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## MANAGEMENT ARRANGEMENTS FOR TRAVELLER AND GYPSY INCURSIONS IN THE DISTRICT

To: **Cabinet**

Main Portfolio Area: **Community Services**

By: **Janice Wason**

Classification: **Unrestricted**

Ward: **All**

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**Summary:** Following an incursion by Travellers in April this year, TDC officers have prepared a new protocol which sets out how these incursions and other illegal encampments can be managed and by whom.

### For Information

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#### **1.0 Introduction and Background**

- 1.1 Incursions by Travellers, Romanies or Gypsies are very rare in Thanet – only two or three have been noted in the last 5 years.
- 1.2 The incursion in April was the first time that many staff had been involved with such an event, and although it was well managed in general terms, Officers did agree at a subsequent debrief, that a protocol and decision-making flow-chart would be an appropriate document to ensure that roles and responsibilities were well understood.
- 1.3 This document therefore proposes how the Council should respond in the event of further incursions into the District, bearing in mind that the outcome will generally speaking be eviction, particularly where the community have set up an illegal encampment on TDC land.
- 1.4 Generally speaking, where an encampment is established on land **not owned** by TDC, then we would not seek to make an intervention. Instead TDC would advise and support the Landowner on how to manage that incursion in the first instance, if that was requested by the Landowner. The Police can still use Public Order powers if necessary.
- 1.5 Kent Police can evict at any time through the use of Section 61 of the Criminal Justice and Public Order Act 1994 (CJPOA). However, the Travellers must be showing Anti-Social Behaviour or Criminality to allow them to use this power.

#### **2.0 Next Steps**

- 2.1 A new draft protocol is attached including a Flow-Chart and a copy of the new Encampment Monitoring Form.

#### **3.0 The Process in Outline**

- 3.1 When an incursion takes place then notification should be made to the Community Safety Manager or their line-manager in the first instance. They will then liaise with Kent Police to confirm the authenticity of the report.

- 3.2 The Community Safety Manager will then notify the Housing Manager, Communications Manager and the Legal team, and meet to agree the legal eviction process. Other officers will then be brought in to begin the process of liaising with the required agencies (Police and Health) as well as ensuring that all legal requirements are met to proceed with action for an eviction. There are various legislative options which will apply in different places and Legal will play a vital role in making that determination and making arrangements for any Court hearings to take place.
- 3.3 It is a requirement of the Courts that we show that we have considered any welfare issues and have made suitable provision for them. First of all, a small team shall visit the encampment and hand over the first eviction notice. This is a simple request to leave within 24 hours, and notification that non-compliance will lead to a Court request for an eviction. An Encampment Monitoring Form will be completed by the visiting team and welfare issues considered with referrals being made as appropriate. In the recent incursion, a Health Visitor was required due to the late-stage pregnancies of two women.
- 3.4 If and when the first notice to leave is ignored, then the Legal Team can, if appropriate, issue a further legal notice which formally directs the “unauthorised campers” to leave the land. There is generally a time lag to this order – 24 or 48 hours for example – to allow the community to leave.
- 3.5 If and when the order is not complied with, then TDC can apply to the Courts for a hearing and a Court Order to evict. There must be clear evidence that we have met all the needs of the legislation to satisfy the Courts that an eviction can go ahead.
- 3.6 During this whole process, the Community Safety team, Communications team, Housing team and Legal team should be having a daily meeting to ensure that there is clarity of roles, actions and updates as required.
- 3.7 This team will be responsible for creating an eviction plan. It is usual that when planning an eviction, TDC officers would need to be in high-visibility clothing, have access to tow-trucks etc and be well briefed for the threat of any physical or verbal abuse that may be directed at them.
- 3.8 In practice, an eviction is unlikely – Gypsy, Roma and Traveller communities are very well aware of their rights and tend to move on before a formal eviction takes place. Engagement and negotiation with the encampment has a strong role to play in ensuring a swift removal of the encampment.
- 3.9 Throughout this process, the Police can still take action if required through their own powers (Section 61 of the 1994 Criminal Justice and Public Disorder Act). In practice they can be reluctant to use these, but should they establish clear evidence of criminal or anti-social behaviour, they can use this as a trigger to intervene.

#### **4.0 Corporate Implications**

##### **4.1 Financial and VAT**

- 4.1.1 When an incursion takes place, then there will be demands on staff time across the organisation. The likelihood is that the only direct budgetary spend could be with the Legal team should they require additional specialist advice or need to pay Court fees.
- 4.1.2 However, there may be a loss of income should an incursion take place on a car park as people would avoid using it whilst the travelling community were there. There would be additional resources required from Waste and Recycling for site cleansing, and potentially Maintenance teams should the site need restitution after the incursion.
- 4.1.3 Should an eviction actually be required, then staff and additional resources will have to be brought in. These potentially include towing vehicles, security staff etc. These costs can

be determined during the incursion period and would be dependent on the nature and extent of the incursion.

#### 4.2 Legal

4.2.1 There are a range of Legal options to explore in managing an Incursion and subsequent eviction and these are outlined in the attached protocol. Although Section 77 is often quoted as the significant piece of legislation, it is not the only legal route available depending on land ownership and sensitivity – Part 55 of the Civil Procedure Rules which deals with trespass and eviction could be a more pertinent piece of legislation in meeting local needs.

#### 4.3 Corporate

4.3.1 Traveller, Roma and Gypsy incursions can cause reputational damage for the District as they raise concerns with local residents particularly around community safety. The protocol has been written so that it can be used by Communications, Councillors and other agencies to establish the parameters, limitations and preparations that the Council must make in dealing with such a situation.

#### 4.4 Equity and Equalities

4.4.1 We have a duty to protect the interests and rights of the Traveller, Roma and Gypsy community as minority groups, as well as local residents and these are outlined and provided for in the attached protocol.

#### 5.0 Recommendation(s)

5.1 To note the Protocol

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| Future Meeting if applicable:<br>Cabinet | Date:<br>12 September 2013 |
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| Contact Officer: | Janice Wason, Strategic Community Manager,     |
| Reporting to:    | Madeline Homer, Director of Community Services |

#### **Annex List**

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| Annex 1 | Travellers Protocol        |
| Annex 2 | Flow Chart                 |
| Annex 3 | Encampment Monitoring Form |

#### **Background Papers**

| Title | Details of where to access copy |
|-------|---------------------------------|
| None  |                                 |

#### **Corporate Consultation Undertaken**

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| Finance | Sarah Martin, Financial Services Manager and Deputy S.151 Officer |
| Legal   | Harvey Patterson, Corporate and Regulatory Services Manager       |