

WILTSHIRE COUNTY COUNCIL

POLICY STATEMENT

IN RELATION TO UNAUTHORISED GYPSY AND

TRAVELLER ENCAMPMENTS

At its meeting on 9 July 2002, Members of Wiltshire County Council resolved to adopt the following Policy Statement. This replaces the Guidance for Dealing with Unauthorised Camping adopted by the Policy & Resources Committee of the County Council on 22 July 1996.

1. **Introduction**

- 1.1 Wiltshire was one of the first Counties to be designated under the 1968 Caravan Sites Act. It achieved this through satisfactory Gypsy site provision. Many of the provisions of the Caravan Sites Act were repealed by the Criminal Justice and Public Order Act 1994 (the 1994 Act). Sections 77 and 78 of the 1994 Act gave local authorities new powers to deal with unauthorised encampments. The legislation was accompanied by Department of the Environment Circular 18/94. This guidance restated earlier advice advocating toleration in eviction policies in respect of Gypsies and drew attention to the wider obligations authorities might have to Gypsies and Travellers under other legislation. Local authorities were advised to liaise with other authorities, health, education and welfare services.
- 1.2 In October 1998, the Government launched a Good Practice Guide on Managing Unauthorised Camping. The Guide recommended that local authorities should get to know travelling patterns and problems in their area and develop policies in consultation with local police forces and others. In July 2000 a revision to Circular 18/94 was issued and in August 2000 a revised Chapter 5 to the Government Guide was issued. These revisions gave further advice about the interpretation of the word "toleration", emphasised the need to take into account certain criteria on the effect of unauthorised encampments on local residents and reminded local authorities that they should try to identify possible emergency stopping places.
- 1.3 When the Human Rights Act came into effect in October 2000, the provisions of the European Convention on Human Rights were incorporated into UK law. The Act makes it unlawful for a public authority to act in breach of Convention Rights unless it could not have acted differently under primary legislation. Any interference with a Convention Right must be proportionate to the objective in question and must not be arbitrary, unfair or oppressive. The following Convention Rights are particularly relevant to the Authority's policies on Gypsies and Travellers:-
- The right to respect for private and family life, home and correspondence
 - The prohibition of discrimination in the enjoyment of the Convention Rights
 - The right to education

2. **Background**

- 2.1 Wiltshire lies at the crossroads of modern and ancient highways and byways and with the added attraction of sites of ancient archaeological significance has always attracted Gypsy and Traveller groups.
- 2.2 Over 70% of the County is designated as Area of Outstanding Natural Beauty and Special Landscape Area. This landscape is easily accessible by the 5,904 kms of public footpaths, bridleways and byways open to all traffic. With 628 kms of byways open to all traffic, Wiltshire has the biggest network of any County in England.
- 2.3 The County is characterised by open and accessible landscape, small rural hamlets, villages and market towns. The rural economy is dependent upon agriculture and tourism and acceptance of unauthorised encampments by the settled population is limited. Communities often feel intimidated by Gypsies and Travellers.
- 2.4 There are marked seasonal differences in the numbers of Gypsies and Travellers in Wiltshire. Large encampments of Travellers have occurred in the County often associated with music festivals in neighbouring Counties or other social or spiritual events such as the Summer and Winter Solstice. High levels of nuisance have been associated with these encampments.

3. **Objectives**

- 3.1 The objectives of this policy are:-
- To balance the rights and needs of resident communities with those of Gypsies and Travellers.
 - To manage unauthorised encampments in an efficient and effective way, ensuring that the Council's response is fair and proportionate and takes account of the level of nuisance, fear and intimidation for local residents and the rights and responsibilities of Gypsies and Travellers.

4. **Strategy**

- 4.1 The County Council has sought to address the accommodation needs of Gypsies and Travellers in a number of ways:-
- (i) Structure Plan policy providing a land use planning framework for the provision of accommodation
 - (ii) The provision of six residential sites providing 97 pitches Countywide
 - (iii) The provision of a small number of emergency stopping places for short fixed periods, not exceeding 28 days in total

The need for the various types of provision for Gypsies and Travellers will be kept under review by the Gypsy and Traveller Unit.

- 4.2 The County Council will assess unauthorised encampments and, where appropriate, a departure date will be set. In the event of Gypsies or Travellers failing to agree, eviction action will be considered in line with the adopted policy criteria.
- 4.3 The Council will at all times act in a humane and compassionate fashion. The power to evict will be used primarily to reduce fear, intimidation and nuisance and to afford a higher level of protection to nearby residents and private owners of land. Individual consideration of each case and any special circumstances which may come to light will always be necessary.
- 4.4 Needs assessments will be undertaken, which will include ongoing welfare enquiries. The welfare and education of children will be taken into account in deciding whether it is appropriate to commence eviction proceedings. Liaison will take place with the Traveller Education Service, Social Services and with the Gypsies/Travellers themselves.
- 4.5 Any decision to evict Gypsies/Travellers from an unauthorised encampment will be based on the criteria set out in paragraph 5.10 below. The criteria will be applied consistently and decisions recorded.
- 4.6 If an eviction is deemed necessary, it will be carried out with full consideration of the circumstances and needs of the Gypsies and/or Travellers concerned.

5. **Criteria**

- 5.1 The standards of behaviour expected of Gypsies and Travellers will be those expected of the settled community.
- 5.2 The adopted County Structure Plan provides a general framework for the provision of accommodation for Gypsies:-

DP16 SPECIAL CONSIDERATION SHOULD BE GIVEN TO BONA FIDE PROPOSALS TO PROVIDE CARAVAN SITES FOR GYPSIES. SUCH PROPOSALS SHOULD NOT BE CONSIDERED AGAINST OTHER POLICIES FOR TOWNS AND VILLAGES, DUE TO THEIR PARTICULAR REQUIREMENTS. SUITABLE SITES MAY BE FOUND BOTH WITHIN AND OUTSIDE SETTLEMENTS. THEY WILL NEED TO HAVE A MINIMUM IMPACT ON ADJOINING LAND USES AND THE NATURAL AND BUILT ENVIRONMENT, BE WELL LOCATED TO MEET THE NEEDS OF OCCUPANTS AND PERMITTED BUSINESS ACTIVITIES AND PROVIDE ACCEPTABLE ACCESS AND SERVICES.

- 5.3 District Local Plans are expected to provide detailed guidance on Gypsy accommodation in the form of criteria based policies and, where possible, allocated sites.
- 5.4 The County Council will encourage housing authorities in Wiltshire to be flexible in the interpretation of residency requirements in their housing policies to take into

account the circumstances of Gypsies and Travellers. Gypsies and Travellers who wish to settle in one place for education, health or other reasons will be encouraged to take advantage of the opportunities for general housing provided by Local Authorities and Housing Associations. They will be advised of their rights under the homelessness legislation.

- 5.5 The County Council will continue to operate and maintain six residential Gypsy sites providing 97 pitches at Odstock, Downton (Lode Hill), Salisbury (Dairyhouse Bridge), Dilton Marsh (Fairhaven), Thingley and Bratton (Bonnie Park). The Gypsy and Traveller Unit will keep needs under review.
- 5.6 The County Council will identify emergency stopping places for agreed short fixed periods. Basic water supply, sewerage and waste disposal facilities will be provided.
- 5.7 Responsibility for making and implementing decisions in respect of unauthorised encampments is delegated to the Director of Environmental Services in consultation with the Solicitor to the Council. The Solicitor to the Council will be responsible for authorising any legal proceedings.
- 5.8 Before making a decision in respect of an unauthorised encampment, the Director will balance all relevant factors in the light of the information gathered, including the responsibilities that rest with the Council outlined in Department of the Environment Circulars 1/94 and 18/94. These factors will include any particular social, educational, health or welfare needs revealed by the enquiries, also the availability of alternative sites or emergency stopping places. Consideration will also be given to the impact of the unauthorised encampment on the local community, employers, landowners and the environment.
- 5.9 Where a decision is taken not to evict immediately, the reason will be recorded. Having assessed the circumstances, the Gypsies/Travellers will be given a departure date. The encampment will be kept under review. Deteriorating circumstances or levels of behaviour will result in eviction proceedings being brought forward. Where a departure date has been agreed, the Council will take immediate enforcement proceedings if the agreement is not honoured.
- 5.10 Formal eviction proceedings will normally be undertaken where encampments occupy land owned or managed by Wiltshire County Council, or on highway land where the Council is the Highway Authority for such land, and where the encampment, in the opinion of the Director of Environmental Services:-
 - (a) Constitutes or is likely to constitute a significant obstruction of the highway or is a hazard to road safety, public health or otherwise; or
 - (b) Creates or is likely to create a nuisance to the general public by reason of its size, location, nature or duration; or
 - (c) Creates or is likely to create a detrimental impact on the enjoyment, use or habitation of adjoining or nearby property or interferes with the effective operation or management of that property; or

- (d) Causes or is likely to cause significant damage to the Council's land or property or prejudice its use by the Council's Members, staff, tenants, licensees or other invitees; or
- (e) Is too large for its location or causes an unacceptable impact on its environment; or
- (f) Would for some other reason be detrimental to the interests of the public if allowed to remain.

5.11 The County Council will seek to recover legal costs of formal eviction proceedings through the Courts.

5.12 The County Council will not normally take action in respect of private land.