

GYPSY ROMA AND TRAVELLER POLICY

Unauthorised Encampments



Executive Summary

Plymouth City Council is responsible for dealing with unauthorised Gypsy Roma and Traveller encampments on land owned by the Council.

The travelling community can experience difficulties finding an authorised place to stop, and may set up an encampment on someone's land without consent, including green space, highway verges and lay-bys. This is a breach of civil law and, in certain circumstances, may be a breach of criminal law.

The aim of this policy is to address the need for an effective approach to the management of unauthorised Gypsy Roma and Traveller encampments on Plymouth City Council land, whilst ensuring that the rights of Plymouth's local settled community and the Gypsy Roma and Traveller communities are balanced.

In addition to this it aims to clarify the internal working arrangements around unauthorised encampments across Plymouth City Council departments and services so that any future unauthorised encampments can be managed successfully, swiftly and without detriment to any community.

This policy is reliant on a collaborative approach between the council, our partners, and communities.

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1.0 Introduction

Plymouth has experienced a consistent number of unauthorised encampments in the last 4 years, this number is not declining. Gypsies Roma and Travellers have occupied land within parks, on some of our highways and on private land. In addition to this some areas have experienced multiple unauthorised encampments during the last 4 years, and this has resulted in additional resources being deployed to deal with the encampment and subsequent site clean-up. The same groups occupying the unauthorised encampments have move from one location to another causing considerable financial cost to the council, but have a clear need to remain in the city for a period of time.

This policy outlines our duties and powers, and our decision making framework. It includes best practice from other areas and builds on our own experience to ensure our process is fair, legal, equitable and ensures community cohesion is safeguarded.

Included in this policy:

- The roles and responsibilities within Plymouth City Council in relation to unauthorised encampments
- Alternative arrangements for Gypsy Roma and Traveller community
- Process when an unauthorised encampment does occur
- Requirements for recording and monitoring
- Requirements for engagement with the public, partners and other stakeholders
- Post site vacation actions

2.0 Aims of the Policy

This policy aims to sets out how Plymouth City Council will respond to unauthorised encampments on Plymouth City Council owned land. The policy seeks to ensure that its approach to responding to unauthorised encampments is consistent, lawful and proportionate.

The policy has been developed within the context of the Government publication “Dealing with Illegal and Unauthorised Encampments. A Summary of Available Powers (2015)”¹ and other government guidance and legislation². This document is clear - managing unauthorised encampments must involve a balance between the rights of the landowner and/or wider community and the rights and welfare needs of those who have established the unauthorised encampment.

¹ Dealing with illegal and unauthorised encampments; A summary of available powers, March 2015, DCLG.

² Designing Gypsy and Traveller Sites; Good Practice Guide, May 2008

Part 55 of Civil Procedure Rules

Criminal Justice and Public Order Act 1994

European Convention of Human Right Act

Equalities Act 2010

This policy does not cover the allocation and management of pitches at Bayview Caravan Park, The Ride, Plymouth. This procedure and policy is covered elsewhere. This policy does, however, cover unauthorised encampments that could occur on the land at Bayview Caravan Park as it is owned by Plymouth City Council.

3.0 National and Local Context

Gypsies Roma and Travellers have been part of our community for hundreds of years. This includes those who travel regularly, families living in bricks and mortar housing and on our permanent site at Bayview Caravan Park, The Ride.

We experience around 25-30 unauthorised encampments per calendar year. These occur throughout the year, but predominantly and more frequently in the months between March and September.

Nationally there is a shortage of transit/temporary stopping places. There are currently around 300 socially rented Gypsy Roma and Traveller sites in England. However, this still leaves a national shortage of authorised sites; with around one in four Gypsy, Roma and Traveller households having nowhere to call home. The Government has established a new framework of housing and planning systems designed to increase site provision to meet the accommodation needs of Gypsy, Roma and Traveller communities reducing the number of unauthorised encampments and promoting good relationships with the settled community.

The Joint Local Plan states there is no assessed need for permanent Gypsy, Roma and Traveller sites, however, there are a number of unauthorised encampments across the city and hence Plymouth City Council is taking steps to meet the need of the community through the provision of Temporary Stopping Places.

Places where unauthorised encampments occur are generally unsuitable for The Gypsy Roma and Traveller community, as they do not contain the appropriate facilities, e.g. water, waste disposal facilities, pitch security and general safety measures. The lack of facilities can lead to unsanitary and dangerous conditions. Unauthorised encampments can cause concern for nearby communities, businesses in the vicinity and the statutory agencies that have to respond to concerns (especially Plymouth City Council and the Police).

Government guidance says that where unauthorised encampments are not causing problems; they can be negotiated for a short time (see page 9, 7.2).

This policy provides details on how Plymouth City Council deal with unauthorised encampments, including alternative arrangements including provision of temporary stopping places for Gypsy Roma and Traveller's visiting our city with the aim of reducing the impact on the city, and the Travelling community.

4.0 Statutory Duties of the Council

Local authorities have a duty, under the Equality Act 2010, to promote good race relations, equality of opportunity and community cohesion in all of their policies and practices. This duty covers all racial groups, including Gypsies Roma and Travellers who are covered by the protected characteristics.

5.0 Legal Powers to Remove Occupants from Unauthorised Land

Government policy requires that a court hearing is almost invariably required before evicting unauthorised encampments. This means that a timescale between 14 days and 6 weeks (from arrival to eviction) is likely, depending upon the route chosen.

There are a number of powers available to the Council to deal with unauthorised encampments on Council land including:

These powers may be used following a welfare assessment carried out by Community Connections.

Local Authority Powers

Part 55 Civil Procedures Rules

- May only be used by landowners to regain possession of the land
- Requires civil court proceedings to obtain a possession order
- Enforced via an eviction; overseen by either by county court bailiffs or high court enforcement agents

Section 77 Criminal Justice & Public Order Act 1994 – Direction to Leave Land

- Can only be used by local authority
- The Local Authority issue a ‘Direction to Leave Land’
- Can be used on any land forming part of the highway, any other unoccupied land, or any occupied land without the consent of the occupier
- A person who fails to leave land a) fails to leave land and/or remove their vehicles; or b) re-enters the land within 3 months of the date of the Direction commits a criminal offence (s77(3))

Section 78 Criminal Justice & Public Order Act 1994 – Summons for Contravention of s77 and/or Application for an Order for Removal of Persons and Their Vehicles Unlawfully on Land

- Can only be used by local authority, who apply to the Magistrates court for a summons for breach of s77 and Order under s78
- Can be used on any land forming part of the highway, any other unoccupied land, or any occupied land without the consent of the occupier
- The Court can make an Order authorising a Local Authority to enter land (on >24hours notice) and ‘take such steps for securing entry and rendering it suitable for removal’ as they specify (s78(2))
- A person who ‘wilfully obstructs’ re-entry by the Local Authority commits a criminal offence (s78(4))

Plymouth City Council’s policy is that the most appropriate legal route will be used depending upon the specific circumstances of the case. This may entail applying for a possession order under Part 55 of the Civil Procedure Rules, a Direction or Application under s77/s78 Criminal Justice and Public Order Act 1994 or any other lawful alternative route.

Police Powers

The police also have powers to deal with unauthorised encampments:

Section 61 Criminal Justice & Public Order Act 1994. Police 'Direction to Leave Land'

Can only be used by police if any of three conditions are met:

- If any persons have caused damage to the land or property on the land;
- Use threatening, abusive or insulting words or behaviour, or
- There are 6 or more vehicles on the land

Can be used on any land (although the position in respect of highways is complicated and requires legal advice before proceeding), to remove occupants & vehicles

- Does not require involvement of the courts, and is enforced by the police
- A person who does not leave promptly, or who re-enters the land as a trespasser within 3 months of the date of the Direction commits a criminal offence (s61(4))

Section 62 A Criminal Justice & Public Order Act 1994. Police 'Direction to Leave Land where an Alternative Site is Available'

- Can only be used where an alternative 'relevant caravan site' is available (see below)
- Can only be used by the police, on any land, to remove occupants and vehicles
- Does not require involvement of the courts, and is enforced by the police.
- A person who does not leave promptly, or who re-enters ANY land in the Local Authority's area as a trespasser within 3 months of the date of the Direction with the intention of residing there commits a criminal offence (s62B))

For the purposes of section 62 A 'relevant caravan site' means a caravan site which is:

- (a) situated in the area of a local authority within whose area the land is situated, and
- (b) managed by a relevant site manager (Community Connections).

Other possible legal options

Public Space Protection Orders (PSPOs)

- Introduced in 2014 under the Anti-Social Behaviour, Crime and Policing Act, PSPOs enable councils to criminalise particular, non-criminal, activities taking place within a specified area deemed by the local authority to have "a detrimental effect on the quality of life of those in the locality", e.g. local recreational facilities and play parks.
- Public consultation must take place prior to the PSPO being enforceable, and the PSPO must be proportionate to the risk on the area itself.
- Only sustainable if used in conjunction with alternative options.

Injunctions

- An injunction is an order of the court that requires people to stop an unlawful activity. Planning authorities can seek an injunction against current or anticipated breaches of planning control. However, the court has discretion as to how it deals with any such application

Community Protection Notices (CPN)

- The CPN is intended to deal with unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life by targeting the person responsible.

6.0 Our Roles & Responsibilities

Different departments and agencies involved with unauthorised encampments have different roles and responsibilities in dealing with encampments. It is important that roles are clearly defined to minimise duplication and ensure that both the travellers and the local settled community know who to contact for specific issues.

Community Connections provides a strategic role in respect of Gypsies Roma and Travellers managing permanent residential sites and ensuring the implementation of this policy.

[Appendix B](#) and [Appendix C](#) provide details on the roles and responsibilities of Plymouth City Council departments and our partners.

7.0 Our Approach

Plymouth City Council liaise with the Gypsy Roma and Traveller community to advise of locations where they can establish authorised encampments in line with this policy.

Where the Council receives a report of an unauthorised encampment ([Appendix A](#)), this is passed on to the Council's Community Connections Team, who will seek confirmation that the occupied land is owned by Plymouth City Council.

Community Connections will conduct a community impact assessment and will act to remove an unauthorised encampment from an unsuitable site as quickly as is practicably and reasonably possible in accordance with relevant legislation, and assessment of the site. The site will be assessed for its suitability as a negotiated stopping place via a community impact assessment ([Appendix E](#)).

Where the land is not owned by the Council, the relevant land owner (where known) shall be notified and general advice provided as required.

Portfolio Holder, The Police, local Ward Members and local residents shall be notified of all encampments on Plymouth City Council owned land.

Where it is confirmed that the unauthorised encampment is located on Council Land, the officers from Community Connections shall visit the encampment as soon as is practicably possible (generally that same day) and complete site inspection, welfare check forms and community impact assessment. They will also inform the occupants of our policy to re-direct Gypsy Roma and Travellers to a Temporary Stopping Place.

Welfare checks will be conducted upon arrival to any site ([Appendix F](#)), and officers will identify any relevant welfare needs of the site occupiers. This welfare assessment has particular regard to the welfare needs of children, the elderly or other people who may be vulnerable. Where support or welfare needs are identified the Council will try to assist or refer the matter to the relevant agency. Where significant needs are identified the case will be assessed on its own merits.

Upon visiting the Community Connections Officers will explain to the occupants that they are trespassing on Plymouth City Council owned land and they will be moved on by Police officers using s62 should they choose to not use a Temporary Stopping Place.

Where the trespassers do not move on within 24 hours, Devon & Cornwall Police will be engaged to use powers under sections 62 A of Criminal Justice and Public Order Act 1994 to direct the occupiers to leave land and remove any vehicle and property from the land to a Temporary Stopping Place where there is suitable pitches available within the local authority area.

Where Plymouth City Council operates a temporary stopping place (i.e. somewhere to redirect as a 'relevant caravan site'), we work closely with Devon and Cornwall Police supporting them to use their powers to remove unauthorised encampments to redirect Gypsy Roma and Travellers to a temporary stopping place, thus avoiding the need for Plymouth City Council to take action through the courts to regain possession of land, which can be resource intensive and expensive.

Plymouth City Council will work with the Gypsy Roma and Traveller community to advise, in advance of visiting, where an authorised encampment can be established for a period of time, thus avoiding the need for the use of police powers and enforcement action.

7.1 Temporary Stopping Place

The City will provide a number of Temporary Stopping Places for which it will obtain planning permission. The number and location of Temporary Stopping Places will ensure a rotation of use, and reasonable distribution of authorised encampments across the city. A Temporary Stopping place will not normally be used for more than 3 months.

We will licence a Temporary Stopping Place for a period for up to 6 weeks, and no site will be used for any longer than a 12 week period. Each caravan will require a temporary licence to stay on a site and will be required to pay site fees for use of facilities. The site will provide a hardstanding, WC facilities, water (not necessarily via stand pipe) and waste collection.

The occupiers will be asked to sign and abide by a code of conduct ([Appendix D](#)), should this be breached, legal action will be taken to gain possession of the land.

7.2 Negotiated Stopping Place

In considering whether to negotiate with Gypsy Roma and Travellers forming an encampment, the first consideration must be the location and the immediate impact on the settled community.

Where the location of an unauthorised encampment has previously been identified as a low impact place and the circumstances of the trespassers themselves require a degree of flexibility, then at the discretion of Plymouth City Council a negotiated period of up to a maximum of 14 days may be given to use the site as a negotiated stopping place. Extensions beyond 14 days may be considered in exceptional circumstances (i.e. due to welfare need). A negotiated stopping place should not be re-occupied by the same Gypsies Roma and Travellers within six months, and preferably should not be used by any other Gypsies Roma and Travellers for at least 28 days, post vacation of the site. In essence this means that the Council will treat the individuals as 'tolerated trespassers' for this period. If they have not vacated at the end of this period then legal action to gain possession will commence.

The occupiers will be asked to sign and abide by a code of conduct ([Appendix D](#)), should this be breached, legal action will be taken to gain possession of the land.

Health and welfare needs might lead to consideration of an extension of time at a negotiated stopping place these may include: accessing urgent medical attention; i.e. a surgical procedure or other acute medical (but not chronic need); or a complication in pregnancy or post-natal care. If there is a negotiation to allow an encampment, consideration will be given as to whether it is appropriate to make provision for a water supply, toilet provision or rubbish clearance, at a fee.

7.3 Non-negotiable locations

There are locations where an encampment will not be acceptable under any circumstances.

Set out below is a list of the types of site where unauthorised encampments will not be acceptable, and Gypsy, Roma and Travellers will be moved on using either Plymouth City Council's or police powers:

- A Site of Special Scientific Interest (SSSI) where an encampment endangers a sensitive environment or wildlife
- School car park or playing fields (especially in term time)
- Car parks, including hospital, supermarket or leisure facility car parks
- Recreation grounds and public playing fields or parks.

- A site where pollution from vehicles or dumping could result in pollution or other hazard.
- A derelict area with toxic waste or other serious ground pollution
- A 'village green' or other open area within a residential area
- The verge of a busy road where fast traffic is a danger to unauthorised encampment residents or their children.
- Sites that cannot be accessed easily by emergency and delivery vehicles.
- HMPE where there are parking controls or restrictions.
- Permeant Gypsy Roma and Traveller Residents Site.
- Any site that restricts the access of emergency or council vehicles.
- Where a public right of way is blocked.

7.4 Action when a group of Gypsies Roma or Travellers have moved on any site.

The encamped group will be required to clear up any site before leaving. Where a site requires a clean-up this shall be undertaken by the Council, Street Scene and Waste team in collaboration with Public Protection to secure any evidence required for prosecution.

The Council reserves the right to recharge for any costs associated with site clearance. In addition the Council will take any necessary action to secure locations which are subject to serial encampments, through means of preventative action.

7.5 Other Unauthorised Encampments

Other unauthorised encampments where occupants are not part of the traditional travelling community will usually be dealt either using one of the routes detailed in section 5.0 or immediately via court proceedings at Plymouth City Council's discretion.

7.6 Public Space Protection Orders (PSPO)

The Council will consult with communities to consider PSPOs where the same site has been used 3 times with a rolling 18 month period.

8.0 Working with our Partners

Devon & Cornwall Police work closely with Plymouth City Council in all aspects of the Gypsy Roma and Traveller community. They assist and support the managing of unauthorised encampments when required and work to an approved code of practice in this regard. The Police must take account of the issues of behaviour, whether criminal, antisocial behaviour or nuisance by both the travelling community and the settled community in combination with the impact on the landowner rather than simply because encampments are present at a specific location.

9.0 Consultation

This Policy was agreed previously by Cabinet on 28th November 2017. Over the intervening 12 months, we have listened to comments and representations from a variety of sources. The Council consider 12 months an adequate time period to allow for consultation and has incorporated comments and feedback within the Policy.

10.0 Complaints & Comments about this Policy

Comments, complaints or suggestions about this policy or any aspect of our work are welcomed. The Council's standard comments, complaints and appeals procedure will be followed. If you would like a copy of this, please contact us on Tel 01752 668000 or go to the website www.plymouth.gov.uk.

If a complaint is about a Freedom of Information request, you can complain to the Council. If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at: Information Commissioner's Office, [Home | ICO](#)

11.0 Access to Information & Data Protection

The information collected via the Welfare Check form will be used to make appropriate referral and signposting to welfare and support services, where requested by the individual on an 'opt-in' basis. The information may be passed on to the Department of Work and Pensions and Inland Revenue as permitted by law.

The Council may also check the information provided by the customer or information provided third parties, with other information held by the Council. Third parties may include Social Care, Police, Schools and Trading Standards. E.g. Car registration details.

The Council may also obtain information from certain third parties, or give information to them to check the accuracy of the information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and other Local Authorities.

Personal information will not be disclosed about customers to anyone outside Plymouth City Council nor will we use information about you for other purposes unless the law permits this.

Information may be used for statistical purposes. Such information will be displayed so that it cannot be attributed to any person.

Plymouth City Council is the data controller for the purposes of the Data Protection Act 1998 and forthcoming General Data Protection Regulation 2018.

12.0 Review and Revision of this Policy

This policy will be reviewed and revised when required.

13.0 Appendices

- A** **Unauthorised Encampment Reporting Form**
[Plymouth City Council Unauthorised Encampment](#)
[online service](#)
- B** **Unauthorised Encampment Process Map**
- C** **Unauthorised Encampment Roles &**
Responsibilities
- D** **Code of Conduct**
- E** **Community Impact Assessment**
- F** **Welfare Check Form**
- G** **Frequently Asked Questions**

A **Unauthorised Encampment Reporting Form**
Plymouth City Council Unauthorised Encampment
online service

The screenshot shows a web browser window with the URL https://plymouth-self.achieveservice.com/en/AchieveForms/?form_uri=sandbox-publist. The page header includes the Plymouth City Council logo and the text "Self Service". Navigation links for "Self Service Home" and "All Online Services" are present.

Unauthorised Encampments

The information we ask for on this form will be used to identify and manage unauthorised Gypsy or Traveller sites in Plymouth.

Your personal details are not needed to fill in this form

By pressing 'Next' you are agreeing to allow Plymouth City Council to use your personal data as described in the Privacy Notice.

Report It

Use one of four ways to show a location on the map.

1. Select the icon and the map will show you where you are.
2. Select the icon and type in a postcode or street name.
3. With a mouse, use sliding scale or ++- to zoom out, move map over the location, and zoom back in.
4. With a touch screen, use finger and thumb to zoom out, move map over the location, and zoom back in.

In ALL cases, please zoom in and then place a red marker pin precisely on the map by clicking the mouse or touching the screen of your phone.

Please zoom in and place a marker on the map to precisely identify where the camp is located *

Map address

Approximately how many caravans did you witness? (numbers only) *

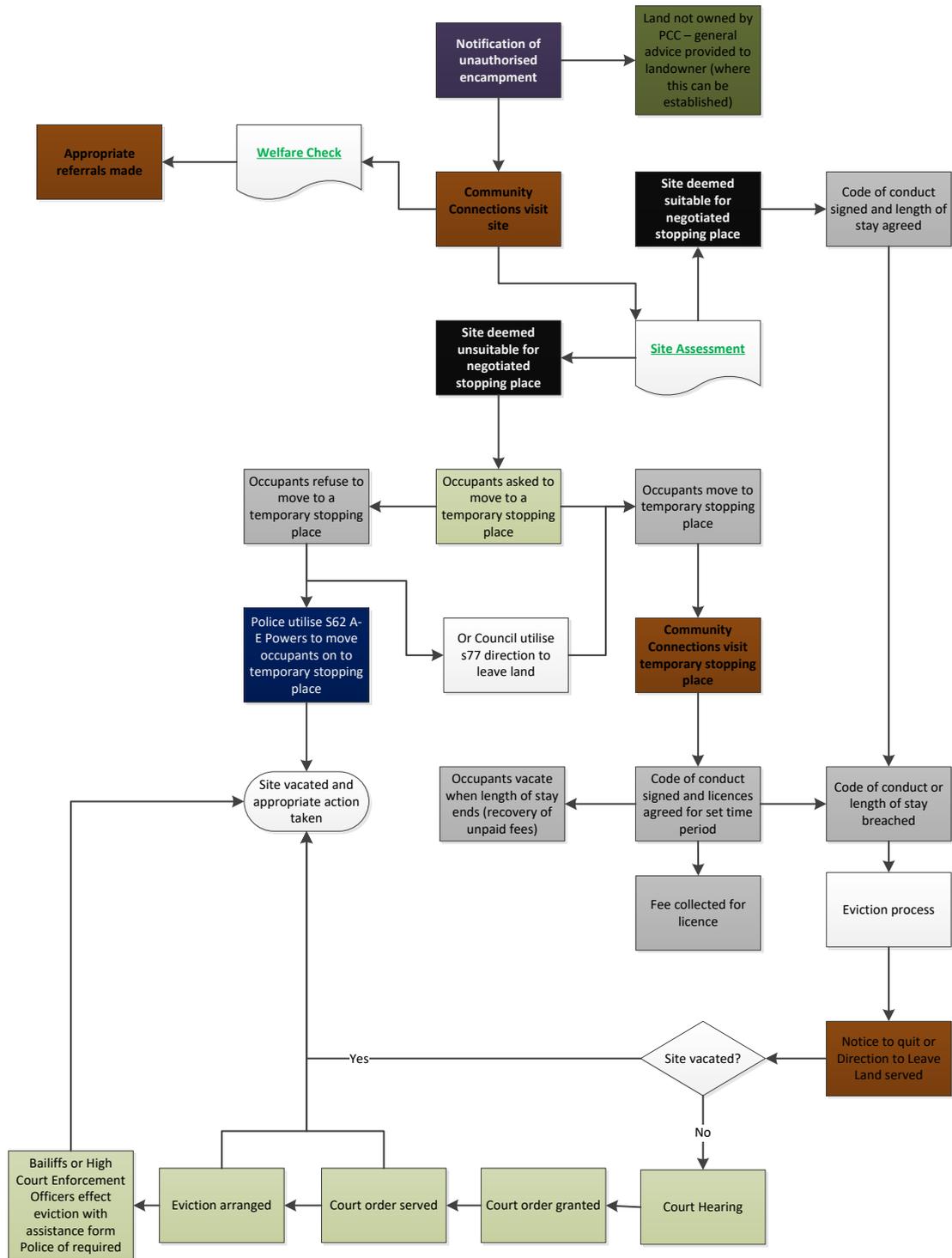
Did you notice any children on the site? *

Did you notice any dogs on the site? *

Do you know who owns the land? *

The Windows taskbar at the bottom shows the date and time as 10:23 on 16/11/2017.

B Unauthorised Encampment Process Map



C Unauthorised Encampment Roles & Responsibilities

All partners involved in the management of unauthorised encampments are concerned with the swift and proportionate need to deal with unauthorised encampments and build trust and confidence in local communities and the Gypsy Roma and Traveller communities and therefore the need to evict will be balanced against the need of those involved in, and affected by an encampment together with the impact the encampment may have on the site.

Plymouth City Council

There are numerous departments within PCC that are involved in the Gypsy Roma and Traveller community and dealing with unauthorised encampments.

Community Connections

Community Connections has the overall strategic responsibility for dealing with unauthorised encampments, but must do this in collaboration with internal and external partners.

Community Connections must respond to reports of unauthorised encampments in a timely manner, with a Community Connections Officer (CCO) visiting within 24 hours of report on weekdays.

Community Connections has an obligation to carry out welfare assessments on unauthorised encampments, ensuring that where need is identified the appropriate department and agencies are alerted.

Community Connections will conduct a site assessment for each unauthorised encampment to establish its appropriateness as a negotiated stopping place.

Community Connections will notify all relevant partner agencies and internal departments of all encampments and will communicate with the local settled community.

Community Connections will liaise directly with the Gypsy Roma and Traveller community, providing copies of Unauthorised Encampment Policy and its appendices upon request, and that it is clearly explained.

Community Connections will liaise with the Gypsy Roma and Traveller community to ensure they are aware of a temporary stopping place prior to any visit to Plymouth.

Community Connections will ensure the code of conduct for temporary and negotiated stopping places is clearly explained and that all licence agreements for a temporary stopping place is clearly explained.

Community Connections will order waste management and WCs for negotiated and temporary stopping places.

Community Connection will collect the site fee's from the residents of negotiated and temporary stopping places.

Property & Terrier Team

The Property & Terrier Team will provide land ownership details upon request from Community Connections or Legal Services.

Legal Services

Legal services will provide advice and guidance on all legal aspects of unauthorised encampments, possession process and court processes.

They will prepare paperwork for notices to quit and court process and evictions in liaison with Community Connections.

Legal services will support in the preparation of licence agreements for a temporary stopping place.

Street Scene and Waste

Street Scene and Waste will provide waste management to negotiated and a temporary stopping places, upon request.

Street Scene and Waste will provide site clear up post vacation as and when required.

When clearing sites they will work closely with Public Protection should evidence of fly tipping be found.

Street Scene and Waste will work with Community Connections to identify vulnerable sites and preventative works. These works will either be carried out by Street Scene and Waste or via Corporate Property Team.

Devon & Cornwall Police

The police do have a duty to uphold the law, but must take into account humanitarian considerations when deciding on appropriate action.

Where there are reports of violence, threats of intimidation or criminal damage the police will risk assess the situation, whether the threats emanate from the Travellers or the settled community.

The police will work with Community Connections to utilise powers, when required and proportionate under Section 62 A-E Criminal Justice & Public Order Act 1994.

The police will support as and when requested at any evictions where proportionate to do so.

Gypsy Roma and Traveller Community

Plymouth City Council ask that the Gypsy Roma and Traveller community notify Community Connections when they intend on visiting Plymouth in order for us to give details of a temporary stopping place.

Those forming an unauthorised encampment will be asked to vacate to a temporary stopping place, we ask that they do this swiftly and without any damage left to the site and all rubbish is cleared away.

Gypsy Roma and Traveller community staying at a negotiated or temporary stopping place will abide by the code of conduct.

Gypsy Roma and Traveller community to notify Community Connections of any change of circumstances whilst staying at a negotiated or temporary stopping place.

D Code of Conduct

- This Code of Conduct is for members of the Gypsy, Roma and Travelling community who are setting up a temporary encampment at a temporary or negotiated stopping place offered by Plymouth City Council in accordance with our Gypsy Roma Traveller and Unauthorised Encampment Policy.
- In accordance with our Policy, if you do not follow the Code of Conduct we may take action to evict you from the site and you may not be able to stay at other sites in the future. It is therefore in your best interest to adhere to this Code.
- Please make sure everyone with you understands this Code and ideally elect a 'site representative' to make sure everyone follows the Code.
- Please tell us if you need help understanding this Code.

If you camp on land belonging to Plymouth City Council we expect good behaviour.

Park vehicles safely:

- Do not park vehicles/units too close together.
- For fire safety, there should be at least 6 meters between each unit.
- There should be enough room for you to walk freely around the unit.
- Take care around electrical cables.
- Large trees/overhanging branches can be dangerous.

Keep groups small:

- Depending on the site you are visiting, will depend on the size of the group that is permitted.
- Do not take up more room than is necessary.
- If there is not enough room, your group will need to get smaller.

Keep the site safe from hazards:

- Do not leave empty/vacated accommodation/vehicles on site – these may be removed if left.
- Do not block entrances with vehicles, boulders or anything else.
- Do not lock gates or barriers.
- For your safety the site must be easily vacated in the event of a fire, or provide access to emergency vehicles.
- Do not block roads, paths, drop-curbs, exits or entrances etc. that may impinge on others carrying out their usual business or leisure.

Keep the site tidy:

- Do store and remove rubbish properly (use bins provided, store rubbish well in bags first.)
- Let Community Connections know if you need advice on waste disposal and storage.
- Do recycle rubbish where possible.
- Do not dump rubbish on land
- Do not burn rubbish
- Do not use the site for sorting or storing scrap.
- If you leave the site in a mess, we may take steps to recover clean-up costs
- Do not remove or damage anything at the site, including trees, plants, chippings and earth moundings.
- Do not cut trees for your own use without the landowner's permission.
- Do keep the site as clean and tidy as possible.
- Do not pollute the land with oil, chemicals or other waste.

If you cause damage we may fine you for repairs and we may treat it as a crime.

Do not disturb others:

- Do not create bad smells or make loud noises that disturb others.
- Do go to the toilet in a hygienic way. For example: Do dispose of human waste safely. Do tell us if you need a Portable Toilet. Do not go to the toilet where other people can see you. Do 'bag and bin' if necessary. Tell us if you need bags and anti-bacterial wipes.
- Do not light fires if they could get out of control or leave fires (including candles) unattended.
- Do not go on other land without permission from the landowner (trespass).
- Do not allow animals (i.e. horses) to graze on land without the landowner's permission.
- Do not use the site for criminal activities.
- Do not drive quad bikes on land without permission

Terms of stay:

- Do agree a leave date with Community Connections and try to keep to it.
- Do actively look for suitable alternative sites.
- Do pay charges for the provision of toilets/facilities on time.
- Your charges are £20 per week (subject to review)

- Do not invite or allow other occupants on to the site without agreement from Community Connections
- Do listen to and act on complaints.
- Community Connections will undertake a welfare check upon your arrival, but please get in touch with us if you require any further information or support
- Your Community Connections Team can be contacted on 01752 304440
- Do keep in contact with us and provide us with a mobile number if you have one.
- Contact the Police, Racial Equality Council or Community Connections Team if you experience harassment.

Eviction:

- If we are going to evict you, we still expect good behaviour and for you to leave when requested. The Police have powers to move you immediately: If six or more vehicles are present and you damage property, or are abusive or threatening to others.

According to Plymouth City Council GRT Policy there are certain sites and areas that are non-negotiable for Encampments:

- A Site of Special Scientific Interest (SSSI) where an encampment endangers a sensitive environment or wildlife
- School car park or playing fields (especially in term time)
- Car parks, including hospital, supermarket or leisure facility car parks
- Recreation grounds and public playing fields or parks.
- A site where pollution from vehicles or dumping could result in pollution or other hazard.
- A derelict area with toxic waste or other serious ground pollution
- A 'village green' or other open area within a residential area
- The verge of a busy road where fast traffic is a danger to unauthorised encampment residents or their children.
- Sites that cannot be accessed easily by emergency and delivery vehicles.
- HMPE (Highways) where there are parking controls or restrictions.
- Permeant Gypsy Roma and Traveller Residents Site.
- Any site that restricts the access of emergency or council vehicles.
- Where a public right of way is blocked.

Signed	Print Name	Date

E Community Impact Assessment

Site	Date of Assessment	Name of Assessor

	Yes/No	
Is the site already known?		Assess any reoccurrence of issues previously present:
Any issues known previously?		Details:
Does the site have easy access for emergency and delivery vehicles?		If no, this site is not appropriate to stop on.
Is the site close to busy roads?		If yes, this site may not be appropriate.
Is the site open and visual?		Sites need to be safe, not hidden.
Are there any other hazards that can be deemed unsafe for this encampment?		Details:
Is an encampment at this site likely to have a negative impact on the settled community?		Give details: E.g. noise, disturbance, blocking access to open spaces, previous complaints.

Is this site easy for Community Connections and waste/street services to access for visits?		Services will need to be delivered and other agencies may wish to visit.
Have Councillors been consulted?		Do Councillors have any knowledge to pass on regarding potential issues?
Are there any other points that need to be assessed with the site?		

Decision Made	Date of Decision

Action to be taken	By Whom	By date

F Welfare Check Form

Date of check:	Officer(s) undertaking check:

General information

Date of arrival	Site location

To be completed during site visit

Code of Conduct explained & local information provided?	Yes	No

Section I:

Question	Yes	No
Are you all travelling together?		
Are you happy for me to ask you questions about the whole site?		
Do you have any local connection to the area?		

Intended length of stay	Leave at the weekend	
	Leave after the weekend	
	Stay for 2 weeks maximum	
	For as long as we are allowed	
	Other (please specify e.g. wedding/funeral)	
What is your current accommodation situation?	Live on your own site	
	Live on a council site	
	Live on a private site	
	Live on the roadside	

	Other	
Details		

Section 2 – Information about people:

No of adults		No of Children	
Names		Names & DoB	
Is anyone unwell?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Would they like to see a doctor/nurse?		None	
		Doctor	
		Nurse	
		Health visitor	
		Dentist	
		Other	
Details			
Would you like any other information about:		Benefits	
		Reporting racist incidents and other crimes	
		Adult education	
		Making a	

	homelessness application in Plymouth	
	Other	
Details		

Section 3 – Information about vehicles:

No. vehicles in total		No. caravans		No. cars	
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Question	Yes	No
Is there anything affecting your ability to travel? (e.g. un-roadworthy vehicles)		
Details		

Section 4 – Information about animals:

Question	Animal	How many?
Are there any animals on site?	Dogs	
	Horses	
	Other	
Detail		
Would you like details of a local vet or the RSPCA?	Vet	
	RSPCA	
	Other	
	Detail	

Additional information:



Section 5 – data protection:

Question		Yes	No
We may need to share this information with other departments including health, education and other council services. Do you have any objection to this?			
If yes, please tell us why?			

Section 6 –agreement/disclaimer:

I agree that the information provided here is correct, and that by signing this form, I agree that it may be shared with other council departments and partners.			
Or (Please select as necessary)			
I have declined to provide Welfare information to the Plymouth City Council representative			
Name of occupant		Signature (It is ok if you do not have a signature. We just need your mark here)	
Date			
Name of officer		Signature	
Department		Telephone	
Would you like a copy of this info?		Yes	No

(If 'Yes', we will make sure a copy is taken and returned to you here before you leave).

G Frequently Asked Questions

Q. What rights do people have?

Everyone has rights, including the travellers, the local community and the people who own the land where the unauthorised encampment is located.

Gypsies and Travellers, as with all other ethnic groups who have a particular culture, language or values, are protected from discrimination by the Race Relations (Amendment) Act 2000 and the Human Rights Act 1998,

The decision to adopt a travelling lifestyle where housing need is met through living within a vehicle either on a long or short-term basis is made by a wide variety of people for a wide variety of reasons. It is therefore important that Gypsies and Travellers are not denied the right to mainstream services that the Council provides.

Q. What is an unauthorised encampment?

An unauthorised encampment exists when an individual or group of individuals move onto a piece of land they do not own, without the permission or consent of the landowner or occupier of the land. Within the context of this policy an encampment may consist of caravans and or other vehicles.

Q. Can the Council remove the encampment from their land immediately?

No. The Council must

- Show that the gypsies/travellers are on the land without consent.
- Have regard to the general health and welfare of the group and the children's education.
- Ensure that the Human Rights Act 1998 has been fully complied with.

To do this the Council follows a set procedure that is based on Government guidance. This procedure includes proving ownership of the land, carrying out assessments for the health, welfare and education criteria, and assessing the impact of the encampment on its location and local neighbourhood.

Once these have been carried out the Council may use this information for the service of notices and summonses to apply for a court order to enable the Council to evict the encampment from the site.

If the travellers are found to be camped illegally on Council land then the Council may make an application to the Magistrates Court for an Eviction Order or to County Court for a Possession Order.

Q. How long will it take for the travellers to be removed?

This will depend on the circumstances of each individual case. The Council needs to take into account the issues referred to above, as well as how long it takes to obtain a court hearing.

In some instances, following government guidance, the Council may tolerate an encampment up to two weeks if high standards are maintained on site and the legitimate use of the site by others is not affected.

Q. Can the court refuse to grant the Council an order to move the travellers on?

Yes! The Court can refuse to grant an order if it believes that:

- the Council has failed to make adequate enquiries regarding the for the health, welfare and education of the campers, or
- if there is an unavoidable reason for the travellers to remain on site

The Council must show that it has taken all reasonable steps to find out this information before going to court.

Q. What can the Police do?

The Police under certain circumstances can use powers under Sections 61 and 62 of the Criminal Justice and Public Order Act 1994. It is for the police to decide if these powers are to be used. Generally speaking these powers are only invoked where there are situations of criminality or public disorder.

The duty of the police is to preserve the peace and to prevent and detect crime. Trespass on land is not itself a criminal offence. The Police will investigate any reports of crime and public disorder.

Prevention of trespass and the removal of trespassers are the responsibility of the Landowner and not the Police.

Q. What can the landowner do if the encampment is on private land?

It is the landowner's responsibility to take the necessary action to evict the encampment.

The landowner can attempt to agree a leaving date with the travellers or take proceedings in the County Court under the Civil Procedures Rules 1998 to obtain a Court Order for their eviction as trespassers.

Q. What can the Council do if the landowner fails to take action?

The landowner may be in breach of Planning legislation and the Caravan Sites Act 1960 unless the landowner has already obtained planning permission for a caravan site.

If there is no planning permission the Council may take proceedings against the landowner to require removal of the illegally parked caravans.

Q. What can the Council do if an eviction order for public land is not complied with?

If the Eviction Order is not complied with then the Council can remove the caravans and other vehicles from the city.