial groups in case law applicable to England and Wales. It is probable that this recognition will be extended to all Gypsy Travellers throughout mainland U.K.

Statutory protection from racially motivated crimes is available in the offences specified in the *Crime and Disorder Act 1998* and the *Public Disorder Act 1986 in England and Wales*.

3.2. Human Rights.

All Public Authority Officers should guard against unnecessary intervention and be mindful of the European Convention of Human Rights, Article 8.

Every one has the right to respect for private and family life, home and correspondence.

"There shall be no interference by a public authority with the exercise of this right, except, such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others."

and Article 14

The enjoyment of the rights and freedoms set forth in the convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion political or other opinion, national or social origin, association with a national minority, property birth or status.

Nothing in the foregoing should stop officers executing their duty concerning the investigation, detection and reporting of offenders for any criminal behaviour that may be occasioned during the period of encampment.

3.3. Government Guidance in brief.

In October 1998, the government through the Department of Environment, Transport and the Regions produced the document 'Managing Unauthorised Encampments. A Good Practice Guide. Chapter 6 was revised in August 2000. The key messages were:

- Local Authorities should work with other agencies to produce a strategy for dealing with Gypsy and Traveller issues.
- Local Authorities should have a written statement of their policies towards unauthorised encampments, including the circumstances where unauthorised camping will be permitted without eviction action being commenced.
- Acceptable temporary stopping places should be identified as 'tolerated sites'.
- Local Crime reduction strategies (in line with the Crime and Disorder Act 1998) should be used to deal with problems of crime and disorder arising from unauthorised camping.
- Local Authorities should build planning aspects into their strategy and include education service provision.
- Standards of behaviour expected of Gypsies and Travellers should be the same as those expected of the settled community. In the absence of specific welfare needs the major consideration should be the degree to which any encampment is interfering with the lawful rights of others

3.4. The Commission for Racial Equality document Gypsies and Travellers: A Strategy 2003-2006. (CRE)

This document:

- Sets a clear focus for the work of the CRE in relation to Gypsies and Travellers, reflecting the Commission's statutory roles
- Identifies the current key challenges in securing equality of opportunity.
- Considers the elimination of racial discrimination and good race relations between Gypsies and Travellers and all racial groups
- Identifies the current and developing opportunities for progress in relation to Gypsies and Travellers and race equality
- Identifies the race equality and race relations outcomes the CRE aims to see delivered for the benefit of Gypsies and Travellers and all communities
- Outlines what the CRE will focus on and how it will work strategically to achieve the identified outcomes over the next 3 years

Some of the key points made in the document:

"Gypsies and Travelers face disadvantage and discrimination in almost every walk of life."

"Lack of accommodation is inextricably linked to difficulties and disadvantage in education, health, and criminal justice."

"...public hostility to Gypsies and Travellers is unmatched by that shown towards any other community."

4.Roles and Responsibilities.

All the 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.

They agree to:

- Act at all times in a humane and compassionate manner
- Co-operate with each other
- Maintain an open and honest working relationship
- Keep accurate records
- Liase with other agencies in assessment and decision making.

4.1. Agency Responsibilities.

Cumbria Constabulary

- Identify and respond to public safety concerns
- Inform all relevant agencies of location and number of Travellers.
- Monitor, update and share relevant information to other agencies.
- Provision of policing services to the Gypsy and Traveller community
- Maintenance of public order
- Prevention and detection of crime
- Work with partners to address road safety concerns

Eden Valley PCT, Carlisle and District PCT, Carlisle Acute Trust, West Cumbria PCT, Morecambe Bay PCT

- Assess health needs and provide client held records
- Monitor, update and share relevant information to other agencies.

Cumbria County Council: (Education, CEE, Social Services and other relevant departments)

- Identify and respond to public safety concerns
- Assess education needs and provide information on service provision
- Provide an outreach educational service where appropriate
- Identify and respond to road safety concerns.
- Provide information on service provision (social services (Children, Adults, Family), community, library etc..)
- Monitor, update and share relevant information to other agencies.

Copeland BC, Allerdale BC, Barrow BC, South Lakeland DC, Eden DC, Carlisle City Council:.

- Identify and respond to public safety concerns.
- Provide information on service provision
- Monitor, update and share relevant information to other agencies.

4.2. The Chair and organiser of the Strategic Planning Group

- Chair and administer working group.
- Assist in the development of and maintenance of clear guidelines for unauthorised encampments.
- Arrange awareness training for Public Authority officers and members of the settled community. Update documentation and contact details as necessary and circulate to the relevant agencies
- Monitor, update and share information with other agencies.

4.3. The Joint Agency Strategic Planning Group.

The responsibility of the officer representing each agency is to work with others in developing Cumbria wide policy and guidance for working with Gypsies and Travellers.

His/her responsibility is to participate in this process, advising on their own agency's policy and procedure with regard to unauthorised encampments, and developing national practices.

They will need an over view of incidents, Gypsy and Traveller numbers and travelling patterns in the County, cultural preferences of each family group, family structures, economic activity, accommodation, health and education needs.

The Strategic Planning Group representative should know who to liase with in associated agencies, within Cumbria neighbouring counties and in Scotland. He/she should liase with their own agency's Legal Department and work co-operatively with other agencies to develop a good relationship with the media.

This group, with the help of the Practitioner groups, will monitor the Protocol arrangements and review and update the document at least annually, on the anniversary of the formal signing by chief executives.

4.4. The Chair and organiser of the Practitioners groups.

- Chair and administer working group.
- Assist in the development of and maintenance of clear guidelines for unauthorised encampments.
- Monitor, update and share information with other agencies.

4.5. The Joint Agency Groups at practitioner level.

Members should:

- a) Be proactive in helping this group to function.
- b) Develop good relationships with settled and visiting Gypsies and Travellers in their area and with the permission of these contacts share information as appropriate to support Gypsy and Traveller needs.
- c) Consult, in conjunction with other agencies, with Gypsies and Travellers on Gypsy and Traveller policy and guidance and other issues as appropriate.
- d) Meet formally, quarterly, with additional meetings being called if any partner perceives a need, with the other members of the Joint Agency Practitioner group, to enable information to be cascaded to a local level from the Strategic planning group, to ensure uniform and consistent management and allow examples of good working practice to be shared upwards.
- e) Liase with the settled community over Gypsy and Traveller issues and promote better relationships between the two groups.
- f) Organise additional training, in conjunction with the other agencies for staff that might come into contact with Gypsies and Travellers. This training should raise awareness of:
 - Gypsy and Traveller culture and history and
 - Effective ways of handling Gypsy and Traveller issues

Provide other officers within their agency with information so that local issues can be resolved effectively.

g) For their area, practitioners should have an over view of incidents, Gypsy and Traveller numbers and travelling patterns, cultural preferences of each family group, family structures, economic activity, accommodation, health and education needs.

h) The Cumbria Constabulary, 'minority and ethnic spreadsheet' could be used for this purpose providing individuals give their permission and information sharing issues have been resolved.

(i) Work co-operatively with other agencies to develop a good relationship with the media.

5.Training.

5.1. Required skills for the members of the Joint Agency Strategic Planning group.

a). Increased knowledge of the rights contained in the European Convention on Human Rights 1998 and particularly Articles 8 and 14.

b). Increased knowledge of the duties placed on statutory agencies by the Race Relations Act as amended by the Race Relations (amendment) Act 2000 and the Commission for Racial Equality's October 2003 document, 'A strategy 2003-2006'.

c). Additional Training in the current applicable legislation and case law and the duties expected of public authorities and police authorities, regarding unauthorised encampments e.g. 'considerations of common humanity.

d). Awareness of the statutory duties placed on other public authorities that are members of the Joint Working Group. E.g. Housing Education Social Work.

e). An over view of Gypsy and Traveller culture and history.

5.2. Training requirements for the members the Joint Agency Groups at practitioner level.

a). A general awareness of the areas of training required by the members of the Strategic Planning group.

b). A general awareness of Gypsy and Traveller's cultures and history is essential when dealing with Gypsy and Traveller issues.

c). Awareness of local Gypsy and Traveller culture, habits and customs.

d). General knowledge of local Gypsy and Traveller groups and their representatives.

e). Knowledge of local service providers for Gypsies and Travellers, their contact numbers and their representatives.

5.3. Raised Awareness of Gypsy and Traveller issues for all staff that might come into contact with Gypsies and Travellers.

This is an important task to complete, as how people are treated can significantly influence the outcome of an incident.

6. Co-ordinated initial response.

On notification of an unauthorised encampment in Cumbria the Constabulary will notify the District Council and/or the County council as appropriate and vice versa.

See the table for initial contacts in appendix (xii).

If practicable there will be an initial joint visit. The initial visitor/s will collect basic information:

- Location of the encampment
- Number of vehicles/living units in the encampment
- Name, address of landowner/agent (if known)
- Is the encampment an issue for the landowner?
- Immediate needs of the group with regard to health, welfare, education etc.
- How long the group intend to stay.
- Any damage caused by unauthorised campers when entering the site or any other crimes committed.

Decisions should be made as to how the unauthorised encampment will be jointly assessed and monitored, by the police and by the local authority. See the Risk Assessment sheet appendix (ii).

Where possible the needs of the group should be facilitated.

Attending officers should set out clearly what is expected of the Travellers. They should explain that in Cumbria the problems of unauthorised camping are managed through a co-ordinated approach from the interested agencies and should explain what is likely to happen. At no time should it be suggested that unauthorised encampment is the sole responsibility of a particular agency.

Expectations of Gypsies and Travellers in Cumbria.

The leaflet, 'Code for Gypsies and Travellers in Cumbria' sets out what is expected of Gypsies and Travellers. See Appendix (iii). Officers should use this leaflet with sensitivity, perhaps briefly explaining the information that it contains as some Travellers may have difficulties with reading.

From the Police and other agencies, Gypsies and Travellers can expect:

- officers from all agencies to be courteous, friendly and supportive of any immediate needs.
- to be asked about which services they might need to access.
- that information about the encampment will be shared with other agencies.
- Cumbria Constabulary and the local authority will monitor the encampment. "This means that **if necessary** there will be more discussions about when you leave and about looking after the land on which you are encamped.
- the Police to investigate any racist or other crimes committed against Gypsies or Travellers.
- the Police to investigate crimes involving Gypsies and Travellers, **if it is appropriate** and in same way as they would with the settled community.
- agencies will work co-operatively to ensure that the necessary services will be provided.

All actions, decisions and rationales will be recorded.

Call Handlers

Each agency will ensure that their call handlers:

- know about the Joint Agency Protocol
- have training to deal with calls appropriately and effectively
- are provided with up to date information about who deals with unauthorised encampments
- are provided with up to date information about service provision to Gypsies and Travellers.

7. The Management of Unauthorised Gypsy and Traveller Encampments.

7.1. Process

Unauthorised encampments will be managed jointly. Responding agencies will assess each encampment on the basis of the information gathered and any decisions will be made by joint agreement.

If appropriate Gypsies and Travellers will be provided with the sheet, "Information for Gypsies and Travellers in Cumbria". See Appendix (iv).

Consideration will be given to longer stays on the following grounds:

- Medical, educational and welfare assessments,
 - special needs cases and
 - where the landowner permits.
- Each encampment should be considered on its own account.

Landowners.

It is the responsibility of the landowner to secure, protect and reclaim their property.

If appropriate the landowner will be provided with a copy of the Joint Protocol for responding to unauthorised encampments. The landowner's permission may be needed to visit the encampment.

If appropriate the landowner will be advised to inform the Travellers that they are encamped without authority, if that has not already been done. Following the case of the Queen, on the application of *Josette and Fuller & others (claimants) v Chief Constable of Dorset Police* (Defendant). 12.12 2001, it has been ruled that the trespassers must have refused to have complied with the landlord's request to leave before the police may evoke the powers under Section 61.

The landowner should be given the details of the local authority officer/specialist Police officer, and advised to contact that person if necessary.

Landowners should be kept informed about the encampment and assisted to understand the issues involved.

All actions, decisions and rationales will continue to be recorded.

All options should be considered to resolve any problems of the unauthorised encampment.

Before any decision to utilise legislation to require Gypsies and Travellers to quit land is made the following points must be considered:

- Have there been previous unauthorised encampments on that site?
- How strong is the resentment of the public to the encampment on the site?
- What are the needs of the Travellers?
- Has the landowner asked the Travellers to move?
- Are the Travellers engaging in activities having or likely to have a disproportionate or unreasonable impact?
- Can any problems at the site be resolved by other more proportionate means? (For example by a more frequent police presence or formal action against an individual or small minority who are the cause of any difficulties being experienced)
- The anticipated length of stay of the Travellers and their stated intentions.
- The time of day and location, particularly where families with young children are involved.
- The availability of suitable alternative sites or accommodation.
- The legality and proportionality of the anticipated necessary operation in relation to the likely outcome.
- Canvass the views of the local practitioner group.

The use of Criminal Law is discretionary and remains an operational one.

In the case of **R v Wolverhampton MBC Ex p. Dunne** the powers contained within Section 77 of the 1994 Act were examined. It was held that inquiries as to the personal circumstances of the Travellers being evicted, should be made before and not after an order has been made for someone to leave the land.

In the case of **R v The Commissioner of the Metropolis ex parte Small and others**, it was held that any police officer considering enforcement of Section 61 of the 1994 Act must give consideration to principles of 'common humanity' prior to eviction. These are humanitarian and welfare considerations separate from those considered by local authorities, e.g. suitability of site, age of Gypsies and Travellers, children attending schools etc.

It is essential that where a policy of eviction exists there is also a policy of accommodation in place. Failure to do so will result in continued unauthorised encampment, often in less acceptable locations.

All the factors should be carefully considered.

Cumbria Constabulary, 'Direction to leave' notice appears in Appendix (v). It is suggested that 'direction to leave' be given both verbally and in writing. The officer who gives notice should be 'The Senior Police officer present'. It is recommended that the 'Senior Officer present' should not be below the rank of inspector.

- It is good practice when serving notice to use evidence-gathering teams. Footage of the issue of the notice of direction, those persons present, vehicle damage, all provide good evidence. However, such action may be seen as provocative on the part of the Gypsies and Travellers.
- Persons who allege welfare needs should be informed that consideration will be given to them. The Local Authority, together with the police should already have documented assessment of the groups' welfare prior to the commencement of the 'direction to leave' notice being served.
- When giving notice to leave the time allowance should be reasonable. 'Reasonableness' as stated, is important if challenged later. Traveller's logistical difficulties should be considered. 48 hours should be normally, be sufficient.

Local Authority S.77 Direction to leave land appears at Appendix vi). A copy of the direction to leave must be served on the occupants of each caravan. If the caravan is unoccupied at the time of service it must be affixed to the caravan. If additional travellers arrive during the compliance period they must also be served. The time for compliance with the notice must be reasonable and 48 hours should usually be sufficient. The attendance of a police officer at the time of service may be necessary to prevent a breach of the peace.

A local authority may also take possession proceedings if the travellers are on land within their ownership".

7.2. Public and Media Relations.

The co-operating agencies will be operating under tension. They will be caught between the needs of the Travellers for somewhere to stop and the fervent desire of many non-travellers not to live in close proximity to encampments.

On the occasion of every unauthorised encampment consideration should be given to the need of the general public for information. They need:

- to understand that the problems of unauthorised camping are managed through a co-ordinated approach from the interested agencies and at no time should it be suggested that unauthorised encampment is the sole responsibility of a particular agency.
- information about what is likely to happen and why.
- information about Gypsy and Traveller rights as appropriate to the situation.
- Reassurance

Inappropriate language about Gypsies and Travellers should be challenged.

We should avoid conflicting press releases coming from different agencies. The Police and the Local authority are likely to be the lead agencies. It would be beneficial for them to make a joint press release, if that is an appropriate action to inform the local community

and other interested parties. This will start to set the media agenda for the incursion. Other agencies could add to, or give separate releases specific to their area of responsibility.

Considerations may include:

- Summary of police powers and those of other agencies.
- Identification of a central point of contact for the enquiries, rather than every agency issuing it's own information.
- Selection of staff for this point of contact could include an officer specifically detailed to address public perception of both the incursion and police action.
- Regular updates
- Regular liaison with LVA, Pub Watch schemes, Chamber of Commerce etc. This may minimise local disruption caused by unnecessary closure of businesses due to rumour and incorrect information.

Community and political pressure should not tempt the Police local authority or the County Council to operate outside Cumbria policy and guidelines.

7.3. General information.

The Police are not empowered to 'evict' or 'clear' sites simply because they may be or are unlawful in themselves. In certain circumstances the police have discretion to apply particular legislation to do so, but must act in a proportionate and reasonable manner taking account of the particular circumstances.

The police have no power to direct Gypsies or Travellers onto any land. It may be appropriate, after discussion with the relevant local authority, to advise Gypsies and Travellers to move to a more appropriate site.

8. New Travellers.

The initial response to New Travellers should be the same as for Gypsies and Travellers. In England and Wales, the relevant sections within the Criminal Justice and Public Order Act 1994, and the Public order Act 1986 apply fully to this minority in relation to unauthorised encampments, collective trespass etc.

The case **Fuller and others v CC of Dorset Police** concerned the eviction of New Age Travellers 9 (as they were then known), using the powers contained in Section 61 of the Criminal Justice and Public Order Act 1994 from and unauthorised encampment. The court examined the compatibility of section 61 with the Convention rights and in particular Article 8 of the European Convention of Human Rights. In this case it was held the use of section 61 was compatible with Article 8 and justified under the terms contained in the

Article 8.2. It is worthy of note that it was not deemed necessary at that time to exercise these powers against an adjacent encampment of Gypsies.

Each encampment should be assessed separately and managed appropriately depending on the issues encountered.

9. Site provision and unauthorised encampments.

Home Office guidance suggests that local authorities should provide sites for Travellers, but that this is not a duty.

Site provision can be provided privately or publicly and can take a variety forms.

- Residential sites providing long term settled accommodation.
- Transit sites for stops of around three months
- Less formal stopping places....identified areas of land to which Gypsies and Travellers could be directed for stops of up to a month
- Emergency stopping places for a short stay

There are currently no local authority or County Council sites in Cumbria.

10. Statistical data and monitoring.

The Force is using a modified form of the Home Office classification 17+1, so as to include Gypsies and Travellers as a separate group. Statistical analysis of incidents is available from Information Management.

Local authorities carry out the twice-yearly Gypsy caravan count for the Office of the Deputy Prime Minister. It gives an indication of the number of Gypsy caravans on (public and private) authorised and unauthorised sites on the dates set in January and July.

These figures are available on www.housing.odpm.gov.uk Search on Gypsy caravans.

11. Summary

Issues to consider.

- The decreasing number of authorised sites/accommodation for Travellers has lead to an increased use of unauthorised sites.
- Costs in removing Travellers from unauthorised sites and the practical difficulties likely to be incurred by any such action.
- Stereotyping of Gypsies and Traveller communities as being associated with criminality. It is acknowledged that, like any other community, the Gypsy and Traveller people have their criminal element, but previous experience and better knowledge and awareness of their lifestyle shows they have their own culture and values like other communities with the majority not being criminals.

- Given the choice, most Gypsies and Travellers would prefer to police themselves. They do want to be protected against crime and are generally supportive of the Police when criminals from within their own communities are dealt with.
- Many residents in other communities continue to be fearful of Travellers, often enflamed by media coverage. The Police and local authorities are then frequently put under pressure to take action against travellers.

The smooth management of incidents and the improved relationships with the Travellers should help to increase the confidence of the settled and Traveller community. In the longer term this will make it easier for the co-operating agencies to identify a range of suitable and acceptable stopping places.

This Policy and Guidance document is a starting point for co-operative working and will need to be updated when negotiations are complete.

Appendix. (i).

Definitions:

Gypsy and Traveller (EU definitions)-an overarching title for all traditional, indigenous, hereditary Travellers. (Equal Opportunities Committee 1st Report 2001)

Unauthorised Encampments -are considered to be those where a group of Gypsies or Travellers have established themselves:

- a) on any land forming part of the public road or
- b) on any unoccupied land without the consent of the landowner.
- c) Anywhere where an encampment is established with out planning permission.

Officer. In this document the word officer, unless qualified, is used to refer to an official from one of the co-operating agencies.

Appendix. (ii). Risk Assessment.

It is impossible to anticipate the precise risks involved at locations used for unauthorised encampments, as it will depend on the particular circumstances relating to each encampment.

It is suggested that the following Risk assessment provides a methodology to ensure as far as possible a similar response to all unauthorised encampments across the County.

Risk is normally assessed by the level or seriousness of the threat, on a scale of 1-3 and by multiplying this by the likelihood of the threat actually happening, again on a basis of 1-3. For these purposes, in terms of seriousness, 1 is minimal, perhaps the presence of a single family or small group of Travellers while 3 would be appropriate for a much larger gathering, where problems could be anticipated due to the sheer number of people present, regardless of their background or origin. Likelihood follows a similar scale, where 1 is unlikely to occur, 2 will happen sooner or later, and 3 is likely to happen today, or possibly has already occurred. The result gives scores between 1 and 9, where 1 is very low overall risk and 9 is very high.

For unauthorised encampments examples of how this could operate is set out below:-

Threat could be interpreted as follows: -

- 1- Low**, located in a remote location, not environmentally sensitive, unlikely to interfere with settled community.
- 2- Medium**, located away from centres of population but where disruption may occur to population or premises nearby. (For example potential problems at a nearby public house)
- 3 - High**, located close to a centre of population, environmentally sensitive area, or other area giving particular cause for concern (e.g. school playground, city centre car park)

Likelihood could be interpreted as follows: -

- 1 - Low** - small numbers intending to stay for short period. No known intelligence indicating likely criminal activity or disorder
- 2 - Medium** - a larger group with a longer stay planned (say over 3 nights?) - some evidence of minor disorder or confrontation
- 3- High** - large group with indefinite stay planned. Specific intelligence exists to suggest criminal activity or serious disorder. Evidence of serious disorder/confrontation having already occurred with settled community

Specific examples using this system would be: -

- 1) Small group of caravans stop overnight on a section of old road at Stainmore: Threat = 1 (Low), Likelihood = 1 (Low) so **Risk = 1x1 =1 Low**

2) Small group of vans pull up close to a school for a few nights: Threat = 2 (medium), Likelihood = 1 (Low) Risk = $2 \times 1 = 2$ (Low)

3) A large group take up residence on the outskirts of a small village. They indicate that they will be staying for two weeks until a wedding takes place. Intelligence exists to indicate that members of this same group were involved in disorder and criminality in another force area prior to coming to Penrith. Threat = 3 (High), Likelihood = 3 High, Risk = $3 \times 3 = 9$ (High)

In the examples given a proportionate response would probably be to monitor the first two groups and take more positive action with the third. Applying a risk assessment assists us to objectively justify the course of action we take, and the risk can be reassessed at any time if circumstances change.

Site Classification Risk Assessment.

	High	Medium	Low
<u>Threat</u>	<p>- large group with indefinite stay planned. Specific intelligence exists to suggest criminal activity or serious disorder. Evidence of serious disorder/confrontation having already occurred with settled community</p>	<p>located away from centres of population but where disruption may occur to population or premises nearby. (For example potential problems at a nearby public house</p>	<p>Located in a remote location, not environmentally sensitive, unlikely to interfere with settled community.</p>

<u>Likeli hood</u>	<p>large group with indefinite stay planned.</p> <p>Specific intelligence exists to suggest criminal activity or serious disorder.</p> <p>Evidence of serious disorder/confrontation having already occurred with settled community</p>	<p>A larger group with a longer stay planned (say over 3 nights?) - some evidence of minor disorder or confrontation</p>	<p>Small numbers intending to stay for short period. No known intelligence indicating likely criminal activity or disorder</p>
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Appendix. (iii).

Code for Gypsies and Travellers in Cumbria.

Gypsies and Travellers and the settled community are entitled to live free from crime, harassment, intimidation and discrimination.

The stay on land will depend on your co-operation.

Please keep groups small and away from built up areas.

Please space yourselves out and park away from other groups.

Please look after the land you park on and don't cause problems for nearby residents.

Please use black plastic bags for rubbish

Please use official refuse tips

Please park vehicles safely and keep animals under control

Please park on land not needed for other purposes.

Appendix. (iv).

Information for Gypsies and Travellers in Cumbria

Picture symbols in here.	Housing	Picture symbols in here.	Gypsy association
	Education		Social services
	Citizens advice		Benefits agency
	Health services.		Childline
	Waste disposal sites See separate sheet for location		

	and opening times.		
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Appendix.(v). Cumbria Constabulary 'Direction to leave' notice.

This document provides the recommended phrasing of a warning which it is suggested should be given to persons who are collectively trespassing or causing damage as trespassers, contrary to section 61 of the Criminal Justice and Public Order Act 1994. The section does not specifically require a written notice, but, service of such notice should negate any complaint that an individual was unaware of the consequences of his/her failure to leave the land. The following may be used verbally or as a written notice and could be amended according to changing circumstances:

RESTRICTED after completion

I (*full name*)

a (*insert rank - see note (i) below*)

of police in (*specify force*)

serving at police station and the senior police officer present, am directing you in accordance with Section 61 of the Criminal Justice and Public Order Act 1994 to leave this land which is situated at (*specify the location*)

because:

I believe that two or more of you are trespassing on the land; AND
you are present with the common purpose of residing on the land (for any period);
AND
reasonable steps have been taken by or on behalf of the occupier of the land to ask you to leave;

AND IN ADDITION TO THE ABOVE:-

- (a) one or more of you has caused damage to the land or property on the land;
AND/OR
- (b) one or more of you has used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his;
AND/OR
- (c) you have between you six or more vehicles on the land.

If you fail to leave the land as soon as reasonably practicable OR re-enter the land as a trespasser within THREE months of this direction, you commit an offence and render yourself liable to arrest without warrant and to prosecution. The maximum penalty (on conviction) for failing to comply with these directions is three months imprisonment and / or a fine.

On leaving the land you are required to remove any vehicles or other property which you

have with you on the land. A charge will be levied for vehicles which have to be removed by the Police.

Any additional information of relevance (*e.g. charge for removal of vehicles*):

Signed

Time hours

Date / /

RESTRICTED after completion

Notes

- (i) The officer giving or signing the notice should be the senior officer present. If there are two officers of the same rank, then this issue is best determined by date of appointment/promotion.
- (ii) Any police officer may communicate details of the notice to trespassers.
- (iii) See the power to seize vehicles.
- (iv) See also the removal and storage of seized vehicles regulations.

Appendix.(vi). Local Authority 'Direction to leave' notice.
ALLERDALE BOROUGH COUNCIL
CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

NOTICE OF THE DIRECTION

Whereas:-

(1) It appears to Allerdale Borough Council that person(s) are for the time being residing in a vehicle or vehicles within that Authority's area:

(a) on land forming part of a highway;

(b) on any other unoccupied land; or

(c) on any other occupied land without the consent of the occupier,

the Authority hereby gives direction that the person and any other persons with them should leave the land and remove the vehicle or vehicles and any other property they have with them on the land.

(2) If you fail as soon as practicable to leave the land or remove from the land any vehicle or other property which is the subject of the Direction, or having removed any such vehicle or property again enters the land with a vehicle within the period of 3 months beginning with the day on which the direction is given you commit an offence for which you can be prosecuted.

ISSUED ON Date

Signed

Allerdale House
Workington
Cumbria
CA14 3YJ

SCHEDULE 1
(Land to which this notice relates)

Land at *****
edged red on the plan

Appendix. (vii)

Frequently Asked Questions.

Question. What can we do with rubbish?

Answer. Ask the local Authority for advice. They will provide you with information about local refuse sites for the disposal of large items and bags in which to leave your rubbish. Please leave the rubbish bags in a pile for collection.

Question. Why is such a fuss made about burning electric cable?

Answer. Please do not burn electric cable. Burning cable is very, very harmful to your health and this is the reason why it is against the law.

Question. Where can Gypsies and Travellers go?

Answer. The risk assessment sheet provides an indication of the types of site from which you are likely to be moved on quickly. It is intended only as a general guide. More information may become more readily available in the near future.

Question. Do the Police have a duty to do anything to help?

The duty of the Police is to preserve the peace and prevent and detect crime. Trespass on land is not a crime. Prevention of trespass is the responsibility of the landowner, not the police.

What can the police do?

Answer. In exceptional circumstances a senior Police Officer has the authority to issue a direction to order the trespassers to leave the land. If the trespassers fail to leave the land within reasonable time, they may be liable to arrest and prosecution. However the police must be satisfied that the landowner has taken all reasonable steps to ask the trespassers to leave. Remember that the protection of your property is your own responsibility.

Question. Why do Gypsies and travellers make illegal encampments?

Answer. Their way of life means that they travel the country, staying for various periods in different places in order to earn a living. In most cases it has been a way of life for generations.

Question Do the council have a duty to move Gypsies and Travellers when they are encamped without permission?

Answer. No. Councils may move the Gypsies and Travellers on, but it will depend on whether they are on public or private land and whether or not they are causing a problem.

Question. If Gypsies or Travellers camp on my land what can I do?

Answer. Your solicitor can go to the County Court to obtain an order granting you possession of your land or you can ask the local authority to move them on your behalf. You may be asked to pay the councils costs or they may offer only advice.

Question. What if I decide to let them stay on my land?

Answer. Unless you have already obtained permission for a caravan site, or you are a farm where labourers are helping you with fruit picking etc. you may be in breach of planning acts.

Question. I have seen Gypsies and Travellers camping on the side of the road and sometimes on parks or council owned land. What can the council do in these cases?

Answer. If the Gypsies or Travellers are causing problems, they will be moved on as is reasonable. If they are not causing a problem, the government have asked that the site be tolerated. The council will judge each site on its own merits. In all cases the site is visited and every effort is made to ensure that the site is kept tidy and that there are no public health problems.

Question. If the encampment is obstructing the public highway then the police will move the obstruction.

Answer: This will depend on the circumstances of the obstruction, and in particular whether or not any actual danger is caused. Where the obstruction is purely 'technical' the police are unlikely to act for this reason alone.

Question. If the council want to can they force Gypsies and Travellers off a site immediately?

Answer. No. The council must first be able to show that they are on land without the consent of the owner. If the Gypsies and travellers are required to move they need to be asked. If they refuse they may be served with a notice to leave. If they refuse to move the council must go to the Magistrates court to obtain a summons and ask for an order permitting the Council to move the Gypsies or Travellers. If granted they are given 24 hours to leave the site.

Question. Can the Magistrates refuse to grant an order to move the Gypsies and Travellers on?

Answer. Yes. If there is an unavoidable reason as to why they can not leave the site then an order will not be granted. Further action will then not be taken until the Gypsy/Traveller circumstances have changed.

Appendix (viii).

Draft proposal for roles and responsibilities within the Constabulary.

i).Constabulary Gypsy and Traveller Liaison Officer

The Gypsy and Traveller Liaison officer for the Force is currently Superintendent Ted Thwaites

This is a part time role. This officer represents the Constabulary on Gypsy and Traveller issues at national and regional level including ACPO/ACPOS working groups. At County level this officer is a member of the Cumbria Gypsy and Traveller Strategic Planning Group. His/her responsibility is to advise this group on police policy, especially unauthorised encampments, developing national practices and the legislative powers available to the police.

The Liaison officer should have an over view of incidents, Gypsy and Traveller numbers and travelling patterns in the County, cultural preferences of each family group, family structures, economic activity accommodation, health and education needs.

The Liaison officer should know who to liase with in neighbouring Forces, including Scotland and works closely with the Force Intelligence Bureau. He/she should liase with representatives of the Criminal Justice system and Legal Dept agencies within the Joint agency group.

ii). Specialist Gypsy and Traveller Police officers.

The designated officers for each of the Local council areas are:

Local Councils	Police Area.	Officer and contact details
Eden and Carlisle	North	Inspector Jon. Denwood
		PC Roly Earle Sgt. Grant Warwick
Copeland and Allerdale	West	Sgt David Thompson. PC Stuart Burgess.
South Lakeland and Barrow	South	Terry Belshaw PC Alison Westmoreland.

These officers have a part time responsibility for this role.

They should:

- g) Represent the Constabulary at the local Joint Agency Working Group and be proactive in helping this group to function.
- h) Develop good relationships with settled and visiting Gypsies and Travellers in their area and with the permission of these contacts share information as appropriate to support Gypsy and Traveller needs.
- i) Consult with Gypsies and Travellers where possible on Gypsy and Traveller policy and guidance and other Gypsy Traveller issues as appropriate.
- j) Meet bi-monthly with the Constabulary Liaison officer and other Specialist officers. This will enable information to be cascaded to a local level, ensure uniform and consistent management and allow examples of good working practice to be shared upwards.
- k) Liase with the settled community over Gypsy and Traveller issues and promote better relationships between the two groups.
- l) Organise additional training, in conjunction with the Constabulary Liaison officer, for local operational officers and Police staff that might come into contact with Gypsies and Travellers. This training should raise awareness of:
 - Gypsy and Traveller culture and history and
 - effective ways of handling Gypsy and Traveller issues
- m) Provide local officers with information so that local issues can be resolved effectively.
- h) For their area, Specialist officers should have an over view of incidents, Gypsy and Traveller numbers and travelling patterns, cultural preferences of each family group, family structures, economic activity accommodation, health and education needs. The black minority and ethnic spreadsheet should be used for this purpose.

Appendix (ix). Prepared 15th April 2004

Co-ordinated initial response.

Copeland and Allerdale area details:

Contact as a matter of course.

Agency name:	Name of officer and post.	Contact details
County Council Project Manager Capita (West Cumbria).	Sean Sykes Richmond House Whitehaven. Copeland.	Tel:01946 852521
In the event of Sean not being available	Kark Melville Copeland	Copeland
	Peter Marr Allerdale South	
	Kevin Crawley Allerdale North	
Allerdale	Trevor Gear Enforcement officer.	Tel: 01900 326512 trevor.gear@allerdale.gov.uk
	George Hoyle Enforcement officer	
Copeland	Terry Hobbs. Enforcement and Technical services manager for Copeland	Tel:01946 852761 thobbs@copelandbc.gov.uk
Police		
	Sgt. David Thompson	Tel:01900 844180 david.thompson@cumbria.police.uk
	PC Stuart Burgess	Tel:01900 844185 Stuart.burgess@cumbria.police.uk
	Sgt. Mairi Stamper	Tel:01900 844015 mairi.stamper@cumbria.police.uk

Contact if appropriate.

Agency name:	Name of officer and post.	Contact details
Traveller Education	Rachel Lee. Advisory teacher.EMTSS	Tel:01228 606955/601183 rachel.lee@cumbriacc.gov.uk
	Pat Huxter. Basic Skills tutor	Tel: 01946 839300
Health	Louise Sullivan Health Visitor	Tel. 01900 811844 Victoria Cottage Hosp. Ewanrigg Road, Maryport CA15 8EJ louise.taylor@gp-A82032.nhs.uk
	Sarah Worsell Child and Family Team leader/Health visitor	Tel: sarah.worsell@gp-A82064.nhs.uk
	Doreen Bertram. Senior nurse Child Protection	Tel: 01900 602244/Ext 134/147 Doreen.bertram@ncumbria.nhs.uk
Connexions	Peggy Lindow	Tel: 01539 730045 peggy.lindow@connexionscumbria.co.uk
	Deborah Naylor	deborah.naylor@connexionscumbria.co.uk
	Michael Priestley	michael.priestley@connexionscumbria.co.uk
Sure Start	Liz Law.Senior development worker- Pre School Learning Alliance.	liz@lawtc.freeseve.co.uk
CAB	Mrs Jane Donaldson. Whitehaven	Tel: 01946 693321 whitehaven@cabnet.org.uk
	Martin Telford. Allerdale	Tel: 01900 604735 martin.telford@cabnet.org.uk
Shelter	Vanessa Dixon	01768 867040 vanessa_dixon@shelter.org.uk
Cumbria County Council Area Support manager and Chair of this group	Phil Atherton	Tel:01900 3250015 phil.atherton@cumbriacc.gov.uk

Co-ordinated initial response.
Eden and Carlisle area details:
Contact as a matter of course.

Agency name:	Name of officer and post.	Contact details
County Council	Gary Clubbs. Engineer	Tel:01228 673201
	Ken Brooks. Engineer. Eden	Tel: 01768 242354.
Eden	Sara Gandy Environment officer	01768 212334 sara.gandy@eden.gov.uk
Carlisle	Environment ...general office. David Ingham. Environment officer	Tel:01228 817330 Tel:01228 817000
	Janet Blair Environment officer	Tel:01228 817328 eps@carlisle.gov.uk
Police		
	Inspector Jon Denwood. Sgt Grant Warwick Appleby P.C. Roly Earle Appleby	Tel: Tel: 017683 51333 (3103) grant.warwick@ cumbria.police.uk Tel: 017683 51333 (3101) Tel: roly.earle@ cumbria.police.uk

Contact if appropriate.

Agency name:	Name of officer and post.	Contact details
Health	Eleanor Wilson. Health visitor. Carlisle & Penrith. Lorraine Davidson. Senior Nurse child protection, Carlisle and Eden.	01228 603478 Wilson Eleanor (A82052) 79 Scotland Road CA3 9HL [Eleanor.Wilson@gp-A82052.nhs.uk] eleanor.wilson@ncumbria.nhs.uk Tel:01228 603200 Lorraine.Davison@ncumbria.nhs.uk
	Elaine Smith. Health visitor Appleby	Tel 017683 51179 Appleby-hc@n.cumbria.nhs.uk Elaine.smith@ncumbria.nhs.uk

PSLA.	Barbara Wright. Leader of the Traveller's Bus Penrith	Bri@bjwright.fsnet.co.uk
Education	Sheila March Basic skills tutor , Newton Rigg.	Tel 01772 894210 smarch@alcan.ac.uk
Connexions	Peggy Lindow	Tel: 01539 730045 peggy.lindow@connexionscumbria.co.uk
	Sharon Davies Area Manager.	Tel:01228 596272 sharon.davies@connexionscumbria.co.uk
Ethnic Minority and Traveller Support Service (EMTSS)	Louisa Day Specialist Education Welfare Officer Angela Gibson EMTSS Co-ordinator	Tel:01228 601183 louisa.day@cumbriacc.gov.uk
	Angela Gibson EMTSS Co-ordinator	Tel:01228 601187 angela.Gibson@cumbriacc.gov.uk
CAB	Ann Bowns. Penrith Andy Auld. Carlisle	01768 863564. 2 Sandgate Penrith. cab@penrithcab.freeseve.co.uk 01228 633909 or 633911...East Tower Street. Carlisle. andy@carlislecab.co.uk
Traveller Rep. Harker	William Francis. Proprieter Harker Caravan site.	Tel:01228 672133 Ghyllbank Caravan park. Lower Harker. Carlisle. CA6 4GD
Traveller Rep. Hadrian's Camp	Frank Bowman	Tel: 01228 818578 Hadrian's Park. Brampton Road Houghton Nr Carlisle.
Traveller Rep. Fairhill	William Bowman	75 Scotland Road. Penrith
Shelter	Vanessa Dixon	01768 867040 vanessa_dixon@shelter.org.uk
Carlisle Housing Association	Marion Gordon	Tel 07760 165536 Marion_gordon@riverside.org.uk

Co-ordinated initial response.
South Lakeland and Barrow area details
Contact as a matter of course.

Agency name:	Name of officer and post.	Contact details
County Council	Peter Allan. Engineer. South Lakes	Tel:01539 773069
	Harry Horridge. Engineer. Barrow.	Tel:01229 894065.
Police	HQ Communications Centre.	Tel: 01768 891999
	Terry Belshaw	Tel:01539 818787 terry.belshaw@cumbria.police.uk
	PC Alison Westmorland	Tel:01539 818695 alison.westmorland@cumbria.police.uk
South Lakeland DC	Mark Richardson Environment officer	Tel: 01539 797581 m.richardson@southlakeland.go.uk
Barrow	David Joyce. Estates section.	Tel: 01229 894262. Djoyce@barrowbc.gov.uk
	Anne Holden Environment officer	Tel:01229 894900 aholden@barrowbc.gov.uk

Contact if appropriate.

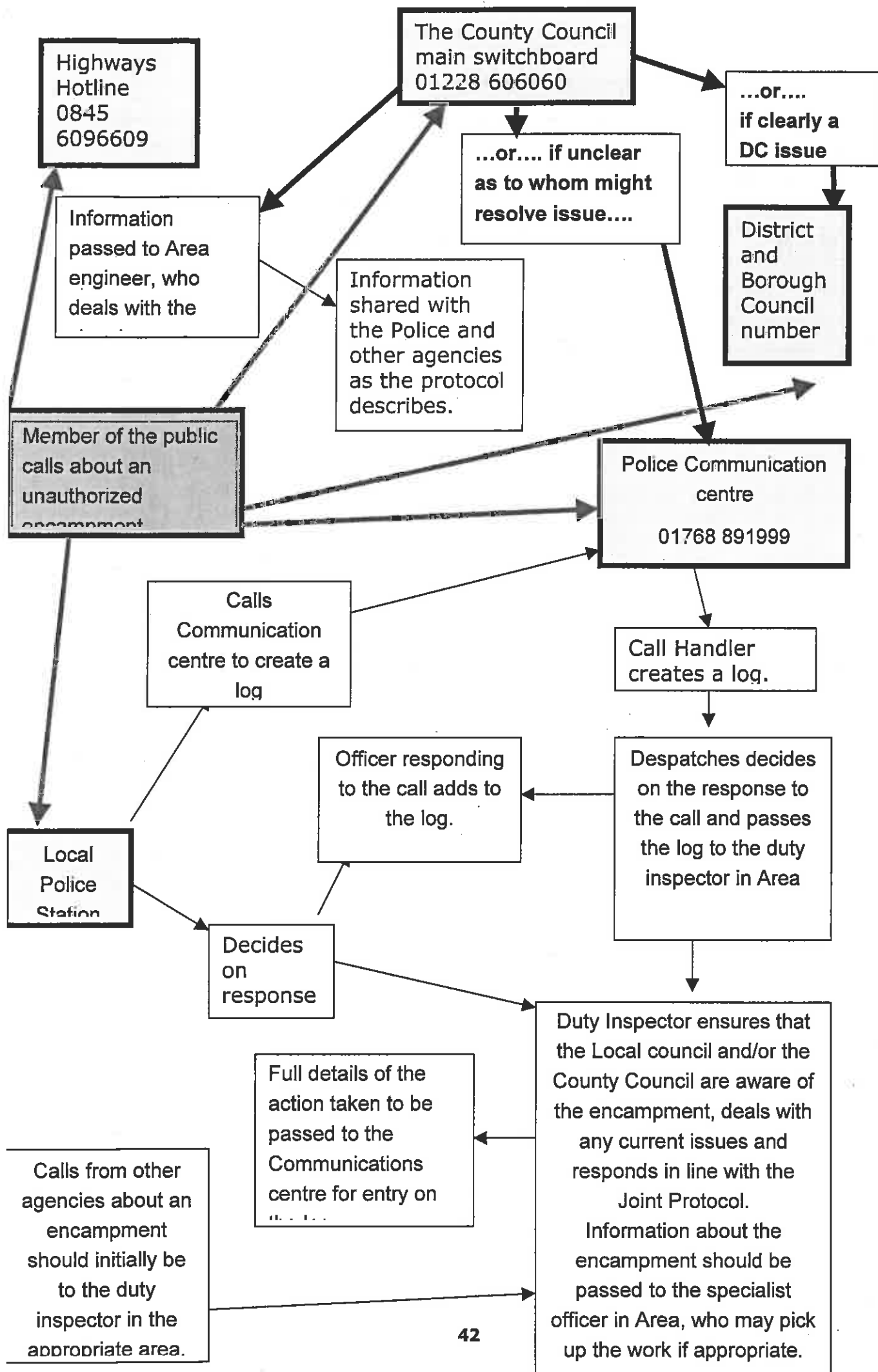
Agency name:	Name of officer and post.	Contact details
Multi-cultural Forum	Community centre manager. Irene Troughton	Tel:01229 894401 barrowteam@aol.com
Traveller Education	Kath Ginnever. Area Co- ordinator specialist	Tel: kath.ginnever@cumbriacc.gov.uk. Newbridge House Ewan Close Barrow-in- Furness LA13 9Hu
Health	Maureen Lackey Senior Nurse child protection. South Carole Whittaker Clinical co. for Health visitors. S.	Tel: 01229 480657 Tel: 01539 797894 carole.whittaker@mbpct.nhs.uk

Connexions	Daniel Carter Area manager Barrow	Tel:01229 824052 daniel.carter@connexions.co.uk
	Pete Alger Area Manager Kendal	Tel:01539 730045 pete.alger@connexionscumbria.co.uk
Barrow CDRP	Andy Nixon. Community safety Co.	01229 894754 anixon@barrowbc.gov.uk
Sure Start	Liz Law. Senior Development Worker – Pre School Learning Alliance	liz@lawtc.freemove.co.uk
CAB	South Lakeland Citizens advice: Kendal Ulverston Town Hall Sedburgh Barrow CAB	Tel:08701264061 Tel:01229585585 Tel:01539621185
Multi-cultural Forum	Community centre manager. Irene Troughton	Tel:01229 894401 barrowteam@aol.com
Shelter	Vanessa Dixon	Tel:01768 867040 vanessa_dixon@shelter.org.uk
Children's Fund	Marie Kielty	Tel:07766 88861
Gypsy and Traveller representative	Walter Lloyd William Lloyd	Tel:0774 005 3794 will@georgelloyd.com

Appendix.(x). Civic Amenity Sites.

The Council provides civic amenity sites to dispose of household waste and bulky items such as furniture, rubble and green waste. They all have containers for batteries and waste oil and most of them have facilities for recycling other items.

Name of site	Opening hours	Location
		Eden
		Carlisle
		Copleland
		Allerdale
		South Lakeland
		Barrow



EXCERPT FROM THE MINUTES OF THE COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE HELD 7 OCTOBER 2004

COS.153/04 DRAFT JOINT PROTOCOL FOR RESPONDING TO UNAUTHORISED GYPSY AND TRAVELLER ENCAMPMENTS

The Environmental Quality Manager presented report EPS.51/04 containing a joint Draft Protocol for responding to Unauthorised Gypsy and Traveller Encampments.

Mr Ingham explained that "unauthorised encampments" involved people living in caravans, vans or tents in a place where they didn't have permission. This would include private or public land or highways where people are living without the owner's permission and without planning permission.

Cumbria Constabulary had started an initiative where representatives of the Police, District Councils and the County Councils, together with several support agencies, were brought together to agree a cross-cutting joint protocol intended to give clear guidance on the procedures which will be followed when dealing with the unauthorised encampments of Gypsies and Travellers in Cumbria. The joint agency approach was developed to ensure a co-ordinated approach and also to ensure compliance with race relations and human rights legislation and to build on best practice.

The protocol is essentially a good practice guidance for officers of the agencies to follow to maximise co-ordination of response between agencies to help ensure an efficient and uniform approach throughout the county.

Members were invited to comment on the draft protocol and refer comments to the Executive on 8th November 2004.

In considering the Draft Protocol, Members commented on and raised the following issues:

- (a) A Member queried whether the draft protocol should refer to instances when gypsies or travellers purchase land for the purpose of placing caravans and allowing people to stay. Mr Ingham explained that the issue of pieces of land which had been purchased for these purposes and were being used without planning consent was one which was currently being looked at by the Office of the Deputy Prime Minister. This had not been referred to within the Protocol as it was more about how to use existing legislation and did not look specifically at new regulations.
- (b) The box entitled 'document control' on page 4 of the Draft Protocol was confusing and should be omitted.

- (c) In response to a Member's question about the notification of an unauthorised encampment by the Police to the District and/or the County Councils, Mr Ingham advised that in relation to Carlisle both Councils would be involved. The City Council would send an officer out with a police officer to undertake a visit. The County would not duplicate this role, but they would exchange information with the Police and the City Council as they have specific responsibilities in relation to education and welfare. Close co-ordination and exchange of information would take place.
- (d) In response to Members' questions about the action that landowners can take if gypsies or travellers camp on their land, Mr Ingham provided a detailed response commenting that whether landowners were public sector local authorities or private individuals, the actions and responsibilities they have are generally the same in respect of the use of Civil Proceedings to regain possession of the land.
- (e) Page 9, Section 1 – Introduction, on the last bullet point "Gypsies and travellers who are offenders will be treated in the same manner as anyone else who challenges the rule of law" should be amended by the deletion of the words "who challenges the rule of law". Members felt that this was quite misleading, as challenging the rule of law did not necessarily mean offending and they suggested that these words should be removed.

RESOLVED – (1) That the Committee generally welcomes the Draft Protocol and highlights the importance of having a Protocol in place.

(2) That the comments of the Committee as outlined above and the following specific suggestions in relation to the Protocol be referred to the Executive:

- (a) Page 4, box headed 'Document Control' – this should be removed from the Draft Protocol.
- (b) Page 9, paragraph 1 – Introduction – Last bullet point - the words "who challenges the rule of law" should be removed from the Draft Protocol.