

Report to: **Cabinet**
Date: **3 August 2004**
By: **Acting Director of Policy Management and Communications**
Title of report: **Unauthorised Encampments of Travellers in East Sussex.**
Purpose of report: **To agree the key components for the development of an Effective Strategy for the Management of Unauthorised Camping in East Sussex to be progressed in partnership with the District and Borough Councils and the Sussex Police.**

RECOMMENDATIONS

The Cabinet is recommended to:

1. note the legal position with regard to site provision and dealing with unauthorised encampments, in particular the implementation of the Anti-social Behaviour Act 2003 in February of this year;
 2. note the migratory pattern of travellers both locally and nationally;
 3. note the current availability and use of sites within East Sussex;
 4. note the draft operational protocol drawn up by an officer working group and the Sussex Police;
 5. agree to the employment of a permanent Traveller Liaison Officer to develop further a County wide Strategy for Unauthorised Camping within the policy framework set out in Annex 1 and for the cost of the post to be shared equally across the District, Borough and County Councils and the Sussex Police;
 6. agree to explore the development and the upgrading of the Southerham transit site in Lewes, along with effective site management arrangements, in partnership and sharing costs on an equal basis with the District and Borough Councils;
 7. agree to the proposal to explore the potential for the development of the small piece of land adjacent to the Swan Barn Travellers' Site in Hailsham for use as a two or three pitch transit site in partnership and sharing costs on an equal basis with the District and Borough Councils;
 8. note there is a need for a further 10 to 12 pitch transit site towards the centre/east of the County and for the costs of purchase, development and management of the site to be shared equally between the County, District and Borough Councils; and
 9. note that there may be a need to identify an informal site in each District and Borough as set out in paragraph 5.3.
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1. Financial Appraisal

- 1.1 Annex 2 sets out the provisional costs of the Strategy. It is important to stress that the financial impact of the proposals cannot, at this stage, be assessed as they rely upon each Borough and District Council Cabinet Committee (and the Sussex Police with regard to the Traveller Liaison Officer post) agreeing to share costs.

- 1.2 Should agreement be reached to the development of the Southerham site, costs would depend on whether an application for 100% funding of the capital work could be successfully accessed through the Government's Gypsy Site Refurbishment Grant. Further work would also need to be carried out to weigh up the operational and cost benefits and disbenefits of either managing the site within the County Council or contracting with an agent. The outcome required is an effectively managed transit site that is income generating (from rent) and effective in ensuring that Travellers move on after the agreed period and in dealing appropriately with any anti-social behaviour.

Supporting Information

2. Background

- 2.1 Following a request from the Leader of the County Council, the 21 November 2003 meeting of the Sussex Police Authority with Leaders and Chief Executives of local authorities in Sussex received and discussed a paper on unauthorised camping across the area served by the Sussex Police. As a result, the representatives agreed to commend the principle of the desirability of adopting a common approach to the management of issues related to unauthorised camping and asked the Chief Constable and the Chief Executives to work together to achieve this outcome.
- 2.2 Following on from this agreement, the East Sussex Chief Executives and the Chief Constable requested an inter-authority Practitioners' Group to progress this work along with a Superintendent with lead responsibility for the development of operational policy for traveller issues within the Sussex Police. The brief for the Group is set out in Annex 3. The work of the group was later assisted by the secondment in February 2004 of a Traveller Liaison Officer from Brighton and Hove Council to East Sussex County Council.
- 2.3 On 30 May, the Chief Executives and the Deputy Chief Constable considered the proposals contained in this report and agreed that they be presented to their respective Cabinet Committees with recommendations that they be progressed. The Chief Constable has already indicated his willingness to contribute financially to the proposed Traveller Liaison post.

3. The Legal Position and the Draft Operational Protocol on the Management of Unauthorised Encampments in East Sussex

- 3.1 The law regarding the provision of sites and the management of unauthorised encampments is summarised in Annex 4 and it includes the relevant Articles of the Human Rights Act 1998. The summary also includes the relevant Sections of the Race Relations Act 1976 and Race Relations (Amendment) Act 2000 as both Romany Gypsies and Irish Travellers are now recognised as ethnic minorities against whom discrimination is unlawful.
- 3.2 The legal position regarding unauthorised camping changed in February of this year with the implementation of the Anti-social Behaviour Act 2003 which gives Police the power to move on immediately a Traveller or Travellers from private land, if so requested by the landowner, to "a suitable pitch on a relevant caravan site." It should be stressed, however, that the powers previously available under Sections 61 and 77 of The Criminal Justice and Public Order Act 1994, which do not require an alternative site to be identified before action is taken, remain in force, as does the relevant Civil Legislation.
- 3.3 In support of this change in legislation, the Office of the Deputy Prime Minister (ODPM) has introduced policy guidance on "Managing Unauthorised Camping" to "assist local authorities, police and others to manage

unauthorised camping to minimise the disruption it can cause.” Although lengthy, the guidance seeks to achieve locally agreed strategies that are in their application lawful, consistent and proportionate. To this end, the Inter-authority Practitioners’ Group and the Sussex Police have drawn up the draft Operational Guidance set out in Annex 5.

4. Current Sites and the Migratory Pattern of Travellers

4.1 Annex 6 sets out the national picture along with the information that, at any one time, there are around 3,500 Gypsy/Traveller caravans on unauthorised sites in England and that hardly any of these could be accommodated on existing authorised sites.

4.2 A database tracking the movements of Travellers across East Sussex was set up on the 1st of March of this year. As only four months of data is available, and some of it outside of the summer months (the traditional travelling period), no firm conclusions can be drawn. However, during this period, there have been 27 unauthorised encampments in the County made up of an average of 8 to 10 caravans with an average length of stay of 5 to 6 days. A number of these have been high profile encampments in and around Uckfield. These figures do not include the encampment of New Age Travellers (40 to 50 vehicles) that were camped until recently in Phie Forest, Crowborough or the encampment in Laughton on Gypsy owned land.

4.3 All of the five Traveller sites in East Sussex are owned by the County Council. The reason is that historically the duty was on County Councils to provide sites. However, this duty was repealed 10 years ago although the power to do so remains. The sites are situated at:

- Robertsbridge (7 pitches)
- Maresfield (8 pitches)
- Hailsham (5 pitches with the potential to expand to 8 pitches as set out in recommendation 6)
- Polegate (6 pitches)
- Southerham Transit Site, Lewes (10 - 12 pitches)

With the exception of Southerham Transit Site, which is managed by agreement with Lewes DC, the sites are managed under contract by TAG UK (previously Avalon).

4.4 The four sites managed by TAG UK are of a good physical standard. They all charge rent and are full and occupied on a permanent basis. By contrast, the facilities at Southerham are of the absolute minimum and no rent is charged. The occupation of the site varies although no detailed records are kept about occupancy.

5. Conclusions and Reasons for Recommendations

5.1 The Leaders of the District, Borough and the County Council and the Sussex Police Authority have agreed that there should be a common approach to unauthorised encampments across the County. As a result of this, the Chief Executives and the Chief Constable commissioned work which has in part been completed and is contained within this report i.e. the draft protocol; the need for a permanent Traveller Liaison post; and the setting up of systems for information gathering and sharing.

5.2 Although an obvious point, the issues relating to unauthorised encampments will not be resolved until sufficient pitches on transit sites are available. This

is the underlying policy implication of the Anti-social Behaviour Act and the Guidance from the ODPM. Currently, we do not have sufficient data on which to make a judgement about the number of transit pitches that are required.

5.3 There is sufficient information, however, to know that at least one 10–12 pitch transit site is required in the centre/east of the County which, if agreed, would take some considerable time to achieve. In the meantime, to comply with the Anti-social Behaviour Act and as proposed in the Guidance from the ODPM, it is also believed that each of the Councils should consider the need to identify an area of their land (with room for up to 6 caravans and with the minimum of facilities) which could be used in exceptional circumstances (i.e. for only a number of days at a time and for up to 28 days each year).as an informal stopping place.

5.4 Finally, it is recommended that the costs of managing, developing and upgrading Southerham transit site, and the small piece of land adjacent to the Hailsham site, in partnership between the County, District and Borough Councils should be explored with the idea of utilising the Government's Gypsy Site Refurbishment Grant.

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