

Report

Body:	SCRUTINY	
Date:	5th December 2005	
Subject:	Gypsy and Traveller Strategy Update	
Report Of:	Assistant Director – Corporate Services	
Ward(s)	All	
Purpose	To report to Scrutiny Committee on the development of Council and County-wide Strategies for Gypsy and Traveller site provision and enforcement.	
Recommendation:	Scrutiny notes the contents of this report.	
Contact:	Martin Freeman, Assistant Director – Corporate Services, Telephone 01323 415136 or internally on extension 5136. Martin.freeman@eastbourne.gov.uk	
1.0	<u>Introduction</u>	
1.1	At the 6 September 2004 Scrutiny Committee it was resolved that a Task Group be established to review the development of the Council’s Strategy for unauthorised encampments of Gypsies and Travellers. It was agreed that the Group would comprise Councillor Mrs Healy and Councillor Taylor.	

1.2	The following report provides an update on work undertaken within the Council and across the County on the development of Gypsy and Traveller Strategies.
2.0	<u>Background</u>
2.1	In the paper ‘Managing Unauthorised Camping Operational Guidance’, the Home Office have said that it is appropriate that local authorities take the lead in formulating strategy for responding to Gypsy and Traveller issues.
2.2	As a consequence, East Sussex County Council (ESCC) is developing a County-wide Strategy that is being progressed in partnership with District and Borough Councils and Sussex Police. Eastbourne Borough Council has also commenced work on its own Strategy. This Strategy will incorporate the Council’s procedures for dealing with unauthorised encampments.
3.0	<u>Equality Requirements</u>
3.1	The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 creates a general duty on a wide range of public authorities to eliminate unlawful racial discrimination, promote equality of opportunity and promote good race relations between people of different groups.
3.2	Currently Romany Gypsies and Irish Travellers have been recognised as racial groups in case law applicable to England and Wales.

3.3	<p>Statutory protection from racially motivated crimes is available in the offences specified in the Crime and Disorder Act 1998 and the Public Disorder Act 1986 in England and Wales.</p>
3.4	<p>Article 8 of the European Convention of Human Rights states that ‘everyone has the right to respect for private and family life, home and correspondence.’ ‘There shall be no interference by a public authority with the exercise of this right, except, such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.’ Article 14 states that ‘the enjoyment of the rights and freedoms set forth in the 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 status.’</p>
3.5	<p>These rights are there for us all and should be applied equally to every community. The equality legislation should put an end to practices that disadvantage and exclude people just because they are different.</p>
3.6	<p>Councils across the County are working together to break down some of the barriers and dispel some of the myths surrounding Gypsies and Travellers; creating safer and stronger communities in the process.</p>
4.0	<p><u>Eastbourne Borough Council’s Current Procedures</u></p>

4.1	<p>The Council recognises that there can be tension between Gypsies and Travellers needing somewhere to stop, and non-travellers not wanting to live next door to an encampment, no matter how temporary. In these situations, the Council endeavours to listen, observe and make its decisions appropriately based on fact and not emotion.</p>
4.2	<p>Pending the implementation of the Council and County-wide Strategies, the Council has developed appropriate interim procedures to assess the needs of all parties. In accordance with ODPM guidance, the Council's procedures provide for the toleration of unauthorised camping where it does not present major problems. Consideration is given to the suitability, nature or obtrusiveness of the encampment ensuring that there are no outstanding welfare issues. These welfare issues could include the need for hospital treatment, education of children, weddings and funerals. The welfare checks are carried out using a pro-forma questionnaire. This allows decisions to be made and action to be taken that are consistent, proportionate, reasonable and in accordance with equality legislation. Encampments are kept under review, visited regularly and complaints monitored.</p>
4.3	<p>This approach is however reactive and can be costly in terms of security and clearance of sites and can lead to staff intensive bouts of enforcement activity. The existing procedures will therefore be reviewed once the Strategies have been developed to mitigate the risks to the Council of Judicial Review and the associated expense / time implications.</p>

4.4	<p>Generally, the Council will take no action in respect of occupation of private land. The presence of Gypsies or Travellers on private land is a matter for the landowners, if they are so minded, to take up with the Police. If there is a perception of nuisance by the local community there is no reason why the Council should not make representations to the landowner to take the appropriate action. The course of action most likely to yield success with minimum delay would be for the relevant Ward Councillor to be briefed on the salient points by the appropriate officers and then approach the landowner direct as the community's elected representative.</p>
5.0	<p><u>County-wide and Eastbourne Borough Council Strategy</u></p>
5.1	<p>A County-wide Strategy is currently being developed. Council officers are participating in this exercise through attendance at Traveller Strategy Steering Group meetings. The Strategy will include input from the Police, Education, Social Services, Health and Planning. It will also take into account the equality issues mentioned in Section 3 of this report. The County-wide Strategy will form the “umbrella” document to all District and Borough Strategies.</p>
5.2	<p>Fundamental to this approach is the recognition that we must review the current provision of sites and services in line with latest legislation and guidance.</p>
5.3	<p>It is understood that ESCC’s Traveller Liaison Officer is in the process of developing a project board of County and District / Borough Councillors to contribute to the Strategy’s development.</p>

5.4	The Strategy will emphasise that across East Sussex equality is high on the agenda and through working together we can eliminate the disadvantage and exclusion that some members of our communities live with every day.
5.5	The Council has commenced work on its own Strategy by gathering together information and knowledge. A Traveller Issues / Strategy Group has been established and is made up of key Council officers including the Director of Housing, Health & Community Services and representatives from Legal Services, Environmental Health and Housing.
5.6	The specific focuses of the Group are the assessment of accommodation needs and current site provision, response to – and costs of dealing with – unauthorised encampments, Government funding available and the history of interaction with Gypsy and Traveller communities within the Borough. This work complements the work carried out at a County level, strengthens the evidence base for developing the Council’s Strategy on Gypsy and Traveller site provision and enforcement issues.
5.7	The County-wide and Eastbourne Strategies will not shy away from the fact that enforcement action may sometimes be necessary and processes will be built in to ensure that any action taken will be done so appropriately. Accepting that a nomadic way of life is legitimate and embracing diversity does not mean that nuisance and anti-social behaviour will be tolerated. Gypsies and Travellers who act outside of the law will be treated in the same way as any other individual who acts outside of the law.

6.0	<u>Accommodation Needs Assessment Survey 2005</u>
6.1	The Housing Act 2004 requires local authorities to assess the need for Gypsy and Traveller accommodation in their areas when they assess the housing requirements of the rest of the population.
6.2	As part of the 2005 Accommodation Needs Assessment Survey, 128 interviews with Gypsies and Travellers in East Sussex and Brighton and Hove were carried out to ascertain their needs and aspirations for the future with regards to housing and / or sites.
6.3	The fieldwork is now complete with the Sussex Traveller Education Services undertaking the outreach work facilitated by members of the Traveller community. The groups represented in the survey from Eastbourne were from the ‘settled’ community (19 in total). The report will be published shortly.
6.4	The Sub-regional Accommodation Needs Survey is the first of its kind to report its findings. Following further guidance from the ODPM it will form the basis for additional work to be undertaken as required to establish how many pitches / temporary stopping sites should be provided across the County. This will clearly influence the Regional Spatial Strategy and how many pitches / sites may need to be provided within the Borough.
6.5	Local authorities will be obliged to identify sites in their Local Development Plan to meet the requirements identified in the Regional Spatial Strategy.

6.6	It is understood that the Government will shortly be providing more detailed guidance on how this will work in practice. However, from the 2006-07 financial year funding for new Gypsy and Traveller sites will be routed through Regional Housing Boards. The Boards will be responsible for allocating funding for site provision and refurbishment by local authorities and Registered Social Landlords, who will be invited to bring forward schemes for funding.
7.0	<u>Training</u>
7.1	A Gypsy and Traveller awareness course has been arranged for the end of November for Members and officers. The course objectives were to raise awareness of the difference in cultures between Gypsies and Irish Travellers, to broaden knowledge of these cultures in respect of race equality work and enable officers who have a liaison or enforcement role to have better knowledge and understanding of the Gypsy and Irish Traveller lifestyle.
7.2	The course was presented by representatives from the English Gypsy community, Gypsies who live on a permanent site, ESCC's Traveller Education Service and Traveller & Gypsy Services, NOVAS. The knowledge gained by Members and officers will be important in the preparation of the Council's Strategy.
8.0	<u>Consultation</u>
8.1	The Council's Gypsy & Traveller Strategy will be subject to consultation with Members, senior officers and stakeholders.

8.2	Council officers are already contributing to the development of the County-wide Strategy. It is understood that ESCC's Traveller Liaison Officer is in the process of developing a project board of County and District / Borough Councillors to contribute to the Strategy's development.
8.2	Officers from Legal Services, Communications and Participation, Environmental Health and Housing Needs and Strategy have contributed to the production of this report.
9.0	<u>Resource or other Implications</u>
9.1	There are no specific resource or other implications arising from this report. However, the County-wide and Eastbourne Strategies will set out a clear vision together with procedures to be followed by all agencies when dealing with unauthorised encampments of Gypsies and Travellers in East Sussex. They therefore have the potential for far reaching implications.
10.0	<u>Conclusion</u>
10.1	The process of producing Council and County-wide Gypsy and Traveller Strategies is well underway. This report sets out the progress in producing the Strategies and identifies the key stages required. The report also identifies the varied issues that must be considered in development of these documents, including equality issues and the need to work with neighbouring Councils and stakeholders.

Martin Freeman

Assistant Director – Corporate Services

Background Papers:

The Background Papers used in compiling this report were as follows:

Minutes of the Traveller Issues / Strategy Group meetings 4 February and 21 September 2005;

Cabinet Report – Unauthorised Encampments of Travellers, 15 December 2004;

Government Policy on Gypsies and Travellers.

To inspect or obtain copies of background papers please refer to the contact officer listed above.

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