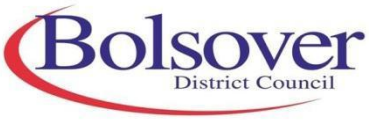
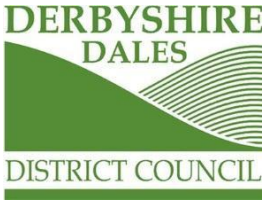
Inter-Agency Guidance
"Working together on Gypsy and Traveller Issues"





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INTRODUCTION

This document has been produced by the Derbyshire Gypsy and Traveller Issues Working Group.

Membership of the group is open to all public authorities and representatives of Gypsy and Traveller organisations in Derbyshire.

The group was formed in response to the need for all agencies to work together to make sure that all services are delivered fairly to Gypsies and Travellers in compliance with the law, government guidance and local authorities' equalities policies. This protocol identifies how we will do this.

Members of the group are committed to working together but also recognise that each partner organisation has its own policies and procedures which will be respected.

Information about the group, how to contact us and details of Gypsy and Traveller accommodation in Derbyshire can be found on page 13 - 16.

The terms of reference of the group are:

- To co-ordinate public authorities' activities on Gypsy and Traveller issues
- To develop better links with Gypsies and Travellers, including consultation and feedback
- To share information to develop good practice to ensure that Gypsy and Traveller needs are met
- To work towards mainstreaming Gypsy and Traveller issues
- To assess the need for and promote solutions towards the shortage of appropriate sites and accommodation and support
- To consider health and education as a priority
- To deliver and support training on Gypsy and Traveller issues
- To gather information from other working groups on relevant issues
- To identify and disseminate good practice
- To take responsibility for specific tasks
- To work together to promote community cohesion across Derbyshire
- To support public authorities' Race Equality Schemes.

DEFINITION OF GYPSY AND TRAVELLER

'Traveller' is a generic term used to describe groups of people whose lifestyle or culture is rooted in a nomadic way of life.

Gypsies of Romany origin (English, Welsh, and Scottish Travellers) and Irish Travellers live in Derbyshire, or use many parts of Derbyshire as a traditional stopping place and have done so for hundreds of years. Other Travellers are also found within the county.

Mandla Criteria:
Definition of an ethnic group

The Mandla Criteria, accepted within English law after the case of Mandla v Lee relating to Sikhs in 1983, is now used as a legal definition of what constitutes an ethnic group. The criteria are as follows:

Essential Criteria:

A long shared history coupled with a conscious sense of distinctness;
A cultural tradition of its own including family and social customs often but not necessarily associated with religious observance.

Relevant Criteria:

A common geographical origin or small number of common ancestors;
A common language not necessarily peculiar to that group;
A common literature, including folklore or oral traditions;
A common religion different from that of neighbouring groups;
The characteristic of being a minority or being oppressed by a dominant group within a large community.

Romany Gypsies

Romany Gypsy people are an indigenous ethnic minority group which originated in India. Their language is Romanes.

Irish Travellers

Irish Travellers are an indigenous nomadic ethnic minority group found in both Ireland and Britain. They have their own language which is Cant or Gammon.

Other groups (not qualifying as ethnic groups under the Mandla criteria):

New Travellers

New Travellers (sometimes referred to as New Age Travellers) are generally former house-dwellers that now travel. They are not a recognised ethnic group. Many New Travellers have been travelling for a number of years and some have children that have only ever known a travelling lifestyle.

There are a number of reasons why people travel. Some New Travellers travel because the alternative for them would be homelessness and/or poverty. People may travel in an attempt to find employment around the country. There are also many New Travellers who have made a conscious decision to attempt to adopt the way of life of traditional Travellers, or to construct such a way of life for them.

Show People

Show People or travelling Show People are people who organise and run fairgrounds.

In the UK, workers on the rides (who are usually from the local area) are often mistaken for travelling Show People.

A Show Person would refer to him or herself as a Traveller; however, to outsiders the title ‘Show People’ is used to differentiate people who organise fairgrounds from other travelling communities.

Language

As with all other ethnic groups, there may be problems with language. Although English is used, experiences of formal education vary and written communication might be inappropriate. Language used by Travellers may reflect Romany or other traditional language cultures.

STATEMENTS OF COMMITMENT

Amber Valley Borough Council, Bolsover District Council, Chesterfield Borough Council, Derby City Council, Derbyshire County Council, Derbyshire Dales District Council, Erewash Borough Council, High Peak Borough Council, North East Derbyshire District Council, South Derbyshire District Council

Each of the District and Borough Councils in Derbyshire provides a range of common services in relation to Gypsies and Travellers. These include dealing with planning enquiries and applications, receiving homeless applications, and managing both authorised Traveller sites and unauthorised encampments.

These services are statutory functions and often require hard decisions. In undertaking all these responsibilities members of the TIWG are committed to providing fair treatment to all sections of the community. To this end member organisations will ensure that all persons are treated fairly regardless of sex, sexual orientation, marital status, race, colour, nationality, ethnic, or national origin, religion, age, disability or any other grounds. The duty for public authorities to promote race equality under the Equality Act 2010, and the Public Sector Equality Duty, which provide legal protection against discrimination, directly or indirectly, on grounds of colour, race, nationality and ethnic or national origin, is recognised by all members.

Derbyshire County Council – Children and Young Adults (CYA)

The Local Authority has a duty to ensure that school places are available for all children residing, either temporarily or permanently, in the area. This duty extends to Traveller children, who are entitled to equal access to education irrespective of whether they are living or encamped officially or unofficially.

Section 14 of the Education Act 1996 places a duty on local authorities to make sure there are sufficient school places for all pupils to be able to access education appropriate to their age, ability, and aptitude. Local authorities are required to consider their statutory duties with regard to education and social care under the Children Act 1989 when carrying out evictions. The County Council continues to have a responsibility to find school places during the time in which the children are living in Derbyshire.

The County Council also has a responsibility to ensure that all children are safe and this includes a duty of care toward Traveller children and young adults not in school.

<u>Supporting the education of Traveller children</u>

The Local Authority promotes:

- Equal Access and Opportunity
- Continuity of education
- Achievement and success
- Safeguarding

Support and advice is provided to schools to help close attainment gaps, understand cultural contexts, track pupil progress, and improve attendance, attainment and achievement.

For further information or advice contact: Nigel Groom 01629 532709 (mobile 07772882187) or nigel.groom@derbyshire.gov.uk.

Derbyshire Constabulary

Derbyshire Constabulary are committed to providing a high-quality policing service to everyone in Derbyshire.

In order to keep the commitment we will keep to our core principles, which are:

- Do the right thing
- Make a difference
- Shape the future

Safer Neighbourhood teams are locally based throughout Derbyshire and are dedicated to making areas safer, cleaner and a more pleasant place by working in partnership on locally identified priorities. A list of all Safer Neighbourhood teams and neighbourhood local profiles can be found at www.derbyshire.police.uk

Police Powers Summary

S61 Criminal Justice and Public Order Act 1994 - Trespassers on land: Directions to leave / remove vehicles.

Section 61 of the Criminal Justice and Public Order Act 1994 allows the senior police officer attending the scene of an incident involving a trespass or nuisance on land to order trespassers to leave the land and to remove their vehicles as soon as reasonably practicable.

61(1) If the senior police officer present at the scene reasonably believes that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and-

a) that any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his, OR
b) that those persons have between them six or more vehicles on the land,

the officer may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land.

Notes:
Other points to be taken into consideration when giving directions under this power (section 61) are:

- Regarding common land see subsections (7) and (8).
- The police must check that reasonable steps have been taken by the occupier to ask the trespassers to leave (Kampa v DPP - Times 31.12.88).
- If the landlord has set a time limit for the trespasser's departure, the police should not issue a direction under section 61 until it has expired. (R (on application of Fuller and others) v Chief Constable of Dorset Police 2001).

The following must be considered before using Section 61:

- Local amenities are deprived to communities or significant impact on the environment.
- There is local disruption to the economy.
- There is other significant disruption to the local community or environment.
- There is a danger to life.
- There is a need to take preventative action.

Is what the police are about to do Necessary and Proportionate and does it take into account Common Humanity? The police need to balance the needs of all of those involved when applying this test, including the trespassers.

Sections 62A-E Criminal Justice and Public Order Act 1994

In a local authority area where pitches have been provided, the police can use their extended powers under sections 62 (a) to (e) of the Criminal Justice and Public Order Act (CJPOA) to move on unauthorised encampments of Gypsies and Travellers, where there are pitches available on a public site in the area. This power can be used by the police where all of the following conditions are met:

- at least two persons are trespassing
- the trespassers have between them at least one vehicle on the land
- the trespassers are present on the land with the common purpose of residing there for any period
- the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.

A suitable pitch on a relevant caravan site is one which is situated in the same local authority area as the land on which the trespass has occurred, and which is managed by a local authority, registered social landlord, or other person or body as specified by order by the secretary of State. In two tier authority areas, where a district council is situated within a wider county council area, the relevant caravan site may be anywhere within the county council area.

Derbyshire Fire & Rescue Service

Derbyshire Fire & Rescue Service takes its statutory duties very seriously and uses these as a lever to deliver more effective and efficient services for our diverse communities. We believe that by taking this approach our service users' benefit as a result of our commitment to deliver against our legal obligations.

Derbyshire Fire & Rescue Service prides itself on the high standard of service it provides to the people of Derbyshire. We will continue to strive to make Derbyshire safer place to live, work and visit. We will continue to strive to ensure that our service is available to respond to calls across Derbyshire every minute of every day and will continue to work hard to reduce the risk of fires, road traffic accidents and other incidents across the county through our activities.

We will continue to use our Service priorities to underpin all that we plan to achieve. These priorities are;

- **Preventing** fire and other emergencies by working with partners, communities and individuals to develop a risk based intelligence led approach to preventing emergency situations;
- **Protecting** people, property and the environment by working with partners and other enforcement agencies to ensure a joined up approach and comply with statutory obligations
- **Responding** to fire and rescue emergencies when you need us, taking when necessary, calculated risks to save life, protect your property and the environment and rendering humanitarian services

We will continue to ensure that our strategies take full account of the needs of the local communities - these include the Gypsies & Travellers community. We will continue to work intelligently and in partnership across Derbyshire, to reduce risk by educating our communities about the risk from fire and other emergencies. We will do this by;

- targeting our resources to those households in which the most vulnerable reside (including the Gypsy and Traveller community)
- working with local groups including seldom heard communities and partner agencies where appropriate to engage effectively with individuals in these locations
- ensuring that fire safety information is available in various languages and formats (including the current DVD and leaflet available for Fire Safety advice for Gypsies & Travellers)

Further information on any of the above can be obtained by contacting Julie Crooks or Lukasz Gazda on (01773) 305305.

Derbyshire County Council

The Council's policy is to provide services fairly to all sections of the community and to give equal treatment to its employees and service users regardless of their age, disability, HIV status, marital status, race, religion, sex, sexuality, gender identity, ethnic or national origin

The Council recognises that people from ethnic minority groups face discrimination.

The Council recognises its legal duties to promote race equality as set out in the Equality Act 2010 and Public Sector Equality Duty as follows:

- Eliminate unlawful discrimination, harassment and victimisation and Other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristics and those who do not
- Foster good relations between people who share protected characteristics and those who do not

The Council also recognises that the promotion of race equality needs to involve making effective arrangements that will help to meet the objective of race equality, including preparing a race equality scheme and monitoring employment procedures and practice.

Derbyshire Gypsy Liaison Group (DGLG)

Over the years the group has been involved in supporting equal access to education and health care but the main issue of recent years has been and still is the struggle for sites whether these are private or public authority sites. The group liaises and mediates with County and District authorities especially the Planning and Control departments.
The group lobbies on a national level for the rights of Gypsy People and aims to:

- Seek to ensure stopping times and prevent evictions
- Take families through the planning application system
- Advise County Council and District Borough Councils on various matters
- Send representation to local meetings and national conferences
- Work in conjunction with Derby City's Holocaust Memorial Day (HMD) group to commemorate all the Roma and Sinti who perished or suffered during the Holocaust.
- In 2007, 'A Better Road' (information booklet for health care and other

professionals) was brought out in conjunction with the Working Needs Group. DGLG updated the booklet and in 2009 ‘An Improved Path to a Better Road’ was published.

- Work with Gypsy organizations within Europe to bring about better understanding of Romani Gypsy Culture.

The group’s aim is to bring about a better understanding and acceptance of the Gypsy and Traveller life.

The Environment Agency

The Environment Agency is the leading public body for protecting and improving the environment in England and Wales. Its vision is for people to enjoy a rich, healthy and diverse environment, now and in the future. Air, land and water are cleaner, wildlife flourishes, resources are used more wisely and everyone enjoys a better quality of life.

The Agency has a major role in regulating environmentally harmful activities. It administers and upholds the laws protecting people and the environment from the effects of pollution incidents and illegal waste operations. In accordance with the Agency’s Customer Charter, its staff will behave in a polite, professional way and will respect every individual’s rights.

The Agency is committed to sustainable community development, and much of its work is delivered in partnerships - for instance with local businesses and interest groups. Its work complements that of local authorities where illegal waste disposal activity impacts seriously on local amenity or air quality. The Agency takes the lead in dealing with waste posing a pollution or health risk and works closely with other regulatory bodies and the Police to ensure an efficient approach to proportionate regulation.

As well as being a firm, fair regulator, the Agency is available to offer advice and help. Information is available on the Agency’s web-site www.environment-agency.gov.uk, and enquiries can be made by telephone on 08708 506506. In the event of a pollution incident or witnessed illegal waste activity, the Agency is available to take the details
24 hours a day on 0800 807060.

The NHS in Derbyshire

Following the changes made to the NHS in 2013, the Primary Care Trusts were replaced by four Clinical Commissioning Groups. These Clinical Commissioning Groups (CCGs) are responsible for commissioning and shaping NHS services for Derbyshire. The CCGs are membership organisations, where the members are the GP practices within the defined

CCG boundaries. Each CCG Governing Body has a membership which meets the statutory requirements in the legislation. Details of the individual Governing Body memberships are available from the CCG Constitutions, which are published on the CCG websites. Each CCG Governing Body includes GP representatives from member practices. In addition each GP practice is a separate body responsible for providing care to its registered patients. There also exist a range of large and small Provider Organisations, delivering NHS services on behalf of CCGs.

The Four Derbyshire CCGs are listed below:

- NHS Erewash Clinical Commissioning Group
http://www.erewashccg.nhs.uk/

- NHS Southern Derbyshire Clinical Commissioning Group
http://www.southernderbyshireccg.nhs.uk/

- NHS Hardwick Clinical Commissioning Group
http://www.hardwickccg.nhs.uk/

- NHS North Derbyshire Clinical Commissioning Group
http://www.northderbyshireccg.nhs.uk/about_us

Each of the CCGs are committed to providing healthcare services to the whole community, fulfilling their commitment to the Equality Act 2010 and the Public Sector Equality Duty. A key commitment is to reduce health inequalities for vulnerable and seldom heard groups.

There are 102 GP Practices in Derbyshire, the relevant Practice for any post code can be found via the following link.

http://www.nhs.uk/Service-Search/GP/LocationSearch/4

Public Health England East Midlands

Derbyshire and Nottinghamshire Health Protection Team

Health Protection seeks to prevent or reduce the harm caused by communicable diseases and minimise the health impact from environmental hazards such as chemicals and radiation.

Through close working with local authorities the aim is to prevent threats

arising and ensure appropriate response when things do go wrong.

To this end mutual support of the Derbyshire TIWG will enable the appropriate response from Health Protection when specific risks to the Gypsy and Traveller community are identified.

CONTACTS

The following telephone numbers will enable you to contact members of the Traveller Issues Working Group on matters of policy and good practice.

If you wish to discuss an unauthorised camp, please ring the local council (An Appendix of local authority contacts re Illegal encampments is provided in Appendix) or local neighbourhood police team Tel: 101 or visit http://www.derbyshire.police.uk/my-local-police/my-local- police,aspx.

The following information is correct at the time of going to print but if you have any difficulty finding the correct contact, please contact either Peter Shimwell, Gypsy Liaison Officer, Derbyshire County Council or Derbyshire Gypsy Liaison Group (see details below)

Amber Valley Borough Council
Chief Executive's Department,
Legal Section Tel: 01773 841641

Bolsover District Council and North East Derbyshire District Council
Joint Environmental Health Service (Housing and Pollution)
Tel: 01246 231111
Email: EnvironmentalHealthAdmin@ne-derbyshire.gov.uk

Chesterfield Borough Council Private Sector Housing Team Tel: 01246 345748
Email: mailto:pshmanager@chesterfield.gov.uk

Community Law Partnership
Travellers Advice Team
4th Floor, Ruskin Chambers 191
Corporation Street
Birmingham B4 6RP
Advice line: - 0845 120 2980 (1.00pm and 2.00pm to 5.00pm Monday to Friday) 24 hour Emergency Phone Service: 07768 316755
Landline: 0121 685 8595
Fax: 0121 236 5121
Email: office@communitylawpartnership.co.uk

Derby City Council
Housing Strategy and Development Unit Tel: 01332 640331
Email: kevin.robinson@derby.gov.uk

Derbyshire Constabulary
Inspector Nick Gamblin
County Partnerships Liaison Officer,
Community Safety Partnerships - Corporate Services Dept. C/O Safer Derbyshire
County Hall,
Matlock, Derbyshire DE4 3AG.
Tel: 01629 538484. Mobile: 07736 659352. Mobex: 737 0255.
E-mail: nick.gamblin.929@derbyshire.pnn.police.uk

Derbyshire County Council
Chief Executive's Office, Policy Unit, Tel: 01629 580000 ext 7384
Legal Services (dealing with unauthorised encampments), Tel: 01629 538466 Adult Care: Tel: 01629 538466

Derbyshire County Council
Children and Young Adults (CYA) Schools and Learning
Travellers and English as an Additional Language Service (TEALS) Lead – Nigel Groom
Tel 01629 532709 (VOiP 32709) Mobile 0772882187
nigel.groom@derbyshire.gov.uk

Derbyshire Dales District Council Environmental Health Section
Tel: 01629 761212
Email: envhealth@derbyshiredales.gov.uk

Derbyshire Fire & Rescue Service
Julie Crooks – Community Cohesion Officer
Tel: 07717 004028 email: jcrooks@derbys-fire.gov.uk Lukasz Gazda – Inclusion Officer – Prevention & Inclusion Tel: 01773 305305 Email: lgazda@derbys-fire.gov.uk

Derbyshire Gypsy Liaison Group Telephone:
01629 732744
Email: info@dglg.org

Erewash Borough Council Policy and Development Team
Tel: 0115 907 2217

High Peak Borough Council
Environmental Health Service
0845 129 777
Email: envhealth@highpeak.gcsx.gov.uk

South Derbyshire District Council
Environmental Health Division Tel: 01283 595795
Dealing with unauthorised encampments 01283 595718
Email: environmental.health@south-derbys.gov.uk

The Environment Agency
www.environment-agency.gov.uk
Tel: 0800 807060

Health Protection Practitioner – Jane Freeman
Public Health England - East Midlands Centre
Health Protection Team (Derbyshire & Nottinghamshire)
Institute of Population Health
City Hospital, Hucknall Road
Nottingham. NG5 1PB

Telephone 0844 2254524 option 1 then option 1, Fax 0115 9693523
email: jane.freeman@phe.gov.uk

TRAVELLER SITES IN DERBYSHIRE

Public Traveller Sites in Derbyshire

There are three sites owned by Derbyshire County Council and one privately owned site which works in liaison with the local council. Details of how to contact the sites are set out below. Vacant pitches may be available or it may be necessary to join a waiting list.

Foston, near Sudbury

A long-stay site, which has 22 plots, owned by Derbyshire County Council and run by a leaseholder Joe Varey.

For enquiries please Tel: -07582 830464

Lullington Crossroads, near Swadlincote

A mixed term occupancy site, which has 10 plots owned by Derbyshire County Council and managed by South Derbyshire District Council.

For enquiries please contact the Environmental Health Department of South Derbyshire District Council, telephone 01283 595718.

Corbriggs, Winsick, near Chesterfield

A long-stay site for 16 trailers with an additional 4 transit pitches, owned by Derbyshire County Council. The site is run by a leaseholder Jim Burnside Tel: 01246 238 813

Blackbridge Caravan Site, Pleasley near Shirebrook

This is a short-stay privately owned site with 11 transit pitches. Each transit pitch is able to take 2 trailers when the pitch is being used to accommodate a family unit. The site is privately owned and run by Joe Kennedy Marshall.

For all enquiries about pitches on the site please contact Joe Kennedy Marshall C/O Blackbridge Caravan Site, Common Lane, Pleasley, Mansfield, NG19 8RZ.

Imari Park, Derby

A long stay site, which has 17 pitches, owned by Derby City Council and managed by Derby Homes.

For enquiries please contact Graeme Walton or Sarah Hulland on 01332 888777.

UNAUTHORISED ENCAMPMENTS

The Law

A local authority which has an interest in the relevant land may bring action in the County Court under the Civil Procedure Rules or the Magistrate's Court under the Criminal Justice and Public Order Act 1994.

The civil procedure is also available to owners of land, where travellers are on their land without the owner's consent.

The responsibility for starting legal action to regain possession of the land or highway rests with the following:

- Public lands (e.g. parks, some car parks, some industrial land) - local authority, which is the landowner.

- Public Highway - County Council or Highways Agency

- Private land - It is recommended that private landowners should seek independent legal advice when there are unauthorised encampments on their land. It may be possible for private landowners to use Common Law to repossess their land. Private landowners should be aware that, where they permit encampments on their land, there will be a need for planning permission for the use of the land where it exceeds permitted development. The District Council is the relevant authority to advise on planning issues

The Human Rights Act 1998

This Act is described as "An Act to give further effect to rights and freedoms guaranteed under the European Convention on Human Rights."

Wherever, the Human Rights Act 1998 (which in essence requires any public body to carry out its functions so as to accord with the Convention) applies to a situation which involves an unauthorised encampment, the relevant public authority when dealing with the encampment must comply with the Act.

In considering action to recover land, local authorities may need to take a balanced approach and also ensure that they have given consideration to the health, education and housing needs of the Travellers.

Proportionality will be considered to ensure that there is a balance between the needs of the settled community and the Travellers.

Equality Act 2010

Under the Equality Act 2010, it is unlawful to discriminate against anyone on the grounds of race, colour, nationality (including citizenship), or ethnic or national origin. All racial groups, including Gypsies and Travellers, are protected from discrimination.

The Equality Act 2010 and the Public Sector Equality duty which places a legal obligation to comply with the general and specific duty on public authorities bound by the Act. Under the general duty the requirement is to:

- Eliminate unlawful discrimination, harassment and victimisation and Other conduct prohibited by the Act

- Advance equality of opportunity between people who share a protected characteristics and those who do not

- Foster good relations between people who share protected characteristics and those who do not

Other Equalities Legislation

More recently, legislation has come into force covering age, gender, disability, religious belief and sexual orientation, marriage and civil partnership in line with the Equality Act 2010. Many public authorities are producing a corporate equality plan outlining what they plan to do to ensure equality, diversity and equity in employment and service delivery.

Statutory Responsibilities

Local authorities have statutory duties in so far as provision of education, housing and social services is concerned. Gypsies and Travellers, like the settled community, have a right to access health provision. Health Services have a Duty of Care towards Gypsies and Travellers. The priorities when visiting an encampment is to assess the health needs of Gypsies and Travellers and to provide access to such services as are appropriate and are required.

Confidentiality

In dealing with unauthorised encampments, all personal information will be treated as confidential between agencies, in line with normal working practices and procedures.

Issues of confidentiality are taken very seriously, however, it must be remembered that occasionally the public interest and the statutory duties of agencies can override the duty of confidentiality (i.e. safeguarding).

In the operation of this protocol information may be shared between responsible authorities in line with the principles of the Derbyshire Partnership Forum Information Sharing Protocol. In addition, information communicated to public authorities may be disclosed to the public under the Freedom of Information Act 2000.

At no time should agencies, employees or members of the Gypsy and Traveller community be offered anonymity for information they wish to share with the agency, where this cannot be provided in law.

Principles to be followed

Set out below are the general principles to be followed in response to unauthorised Gypsy and Traveller encampments. These have been agreed by member authorities of the Derbyshire Traveller Issues Working Group.

These agencies recognise that everyone in the community has rights and their dignity should be respected. As part of the community, Gypsies and Travellers should be treated with the same respect as the settled community.

When a relevant authority seeks to gain re-possession of land, it should - if possible - make contact with Derbyshire Gypsy Liaison Group so that there are lines of communication and to explore any opportunity for negotiation and discussion which may lead to solutions before evictions take place.

Where a report about an unauthorised encampment on public land reaches a public authority, this authority will find out which authority is the key authority with power to recover possession.

The key authority will then consult other relevant agencies concerning the authorised encampment as appears appropriate, for example the NHS. The existence of a camp and awareness of it by any agency will not necessarily lead to eviction. In Derby City Council; it almost certainly will lead to eviction, unless they leave voluntarily.

The key authority will liaise with the NHS and the relevant departments at Derbyshire County Council or Derby City Council which deal with the education of children (where any persons under the age of 16 are believed to be present) to find out if there any urgent needs to be considered before any further action is taken. If any potential social care needs are identified by either health or educational staff they should inform the relevant department dealing with social care issues at either council. The relevant department will then, if necessary, arrange visits to offer any advice or guidance.

The key authority will contact the relevant housing authority to inform them of the unauthorised encampment and to ask whether it is dealing with any relevant requests relating to accommodation needs.

As part of responding to an unauthorised encampment, visiting officers will contact the correct welfare agencies to conduct a welfare check and identify needs and how they are being addressed and state how many days will be needed to address these needs. The key authority should delay, wherever possible appropriate, further action until informed that stated needs have been addressed.

Anti-Social Behaviour

Where Gypsies or Travellers are engaging in anti social behaviour causing alarm, distress or harassment to others the Local Authority can apply for Anti Social Behaviour Orders (ASBOs) under the Crime and Disorder Act 1998. A Local Authority will complete a thorough investigation in consultation with other partnership agencies in order to determine if this is the appropriate action. ASBOs are used to prohibit perpetrators from continuing to do specified anti-social acts or entering defined locations, in order to protect the public in those areas. Gypsies and

Travellers will be treated as everyone else residing in the area and an ASBO would only be sought if their actions constitute anti social behaviour, not because their choice of lifestyle caused someone annoyance.

ASBOs are civil remedies and are made in civil proceedings. They can be issued as a stand-alone application or on conviction of a criminal offence. An order lasts for a minimum of two years, but can in some circumstances run indefinitely.

ASBOs often include a prohibition that states it operates in the whole of England and Wales. This means that the order “follows” the perpetrator wherever they may reside.

Breaching the terms of an ASBO without reasonable excuse is a criminal offence and usually prosecuted by the Crown Prosecution Service. Breach of an ASBO can result in a fine of up to £5000 and up to 5 years imprisonment for an adult, 2 years for a juvenile.

Regaining possession of local authority land

Where there is an unauthorised encampment on local authority land or on the highway, the local authority with an interest in the land may bring action in the County Court under the Civil Procedure Rules or the Magistrate’s Court under the Criminal Justice and Public Order Act 1994.

This legal process allows for the serving of notices to the unauthorised occupiers, who may wish to challenge the action.

At all stages of the process, the local authority should, where Gypsies or Travellers are on site - and where it is practical - give a verbal message to them as well as a written notice.

Where the local authority is taking any action under the Civil Procedure Rules or in the Magistrate’s Court, the procedural steps outlined above should ensure that the local authority does not unwittingly act outside statutory or humanitarian considerations but exercises its discretionary powers in accordance with established public law principles.

Consideration may be given to delaying legal proceedings if a date can be agreed for the Gypsies or Travellers to move.

In this case consideration may be given to the provision of basic amenities, i.e. water supply, mobile toilets and refuse collection. This would only be the case when all concerned are fully aware of what is expected of them and that this would be a temporary measure. The provision of these amenities would mean less disturbance and nuisance to the settled community while an unauthorised encampment remains. It may also prevent the extra strain sometimes placed on local services and the provision of refuse collection would also go some way to recovery of the land once the Travellers have moved on. Considerations of efficiency should be taken into account, where costs of providing these amenities would reduce the overall cost of the eviction process.

Each case will be looked at on its own merits and a decision will be reached having regard to the needs of the Gypsies or Travellers and the settled community, and issues of efficiency.

UNAUTHORISED ENCAMPMENTS		
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