

East Sussex Traveller Strategy

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Vision Statement

This Strategy aims to provide an integrated local framework to promote community cohesion and to protect the rights and needs of both the settled and travelling communities. Creating and sustaining strong community cohesion will have benefits for both the Traveller and the settled communities.

Introduction

This Strategy will be based on the following principles:

- equity – recognising the rights, needs and preferences of settled and Traveller communities;
- consistency – which recognises local circumstances across the county;
- integration – agencies working together;
- clarity and transparency – for all communities and agencies about duties, responsibilities and operational arrangements;
- legality – recognising the current and changing legislative framework including Race Relations Act, Housing Act, Planning legislation and Human Rights Act;
- participation – including settled and Traveller communities and all relevant agencies in planning and delivery;
- effectiveness – evidence based, recognising capacity constraints and ensuring resources are used to maximum effect.

Gypsies and Travellers are ethnic groups recognised by the Race Relations Amendment Act. They have a right to a nomadic life style; to equal access to services such as education, health and accommodation; and to protection from discrimination and harassment.

All Travellers may be nomadic but the extent to which they travel varies. Although most families are now settled in housing or on long-term residential caravan sites, they still travel for part of the year for work or for family occasions. An increasing number of Travellers live on unauthorised developments where they own the land but do not have planning permission to live there.

A significant number of Travellers have no permanent base and move constantly, often against their will. This part of the Traveller community has the lowest health and educational outcomes of any minority group and are most often the target of local hostility and misrepresentation.

Delivering services to Travellers who are settled in housing or sites is relatively straightforward although they are often a hidden community who hide their ethnicity for fear of racism. Meeting the needs of Travellers who are using unauthorised encampments is more challenging.

In Britain in the 21st century, Gypsies remain excluded and socially disadvantaged in every measurable criteria. Trevor Phillips as the Chair of the Commission for Racial Equity (CRE) compares their status to that of black people in the southern states of America in the 1950s (CRE: A Strategy for Gypsies and Travellers 2004-7).

There remains widespread prejudice and deep misinformation about Gypsies and Travellers not helped by media coverage that is largely negative and often sensationalist. However, this perception is clearly not assisted by the evidence of a small minority of Travellers who commit anti social acts. Concerns are also exacerbated by tensions made evident by unauthorised camping.

Within this strategy, we will ensure that our work is evidence based, and will understand and be responsive to concern, apprehension and misunderstanding that may be evident from within both the settled and Travelling community.

Communication and Consultation

This strategy will improve communication and consultation through the following methods:

- participation by Traveller and settled communities
 - this will be achieved by the formalised use of the Traveller Forum as a communication facility between Travellers and elected representatives.
- joint working between agencies including developing working protocols
 - this will include continued joint working with Sussex Police; and formalising links between statutory and voluntary agencies.
- community cohesion and clarity of expectation
 - we will ensure that both the settled and travelling communities are represented, advised and informed about decisions taken in respect of Travellers within a process that is overt and transparent;
 - we will formalise links by the use of steering groups and focus groups as required, ensuring representation and participation by both communities;
 - we will at all times, provide points of reference that will facilitate and enable robust communication between the settled and Travelling communities.
- maintenance of evidence base
 - we will continue to coordinate a local evidence base backed up by national data to improve and inform our local knowledge and awareness of Travellers within the county, whether transient, or permanent.

- public advice and information
 - we will continue to use all possible methods of giving advice and sharing information including public exhibitions. We will consider more carefully how the media can provide balanced and/or positive portrayal of Travellers.
- Police operational protocols
 - we will continue to apply, update and utilise the agreed police operational protocols in the management of unauthorised encampments;
 - we will continue to liaise with the police on a partnership basis, as required;
 - we will continue to require that a named police officers is nominated to work with the Traveller brief, ensuring continuity, at a sufficient seniority to agree policy and supply strategic direction.
- role of jointly funded Traveller Liaison Officer
 - to act as co-ordinator for all interested parties, maintaining close liaison and ensuring a consistent approach is maintained at all times.

National and Local Context

Gypsies and Travellers are not large ethnic groups. The national population is estimated to be 300,000 (ODPM statistics).

The Commission for Racial Equality and ODPM identify Gypsies and Travellers as some of the most vulnerable and marginalised minority ethnic groups in Britain.

Gypsies and Travellers have traditionally been subject to racial harassment and violence as well as poor access to services such as accommodation, health, education and employment. Gypsy and Traveller pupils are the group most at risk of failure in the education system. (CRE Gypsies and Travellers: The Facts)

Local authorities undertake a twice-yearly Gypsy and Traveller national caravan count for the ODPM. The national count in July 2005 produced the following information:

(ODPM biannual count of Gypsy/Traveller caravans)

- 15,711 Gypsy caravans were counted
- 5186 caravans were on legal private sites
- 6458 caravans were on legal council sites
- 4067 caravans were on unauthorised site

In East Sussex there were a total of 73 caravans: 32 on unauthorised sites; 35 on Council sites and 6 on private authorised sites. (Database of unauthorised encampments, ESCC). By comparison Brighton and Hove had a total of 86 caravans; 48 on unauthorised sites; 38 on Council sites; and none on private authorised sites

There is clearly a national and local shortfall in available pitches for nomadic Gypsies and Travellers. But the local need is actually relatively small.

Using information gleaned from Traveller Education, site statistics, ODPM biannual counts, and the database of unauthorised encampments, we estimate that there are an approximate total of 1000 Gypsies and Travellers in East Sussex. About half of the local population is resident in settled accommodation (Preliminary data from the Gypsy/Traveller accommodation Needs assessment, David Couttie Associates, Sept 2005)

Gypsies and Travellers may be the largest ethnic minority in rural East Sussex and fall into three groups:

Gypsies

Gypsies have been one of Britain's ethnic groups for 500 years. They are descended from nomadic tribal groups who left Northern India around 1000 years ago and moved westwards across Europe, some groups remaining and settling in each country through which they passed. The Romany language spoken by many Gypsies has its roots in Sanskrit. An anglicised form is still used by Travellers in East Sussex and across England.

Throughout their history Gypsies have followed a distinctive way of life as a nomadic people. They have remained separate from the house dwelling community, whilst maintaining links with it as a resourceful and versatile mobile work force.

Gypsies/Travellers were traditionally welcomed in East Sussex as useful seasonally available rural work force. In East Sussex the rural tradition of stopping places continues with Gypsy encampments in the county occurring in rural locations outside of the urban conurbations. (Gypsy/Traveller database of unauthorised encampments ESCC)

Gypsies usually marry within their own group, but they have, over the centuries, linked in with other travelling groups such as various traders and craftsmen, entertainers, Irish Travellers and Scottish Travellers. The family is of central importance in Gypsy culture.

Their transport, living accommodation and means of earning a living have changed with the times, as house dwellers have also changed. Some have settled in housing; on private family sites; or on Council owned sites. They may travel a lot less than before, perhaps only seasonally over the spring and summer months. There are as many differences between individuals in families and extended family groupings as there are in any community.

Gypsies have been recognised as a specific ethnic minority since 1988 for the purposes of the Race Relations Amendment Act.

Irish Travellers

This group are an indigenous nomadic ethnic group in Northern and Southern Ireland and Britain. They have been part of British society for many centuries, pursuing traditional agricultural roles in rural Britain.

Employment patterns have now shifted to casual forms of building work, gardening, and scrap metal collection. The shift in employment patterns has meant that Irish Travellers have migrated to urban areas. In East Sussex, the majority of Irish Traveller unauthorised encampments occur in Brighton and Hove, with the occasional appearance in parts of Wealden (mainly Uckfield) and Eastbourne. (Gypsy/Traveller database of unauthorised encampments ESCC)

There are similarities with the Gypsy culture, and a shared nomadism, but Irish Travellers are a distinct and separate group and recognised as such since 2000 for the purposes of the Race Relations Amendment Act. As in Gypsy culture, the extended family is the central organising unit. Their own language, Gammon or Cant, is still spoken. There is a reluctance to divulge this language to outsiders.

The age profile of Irish Travellers is very young, they tend to marry early. They have large families (average of 8 children). Irish Travellers are usually Catholic. Their faith is an important part of their culture and family life. (Room to Roam England's Irish Travellers by Dr Colm Power 2004)

New Travellers

Since the 1960's a number of young people have moved from houses and started to live on the road in an assortment of caravans, buses, vans and trucks. Their reasons for taking up the nomadic life are many and various.

Some are very positively choosing to live a less materialistic and 'greener' way of life. Others feel that it is a better way of life than a bed sitter existence in an inner city. Some are forced onto the road through economic circumstances, perhaps exacerbated by a substance misuse or mental health issue. They may be escaping from abuse. Each Traveller has a different story. But they are supportive of, and welcoming to each other and form a distinct Traveller group in East Sussex, with the majority of New Traveller encampments occurring in Brighton and Hove, with a smattering elsewhere. Not all New Travellers remain on the road all their lives, a number now have children travelling with them who have known no other life. (Trudy McGuigan Traveller Liaison Officer, anecdotal information).

Local site provision

Each of the five current Traveller sites in East Sussex is owned by East Sussex County Council (ESCC) and rent is charged. Historically the duty was on County Councils to provide sites, however, this duty was repealed in 1994 although the power to do so remains. The sites are:

- Robertsbridge (7 pitches)
- Maresfield (8 pitches)
- Hailsham (5 pitches with the potential to expand to 8 pitches)
- Polegate (6 pitches)
- Bridie's Tan at Southerham Transit Site, Lewes (10 pitches)

ESCC has successfully applied for grant aid from the DCLG (formerly ODPM) to refurbish the Maresfield site and hopes to be equally successful with its bid for Bridie's Tan (expected Sept 2006)

With the exception of Southerham Transit Site, which is currently managed by agreement with Lewes District Council, the sites are managed under contract by Novas.

Legislative and Policy Framework

There is a wealth of legislation of significant relevance to Travellers and the issues they face; this is also supported by both national and local policies and good practice guidance. The key laws are listed below and their specific relevance for East Sussex together with details of local policies is detailed in [Appendix 1](#). Of most pressing concern to this Strategy are the requirements under the Planning and Compulsory Purchase Act 2004.

- Housing Act 2004
- Planning and Compulsory Purchase Act 2004
- Criminal Justice and Public Order Act 2004 S62A-E (amendments)
- Human Rights Act 1998
- The Race Relations Act 1976
- Race Relations (Amendment) Act 2000 (RRAA)

Unauthorised Encampments

The highest profile issue about Travellers is the management of unauthorised encampments. The key to the issue of unauthorised encampments is the adequate provision of, and access to, suitable authorised sites. The Government has introduced new housing and planning policies to ensure that, in future, the accommodation needs of Gypsies and Travellers will be addressed, within the terms of this legislation (see [Appendix 1](#)).

Statutory agencies across East Sussex need to strike a balance between meeting the needs of Gypsies and Travellers and those of the settled community through a transparent, fair and effective approach, which recognises both the right of Gypsies and Travellers to a nomadic lifestyle and the rights of the settled community.

In achieving this balance, this strategy will assist statutory agencies across the county to ensure:

- statutory obligations in relation to the rights of Gypsies and Travellers (under the Race Relations Amendment Act, 2000, and the Human Rights Act 2000) are met;
- the impact of unauthorised encampments on local residents and the surrounding environment is minimised;
- health and education provision for Gypsy and Traveller families is improved;
- accommodation provision for Gypsies and Travellers is increased to alleviate the need for unauthorised encampments;
- the use of all relevant legal powers to address unauthorised encampments and any associated Anti-Social Behaviour, in partnership with other agencies;
- duties to properly protect and manage our land holdings are met;
- appropriate and responsible approaches from Gypsies and Travellers are fostered so that they play their part in building positive relationships with local residents and businesses;
- there is a clear framework to establish trust, and build community cohesion between the Travelling communities and local residents; and
- effective multi agency and cross cutting work is achieved.

The size, number and type of these sites will be decided by the Accommodation Needs Assessment. This piece of work has been partially completed. The next phase of work will be overseen by the Accommodation Needs Assessment steering group (which includes planners and housing officers from across the county). There is a steering group of officers and Travellers that will lead this piece of work to completion.

The preliminary data indicates that, although the overall need is small in East Sussex, a range of provision should be available and should include transit sites, short term/emergency stopping places and further permanent site accommodation. The preliminary data from the Accommodation Needs Assessment is attached at [Appendix 4](#).

The means to meeting the assessed need will be decided by local authorities across East Sussex (including elected members and planning and housing officers) working collaboratively with Travellers and the Traveller Liaison officer, to identify appropriate provision and to consider how best to meet the assessed need potentially with a mixture of public and private provision, as recommended by central Government.

Authorities across East Sussex will also work collaboratively to ensure that there is maximum access to grant aid from ODPM and the Regional Housing Board through the Gypsy Site refurbishment Grant scheme (next (and possibly final) round of funding available January 2007)

Adequate accommodation will mean that there is less unauthorised camping in the first place; legal challenges are less likely to occur or succeed; and courts are more likely to grant possession orders to local authorities who demonstrate that they are acting responsibly in carrying out their wider duties.

Authorities across East Sussex will continue to work towards the elimination of unauthorised encampments by ensuring that adequate and appropriate accommodation is available for the Traveller community. Meanwhile, we will continue to address the issues around unauthorised camping, whilst seeking to achieve a sustainable long term solution.

There is an ample range of powers that are available to local authorities to effect eviction. These are:

- Common law powers of trespass
- Part 55 Civil Procedures Rules
- Sections 77-78, Sections 61-62 and Sections 62A-E Criminal Justice and Public Order Act

We must also be mindful of our duties under The Race Relations (Amendment) Act 2000 (RRAA) to promote good race relations and seek to prevent any deterioration in community relations by a high profile and problematic unauthorised encampment. Part of the solution, in certain situations, will lie in swift and effective enforcement in high profile locations. Such high profile locations are: public car parks, community leisure facilities or school playing fields. Local communities need to be assured that their local environment, and access to community facilities, will be protected.

There are a range of powers available to achieve eviction, but the strongest powers, which lie with the police, are only available if there is alternative accommodation available locally. (S61 and S62 of the Criminal Justice and Public Order Act). Sussex Police and the local authority will act in partnership to evict unauthorised encampments, when required, in accordance with the agreed Sussex Police Working Protocols in the Eviction of Unauthorised encampments. These are attached at [Appendix 5](#).

Where any unauthorised encampment occurs, the relevant local authority will be the lead agency for any issues, supported by the Police. The responsibility for evicting encampments on any piece of land rests with the owner of that land. Where the owner does not have the means to take action over an unauthorised encampment or the owner of the land in question can not be identified. The local authority may, depending on individual circumstances, provide advice and assistance.

Every unauthorised encampment must be considered in relation to its individual circumstances, having regard to the location of the site, the size of the encampment, the needs of the Travellers (housing, education, health and social care) and those of the settled community affected by the encampment.

Public authorities have a duty to consider welfare needs on site. These may assume more importance in the absence of alternative available accommodation, depending upon length of stay on site and the nature and obtrusiveness of the site. Local authorities must take a proportionate view, taking into account the impact on the settled community and then decide on an appropriate course of action.

In certain circumstances, particularly if the unauthorised encampment is not causing demonstrable harm, it may be appropriate to consider toleration for a short period of time, rather than seeking to direct the Gypsies/Travellers to a

site elsewhere. The appropriate response will depend on consideration of all the relevant circumstances, but the potential availability of sites elsewhere will not be used automatically as a reason for immediate eviction if the unauthorised encampment is believed to be short term, and is not giving rise to actual demonstrable harm.

Local Authorities across East Sussex note the special medical needs of Gypsy/Traveller pregnant women, and the special needs of infants. Eviction will not be considered until such time as adequate medical checks have been made with a health professional to ensure that medical care is in place for pregnant women. Similarly checks will be made with a health care professional prior to considering the eviction of any infant up until the age of 8 weeks, to assess the baby's progress, and ensure the infant is fit to travel.

In certain circumstances, when a multiplicity of needs may be evident, it may be appropriate to consider convening a case conference involving all key professionals, including social service and healthcare professionals, together with any relevant voluntary sector agencies representing the interests of Gypsies and Travellers. A protocol will be developed outlining the procedure to be followed in convening case conferences, and the nomination of a delegated officer within each Authority to consider the impact on the settled community and decide appropriate action.

The TLO currently keeps a database of unauthorised encampments. to maintain an accurate, detailed monitoring of caravans, unauthorised encampments and incursion. The database is very dependent upon accurate information. A proforma will be developed containing the information requirements for the database. This will include ethnicity; size of encampment; names of Travellers (where possible); length of stay and reason for travelling.

Unauthorised Gypsy/ Traveller developments on their own land

The Government recognises that many Gypsies and Travellers wish to find and buy their own sites to develop and manage. The extended family forms the core basic unit of the Gypsy/Traveller community. Surveys have indicated that Travellers will want to settle, but not into typical social housing. The favoured form of accommodation for Gypsies and Travellers is to own their own piece of land with enough space for their immediate extended family members.

Planning policies nationally and locally have failed to address and understand this need. There are unauthorised developments of Gypsy/traveller owned land within East Sussex. Locally, there is experience of breakdown of accommodation when Gypsies and Travellers are resident in settled social housing.

The recent changes in legislation in housing and planning mean that local authorities have to consider this requirement for accommodation and identify land that is suitable for such development, and that this should be included in Local Development Frameworks. This process must include consultation and discussion with the Gypsy/Traveller community to identify suitable land, and an ongoing dialogue established. This will prevent the necessity for protracted

planning disputes; will meet statutory guidelines and duties; and enable Gypsies and Travellers to meet their own accommodation needs.

One of the aims of this strategy is to facilitate this dialogue with the Traveller community and seek to establish a formalised communication process to address this process.

Ethnic Monitoring

The census is a basic source of information used by all statutory agencies. Gypsies and Travellers have never been separately identified within this process. There is therefore no clear information on the size of the national population or the locations of the travelling community across the country.

The Race Relations (Amendment) Act 2000 (RRAA) requires public authorities to assess the impact of their services and functions on all relevant ethnic groups. Additionally, ethnic origin monitoring is required of all employees. The impact assessment process is a requirement of the RRAA and is used to plan improvements as part of an authority's 3 year statutory Race Equality Scheme (RES).

Travellers should be recorded in all standard ethnic origin monitoring. Unless this is done agencies cannot gauge how they are delivering services or complying with statutory duties.

It is an expectation of the RRAA that consultation is conducted with the groups affected. It will therefore be necessary to consult Travellers on the strategy and its proposed methods of monitoring.

Health

Research funded by the Government and carried out by the University of Sheffield ('The Health Status of Gypsies and Travellers in England') in 2004 established the following:

- Gypsy/Travellers have significantly poorer health and more self-reported symptoms of ill health than other UK resident, English speaking ethnic minorities and economically disadvantaged white UK residents'.
- Gypsy/Travellers have poorer health than that of their age/sex matched comparators.
- Self reported chest pain, respiratory problems, and arthritis were more prevalent in the Traveller group.
- Living in a house for Gypsies/Travellers is associated with long term illness, poorer health state, and anxiety. Those who rarely travel have the poorest health.
- The health inequality between Gypsies/Travellers and the UK general population is large. Reported health care problems are between twice and five times more prevalent than the wider population.
- There is an excess prevalence of miscarriages, stillbirths, neonatal deaths and premature death of older offspring.

- There are widespread communication difficulties between health workers and Gypsy Travellers. This is often due to defensive expectation amongst Travellers of racism and prejudice. Barriers to health care were experienced, with several contributory causes, including reluctance of GPs to register Travellers or visit sites.

Poor access to health care is an almost universal experience of Travellers. Social exclusion experienced by Travellers is one of the most important factors influencing their health. The lack of a flexible approach within health provision to a nomadic lifestyle means that Travellers often miss out on basic levels of health care, especially in ante and post natal care and treatment of chronic illnesses.

Lack of education is another factor that can adversely influence health. Low literacy attainment is still a major problem for most adult Travellers, mainly because so few attended school on a regular basis, if at all. The low literacy level within the community leaves it vulnerable to information conveyed almost solely by television and the press. Professionals have an important role in dispelling myths and spending extra time in explaining medical matters clearly to a population with limited access to written information.

Local Situation In East Sussex

A Traveller Health Visitor post is currently funded by Brighton and Hove PCT for 3 days a week, covering all of East Sussex and Brighton and Hove. Brighton & Hove PCT are committed to continuing their funding of the £12,000 per year which will provide a Health Visitor Service one day a week in Brighton & Hove only. The Health Visitor is currently funded for 1 day a week in East Sussex by Invest to Save Funding.

The post is managed by Friends, Families, Travellers (FFT), an independent national Traveller organisation, from its office in Brighton, with clinical management from South Downs and Weald PCT. This method of management is unique nationally, but regarded as best practice by Department of Health (Ray Warburton Pacesetters DOH).

The post was developed in response to Government White Papers, specifically 'Reducing Inequalities in Health Care' and the ground breaking report commissioned by Government, carried out by Sheffield University, on the health status of Gypsies and Travellers in England.

There is a requirement for the ongoing financial commitment to, and support of a specialist Traveller Health visitor, continuing with the same management structure which has been of assistance in breaking down barriers of stigmatisation and prejudice in facilitating trust and confidence from the Traveller community. Consideration should be given to the post being full time in view of the necessary distances to be covered, range of issues, and proven case load. There should be immediate consideration given to adding midwifery support to the Health Visitor post in view of the issues found in the lack of maternal ante and post natal care.

A specialist health visitor can assess and respond to the needs of the large extended family. Knowledge of the family networks not only facilitates understanding but, because the worker is visiting all the various households,

she will find it easier to locate the family when they spend so much time in each others' homes. When trust is gained, more intimate health concerns will be discussed. More sensitive issues such as domestic violence, stress related and addictive behaviours and many other health issues can be dealt with.

The specialist health visitor, unlike the generic worker with a mixed caseload, is in a better position to ensure access to appropriate health care. It is implicit in the role of the specialist that they work with the community and other agencies to deal with the wider factors affecting health, such as accommodation, rather than purely working on an individual basis.

Health issues are an important part of the consideration of need on any unauthorised encampment.

Local Authorities across East Sussex will continue to work in partnership with the Health service, and the independent sector, recognising the inequalities in health care that occur within a nomadic community and the special health needs of Travellers as an ethnic minority, especially mindful of the needs around ante and post natal care and young infants.

This strategy recognises the good practice in Hastings and Rother where there is flexible service, and close inter agency working.

Education

The 1944 Education Act (amended by Education Acts 1981, 1993, 1996) places a statutory duty on all local authorities to make education available to children. This duty extends to all children residing in their area whether permanent or temporary.

Education law requires local authorities to have arrangements in place for the placement and admission of "vulnerable children", taking into account any Special Education Needs they may have. Attendance at a school or other education establishment is compulsory. Traveller parents have a duty to ensure their child's attendance. All Gypsy and Traveller pupils have the right to education whilst in the county and to have access to a broad, balanced and relevant curriculum.

The County Council ensures its obligations to Traveller children through the work of The Traveller Education Service (TES). This service aims to ensure that Traveller children receive their full educational entitlement. The Traveller population in the County consists of Gypsy/Roma, Traveller of Irish heritage, New Travellers, Circus and Fairground families.

The Traveller Education Service works to:

- support the access and admission of Traveller children residing in or resorting to the county;
- provide guidance and advice to schools on relevant legislation and strategies for successful inclusion
- provide individual teaching support for new arrivals;
- provide early years outreach provision;
- collaborate with other services to provide multi agency outreach support;
- support the achievement of Traveller pupils;
- provide culturally related curriculum materials;
- provide home - school liaison;
- ensure good attendance;
- promote knowledge and understanding of Traveller communities in all schools and the wider community;
- support the County Council's Race Equality Action Planning and delivery.

The Media

The media is the primary messenger of information to the general public. It is the first place people see or hear information that is unsolicited, and is generally the first choice for people who want to find out more. Good, trustworthy information must be supplied in order to build a relationship that is mutually beneficial – particularly with local media.

This strategy will encourage the media to produce information that is correct, factual and evidence based about Traveller issues. We will ensure cooperation with journalism that is responsible and well informed.

Monitoring, Evaluation and Review

This 3 year strategy is supported by a detailed action plan which has been agreed by all the agencies involved. Agencies will be responsible for ensuring they deliver their targets and to ensuring the TLO is advised for their progress at regular, agreed intervals. The TLO will co-ordinate regular reports to both the Members Working Party and the Travellers Forum. The Action Plan will be revised annually to reflect achievements and changed circumstances. As recognised in the guiding principles of this Strategy, the effectiveness of the action taken will be assessed based on robust evidence whilst recognising the reality of capacity constraints and the importance of ensuring resources are used to maximum effect.

Appendix 1 - Legislative Framework, with detailed East Sussex implications

Housing Act 2004

This requires Local Authorities to assess the accommodation needs of Gypsies and Travellers alongside those of their settled community. Local Authorities must then develop a strategy which addresses this assessed need, through public or private provision.

Planning and Compulsory Purchase Act 2004

Key Points and interpretation for East Sussex

- **Need for planning permission**

There are no "permitted development" rights for caravan/Gypsy/Traveller sites. Such allowances exist for other uses e.g. car boot fairs which can be held without planning permission up to 28 days per year (14 days in Areas of Outstanding Natural Beauty –AONB). On highways land there is a right to "pass and repass" which needs to be maintained and therefore excludes use by caravans as it restricts this right.

This means that **before use any site requires the full formal process of planning application submission**, public consultation and determination in accordance with Local Plan policies. This is the case whether the site is for permanent or temporary occupation. There is no distinction in planning terms between the different sorts of potential provision i.e. emergency stopping place, transit or permanent site although planning conditions can be placed on use of any site. The creation of any site will usually require some form of preparatory works such as levelling, landscaping, water supply which may also require planning permission.

Government officials' advice sometimes seems to vary from this. ESCC have written to ODPM and have received confirmation that the above position is correct.

The process of seeking appropriate permission once a site is identified is a standard planning process but one which is likely to attract significant public interest and possibly formal objections (which may not necessarily be on planning grounds). All planning applications must be decided by the Council using the relevant Local Plan policies. Appendix 1 contains a summary of the current policies in East Sussex none of which considered there was a sufficiently great unmet need to justify allocating new sites. This means that the planning application process would be more complex as any new site might need to be advertised as a "departure" from the Local Plan, which carries with it the possibility of "call-in" for the Secretary of State's decision. It is possible that objectors would press him to use his powers. The impact of this framework is that we are unlikely to be able to identify any new sites quickly.

- **New Planning Regime**

Under the new planning regime the Borough and District Councils are required to undertake a robust local needs assessment which is then considered by South East England Regional Assembly (SEERA) when drafting the Regional Spatial Strategy (known locally as the South East Plan). The South East Plan will identify any requirement for new pitches in each Borough/District. If there is additional need identified in the South East Plan, the relevant Borough and District Council is required to work through the Development Plan Documents (which together form a Local Development Framework (LDF)) to identify specific new sites. The new regime means that the County Council does not have a formal role in District and Borough LDFs (its statutory role is in advising the Regional Assembly on regional and sub-regional matters and in waste and minerals) but will continue to provide support and advice to the Boroughs and Districts. However, ESCC is keen to continue to work closely with the Boroughs and Districts on traveller land use issues.

It is unfortunate that the SE Plan does not currently address the regional need for new sites but it is understood that work will be part of an early review. The Government is encouraging Councils, through the LDFs, to press ahead and identify new sites in advance of regionally led guidance where there is a clear and immediate need.

The LDFs across East Sussex are being developed at differing rates.

The Government's guidance on Accommodation Needs Assessment survey work in relation to Travellers has now been published and a project team is working on the local David Couttie Associates findings. This work is core to assessing the need for any future provision.

- **Interim Arrangements**

The Government recognise that the new planning regime will not lead to the rapid identification of new sites where a need is identified. There are some interim arrangements in the recent planning circular. However, these arrangements still require as robust an analysis of need as possible and the onus lies with the Regional Assembly to work with local authorities. As SEERA, the Regional Assembly, has not allocated pitch numbers comprehensively, they are urged by the Government to consider interim arrangements. This should include a clear statement of the regional context, including:

- the priority attached to meeting immediate need and the timescale for doing so;

- the extent of existing provision

- identifying parts of the region with high numbers of unauthorised sites;

- interim estimate of additional pitch requirements at regional level;

- arrangements for deciding district level pitch requirements.

The Planning guidance also states that where there is a clear and immediate need (e.g. through significant numbers of unauthorised encampments), Borough and District Councils should bring forward proposals through their

LDFs in advance of regional advice and the new accommodation needs assessments. The transitional arrangements require the expedited preparation of development plan documents. There remains the possibility of using temporary permissions, where there is an unmet need and the reasonable prospect of sites becoming available at the end of the temporary period that will meet the need.

The guidance has many references to the kind of criteria that additional sites for Gypsy/Travellers should seek to comply.

- **Proposed Next Steps**

Before any discussions about new sites of any type can be fruitful we need to be clear about:

- the need for any new site;
- the urgency of making new provision in advance of the LDF process
- the size and nature of any new site

The local Housing Needs Assessment is key to this next step and work is progressing.

To enable potential sites to be identified a piece of joint work with all the Councils and Traveller/Gypsy representatives to identify agreed criteria for site identification should be agreed. The criteria would be based on the scale/nature of need and drawn from both the Local Plans and the current planning circular.

Once agreed, a site search can be done to identify suitable sites. This could include one for early implementation as an emergency stopping place in advance of LDFs if the need justifies it. Steps 2 and 3 can also provide valuable input to the LDF processes across the county.

- **Related Issues**

The next round of bids for Government grant for sites will be in January 2007. ESCC experience of putting in two bids this year is that it is time consuming and work intensive, but 100% grant aid is available for new sites. If any sites needed could be identified in time for application to that round it would make financial sense although given the information above it may be difficult for the necessary planning applications to be made and determined in time to support bids by January 2007.

Having sufficient site provision is a key ingredient in the Police being able to use their Section 61 and 62 (Criminal Justice Act) powers when managing unauthorised encampments.

Amendments to Criminal Justice and Public Order Act 2004 S62A-E

This legislation linked police powers eviction to local accommodation provision. S62A allows the police to direct trespassers to remove themselves, their vehicles and property from land where a *suitable* pitch on a relevant caravan site is available within the same local authority area, or within the county in two tier local authority areas. Police powers are immediate, and straightforward. There is no cost to the local authority.

A 'suitable pitch' is further clarified:

- it must be within the same area as the land on which the trespass has occurred;
- it must be managed by the local authority, registered social landlord, or other person as specified by order of the Secretary of State;
- in two tier authority areas, where a district council is situated within a wider county council area, the relevant site may be *anywhere* within the county council area.

Human Rights Act

The Human Rights Act 1998 (HRA) incorporates the European Convention on Human Rights into British law. Several Convention rights are relevant in dealing with unauthorised camping. The main relevant rights are:

Article 8: Right to respect for private and family life

- Everyone has the right to respect for his private and family life, his home and his correspondence.
- Case law has established that, while neither eviction action against trespassers nor planning enforcement is incompatible with HRA, either could potentially breach Article 8 rights if not properly used. Authorities, and other public bodies covered by the HRA, must be able to demonstrate that all eviction and enforcement decisions are 'proportionate' in weighing individual harm (in the loss of 'home' for the Gypsy or Traveller) against the wider public interest. Potential challenge under the HRA means that all decision-making must be fully recorded and evidenced to withstand scrutiny.

First Protocol, Article 1: Protection of property

- Every natural and legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

This Article might be seen as protecting the settled community's right to quiet enjoyment of their possessions, which might be threatened by nuisance, noise or Anti-Social Behaviour from a problematic unauthorised encampment. This should be one of the considerations to be borne in mind by local authorities and police when considering eviction action. To date there is no relevant case law.

First Protocol, Article 2: Right to education

- No person shall be denied the right to education. In the exercise of any functions, which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Education of Gypsy/Traveller children is frequently raised in cases dealing with eviction proceedings, and particularly with planning enforcement actions against unauthorised development. In such cases the question resolves itself

to one of the balance between the individual harm to Gypsy/Traveller children's' educational needs and the public interest harm in allowing unauthorised development to persist. To date, this argument has been a powerful one in planning decisions in East Sussex, with case law moving increasingly towards this consideration outweighing all others, including the issue of AONB.

Article 14: Prohibition of discrimination

- The enjoyment of the rights and freedoms set forth in this 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 other status.

Whilst Article 14 rights are potentially engaged in any action concerning Gypsies and Travellers (as ethnic groups and national minorities), the Article can only be successfully argued if another Article is found to be breached. Where a claim under any Article is rejected, it follows that any claim under Article 14 also falls.

Race Relations and Equalities

The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 (RRAA) gives public authorities a general duty to eliminate unlawful discrimination, and to promote equality of opportunity and good race relations in carrying out their functions.

It also gives listed public bodies specific duties including one to create and publish a Race Equality Scheme which details how they will meet the general duty. In developing new policies or strategies public authorities must assess their impact on different racial groups, and they must consult. If the impact is negative and disproportionate to the aim of the policy, it must be changed. Once implemented, policies must be monitored for their effect on different racial groups. Authorities must publish the results of monitoring and consultation.

Appendix 2 - Policy Framework

Office of the Deputy Prime Minister (ODPM)

Planning for Gypsy and Traveller Caravan Sites

This explains how the planning system operates in relation to site accommodation for Gypsies and Travellers.

Conducting Gypsy and Traveller Accommodation Assessments

This contains interim guidance for local authorities on undertaking an assessment of Gypsy and Traveller accommodation need as required by s225 of the Housing Act 2004. The guidance discusses a range of methods which might be used to assess the accommodation needs of the Gypsy/Traveller community.

Consultation paper on the 'housing' definition of 'gypsies and travellers'.

This paper will finalise the definition of Gypsies and Travellers and commence the provisions contained within the Housing Act 2004.

Local Authorities and Gypsies and Travellers – A Guide to responsibilities and powers

This is an information booklet explaining the roles and responsibilities of local authorities both in terms of site provision and enforcement.

Effective enforcement against Unauthorised Encampments

This provides a step by step guide on how to enforce effectively against problematic unauthorised encampments by Gypsies and Travellers.

Other Relevant National Policy Documents

Building Cohesive Communities

This expands the duties contained within RRAA to develop actively successful multi ethnic communities, in which all citizens are treated fairly, and both accept their responsibilities as well as receiving their rights.

Comprehensive Performance Assessment

This provides a focus for improvements in service delivery, partnership working and measures the effectiveness of strategies.

Every Child Matters

This gave more leadership to Local authorities in deciding policy and proposed the creation of Children's Trusts

Commission for Racial Equality (CRE) - Gypsies and Travellers - The Facts

This is information about the general inequalities faced by Gypsies and Travellers in access to health care; education and accommodation provision. It also attempts to debunk myths about Gypsies and Travellers

A Strategy for the CRE 2004-7

This lays down the proposals from the CRE to establish a framework that will improve how they will use statutory powers under the Race Relations Act to help eliminate the long-standing disadvantage and discrimination experienced by Gypsies and Travellers in Britain, make sure they receive equal opportunities and fair treatment, and promote good relations between Gypsies and Travellers and other groups, the outcomes we hope to see in racial equality for Gypsies and Travellers, and in better relations between them and other communities; and the action they will take over the next three years to realise these outcomes.

CRE Gypsy/Traveller Scrutiny Project

Guidance and recommendations published March 2006.

LGA Task Gypsy/Traveller Task Group

Report published Chair Councillor Richard Bennett

Local policies

All policies and practices of statutory agencies are as relevant to Gypsy/Traveller community as they are to settled communities. There some policies which have a specific relevance to Gypsies and Travellers and these are listed below:

East Sussex County Council plan 2005/6

This states that ESCC will 'reduce any community tension and facilitate better service delivery to Travellers'

Children and Young People's Plan 2006-2008 DRAFT

Commitment to promote equal access, participation and achievement for all children and young people

Race Equality Policy

Commitment to consultation with BME groups prior to making decisions on service delivery

Homelessness strategies District and Boroughs

Now a statutory requirement to assess accommodation need and publish a strategy on how to meet that need

Planning policies: Local Development Frameworks, Districts and Boroughs

Allocation of pitch numbers and sites to meet assessed need

Useful Links

Friends, Families, Travellers
www.gypsy-traveller.org

Traveller Law Reform Coalition
www.travellerslaw.org.uk

Travellers Times
www.travellerstimes.org.uk

Appendix 3 - East Sussex Traveller Strategy Action Plan, 2006-2009

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
1.	Leadership	<p>Commitment to and delivery of action plan.</p> <p>Member and senior officer of all agencies understanding of Strategy and current local context.</p> <p>Compliance with full terms of statutory duties and guidelines and consideration of recommendations from Government and CRE.</p> <p>Consultation facility and direct link with the Gypsy and Traveller communities.</p>	<p>Clear reporting schedule and monitoring regime agreed and implemented.</p> <p>Regular reporting to East Sussex Chief Executives and Leaders meetings.</p> <p>Appropriate arrangements for other agencies agreed.</p> <p>Use of East Sussex Traveller Forum to monitor implementation of the strategy.</p>	<p>September 2006</p> <p>2006- 2009</p> <p>2006- 2009</p> <p>2006-2009</p>	<p>TLO/Cross county Members Working Group</p> <p>ESCC Director of Policy and Communications.</p> <p>TLO/ ESCC Director of Policy and Communications.</p> <p>ESCC in partnership with Districts and Boroughs.</p>	<p>Cross county Officer Group</p> <p>Traveller Forum</p> <p>District, Boroughs and Sussex Police.</p> <p>Travellers Officers/Members, Planning Officers.</p>	<p>Existing resources</p> <p>Existing resources</p> <p>Existing commitment from Councils to host Traveller Forum on a quarterly basis.</p>	<p>Business Planning processes of all agencies</p>

Appendix 3 East Sussex Traveller Strategy Action Plan

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
2.	Regional and Sub-Regional working	Regional Overview; processes consistent and cohesive across the South East. Compliance with provisions of South East plan.	Membership of the South East Gypsy and Traveller Task Group (TLO). Completion of ANA work and co-operation with partial review of SE Plan	Ongoing Autumn 2006	TLO Borough and District Councils	Councils ESCC	Existing resources TBC as work develops	Homelessness strategies. Housing strategies. Local Development Frameworks. Planning and enforcement policies.
3.	Joint working across Sussex	Best practice shared and joint working undertaken where effective		2006- 2008	Accommodation Needs Steering Group.	Housing Officers and Planning Officers. West Sussex CC Brighton and Hove CC	Existing resources	
4.	Improving Accommodation	Full and robust understanding of accommodation requirements including pitch numbers and locations.	Initial stage of Accommodation Needs Assessment. Further piece of jointly commissioned work required, taking into account specific planning requirements.	Completed Summer 2006 October 2006	Accommodation Needs Steering Group. SEERA	Members Travellers Planning and Housing Officers	Estimate £50,000-£100,000 for further piece of research.	Local Development Frameworks.

Appendix 3 East Sussex Traveller Strategy Action Plan

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
6.	Site Accommodation							
a)	Emergency Stopping Places 3 sites immediately required across the county to assist in managing unauthorised encampments.	Effective management of unauthorised encampments using appropriate sites	<p>Finding a minimum of 3 suitable locations for possible sites including review of public sector land holdings.</p> <p>Consultation with local communities and Gypsies and Travellers</p> <p>Planning permissions sought.</p> <p>Statutory consultation process.</p>	<p>Autumn 2006</p> <p>January 2007</p>	Districts and Boroughs and ESCC	Member Working Group, Housing and Planning officers, Gypsies/Traveller, Support Groups, Traveller Forum, Traveller Practitioner Group. Accommodation Needs Steering Group.	Officer (possible secondment Opportunity) required to implement work to meet timescale.	<p>Councils planning policies</p> <p>DCLG Guidelines and Recommendations.</p>
b)	Permanent Site Provision	Numbers and locations of permanent pitches established to form part of LDFs to be submitted	<p>Complete ANA to inform LDFs</p> <p>Find locations for permanent sites to meet assessed need including</p>	<p>Oct 2006</p> <p>SE Plan Partial Review/ LDFs</p>	Councils including planning, traveller and housing officers.		Not known until full extent of need is evident.	

Appendix 3 East Sussex Traveller Strategy Action Plan

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
		to South East Plan. Seek planning permission. Statutory planning process.	consultation process with settled and Travelling Communities.					
c).	Submission of Bids for Govt funding	Maximising use of existing sites including: refurbishment of Maresfield Bridie's Tan External funding achieved for new sites	Maresfield bid successful. Multi agency project team set up to oversee the spend and the build on site, headed by ESCC Deputy Chief Executive and Director of Corporate Resources. Result of bid for refurbishment of Bridie's Tan not yet known. Establishment of grant application steering group. Completion of further piece of	Autumn start Expected Sept. 2006 Approach to be developed by Autumn 2006 for Jan 2007	ESCC and multi agency team, including Sussex Police and site residents. GO-SE ESCC/GO-SE/LDC All Councils/ GO-SE	Wealden District Council. Local Residents Travellers Police	£320,000 (£255,000 grant from DCLG) £1,250,000	

Appendix 3 East Sussex Traveller Strategy Action Plan

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
			assessment work.	submission				
d)	Effective ongoing assessment and management of site provision.	Best use of available resources commensurate with assessed need.	Overview and liaison provided by ESCC in partnership with the Districts and Boroughs. Review of Bridie's Tan Management post bid outcome	Ongoing from January 2007 Sept 2006			Not yet known.	
7.	Management of unauthorised encampments (UE). Development of working protocols	Effective management Effective use of legislation including S62A CJPOA.	Advice and information to residents, communities, Members and Local Authorities Each UE to be considered individually in accordance with protocols. Health and welfare issues established and understood within the terms of a multi agency response.	Ongoing Summer 2006	Traveller Liaison Officer .	Districts, Boroughs and Sussex Police.	Existing resources	Traveller Strategy Sussex Police Protocols for managing unauthorised encampments.

Appendix 3 East Sussex Traveller Strategy Action Plan

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
			<p>Convene multi agency panels as required.</p> <p>Continuing monitoring of incidence, location, size and ethnicity.</p> <p>Regular reporting to Traveller Officers and Members Group.</p>	From Sept 2006	Police/TLO			
8.	Improving Health Provision.	<p>Accurate understanding of the health needs of the community.</p> <p>Better, more accurate information about age/sex profile within settled accommodation.</p> <p>Establish good practise across East Sussex, specifically access to primary care</p>	<p>Partnership working with PCTs and Social Care. (Successful Invest to Save bid)</p> <p>Inter agency working, all Traveller professionals, utilising model in Hastings and Rother to address mental health needs and ante and post natal care.</p> <p>Differences in the structure and</p>	<p>Ongoing reporting schedule to be agreed.</p> <p>2006-9</p>	<p>Health Authority, PCTs, Social Care and ESCC</p> <p>PCTs</p>	<p>TLO ESCC, Traveller Practioner Group, PCTs, Traveller Forum and Friends, Families Travellers (FFT).</p>	<p>Staffing requirement not known.</p> <p>Resource to be agreed: Health and Social Care</p>	<p>Childrens Plan. ESCC plan 2005/06. Race Equality Scheme.</p>

Appendix 3 East Sussex Traveller Strategy Action Plan

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
			provision of community health services to be recognised and good practice replicated across the county.					
8.	Improving access to services.	Service provision is shaped to meet defined need.	Accurate definition of specific needs.	Ongoing reporting schedule to be agreed.		Traveller Forum. FFT. Supporting People. Adult Social care and Children's Services.		Race equality policy. ESCC Plan 2005/06. Supporting People.
9.	Influencing the media.	Promote good race relations, minimise community tensions. Clear channels of communication established.	Publicity for Strategy and regular progress reports			Local media Travellers Press Offices, County Council, Districts and Boroughs and Sussex Police.	Existing resources	
10.	Improving communication and consultation.	Gypsies and Travellers have a mechanism for influential voice; increased ownership of services.	Continued support of Traveller Forum. Joint working with Traveller Support groups.	Reporting schedule to Member Traveller group.	TLO. Traveller Officers in the Districts and Boroughs.	Sussex Police. Partner agencies. Traveller communities.		Race equality policy.
11.	Public advice and information.	Clear correct information to all	Use effective mix of communication	Ongoing.	TLO, Traveller Member Group.	Districts and Boroughs and	Existing resources	Housing and Planning

Appendix 3 East Sussex Traveller Strategy Action Plan

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
		members of the public, as required.	vehicles Review and revise Communication Strategy Establish specific strategy to address site provision issues as aprt of SE Plan/LDF.	March 2007 Agree schedule to report on site provision when ANA completed.		ESCC.		policies.
12	Raising the profile of Strategy and work undertaken.	Ensure consistency and cohesion across the County and South East region. Use agreed Strategy to improve understanding of	Ensure best practise and consultation with all stakeholders involving input for representatives of settled community, as required, and to address specific issues such as site provision within the terms of an agreed communications strategy. Member led campaign to engage local people	2006- 2009 Autumn/ Winter 2006	All stakeholders. Cross County Members Group.	All.		

Appendix 3 East Sussex Traveller Strategy Action Plan

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
		issues amongst settled communities particularly engaging with local members of all tiers	Development of clear 'frequently asked questions' Provision of briefings as needed					
13	Ethnic Monitoring.	Agreed ethnic monitoring categories include RRAA category - Gypsy and Traveller of Irish extraction/ heritage.	Agencies adopt common methods in monitoring systems for service provision.	By end of 2006.	All statutory agencies.	All statutory agencies.	tbc	Race equality policy. Race equality scheme.
14	Education							
a)	Reduce the numbers of days lost to education for roadside children.	Reduction in (perception of) anti social behaviour of young people. Improved access/attainment of Traveller and gypsy children.	Agree links between toleration of unauthorised encampments and compliance with educational law eg: school attendance for children of school age.		TLO. Traveller education service. Sussex Police.			Housing and Planning policies.
b)	Expand outreach provision to roadside children include	Better information re; health issues of highly mobile groups. Improved access	Seek funding for health visitor and social worker. Agree protocol for joint service	2006- 2007	TLO. Traveller Education.	FFT- Womens' health group. PCTs.	Funding for p/t social worker within Children's Services.	Children and Young People's Plan.

Appendix 3 East Sussex Traveller Strategy Action Plan

	Issue to be addressed	Outcome	Output	Timescale for output	Owner	Partners	Resource Implications	Linkages to existing strategies
	education advice, health and social care.	to health services. Improved access to child social care services.	delivery.					
c)	Develop support provision for Eastern European Gypsy/Roma children in Hastings and St Leonards	Improved and integrated provision and support for this group.	Establish a focus group from statutory services with responsibilities for vulnerable children. Establish roles and responsibilities. Develop a protocol for support provision.	Summer 2006.	Traveller Education Service.	Other services within Children's Services, Excellence Cluster, Hastings Borough Council (voluntary sector supporting minority ethnic groups)		Children's and Young People's Plan.
15	Supporting People Contract.	Allocation and appropriate use of resources.	Overview and monitoring by stakeholder group.	Within the terms of the SP contract.	ESCC	Stakeholders	Current value of SP contract- £23,000	
16	Drawing on best practise.	Addressing all Traveller issues with best/efficient use of available resources. Enabling social inclusion.	All stakeholders.	2006- 2009	TLO.	Districts and Boroughs, Neighbouring Authorities and Sussex Police.	Continued funding of TLO post.	

Appendix 4 - Accommodation Needs Assessment

Please refer to the East Sussex and Brighton & Hove Gypsy & Traveller Study
- Final Report 2005

Appendix 5 Sussex Police Protocols on Eviction of Unauthorised Encampments

Unauthorised Camping Protocol

Operational Protocol Between Sussex Police And Local Authorities

1. Background

- 1.1 This protocol sets out the working practices agreed between Sussex Police and the respective Local Authorities across East Sussex, West Sussex and the City of Brighton and Hove in respect of the management of unauthorised encampments.
- 1.2 It is derived from the guidance issued by the Home Office and the Office of the Deputy Prime Minister.
- 1.3 There is no expectation that a Local Authority representative should be present where the Police visit unauthorised encampments for normal policing purposes.

2. New Sites

- 2.1 A joint initial assessment should be conducted as soon as is practical, ideally within 24 hours of a new encampment becoming known to the police or local authority. This includes private land where there has been a complaint from the landowner, with their consent.

NB. Legal Opinion is still being sought on the power to enter land where we do not know the owner and it seems a location where an assessment is urgently needed.

- 2.2 The purpose of that assessment will be to determine:
 - The precise location of the encampment, its size and other information needed to establish land ownership.
 - Basic information from the unauthorised campers including the numbers of families, vehicles involved, past and intended future movement, anticipated length and reasons for stay.
 - The existence of any perceived welfare, health or educational needs, to allow effective liaison with other relevant departments such as Education, Social Services or Health Authorities. Where information is refused then that should be recorded, together with any reason provided to explain the refusal.
 - The present state of the encampment including general appearance, damage and rubbish accumulation. This will

Appendix 5 Sussex Police Protocols on Eviction of Unauthorised Encampments

provide baseline information from which subsequent changes can be monitored.

- Features of the encampment or its location that would indicate a need for the early consideration of the use of enforcement powers.

2.3 Having conducted that assessment the Multi Agency information leaflet providing the travellers with advice about accessing local services and the code of expected behaviour should be provided.

NB. This is seen as effective practice but is work in progress at this time.

2.4 Such visits should be conducted even if it appears that a known group of Travellers have moved a short distance.

2.5 Where an encampment location is likely to prove unacceptable, then an initial visit by Police should not be delayed simply to secure the attendance of a Local Authority representative.

2.6 This information will be retained by

NB. Local Authority to identify where such information is to be recorded.

3. Welfare enquires at established sites in advance of enforcement decisions.

3.1 The general responsibility to conduct welfare enquiries to inform enforcement decisions rests with the Local Authorities. This function may be carried out by specialist contractors appointed for this task, or Local Authority Officers. They in turn will inform the appropriate agency to respond to identified needs.

3.2 This section applies to all land owned by public authorities. It also applies to private land where the owner has requested the police consider their powers to remove, or where local authority officers are considering the use of their powers.

3.3 The outcome of such enquiries must be taken into account irrespective of which specific enforcement legislation is being considered.

4. Use of Legislation

4.1 The use of Police powers will reflect Force Policy. In brief this means Sussex Police will utilise their specific powers and seek to take action only where the relevant legislative requirements are fully met and a need for immediate action has been demonstrated because:

Appendix 5 Sussex Police Protocols on Eviction of Unauthorised Encampments

- The location of the encampment presents a risk to those on the site (e.g. Contaminated land or other hazard) or,
 - The land itself is of a particularly sensitive nature (e.g. Site Of Special Scientific Interest) or,
 - It can be shown the presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or conduct their business, or
 - The pre-conditions for Section 62 A-E Criminal Justice and Public order are met and a suitable pitch on a relevant site is available.
- 4.2 In all other circumstances enforcement action will fall to the Local Authority, Highway Authority or landowner concerned and the range of powers available to them.
- 4.3 A single point of contact for enquiries regarding the availability of 'suitable pitches' in respect of decisions being made under Section 62 A-E will be maintained, the details are shown as appendix

5. Decision Making

- 5.1 Whenever possible a joint decision making process should take place, and the rationale behind the outcome carefully documented in case of legal challenge.
- 5.2 Such decisions must be:
- Lawful, taking into account legislation and policy.
 - Reasonable, in the legal sense, not being perverse or irrational
 - Balanced, taking into account the needs and rights of both those on the encampment and the settled community affected.
 - Proportionate, in response to the prevailing circumstances that surround the encampment.
- 5.3 Each Local Authority will appoint an Officer authorised to make such decisions. For Sussex Police that decision will rest with an Officer not below the rank of Superintendent who is authorised to act on behalf of the Division concerned.
- 5.4 The availability of suitable pitches at authorised sites or transit facilities will be an essential consideration. This information will be maintained by the County Councils and Brighton and Hove Unitary Authority. (Contact details are set out in appendix)

Appendix 5 Sussex Police Protocols on Eviction of Unauthorised Encampments

5.5 Where a need to take immediate action can be shown then the use of powers available to the police should be considered at an early opportunity. Whether to use such powers remains an operational matter for the police, but the rationale behind the outcome should be shared with the local authority concerned.

5.6 A check list which outlines this process is shown at appendix B & C.

6. Evictions

6.1 Where a Local Authority is seeking to initiate an eviction, then in the absence of an existing point of contact then District Commander for the respective police area must be consulted at an early stage to ensure an appropriate involvement in the planning process.

6.2 Where private landowners are using common law powers, or have obtained the relevant power via civil proceedings, Police Officers may be called upon to attend to prevent a breach of the peace. In such instances the role of the Police will be to stand by, not to assist bailiffs or landowners in the eviction itself. Such requests for Police attendance will be judged on a case by case basis, with attendance not being an automatic assumption.

6.3 The authority / agency originating an eviction will be required to organise and pay for tow trucks and employment of bailiffs where applicable.

6.4 The owner of the relevant land is responsible for clearing and securing a site post-eviction, and should be reminded of this responsibility before any eviction takes place.

References

This protocol reflects the guidance contained within the following publications.

Guidance on Managing Unauthorised Camping – Published OPDM, February 2004.

Supplement To ‘Managing Unauthorised Camping’ – Published ODPM, March 2005.

Guide to Effective use of Enforcement Powers (Unauthorised Encampments) – Joint Home Office and OPDM publication, February 2006.

Local Authorities and Gypsies and Travellers – Guide to responsibilities and powers. Published ODPM February 2006.

Appendix 5 Sussex Police Protocols on Eviction of Unauthorised Encampments

Contact Details

East Sussex Division	Duty Inspector :- 0845 60 70 999 and ask.
Eastbourne	District Commander :- DDI 01323 414171
Hastings	District Commander :- DDI 01424 456171
Lewes	District Commander :- DDI 01273 665964
Rother	District Commander :- DDI 01424 456464
Wealden	District Commander :- DDI 01444 445878
Brighton and Hove	Duty Inspector :- 0845 60 70 999 and ask.
Brighton Central	District Commander :- DDI 01273 665863
Brighton East	District Commander :- DDI 01273 665863
Brighton West	District Commander :- DDI 01273 665863
Gatwick	Duty Inspector :- 0845 60 70 999 and ask.
	District Commander :- DDI 01293 592857
North Downs	Duty Inspector :- 0845 60 70 999 and ask.
Crawley	District Commander :- DDI 01292 583954
Horsham	District Commander :- DDI 01243 525257
Mid Sussex	District Commander :- DDI 01444 445828
West Downs	Duty Inspector :- 0845 60 70 999 and ask.
Adur	District Commander :- DDI 01273 665673
Arun	District Commander :- DDI 01243 843459
Chichester	District Commander :- DDI 01243 520564
Worthing	District Commander :- DDI 01243 520201

Contact Details to follow:

Local Authority contacts – Welfare Enquiries at sites – Appendix B

Local Authority contacts – Availability of pitches at other sites – Appendix B

Appendix 5 Sussex Police Protocols on Eviction of Unauthorised Encampments

Appendix C

Decision Making Check List - Section 61

1	Is this a highway – if so Sec 61 does not apply.
2	Who is the landowner?
3	Has it been shown there is a trespass?
4	Has the landowner/occupier set a time for the trespassers to leave by – if so no action can be taken until that time has lapsed.
5	Does this involve two or more persons who intend to reside?
6	Has a formal request to leave been made by or on behalf of the landowner?
7	What is known of the groups intentions?
8	What welfare considerations exist?
9	What welfare considerations exist?
10	Are there people present who should not be required to move?
11	Is the land itself particularly sensitive in nature (e.g. SSSI)?
12	Is the land itself particularly sensitive in nature (e.g. SSSI)?
13	What was the outcome if Section 61 has already been used recently in respect of those involved.
14	Has Section 62A been considered?
15	Has Section 62A been considered?
16	Has Public Order Tactical Advice been obtained?
17	Whether or not Section 61 is used, can it be shown the decision is: <ul style="list-style-type: none"> • Lawful, taking into account legislation and policy. • Reasonable, in the legal sense, not being perverse or irrational • Balanced, taking into account the needs and rights of both persons on the encampment and the settled community affected

Appendix 5 Sussex Police Protocols on Eviction of Unauthorised Encampments

	<ul style="list-style-type: none"> • Proportionate, in response to the prevailing circumstances that surround the encampment. •
18	Ensure outcome is communicated to interested parties, and that they are aware of access to other remedies if appropriate.
19	Ensure a clear audit trail and a detailed rationale exists.
20	Ensure the process is repeated and all aspects considered each time an encampment takes place, even if group remains the same and moves a short distance.

Appendix D

Decision Making Check List - Section 62A

1	Is this 'Land in the open air' – if not Sec 62A does not apply.
2	Who is the landowner?
3	Has it been shown there is a trespass?
4	Has the landowner/occupier set a time for the trespassers to leave by – if so no action can be taken until that time has lapsed.
5	Do they have between them at least one vehicle on the land?
6	Do they have between them at least one vehicle on the land?
7	Does there appear to be one or more caravans in their possession or control?
8	What is known of the groups intentions?
9	What welfare considerations exist?
10	What welfare considerations exist?
11	Are there some present who should not be required to move?
12	Is there a suitable pitch on a relevant site within the local authority area?
13	Whether or not Section 61 is used, can it be shown the decision is:
14	Has Public Order Tactical Advice been obtained?

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15	Whether or not Section 62 A-E is used, can it be shown the decision is: <ul style="list-style-type: none">• Lawful, taking into account legislation and policy.• Reasonable, in the legal sense, not being perverse or irrational• Balanced, taking into account the needs and rights of both persons on the encampment and the settled community affected• Proportionate, in response to the prevailing circumstances that surround the encampment.
16	Ensure outcome is communicated to interested parties, and that they are aware of access to other remedies if appropriate.
17	Ensure a clear audit trail and a detailed rationale exists.
18	Ensure the process is repeated and all aspects considered each time an encampment takes place, even if group remains the same and moves a short distance.