

TORFAEN LOCALITY PROTOCOL FOR THE MANAGEMENT OF UNAUTHORISED ENCAMPMENTS

Management Guidance for use by Torfaen County
Borough Council Gwent Police (B Division), Torfaen
Local Health Board, Appropriate Health Trust
Organisations and Local Education Authorities

FEBRUARY 2007

INTRODUCTION

The aim of this protocol is to address the need for effective, inter-agency approach to the management of illegal camping in Torfaen, which has risen significantly following in recent years.

DEFINITIONS

There are three main Gypsy / Traveller groupings travelling or 'residing' in England and Wales; traditional British (Romany) Gypsies, traditional Irish Travellers, and new travellers. The first two groupings are accepted as ethnic minorities for the purpose of race relations legislation. The different groupings have different economic, social, cultural and lifestyles characteristics. For the purpose of this document, groups and individuals belonging to any of these groupings will be referred to as 'Gypsies and Travellers'.

RECENT POLICY DEVELOPMENT

The WAG **Guidance on Managing Unauthorised Camping** was published in 2014. This Guidance's overall objective is to assist local authorities, police and others to tackle unauthorised camping to minimise the disruption it can cause. In doing this, it aims:

- To help strike an appropriate balance between the needs and legitimate expectations of members of the settled community, local businesses and other landowners, and Gypsy-Travellers.
- To set out recommended courses of action which all local authorities and police forces should follow to provide an effective response to unauthorised camping in their areas.
- To encourage a more consistent approach, building on current good practice and sharing experience.
- To show how to engage the settled and Gypsy-Traveller communities in order to achieve 'buy in' to the strategy, which is vital to ensure its effective delivery.

The Guidance is primarily aimed at local authorities and police who share responsibility for managing unauthorised camping, but will also be relevant to all bodies likely to be involved in partnership approaches. While the Guidance is advisory, local authorities and police are strongly advised to bear it in mind when devising and implementing their approaches and are reminded that the courts may refer to it as a material consideration in eviction or other enforcement decisions.

In the interests of avoiding repetition the guidance is not included within this protocol, however Torfaen County Borough Council, Gwent Police and other

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involved statutory bodies have agreed to adopt the recommendations contained within the guidance as a model of good practice. Officers will be referring to this guidance in the course of their work in relation to the management of illegal encampments.

Gypsies and Travellers: A strategy for the CRE, 2004 – 2007. The CRE has pledged to:

- Work with organisations that work with Gypsies and Travellers as far as possible to improve Gypsies' and Travellers' quality of life, using law enforcement powers if necessary to achieve the outcomes set out in the Strategy.
- Work with partners to identify and challenge breaches of the Race Relations Act and the race equality duty, particularly in relation to services provided to Gypsies and Travellers in local government, education, health and criminal justice.

The *Planning for Gypsy and Traveller Sites Consultation Paper* (Dec 2004) introduced the following key changes to Circular 1/94:

- A change to the definition of Gypsy, recognising that Gypsies may stop travelling for a variety of legitimate reasons, yet still maintain Gypsy status
- The requirement that local authorities identify suitable sites for Gypsies and Travellers in their development plan documents.
- The provision of criteria based advice for Gypsies and Travellers wishing to buy land for residential purposes.
- Local authorities should monitor the impact of race equality policies on the Gypsy and Traveller communities they work with.
- Advice on how local authorities should engage and build trust with Gypsies and Travellers.

Section 255 of the Housing Act (2005) requires local authorities to:

- Include Gypsy and Traveller accommodation needs within the Local Housing Assessment process
- Consult on new planning guidance so that local authorities will have to ascertain local need for Gypsy and Traveller sites and identify suitable locations accordingly
- Ensure accurate information on the levels of need for sites and other types of provision will in future be provided via Local Housing Needs Assessment,

rather than via the Gypsy and Traveller Caravan Count

- Recommend that the use of Anti-social Behaviour Orders (ASBOs) be extended to Gypsies and Travellers where anti-social behaviour accompanies an encampment.

TORFAEN GYPSY AND TRAVELLER WORKING GROUP.

The Torfaen Gypsy and Traveller Working Group (TGTWG) was established to coordinate a countywide approach to Gypsy and Traveller issues. Its remit was to promote greater understanding and acceptance of different lifestyles; to increase awareness of the responsibilities and constraints on authorities; to work to improve site conditions where standards are not humanly acceptable; improve standards of service access to universal services such as health, education and community safety; and promote community harmony with

The TGTWG comprises of elected members of the Council, Gwent Police, members of the Health and Education services.

THE ROLES AND RESPONSIBILITIES OF THE PUBLIC SECTOR IN DEALING WITH UNAUTHORISED CAMPING

The Council

Local authorities have responsibilities under the Criminal Justice and Public Order Act 1994 to consider unauthorised camping and to take appropriate action. In addition the Council has responsibilities for the welfare and education needs of the people of Torfaen. These include Gypsies and Travellers living in or visiting Torfaen.

Health and Education Services have the same responsibilities for Gypsies and Travellers as they have for other groups and individuals within the community and will normally be involved whenever an unauthorised encampment occurs. Social Services will be invited to attend any Case Conferences relating to unauthorised Gypsy and Traveller encampments should the need arise.

The Police

Powers are available to the police under the Criminal Justice and Public Order Act 1994 ss61-62. The police in Torfaen work closely with the County Borough Council and are supportive of the approach involving discussion, dialogue and negotiation with Gypsy and Traveller groups. Police representation will be present at Case Conferences called to discuss an unauthorised encampment.

The Local Health Board and Community Health Trust

The Local Health Board has responsibility for the commissioning of health services irrespective of whether individuals are part of settled or travelling

communities. A representative of the Local Health Board and appropriate member of the Local Health Trust Community Service will be invited to participate in Case Conferences if there are individuals within a group with identified health needs.

GUIDELINES FOR MANAGING UNAUTHORISED ENCAMPMENTS

The party receiving initial notification of an unauthorised encampment should take the initiative in advising the likely lead authority.

The Lead Authority

- The Council will act as lead authority in respect of unauthorised camping on the highway or on Council owned land.
- The Council will lead in respect of unauthorised camping on private land, common land and Council owned land.
- The Police will lead when the decision has been taken to enact powers under Section 61-62E.
- In some cases the lead authority will not be easily identified, for example where an encampment is on both public and private land. In such cases the decision as to whom will be lead authority should be based on the extent to which the encampment is on the highway or private land. If the majority of the land occupied is Council or Highways owned the Council will lead; if the majority is private land Gwent Police will usually take the lead.

Action Following Notification of an Unauthorised Encampment Site Visit

When notification of an unauthorised encampment is received, an officer representing the lead authority will visit the site at the first opportunity (normally within one working day) to consider the acceptability of the encampment. The officer may choose to make a joint visit with a Police, Education or Health officer. The lead authority will give attention to any complaints received or other issues that may arise from the encampment and location.

Following the site visit, the authorities concerned will consult and decide upon the most appropriate course of action, normally by means of convening a Case Conference. At this point a Needs Assessment will be completed containing all available information at this time.

As all illegal encampments are by virtue illegal enquiries will commence in advance of the Case Conference to establish if vacancies exist at nearby official sites (Cardiff, Blaenau Gwent, and Shepherds Hill). If vacancies do exist at any of these sites then the group will be directed to relocate to the appropriate location.

The Case Conference

Where a Case Conference is convened, representatives from the Council, Police, Education and Health Services will be consulted and where a need for involvement is clear the appropriate organisation will be invited to attend. Members or representatives of both the settled and travelling communities may be invited to attend at the lead authority's discretion. Social Services, Race Equality Council and other agencies may also be asked to attend where this is considered appropriate.

The Case Conference Needs Assessment contains criteria for consideration of the encampment including its location, any health, welfare and educational needs, suspicion or evidence criminal or antisocial behaviour, environmental impact and human rights considerations. Following the completion of the assessment checklist the options and recommendations around how to proceed will be referred to the decision group to decide whether the encampment should be allowed to remain for an agreed period or whether to take legal action.

Action Following a Case Conference

Following the case conference, if the recommendation is taken to evict an unauthorised encampment the aim should be to act quickly and efficiently; to use powers most appropriate to the circumstances and to reduce scope for challenge through the courts by ensuring that policies and procedures are properly followed.

Decision Group

The decision group will be led by a Chief Officer, Gwent police (representation at superintendent level) and Gwent Police. A decision group should aim to have made a decision upon whether the illegal encampment will be tolerated for an agreed time or whether to proceed with eviction proceedings within 7 days of the Case Conference.

Powers Available to Local Authorities

The Government believes that local authorities should always follow a route that requires a court order. Local authorities and public bodies must have regard to considerations of common humanity or other statutory duties and must ensure that the human rights of unauthorised campers and the neighbouring community are safeguarded. Local authorities have two main sets of powers to tackle unauthorised encampments:

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- A landowner (including a local authority) can obtain a possession order in the civil courts requiring the removal of trespassers from property, including land. Under the Civil Procedures Rules Part 55 the claim must be issued in the County Court in whose jurisdiction the property or land is situated. Exceptionally the claim may be issued in the High Court if there is substantial risk of public disturbance or of serious harm to persons or property which properly require immediate determination.
- The Criminal Justice and Public Order Act 1994 (CJPOA) gives local authorities in England and Wales powers to make directions to leave land being used by itinerant (sic) groups (s77). It is an offence to fail to comply with such a direction. In proceedings for an offence under this section, it is a defence for the accused to show that his failure to leave or to remove the vehicle or other property as soon as practicable, or his re-entry with a vehicle, was due to illness, mechanical breakdown or other immediate emergency. If the direction to leave is not complied with, the local authority can apply to magistrates' court for an order requiring the removal of vehicles and any occupants from the land (s78).

Furthermore:

- Local highways authorities have powers to evict unauthorised campers from highway land in certain circumstances under the Highways Acts. Section 143 of the Highways Act 1980 requires unauthorised campers to be given 28 days notice to leave, and its use may be unsuitable where rapid eviction is called for.
- Local bylaws may have provisions for evicting unauthorised campers from car parks, parks or other public areas.

Powers Available to the Police

Powers are available to the police under the Criminal Justice and Public Order Act 1994. Under s61 of the CJPOA, the police have discretionary powers to direct trespassers to leave land. The senior police officer present can direct trespassers to leave if reasonable steps have been taken by or on behalf of the landowner/ occupier to ask them to leave and there are two or more people intending to reside on the land. Any one of three further conditions must be met:

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

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Section 61 cannot be used on land on the highway (with limited specific exclusions listed by s61 (9)(b)). It is an offence to fail to leave the land as soon as reasonably practicable or to enter the land again as a trespasser within three months of the date the direction was given.

The current guidance from the Association of Chief Police Officers (ACPO) refers to some of the circumstances in which it might be appropriate to use s61 against an encampment.

- The statutory conditions must be met. In other words, the unauthorised campers must clearly have failed to respond to requests from or on behalf of the legal occupier of the land to leave before the police can act. (Some police forces have streamlined this process by drawing up standard documents which, when signed by the owner/occupier of the land, give the police authority to act as their agents in dealing with the encampment. This will be a future consideration for Gwent Police)
- The fact that a landowner initially allows an encampment to remain does not preclude subsequent police action so long as it is clear that reasonable steps have since been taken by the landowner/occupier to get the unauthorised campers to move, and that they have failed to do so.
- The fact that a local authority has started to make welfare enquiries cannot be taken as an indication that the encampment is being allowed to remain since this is an essential precondition for eviction action.
- The decision to use s61 is an operational one. Its early use should always be considered where it is likely to be a proportionate response and especially where there is evidence of:
 - unacceptable behaviour by unauthorised campers at the encampment, including individual criminal activity, which cannot be controlled by means other than eviction;
 - significant disruption to the life of the surrounding community;
 - serious breaches of the peace or disorder caused by the encampment.
- Where triggers such as the above are experienced, good practice suggests that police should be prepared to act as long as the statutory conditions are met. Police forces/commands should not adopt blanket policies or presumptions either for or against the use of s61.

The decision whether or not to issue a direction to leave is an operational one for the police alone to take in the light of all of the circumstances of the particular case but within the Protocol framework. But in making their decision the senior officer at the scene may wish to take account of the personal circumstances of the trespassers; for example, the presence of elderly persons, invalids, pregnant women, children and other persons whose well-being may be jeopardised by a precipitate move. While police officers do not have to

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undertake welfare enquiries as such, they must be aware of humanitarian considerations in reaching their decisions and must ensure that all decisions are proportionate. A decision may be taken to explicitly exclude individuals or families with serious welfare needs from a s61 direction to leave. CJPOA Section 62A to 62E provides the police with a power to direct trespassers to leave land and to remove any vehicles and other property from the land, where there is a suitable pitch available on a caravan site elsewhere in the local authority area. Where a direction has been given to a person, it is an offence for that person to enter any land in the local authority as a trespasser within three months of the direction being given.

Powers Available to Other Landowners

Private landowners may obtain a possession order through the civil courts requiring the removal of trespassers from their land, using Civil Procedures Rules Part 55 in the county court. Private landowners have no welfare responsibilities towards Gypsies and Travellers and would not be expected to take unauthorised campers' needs into account when deciding to evict.

Some private landowners seek to avoid the expense and costs of going to court by using common law powers to recover land from trespassers using 'reasonable force' as necessary. Such action is lawful and some firms of bailiffs have carried out many evictions effectively and without trouble. Good practice guidelines for common law evictions would seek to ensure that no more than necessary 'reasonable force' is used. In addition:

- Police should always be notified of an eviction and called in to stand by to prevent a breach of the peace.
- If police advise that it is inappropriate to carry out an eviction, it should always be delayed until an agreed time.

There is a role for local authorities and police in managing unauthorised camping on private land:

- As a minimum, local authorities should inform private landowners about their rights to recover land from trespassers, through the courts or using common law powers; authorities should not offer legal advice to landowners but rather refer them to Citizens' Advice Bureaux or solicitors. Authorities should remind landowners about the importance of using reputable bailiffs and only 'reasonable force'.
- Within the overall strategy for managing unauthorised camping, the local authority might consider acting more directly against encampments when requested by a private landowner, particularly if the police are not prepared to use s61 to evict the encampment.

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- Police should take action if any criminal offences are perpetrated during eviction action by bailiffs or private firms.

Powers Available under the Environmental Protection Act 1990

Under Section 33 of the Environmental Protection Act 1990, it is prohibited to deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence. Furthermore it is prohibited to treat, keep or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of in or on any land, or by means of any mobile plant except under and in accordance with a waste management licence or to treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health. A person who commits an offence under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding 5 years or a fine not exceeding £50,000 or both.

Officers of the Environment Agency or the relevant local authority may stop (with police support) any vehicle believed to be carrying “controlled waste”. Drivers of vehicles used without relevant documentation may be subject to being reported to the Court and their vehicle seized.

Clearly this has implications both for persons disposing of waste and persons permitting such disposal. It is expected therefore that the landowner (or agent) will notify the Environment Agency or the local authority should he or she become aware of such activity.

Management of an Unauthorised Encampment

Whether or not a decision is made to tolerate the encampment for up to 28 days, the lead local authority will need to decide whether it is necessary or appropriate to offer or to provide basic facilities. Such facilities may include toilets, waste disposal and where economical, running water.

The lead authority will ensure so far as is reasonably practicable that any waste is removed both during the encampment and immediately upon its vacation, except when an encampment is on private land, when clearance costs are the responsibility of the landowner. Gypsies and Travellers will be made aware they will be charged for facilities and waste services.

Consideration of Existing Unauthorised Encampments

If it is agreed to allow an unauthorised encampment to remain, or if an encampment has been in place for some time, the lead authority will keep the encampment under review to ensure broad compliance with standards set for acceptably of continuation. In some cases it may be necessary to call a further case conference, particularly if there is an escalation in the scale or impact of

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unauthorised camping (or significant change in the level of anti-social activity in the area). In such instances a case conference will follow the same format and principles set out in this Protocol for dealing with newly established encampments.

Any decisions taken regarding the unauthorised encampment should be communicated to all parties concerned.

Media Contact

Contact with the media is the responsibility of the lead authority, to which all enquiries should be referred. Should a press release be necessary, and where time allows it, the Police and other relevant local authorities should be asked for their comments. Copies of press releases should be distributed to all relevant parties prior to its release. A press release should refer to the Protocol process jointly undertaken by the agencies and give the context under which any decision has been reached.

Unacceptable Encampment Locations

Unauthorised encampments are almost always, by definition, unlawful. However, while there are insufficient authorised sites, it is recognised that some unauthorised camping will continue. There are locations, however, where an encampment will not be acceptable under any circumstances. Each encampment location must be considered on its own merits against criteria such as health and safety considerations for the unauthorised campers, traffic hazard, public health risks, serious environmental damage, genuine nuisance to neighbours and proximity to other sensitive land-uses. Set out below is a list of the types of site where unauthorised camping would not normally be acceptable:

1. A site of Special Scientific Interest or where it would affect a sensitive environment or wildlife.
2. A school car park or playing field.
3. A park, recreation ground or playing field.
4. A village green or other open area within a residential area.
5. A verge of a busy road where an encampment would pose a danger to motorists and campers.
6. Car parks.
7. Locations where there is a significant health & safety risk to campers.
8. Locations where an active encampment is likely to have an immediate impact on investment potential.
9. A site where pollution from vehicles or dumping could damage water or water courses.
10. An area with toxic waste or other serious ground pollutions.
11. A location considered unsuitable by local authority officers for any other reason.

Government guidance suggests that wherever possible, local authorities and/or police should seek to prevent Gypsies and Travellers from establishing an encampment in an unacceptable location. Where this proves impossible, they should attempt to encourage the unauthorised campers to move to an authorised site where available. Identification of possible alternative sites could assist local authorities and the police in the management of unauthorised encampments in circumstances where there are no available pitches on authorised sites. If the unauthorised campers refuse to move from an unacceptable location, eviction processes (including appropriate welfare enquiries) should be commenced.

ACTION TO BE TAKEN FOLLOWING THE DEPARTURE OF THE ILLEGAL ENCAMPMENT.

1. A meeting will be convened to review the decisions and the effectiveness of the management process. This will be treated by all officers concerned as an opportunity to learn and improve practice and not apportioning fault in relation to any difficulties that occurred during time that the illegal encampment was present. Officers will be reminded at the outset of the meeting that whilst the purpose of this protocol is to protect property from trespass full regard must also be given to the human rights and the ongoing welfare of Gypsies and Travellers who need to resort to causing illegal encampments.

2. Consideration should be given to the contents of any press statement or response to press enquiries. The principle purpose of any statement should be to reduce any community concerns, protect social cohesion and demonstrate fairness in how the Council has carried out its responsibilities. Officers will exercise their discretion as to whether any press releases might serve a positive purpose.

3. The appropriate Sections within our Street Scene Services and Environmental Protection Services will inspect the conditions at the evacuated site and commission arrangements for the removal of any refuse or other products left over from the encampment. If any dangerous or harmful products be discovered at the site location arrangements should be made for their removal in accordance with standard public protection procedures. If any graffiti is within found within the immediate locality this should be removed. Racist graffiti should be removed as a priority in accordance with standard procedures.

APPENDIX 1

Case Conference: Needs Assessment

When an unauthorised encampment occurs, the lead Authority needs to establish who is living there, the likely period of occupation, and its impact on the local community. This Needs Assessment is intended to provide sufficient background information to enable balanced and informed decisions to be made concerning its tolerance or otherwise. The checklist should be completed by the lead authority and copies distributed thereafter.

Those taking part in the case conference should be reminded that the Race Relations Act 1976 makes it an offence to discriminate against someone because of race, colour, nationality or citizenship, or ethnic or national background. Furthermore, the Race Relations Amendment Act of 2000 also places a duty on public bodies to promote good relations between people of different ethnic groups.

As Gypsies have been recognised as an ethnic group since 1989 and Irish Travellers since 2000 both groups are protected under the Race Relations legislation. Those participating in a case conference should be mindful of the legislation and use language and behaviour that is appropriate and respectful.

Data Protection Act 1998

The Data Protection Act regulates the holding and processing of personal data that is information relating to living individuals, which is held either on computer or in manual form. The Act gives enforceable rights to individuals (data subjects) and places obligations on those legal persons (data controllers) who control the manner and the purpose of the processing of personal data. It will be the responsibility of the signatories to this Protocol to ensure that information supplied to them under this Protocol will be used solely for the purpose for which it was obtained. They should also ensure that such information is not disclosed to unauthorised personnel and keep all relevant data confidential and comply with the Data Protection Act and all other relevant legislation and guidance.

APPENDIX 2

UNAUTHORISED CAMPING PROCEDURE

General Procedure	
Step 1	<p>The Lead Officer is the officer with responsibility for overseeing this procedure, for Torfaen County Borough Council it will be the Head of Public Protection. Upon notification of an unauthorised encampment, an initial site visit will be carried out by an Officer from Environmental Health (EH) and the Needs Assessment will be completed normally within 48 hours notice of the arrival of the encampment.</p> <p>In addition an Officer in the Asset Management Division will complete an assessment to ascertain whether the land is a suitable location for the Gypsy/Travellers. Heddlu Gwent Police will liaise with the officer in EH to share information when they receive it.</p> <p>A brief statement will be drafted by Environmental Health and agreed by the Head of Public Protection to give to the Head of Customer Services so that all complaints can be handled by the Customer Care Team. The team must ensure that all complaints are given to the Head of the Customer Care Team so that they can be directed to the appropriate department. This will be updated when the issues progress.</p> <p>The Corporate Director of Resources will co-ordinate and answer the enquiries from members. The Strategic Director and Deputy Chief Executive Community will undertake this role in the absence of the Corporate Director.</p>
Step 2	Officers in Asset Management (AM) will determine if the site is on local authority land.
Step 3.	An officer in EH will check if there are any available pitches/spaces at Shepherds Hill and/or authorised sites at neighbouring authorities for example Blaenau Gwent, Merthyr & Cardiff.
Step 4.	<p>Where it is determined that the site is on local authority owned land, a decision will be taken as to if and when proceedings should be implemented. There may be occasions when occupation can be tolerated for a short period of time and will depend on the circumstances of each particular case. The following sites will be held to be unacceptable locations where any trespass will not be tolerated for any period of time..</p> <p>An unacceptable location is:</p> <ol style="list-style-type: none"> 1. A site of Special Scientific Interest or where it would affect a sensitive environment or wildlife. 2. A school car park or playing field. 3. A park, recreation ground or playing field. 4. A village green or other open area within a residential area.

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	<ol style="list-style-type: none"> 5. A verge of a busy road where an encampment would pose a danger to motorists and campers. 6. Car parks. 7. Locations where there is a significant health & safety risk to campers. 8. Locations where an active encampment is likely to have an immediate impact on investment potential. 9. A site where pollution from vehicles or dumping could damage water or water courses. 10. An area with toxic waste or other serious ground pollutions. 11. A location considered unsuitable by local authority officers for any other reason.
Step 5.	The Corporate Director, Resources shall decide whether possession proceedings shall be taken and instruct the Chief Legal Officer to issue proceedings or to tolerate the trespass in accordance with the following procedure.
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Toleration/Eviction Procedure	
Step 1	<p>An officer in EH submits the Needs Assessment. An officer in EH will carry out site visits in order to monitor conditions and circumstances at the site.</p> <p>The following matters will be monitored:</p> <ul style="list-style-type: none"> • Confirmation of persons/vehicles • Compliance with Code of Conduct • Public health issues. • Welfare/health needs of travellers, for example advanced pregnancy, ill health, educational needs. This would be done by referring it to a health visitor and/or education/social services. • Compliance with agreed departure date. <p>Encampments will be provided with/arrangements will be made for the provision of the following essential services as soon as practicable.</p> <ul style="list-style-type: none"> • Domestic refuse collection. • Toilet facilities (Portaloos) <p>Travellers will be required to pay for provision of the above services.</p>
Step 2	<p>The Case Conference Group will consider the Needs Assessment, Asset Management Assessment and Education/Social Services (if applicable) and decide recommended action regarding the site. The Case Conference Group will consist of Heddlu Gwent Police, an officer from Environmental Health, Asset Manager, Solicitor from Legal Services, Equalities Manager and officers from Education/Social Services. (Formal Minutes of the meeting will be taken and it should take place no longer than one week after the arrival of the encampment.)</p>

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	<p>Proposed recommendation for action will be to either:</p> <ul style="list-style-type: none"> • Commence proceedings to evict using Part 55 of the CPR or Heddlu Gwent Police will use their powers under the Criminal Justice and Public Order Act. <p>Or</p> <ul style="list-style-type: none"> • Tolerate encampment for up to 28 days. <p>Authorisation will then be obtained from the Corporate Director of Resources.</p>	
Step 3	<p>Evict: Refer Legal Services.</p>	<p>Tolerate: Monitor site in accordance with toleration procedure.</p>
Step 4	<p>Steps 1, 2 and 3 will be repeated until:</p> <ul style="list-style-type: none"> • Travellers leave in accordance with agreed departure date. <p>Or</p> <ul style="list-style-type: none"> • Eviction procedure implemented. 	

APPENDIX 3

Torfaen County Borough Council Initial Encampment Assessment

Date of Assessment	
Time of Assessment	
Assessor/s	

	General Information	Response	Comments/Follow up
1.	Location of Encampment		
2.	Photograph of encampment		
3.	Landowner Identified		
4.	Landowner advised of encampment		
5.	Number of Occupants How many Men? How many Women? How many Children (under 18)?		

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6.	Number of Caravans		
7.	Number of Vehicles How many cars and vans? Any other vehicles?		
8.	Number of Animals and general welfare conditions		
9.	Damage to Land Evident		
10.	Litter or Waste present		
11.	Immediate Welfare issues identified? May include pregnancy, Elderly people, sickness, disability, receiving urgent, planned or a course of medical treatment, children close to exam period		
12.	Impact of encampment to public, neighbours or landowners		
13.	Environment Impact? (Is this a Site of SSI, in a flood risk area, contaminated land, protected species known, risk of polluted watercourses? Consult Natural Resources Wales)		
Survey of Occupants			
14.	Have you stayed in this area before?		

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	Where? When? Any problems encountered?		
15.	Reasons for this stay? May be multiple, including: passing through, local to area, Work in the area, No authorised pitch, Family event, Visiting/Holiday, illness, Hospital visit, other.		
16.	Date of arrival		
17.	Length of expected stay		
18.	Are you expecting more people to arrive? How many? When?		
19.	Do you have permanent accommodation (pitch or bricks and mortar) elsewhere?		
20.	Do you want permanent accommodation(pitch or bricks and mortar) in the area? Do you want to discuss your options with a housing advice officer		
21.	Are you seeking a transit pitch in the area?		
22.	Are you willing and able to pay for services on this encampment?	Toilets: Water: Refuse: Other:	

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23.	Are there school age children on site? Are they accessing school?		
Agreement that information collected is correct			
Initial Assessment			
24.	Are there any urgent concerns which may necessitate possession action? May include: obstruction, health and safety concerns e.g. dangerous place to stop, damage to land, threats or violence		

SITE LOCATION PLAN OF UNAUTHORISED GYPSY ENCAMPMENT.

	Signature of occupier		Date:
	Signature of lead assessor		Date:

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APPENDIX 4

**Torfaen County Borough Council
Gypsy and Travellers Welfare Assessment
Date of Assessment: / / 201 .**

PART 1 GENERAL INFORMATION							
Location of encampment	Land Ownership; (Private: / Council)						
Date of occupation		Intended duration of stay					
Reason for stay							
Name of spokesperson representing family group(s)							
PART 2 SPECIFIC INFORMATION IN RELATION TO CARAVAN NUMBER : _____							
NO:	MAKE:	MODEL & REGISTRATION			COLOUR:		PICTURE:
							YES/NO
							YES/NO
No.	Name	Gender (CIRCLE)	Age over 16	11-16	6 -10	0 - 5	
1		M F					

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2		M F			
3		M F			
4		M F			
5		M F			
6		M F			
7		M F			
8					
9					
10					
11					

PART 3 ASSOCIATED VEHICLE(S)

NO:	MAKE:	MODEL & REGISTRATION	COLOUR:	PICTURE:
				YES/NO
				YES/NO

PART 4 CONDITION OF VEHICLES

Do you have any vehicle (Car/LGV/HGV/Trailer) that is not capable of moving or being moved due to mechanical breakdown? YES/NO

If **YES**, what steps are you taking to resolve the situation?

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Has any member of the group sought and received emergency medical treatment since arriving at this location?	YES / NO						YES / NO	
Do any members of the group require medical treatment at a Hospital, Doctors Surgery, Health Visitor Centre, Dental Surgery or require the services of a Health Visitor and/or Nurse whilst at this location?	YES / NO						YES / NO	
Will any members of the group require further medical treatment whilst at this location?	YES / NO						YES / NO	
Are any of the adult females in the group pregnant and if so how many and stage of pregnancy?	YES / NO		Stage(s)					
			0 to 3 months	3 to 6 months	6 to 9 months	Confinement imminent		
Do you or any of your group object to the details of your group and its current location being passed to the health visitor service?	YES / NO							

PART 6 SOCIAL ISSUES		
Questions and answers	Name(s)	Details

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Do you or any member of your group require the services of a social worker for your group at this location?	YES / NO		
Do you or any member of your group object to the details (not medical) of the group and its current location being passed to Social Services?	YES / NO		

PART 7 EDUCATIONAL ISSUES			
Questions and answers		Name(s)	Details
Do you or any member of your group require the services of the Travellers Education Welfare Officer at this location?	YES / NO		
Are any of the children in school?	YES / NO		SCHOOL ADDRESS

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Do you or any member of your group object to the details (not medical) of the group and it's current location being passed to the Travellers Education Welfare Officer	YES / NO		
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PART 8 HOUSING ISSUES		
Do you or any member of your group regard themselves as homeless?	YES / NO	REASON
Do you or any of your group require details of what action you need to take i.e. where to go and who to see		

PART 9 OTHER MATERIAL INFORMATION	
Do you or any of your group have any further information to give that may be of assistance to the Council in deciding on what course of action it intends to take in respect of your presence for residential purposes at this location	YES / NO
If YES , what information do you or any member of your group wish to give?	Details
<p>I confirm the above details appear to be an accurate reflection of the current needs of our group</p> <p>Signature of Travellers Representative</p>	

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Date

OFFICER INFORMATION

PART 10	ENVIRONMENTAL HEALTH ENCAMPMENT CONDITIONS	
Do you have a wholesome water supply available?	YES / NO	Comments
Is there adequate sanitary provision available?	YES / NO	
Are waste collection facilities needed?	YES / NO	
If sufficient space is available are you prepared to relocate to an authorised Council Gypsy site in Torfaen?	YES / NO	
If sufficient space is available are you prepared to relocate to an authorised Council Gypsy site outside of Torfaen?	YES / NO	
PART 11	INITIAL OBSERVATIONS OF OFFICERS	
PART 12	ANY OTHER MATERIAL FACTORS	

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PART 13	ACTION BOX	
Designation of Officer completing this questionnaire and full name in block capitals		
Signature of Officer:	Full name in block capitals:	Date:

PART 14 | SITE PLAN OF UNAUTHORISED ENCAMPMENT LOCATED AT (INSERT ADDRESS) ON THE (INSERT DATE).

(INSERT PLAN)

PART 15 | DECISION OF CHIEF OFFICER REGARDING TOLERATION OF UNAUTHORISED ENCAMPMENT

Having regard to the welfare information surrendered by the Gypsies/Travellers a decision has been made;

- to tolerate the unauthorised encampment for the period of time specified within Part 1: General Information Section, and review the decision based upon circumstantial changes,
- not to tolerate the unauthorised encampment because of (Insert here)

Signature of Chief Officer:

Full name in block capitals:

Date:

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PART 16 FURTHER OBSERVATIONS OF OFFICERS			
PART 17 COMPLAINTS RECEIVED BY COUNCIL			
DATE	SERVICE REQUEST No.	BRIEF DETAILS	INTERVENTION OFFICER

PART 18 DEPARTURE OF UNAUTHORISED ENCAMPMENT	
Date of departure:	Actual duration of stay:

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PART 19 REVIEW AND UPDATING OF PROTOCOL FOLLOWING ENCAMPMENT			
Review Date	Significant points:	Protocol updated:	

PART 20 CONTACT LIST				
SERVICE AREA	NAME	E-MAIL ADDRESS	TELEPHONE No.	MOBILE No.
Asset Management				
Asset Management				
Gwent Constabulary				
Gwent Constabulary				
Planning & Public Protection				
Planning & Public Protection				
Legal Services				
Legal Services				
Neighbourhood Services				
Neighbourhood Services				

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