

MONMOUTHSHIRE PROTOCOL FOR THE MANAGEMENT OF UNAUTHORISED ENCAMPMENTS

Management Guidance for use by Monmouthshire County Council, working in liaison with the  
Monmouthshire Local Policing Unit of Gwent Police

Revised October 2015

## **1. INTRODUCTION**

### **1.1 Aim**

The aim of this Protocol is to address the need for an effective, inter-agency approach to the management of unauthorised encampments in Monmouthshire.

### **1.2 Scope**

The scope of the Protocol extends to how the Council works with Gwent Police where these situations arise, recognising other Public bodies such as the Local Health Board and the Environment Agency may also need to be involved, dependent on local circumstances.

### **1.3 Definitions**

There are three main Gypsy and Traveller groupings travelling or 'residing' in England and Wales. These are 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. All of these groups have different economic, social, cultural and lifestyles characteristics. For the purpose of this document, groups and individuals belonging to any of these groups will be referred to as 'Gypsies and Travellers'.

Unauthorised encampments refers to encampments of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass.

### **1.4 Local Situation**

Although unauthorised encampments are infrequent in Monmouthshire, it is important the Council is prepared for such eventualities and acts consistently.

Gypsies and Travellers have previously occupied, for example, M.C.C.'s Countryside sites in Clydach South, (various occasions) and Castle Meadows, Abergavenny (once to date, in July, 2008). They have also pitched on a site in Usk and on lay-by's on the A465 trunk road between Abergavenny and Hereford. Although land occupied is typically owned by the Council, it could belong to National Assembly Wales (trunk roads), Forestry Commission or others.

## **2. POLICY CONTEXT**

**2.1 The WAG Guidance on Managing Unauthorised Camping** (NAFWC 04/2005) came into effect in February 2005. Further advice has been provided in Welsh Government document *Guidance on Managing Unauthorised Camping 2013*.

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. Monmouthshire County Council and Gwent Police have agreed to adopt the recommendations contained within the guidance (2005) as a model of good practice. The October 2015 revisions to this Protocol (taking into account the 2013 Guidance) relate mainly to the unauthorised camping procedure for Monmouthshire County Council officers. Officers will be referring to this guidance in the course of their work in relation to the management of unauthorised encampments.

**2.2 The Race Relations Act 1976** makes it unlawful to treat someone less favourably on the grounds of colour, race, nationality, ethnic or national origins. Both Romany Gypsies and Irish Travellers are recognised in law as racial groups. The Race Relations Amendment Act 2000 places a general duty on public bodies to promote racial harmony between different racial groups. The Human Rights Act 1998 also protects Travellers from unlawful discrimination.

**2.3 Section 225 of the Housing Act (2004)** 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

### 3.1.2 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 a range of powers to tackle unauthorised encampments:

- a) 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.
- b) 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 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).

c) 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.

d) Under Section 33 of the Environmental Protection Act 1990, it is prohibited to deposit, treat, keep or dispose of controlled waste on any land, unless an appropriate licence is in force. Officers of Natural Resource Wales or the 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.

e) Where Gypsies and Travellers (or anyone else) buy land and develop it as a caravan site without planning consent, any enforcement must be through the planning system. The powers described above against trespass cannot be used. A breach of planning control is not in itself an offence; enforcement is a matter for the discretion of the local planning authority. Decisions to enforce must be made on planning grounds. Some key factors may include whether the breach of control unacceptably affects public amenity, highway safety, public landscape, or the existing use of land or buildings meriting protection in the public interest. The action taken should be proportionate to the breach.

f) Other - there are a range of other powers available to Monmouthshire County Council. For example, the Clean Neighbourhoods and Environment Act 2005 provides local authorities with powers to keep areas clean and safe.

The Anti Social Behaviour Act 2003 could also be used.

### **3.2 The Police**

3.2.1 Powers are available to the Police under the Criminal Justice and Public Order Act 1994 ss61-62. Gwent Police work closely with the County 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.

#### **3.2.2 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.

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. 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 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.

### **3.3 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.
- Police should take action if any criminal offences are perpetrated during eviction action by bailiffs or private firms.

#### **4. GUIDELINES FOR MANAGING UNAUTHORISED ENCAMPMENTS**

##### **4.1 First Response**

The party receiving initial notification of an unauthorised encampment should take the initiative in advising the likely lead authority. Where there is an immediate risk of a large illegal encampment on an open space, there may well be an emergency response from the Police which is likely to involve blocking access points.

##### **4.2 The Lead Authority**

- The Council will act as lead authority in respect of unauthorised camping on the highway, on land owned by the Council, or on common land.
- The Police will lead when the decision has been taken to enact powers under Section 61-62E of CJPOA.
- 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 who 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 owned or Highways, the Council will lead; if the majority is private land Gwent Police will usually take the lead.

#### **4.3 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 24 hours) to consider the acceptability of the encampment. The Officer may choose to make a joint visit with a Police Officer. The lead authority will give attention to any complaints received or other issues that may arise from the encampment and location.

An Initial Encampment Assessment will be undertaken during the site visit. This will be recorded as outlined in Appendix 3 document 1. If the expected duration of stay is more than 3 days a Welfare Assessment will also be undertaken. Thereafter the authorities concerned will consult and decide upon the most appropriate course of action, normally by means of convening a Case Conference.

Enquiries will commence in advance of the Case Conference to establish if vacancies exist at nearby official sites, (e.g. Blaenau Gwent and Torfaen). If vacancies do exist at any of these sites then the group will be directed to relocate to the appropriate location.

#### **4.4 The Case Conference**

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

The Case Conference will consider the encampment in relation to its location, any health, welfare and educational needs, criminal or anti-social behaviour, environmental impact and human rights considerations. Following careful consideration of all these factors, recommendations around how to proceed will be decided. Any decision will need to be notified to the Head of Community Protection for Monmouthshire County Council and Gwent Police.

A summary of the purpose of the Case Conference, and how its conducted, is provided in Appendix 1.

#### **4.5 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.

#### **4.6 Management of an Unauthorised Encampment**

Whether or not a decision is made to tolerate the encampment for up to 28 days, the 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 local 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.

Where costs are incurred, for example for the provision of toilet facilities and refuse collection, the Authority will seek payment from the Gypsies and Travellers where practicable.

#### **4.7 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 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.

#### **4.8 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, Monmouthshire County Council and Gwent Police 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.

#### **4.9 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 (S.S.S.I.).
2. A school car park or playing field.
3. A verge of a busy road where an encampment would pose a danger to both campers and road users.
4. Locations where there is significant health and safety risk to campers.
5. A site where pollution from vehicles or dumping could damage water or water courses.

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.



#### **4.10 Procedure Summary**

A summary of the general procedure for managing unauthorised encampments is provided in Appendix 2.

#### **5. ACTION TO BE TAKEN FOLLOWING THE DEPARTURE OF THE ILLEGAL ENCAMPMENT.**

5.1 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 the purpose of this Protocol is to balance the need to protect property from trespass and consider the human rights and the ongoing welfare of Gypsies and Travellers in our area.

5.2 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.

5.3 The appropriate teams for example Environmental Health or the section with responsibility for managing the land will inspect the conditions at the vacated site and commission arrangements for the removal of any waste 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.

#### **6. REPORT AUTHOR**

David H Jones, Head of Community & Environmental Protection

[davidhjones@monmouthshire.gov.uk](mailto:davidhjones@monmouthshire.gov.uk)

01633 644101

Protocol incorporates comments made through consultation with:

Corporate Management Team

Strategic Development Group of Community Safety Partnership

Environmental Health & Planning, Monmouthshire CC

Equalities & Access Officer, Monmouthshire CC

## **Appendix 1**

### **Case Conference, based on the Welfare 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. The Welfare 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 at all times 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 Monmouthshire County Council it will be the Head of Community Protection</p> <p>Upon notification of an unauthorised encampment on council owned land or common land an initial site visit will be carried out by an Environmental Health Officer (E.H.O.) within 24 hrs if possible. The EHO will endeavour to identify the spokesperson for the encampment and discuss their intentions.</p> <p>If the expected duration of stay is 3 days or less an Initial Encampment Assessment (Appendix 3 Doc 1) is to be undertaken.</p> <p>If the expected duration of stay is more than 3 days an Initial Encampment Assessment and Welfare Assessment (Appendix 3 Docs 1 and 2) is to be undertaken.</p> <p>Where the decision is made not to undertake a full Welfare Assessment, the EHO should satisfy themselves that they do not consider there to be an immediate danger to either the residents of the encampment or the local community. Certain sites will be deemed unacceptable locations where any trespass will not be tolerated, (as provided in 4.9 of Protocol).</p> <p>The EHO will be the initial Single Point of Contact (SPOC), will liaise with the section that has responsibility for land on behalf of the council and agree their section SPOC. The section SPOC will normally deal with any local enquiries/complaints including from members.</p> <p>Information to be shared with Gwent Police as appropriate.</p>
Step 2	<p>Where the expected duration of stay is 3 days or less the EHO and/or Section SPOC will monitor to ensure the site is vacated. If the site is not vacated the EHO and if possible the Section SPOC to revisit and discuss intentions with the encampment spokesperson. A Welfare Assessment to be undertaken if it has not already been done. A Welfare Assessment should be undertaken no later than 3 days after the encampment has been reported.</p>
Step 3	<p>The EHO will invite relevant officers of the council, the police, county councillor and other persons considered appropriate to a case conference to decide the appropriate way forward.</p>
Step 4	<p>The Heads of Community Protection and the Section responsible for the land concerned to be informed of the outcome of the case conference and the decision to issue proceedings or to tolerate the trespass in accordance with the following procedure.</p>

## Toleration/Eviction Procedure

Step 1	<p>The E.H.O. circulates the Welfare Assessment with the case conference invite. E.H.O. will carry out site visits in order to monitor conditions and circumstances at the site pending the case conference.</p> <p>The following matters will be monitored:</p> <ul style="list-style-type: none"> <li>• Confirmation of persons/vehicles</li> <li>• Public health issues.</li> <li>• 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.</li> <li>• Compliance with agreed departure date.</li> </ul>
Step 2	<p>The Case Conference Group will consider all relevant information provided by those who attend. Formal Minutes of the meeting will be taken and it should take place no longer than one week after the arrival of the encampment. The EHO will normally chair the meeting and the Section SPOC take minutes.</p> <p>Proposed recommendation for action will be either:</p> <ul style="list-style-type: none"> <li>• S.77 Serving of Direction on campers (Monmouthshire County Council) or S.61 (Gwent Police), under Criminal Justice and Public Order Act 1994.</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• Tolerate encampment for up to 28 days. In this circumstance consideration to be given to the provision of the following essential services: <ul style="list-style-type: none"> <li>- Domestic refuse collection</li> <li>- Toilet facilities (Portaloos)</li> </ul>                     Payment for the provision of the above services to be sought from the Gypsy/Travellers, where practicable otherwise will fall to the Section responsible for the land.                 </li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• To find an alternative site, if only on a temporary basis, and offer the Gypsy or Traveller occupiers the chance to move onto it.</li> </ul> <p>The Heads of Community Protection and the Section responsible for the land to be informed of the outcome of the case conference and the decision agreed.</p>
Step 3	<p>Evict:</p> <ul style="list-style-type: none"> <li>• Legal to prepare Direction to Leave</li> <li>• EHO and/or Section SPOC to serve Direction and provide list of sites in area</li> <li>• Direction period lapsed Legal to provide Court Summons. EHO and/or Section SPOC to serve</li> <li>• Court Order obtained. Responsibility for enforcing with section responsible for land</li> </ul> <p>Or</p>

	<p>Tolerate:  EHO and/or Section SPOC to communicate decision to Encampment spokesperson.  Discuss and agree</p> <ul style="list-style-type: none"> <li>• Negotiated Code of Conduct for Tolerated Stopping (Appendix 3 Doc 3) while on site</li> <li>• Provision and payment for services as agreed in Case Conference</li> </ul> <p>EHO and/or Section SPOC to monitor for the tolerated period agreed in case conference</p> <p>Or</p> <p>EHO and/or Section SPOC to advise of an alternative site if one is available</p>
Step 4	<p>Steps 1, 2 and 3 will be repeated until:</p> <ul style="list-style-type: none"> <li>• Travellers leave in accordance with agreed departure date.</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• Eviction procedure implemented.</li> </ul>



**Initial Encampment Assessment**

<b>Date of Assessment</b>	
<b>Time of Assessment</b>	
<b>Assessor/s</b>	

		<b>Response</b>	<b>Comments /Follow Up</b>
1.	<b>Location of Encampment</b>		
2.	<b>Landowner Identified</b>		
3.	<b>Landowner Complaint Made</b>		
4.	<b>Number of Occupants</b> How many Men? How many Women? How many Children (under 18)?		
5.	<b>Number of Vehicles</b> How many Cars and Vans? Any other vehicles?		
6.	<b>Number of Caravans</b>		
7.	<b>Number of Animals and general welfare conditions</b>		
8.	<b>Damage to Land Evident</b>	<b>Existing state of land:</b>	

		<b>Any damage caused by gaining entry:</b>	
9.	<b>Litter or Waste Present</b>		
10.	<b>Immediate Welfare Issues Identified:</b> May include: pregnancy, elderly people, sickness, disability, receiving urgent, planned or a course of medical treatment, children close to exam period.		
11.	<b>Impact of encampment to public, neighbours or Landowner</b>		
12.	<b>Environmental impact? (Is this a Site of Special Scientific Interest, in a flood risk area, contaminated land, protected species known, risk of polluted watercourses? Consult Natural Resource Wales)</b>		

**Survey of Occupants**

13	<b>Have you stayed in this area before?</b>		
	<b>Where?</b>		
	<b>When?</b>		
	<b>Any problems encountered?</b>		
14.	<b>Reasons for this stay?</b> There may be multiple reasons, including: Passing through, Local to the area, Work in the area, No authorised pitch, Family event,		

	Visting/Holiday, Illness, Hospital Visit, Other		
	<b>Date of arrival?</b>		
	<b>How long are you expecting to stay here?</b>		
	<b>Are you expecting more people to arrive?</b>		
	<b>How many? When?</b>		
15.	<b>Do you have permanent accommodation (pitch or bricks and mortar) anywhere else?</b>		
	<b>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?</b>		
	<b>Are you seeking a transit pitch in the area?</b>		
16.	<b>Are you willing and able to pay for services on this encampment? (provide estimated cost; services should not be withheld purely due to lack of payment)</b>	Toilets:  Water:  Refuse:  Other:	
17.	<b>Are there school age children on site? Are they accessing school?</b>		

### Initial Assessment

18.	<b>Are there urgent concerns that may necessitate possession action?</b> May include: obstruction, health and safety concerns eg dangerous place to stop, damage to land, threats or violence.		
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### Agreement that information collected is correct

<b>Signature of occupier</b>	<b>Date:</b>
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	<b>Signature of lead officer</b>	<b>Date:</b>
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Appendix 3 Document 2



**Welfare Assessment**

<b>Date of Assessment</b>	
<b>Time of Assessment</b>	
<b>Location of Encampment</b>	
<b>Initial Encampment Assessment Completed?</b>	
<b>Names and Positions of Assessors</b>	

		<b>Response</b>	<b>Comments /Follow Up</b>
1.	<b>Location of Encampment/Address</b>		
	<b>Map or Grid References</b>		
	<b>When was the last encampment on this land? (if known)</b>		
	<b>Were services provided to the site? If so what services? May include: Water, Refuse/Skips, Toilets</b>		
	<b>Were services paid for? (only applicable if these are the same occupants)</b>		
2.	<b>Date informed of encampment</b>		

	<b>How was the report made? By Who?</b>		
	<b>How was access gained by assessors?</b>		
	<b>Condition of Site</b> Compare to condition at time of Initial Encampment Assessment		
3.	<b>Group Origin (if known)</b> Romani Gypsies, Roma, Irish Travellers etc		
	<b>Number of Family Groups</b> It may be that the encampment is one extended family		
	<b>Number of Adult Occupants</b>	Male:  Female:	
	<b>Number of Child Occupants</b>	0-5:  6-10:  11-15:  16-17:	
4.	<b>Number of Caravans</b>	Static: Tourer Size: Motor Homes: Other (describe):	
	<b>Number of other vehicles</b>	Cars: Vans: Lorries: Other:	
	<b>Number and Type of Animals</b> Please note whether these are tethered and any welfare concerns		
5.	<b>Reason for encampment?</b>		
	<b>Expected duration of stay?</b>		
6.	<b>Services provided at encampment:</b>	Toilets:  Water:	

		Refuse:	
		Other:	

**Welfare Issues**

<b>7.</b>	<b>Are any women pregnant:</b>	Yes/No	
	<b>Name</b>		
	<b>DOB</b>		
	<b>Due Date</b>		
	<b>Concerns</b>		
	<b>Doctor/Practice</b>		
	<b>Receiving Urgent, Local Medical Treatment</b>		
	<b>Is the Resident in good health generally?</b> A health professional may be required to give an accurate assessment in regards to being 'moved on'.		
	<b>Overall assessment of condition.</b> Health professionals may need to be consulted with regard to 'moving on'.		
	<b>Name</b>		
	<b>DOB</b>		
	<b>Due Date</b>		
	<b>Concerns</b>		
	<b>Doctor/Practice</b>		
	<b>Receiving Urgent, Local Medical Treatment</b>		
	<b>Is the resident in good health generally?</b> A health professional may be required to give an accurate assessment with regard to being 'moved on'.		
	<b>Overall assessment of condition.</b> Health professionals may need to be consulted with regard to 'moving on'.		

8.	<b>Does anyone within the group require regular medical treatment/examinations?</b>	Yes/No	
	<b>Name</b>		
	<b>DOB</b>		
	<b>Are they receiving treatment now?</b> Please note the resident does not have to disclose information on their condition unless they choose to do so. However, this may impact on the decision whether or not to tolerate the encampment on a short-term basis.		
	<b>Is that one of the reasons for the encampment?</b> Explain if possible		
	<b>Overall assessment of condition.</b> Health professionals may need to be consulted with regard to 'moving on'.		
	<b>Name</b>		
	<b>DOB</b>		
	<b>Are they receiving treatment now?</b> Please note the resident does not have to disclose information on their condition unless they choose to do so. However, this may impact on the decision whether or not to tolerate the encampment on a short-term basis.		
	<b>Is that one of the reasons for the encampment?</b> Explain if possible		

	<b>Overall assessment of condition</b> Health professionals may need to be consulted with regard to 'moving on'.		
<b>9.</b>	<b>Have any of the group received or are they currently in receipt of urgent medical treatment?</b>  <b>Do any of the group require urgent medical treatment which has not yet been sought?</b>	Yes/No	
	<b>Name</b>		
	<b>DOB</b>		
	<b>Treatment received/required</b> Please include length of stay if being treated as an 'in patient' and whether or not the patient is still in hospital		
	<b>Hospital/surgery</b>		
	<b>Is a doctor or health visitor required to visit the encampment?</b>		
	<b>Ongoing treatment or long term care required?</b>		
	<b>Overall assessment of condition</b> Health professionals may need to be consulted with regard to 'moving on'		
	<b>Name</b>		
	<b>DOB</b>		
	<b>Treatment received/required</b> Please include length of stay if being treated as an 'in patient' and whether or not the patient is still in hospital		
	<b>Hospital/surgery attended</b>		
	<b>Is a doctor or health visitor required to visit the encampment?</b>		

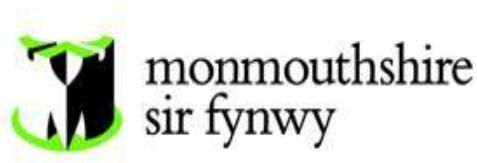
	<b>On going treatment or long term care required?</b>		
	<b>Overall assessment of condition.</b> Health professionals may need to be consulted with regard to 'moving on'.		
<b>10</b>	<b>Are there any disabled or elderly persons that are unable to move on currently?</b> Health professionals may need to be consulted.		
<b>11</b>	<b>Number of children attending attending local schools?</b>		
	<b>Number of children within 4 weeks of examinations?</b>		
	<b>Would you like the Traveller Education Service to visit?</b>		

#### Other Issues

<b>12.</b>	<b>Did occupiers refuse to provide information?</b>		
	<b>If yes, what reasons were provided?</b>		
<b>13</b>	<b>Have there been significant changes to the encampment since the Initial Encampment Visit? (Please explain)</b>		

#### Agreement that information collected is correct

<b>Signature of Occupier</b>		<b>Date:</b>
<b>Signature of Lead Officer</b>		<b>Date:</b>



### **Negotiated Code of Conduct for Tolerated Stopping**

**You and your family have been permitted to remain on this land as a tolerated but unauthorised Gypsy or Traveller Encampment for a period of .....**

**Until .....**

**This is because.....**

By staying on this land you are agreeing to this negotiated Code of Conduct which explains the standard of behaviour which is expected of you and your family.

You are expected to treat the land you have occupied and the surrounding neighbours with respect. You must also respect the rights and freedom of those who also wish or need to use the land.

- You have been permitted to park your caravan and vehicles on a particular area of land. You must not camp on any land other than that which you have been given permission to remain on.
- Camping on other publicly used land, such as parks, school fields, car parks or play areas, may lead to immediate eviction action.
- You must not force entry onto any other part of the land or buildings on the land.
- Be careful not to cause any damage to the land itself or property on it including fencing or boundary walls, fixtures or fittings. This includes any flood defences or defences to prevent trespassing. Particular care should be taken not to cause damage to parks, woodlands, school fields, or play areas.

- Vehicles should not be driven on footpaths or highways not designed for road vehicles. Doing this could put others at risk and is unlawful.
- Vehicles and caravans should also be parked in a way that does not block access for other people who want to pass or to public facilities.
- Dumping, tipping rubbish or placing waste materials or trade waste such as rubble or tree cuttings on this land may lead to eviction proceedings. Please use bins that are provided for domestic waste or dispose of trade waste at the local Civic Amenity Site (local tip).
- Burning of commercial or domestic waste is not allowed on this site. Open fires will only be permitted where basic fire safety is observed and agreed with the local authority / fire service.
- You must not dispose of or deposit any human waste on this site. (You will be issued with a portable toilet – include if decided in case conference)
- You will be provided with access to water supply. (include if decided in case conference)
- Abuse, harassment or intimidation of any person using this land lawfully will not be tolerated.
- The local authority asks that those who are willing and able to pay for received services (eg portable toilet, water supply, bins) notify the local authority and pay. Services may be withdrawn if they are being used inappropriately.
- You must ensure the welfare of other occupiers and animals, as far as reasonably practicable.