

**BRIDGEND COUNTY BOROUGH PROTOCOL FOR THE
MANAGEMENT OF UNAUTHORISED GYPSY AND TRAVELLER
ENCAMPMENTS**

Management Guidance for use by Bridgend County Borough Council, working in
partnership with South Wales Police

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1. INTRODUCTION

1.1 Aim

1.2 The aim of this Protocol is to address the need for an effective, inter agency approach to the management of unauthorised Gypsy and Traveller encampments in Bridgend County Borough. The purpose of the Protocol is to consider the human rights and the ongoing welfare of Gypsies and Travellers in Bridgend County Borough balanced against the need to protect land and property from trespass.

1.3 Scope

1.4 The scope of the Protocol extends to how Bridgend County Borough Council (BCBC) works with South Wales Police where unauthorised encampment situations arise, recognising that other Public bodies such as the Local Health Board and the Environment Agency may also need to be involved, dependant on local circumstances.

1.5 Definitions

1.6 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 the Equality Act 2010. All of these groups have different economic, social, cultural and lifestyle characteristics. For the purpose of this document, groups and individuals belonging to any of these groups will be referred to as 'Gypsies and Travellers'.

1.7 An unauthorised encampment refers to encampments of caravans and/or other vehicles on land without the landowner or occupier's consent and therefore constituting trespass.

1.8 Local Situation

1.9 Bridgend County Borough has two private sites and a small number of identified stopping places that Gypsies and Travellers use whilst travelling through the County Borough along the M4 corridor.

1.10 Evidence gathered from a Gypsy and Traveller Survey¹ undertaken in 2010 together with the Local Housing Market Assessment (2009)²

¹ <http://www.bridgend.gov.uk/web/groups/public/documents/report/084439.pdf>

² <http://www.bridgend.gov.uk/web/groups/public/documents/report/084437.pdf>

identified a small number of transient gypsies travelling through the county borough to Cardiff and beyond. The results of the research indicated there was no need for additional permanent residential pitches. The research recommended that the Council assess whether the provision of a small transit site of up to 6 pitches to accommodate the small number of Gypsies and Travellers travelling through Bridgend would be suitable in preference to unauthorised temporary encampments, or if a management solution might be more cost effective and the option preferred by Gypsies and Travellers and the Council.

1.11 Based on the evidence from the 2009 and 2010 surveys and ongoing monitoring of occurrences and outcomes of unauthorised encampments (including cost benefit analysis of maintaining a small-scale transit site when compared to the infrequent management and after-care of unauthorised encampments) the Council has taken the decision to develop a management solution. It is considered that there is not sufficient demand to warrant investment and ongoing management of an authorised transit site.

1.12 Although unauthorised encampments and the use of statutory powers to deal with them are very infrequent in Bridgend County Borough it is important that the Council is prepared for such eventualities and acts consistently. This Protocol therefore seeks to provide such a consistent approach and promotes actions and good practice that complies with the law, which is appropriate to the individual situation and respects the rights of the Gypsy and Traveller and the settled community.

1.13 Partnership Working

1.14 Bridgend established a Gypsy and Traveller Policy Group in 2005 consisting of officers from Planning, Housing, Community Safety, Public Protection, Equalities and South Wales Police. Gypsy and Traveller movements through the county borough have been monitored by the group. The Community Cohesion Group which is made up of internal officers, community representatives and representatives from external agencies including the Valleys Regional Equality Council also has the remit to discuss issues relating to Gypsies and Travellers, including housing and other welfare issues as and when these arise. This body can feed information up to the Local Service Board (LSB).

1.15 Regional Collaboration

- 1.16 Discussions have taken place with Neath Port Talbot, Swansea and the Vale of Glamorgan regarding working collaboratively to ensure information and best practice is shared in relation to providing the best services for Gypsies and Travellers. Neighbouring local authorities have Gypsy and Traveller populations especially Neath Port Talbot and Cardiff. One of Neath Port Talbot's permanent sites is located close to the boundary of Bridgend and the residents use health, education and support services in Bridgend. Bridgend County Borough continues to support Gypsy and Traveller families from neighbouring authorities to access their services.

2. POLICY CONTEXT

- 2.1 The Welsh Government (WG) **Guidance on Managing Unauthorised Camping** (NAFWC 04/2005)³ came into effect in February 2005. This Guidance's overall objective is to assist local authorities, Police and others to deal with 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 Gypsies and 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 and Traveller communities in order to achieve 'buy in' to the strategy (Bridgend County Borough Protocol for the management of unauthorised gypsy and traveller encampments), which is vital to ensure its effective delivery.

- 2.2 The Guidance is primarily aimed at Local Authorities and the 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 the Police are strongly advised to bear it in mind when devising and implementing their

³ <http://wales.gov.uk/topics/localgovernment/publications/guidecamping/?lang=en>

approaches and are reminded that the courts may refer to it as a material consideration in eviction or other enforcement decisions.

2.3 In the interests of avoiding repetition the guidance is not included within this Protocol but a link is provided below. Bridgend CBC and South Wales Police 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 unauthorised encampments.

2.4 **The Equality Act 2010**⁴ makes it unlawful to discriminate against, harass or victimise someone on the grounds of their colour, race, nationality, ethnic or national origins. Both Romany Gypsies and Irish Travellers have been recognised in law as racial groups. **The Equality Act** also places a general duty on public bodies to:

- advance equality of opportunity, between racial groups;
- foster good relations between racial groups.

The Human Rights Act 1998⁵ also protects Gypsies and Travellers from discrimination.

2.5 In December 2007 **sections 225 and 226 of the Housing Act (2004)**⁶ were commenced in relation to Wales. These sections place a duty on local housing authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their district and to plan for these identified needs. The assessments will allow proper consideration to be given to the accommodation needs of Gypsies and Travellers and result in any provision being properly researched and therefore needs based rather than imposed. The accommodation needs assessment informs the development of the local authority Housing Strategies and will assist local authorities to identify sites for Gypsies and Travellers as part of their Local Development Plans.

⁴ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

⁵ <http://www.legislation.gov.uk/ukpga/1998/42/contents>

⁶ <http://www.legislation.gov.uk/ukpga/2004/34/contents>

3. LEGAL POWERS AND THE ROLES AND RESPONSIBILITIES OF THE PUBLIC SECTOR IN DEALING WITH UNAUTHORISED CAMPING

3.1 The Council

3.1.1 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 Bridgend County Borough which include Gypsies and Travellers living in or visiting the area. Housing, Social, 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. Housing, Social and/or Education Services will be invited to attend any Case Conferences relating to unauthorised Gypsy and Traveller encampments should the need arise.

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 the Environment Agency 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 or the existing use of land or buildings meriting protection in the public interest. The action taken should be proportionate to the breach. In the case of Bridgend CBC where such an enforcement action arises, if deemed appropriate and in consultation with the Gypsies and Travellers concerned, the submission of a planning application would be encouraged which can be assessed appropriately within the context of the existing criteria based Policy in the existing development plan relating to Gypsy and Traveller Sites (copy of the adopted Bridgend UDP Policy – Appendix 5).
- f) Other - there are a range of other powers available to Bridgend County Borough Council. For example, the Clean Neighbourhoods and Environment Act 2005 provide 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 The Association of Chief Police Officers of England, Wales and Northern Ireland have produced **Guidance on Unauthorised Encampments**⁷

⁷ <http://www.acpo.police.uk/documents/edhr/2009/200911EDHRGUE01.pdf>

which outlines the options to be considered in dealing with any people who trespass on land owned by another with an intention to reside.

3.2.2 Powers are available to the Police under the Criminal Justice and Public Order Act 1994 ss61-62 and these are described in more detail below. However, initially where appropriate, rather than resorting to these powers, South Wales Police work closely with Bridgend CBC and are supportive of an 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.

3.2.3 Powers Available to the Police

3.2.4 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.

3.2.5 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.

3.2.6 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
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which, when signed by the owner/occupier of the land, give the Police authority to act as their agents in dealing with the encampment.

- 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.

3.2.7 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.

3.2.8 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, disabled people, 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

3.3 Powers Available to [Other] Landowners

3.3.1 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.

3.3.2 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. 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'.
- As an approach 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

4.1.1 It is an important aspect of the Protocol that all agencies in this partnership approach know who does what and in what circumstances by indentifying a Lead Authority. The party receiving initial notification of an unauthorised encampment should take the initiative in advising the **Lead Authority**.

4.1.2 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 South Wales Police will usually take the lead.

4.3 Action Following Notification of an Unauthorised Encampment Site Visit

4.3.1 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. If the lead authority is the council, 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.

4.3.2 A Needs Assessment will be undertaken during the site visit. This will be recorded as outlined in **Appendix 3**. Thereafter the authorities concerned will consult and decide upon the most appropriate course of action, normally by means of convening a Case Conference.

4.4 The Case Conference

- 4.4.1 Where a Case Conference is convened, appropriate representatives from the Council, Police and Health Authority will be included and / or consulted as necessary. Members or representatives of both the settled and gypsy and traveller 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 (**See Appendix 4**).
- 4.4.2 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 Chief Officers of Bridgend CBC (Chief Executive or Corporate Director) and South Wales Police.
- 4.4.3 A summary of the purpose of the Case Conference, and how it is conducted, is set out in **Appendix 1**.

4.5 Action Following a Case Conference

- 4.5.1 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

- 4.6.1 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 facilitate access to basic facilities. Such facilities may include toilets and waste disposal of domestic refuse. Toleration after 28 days will require planning permission.
- 4.6.2 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 is the responsibility of the landowner.

4.7 Review of Unauthorised Encampments

- 4.7.1 If it is agreed to allow an unauthorised encampment to remain 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 (e.g. 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.

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

4.8 Media Contact

- 4.8.1 Response to media enquiries is the responsibility of the **Lead Authority**, to which all enquiries should be referred. Should a press release be necessary, and where time allows, Bridgend CBC and South Wales Police should be asked for their comments. Copies of press releases should be distributed to all relevant parties prior to its release. Response to media enquiries by the Lead Authority should refer to the Protocol process jointly undertaken by the agencies and give the context under which any decision has been reached. See Appendix 4.

4.9 Unacceptable Encampment Locations

- 4.9.1 Unauthorised encampments are almost always, by definition, unlawful. However, while these are infrequent, it is recognised that some unauthorised camping of a transient nature 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 the toleration of unauthorised camping would not be acceptable:

1. A site of environmental importance eg 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 or other residents.
5. A site where pollution from vehicles or dumping could damage water or water courses.

- 4.9.2 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 or an identified stopping place

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 as appropriate as set out in section 3 of this Protocol.

4.10 Procedure Summary

4.10.1 A summary of the general procedure for managing unauthorised encampments is set out in **Appendix 2**.

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

5.1 In the first instance Environmental Health will inspect the conditions at the vacated site and arrange for the removal of any waste left over from the encampment. If any dangerous or harmful products are discovered at the site arrangements should be made for their removal in accordance with standard public protection procedures. If any graffiti is found within the immediate locality this should be removed. Racist graffiti should be removed as a priority in accordance with standard procedures.

5.2 A meeting will then 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.**

5.3 As a result of the review the Protocol may be amended to improve its functionality.

6. CONTACT DETAILS

6.1 Contact list **Appendix 4**.

7. CONSULTATION DETAILS

7.1 Protocol incorporates comments made through consultation with –

Development Planning

Housing Strategy

Environmental Health

Community Safety

Human Resources and Organisational Development

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Appendix 1: Case Conference, based on the 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. **The Needs Assessment (Appendix 3)** 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 Equality Act 2010⁸** makes it unlawful to discriminate against, harass or victimise someone on the grounds of their colour, race, nationality, ethnic or national origins. Both Romany Gypsies and Irish Travellers have been recognised in law as racial groups. **The Equality Act also** places a general duty on public bodies to:

- advance equality of opportunity, between racial groups;
- foster good relations between racial groups.

The Human Rights Act 1998⁹ also protects Gypsies and Travellers from discrimination.

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 1998¹⁰

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 and within the Needs Assessment 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.

⁸<http://www.legislation.gov.uk/ukpga/2010/15/contents>

⁹<http://www.legislation.gov.uk/ukpga/1998/42/contents>

¹⁰<http://www.legislation.gov.uk/ukpga/1998/29/contents>

APPENDIX 2:

General Procedure	
Step 1	<p>The Lead Officer (LO) is responsible for overseeing this procedure. For Bridgend County Borough Council the LO will be the Group Manager Public Protection. Upon notification of an unauthorised encampment, an initial site visit will arranged by the Group Manager Public Protection and the Needs Assessment (Appendix 3) will be completed normally within 24 hours notice of the arrival of the encampment. In addition the Group Manager Public Protection, in liaison with Countryside Management Officer and Group Manager Property Services, will complete an assessment to ascertain whether the land is a suitable location for the Gypsies/Travellers.</p> <p>The Group Manager Public Protection will liaise with South Wales Police to share information when they receive it.</p> <p>A brief statement will be drafted by Group Manager Public Protection and the Communications Team (agreed by Assistant Chief Executive - Legal and Regulatory Services) and given to the Customer Service Centre, so that all complaints and enquiries can be handled locally. The Customer Service Centre must ensure that all complaints are given to the Group Manager Public Protection so that they can be directed to the appropriate department. This will be updated when the issues progress. The Assistant Chief Executive - Legal and Regulatory Services will co-ordinate and answer the enquiries from Members.</p>
Step 2	Officers in Property Services will determine if the site is on local authority land.
Step 3	The Lead Officer will convene a Case Conference.
Step 4	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. Certain sites will be deemed unacceptable locations where any trespass will not be tolerated, (as provided in 4.9.1 of Protocol).
Step 5	Group Manager Public Protection, in consultation with Legal Services, shall decide whether possession proceedings shall be taken and refer to Legal Services to issue proceedings or to tolerate the trespass in accordance with the following procedure.

UNAUTHORISED CAMPING PROCEDURE

Toleration/Eviction Procedure			
Step 1	<p>Group Manager Public Protection submits the Needs Assessment to the Case Conference Group.</p> <p>It will to decide whether it is necessary or appropriate to facilitate access to basic facilities. Such facilities may include toilets and waste disposal of domestic refuse.</p> <p>Group Manager Public Protection will arrange site visits in order to monitor conditions and circumstances at the site. The following matters will be monitored:</p> <ul style="list-style-type: none"> • Confirmation of persons/vehicles • 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. 		
Step 2	<p>The Case Conference Group will consider the Needs Assessment and decide recommended action regarding the site. The Case Conference Group will consist of South Wales Police, Environmental Health, Housing, Countryside and / or Property Services, Solicitor from Legal Services, and (if relevant) 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.) Proposed recommendation for action will be either:</p> <ul style="list-style-type: none"> • S.77 Serving of Direction on campers (Bridgend CBC) or S.61 (South Wales Police), under Criminal Justice and Public Order Act 1994. Or • Tolerate encampment for up to 28 days. • Other landowners (see Section 3.3) may wish to pursue the civil procedure route. <p>Authorisation will then be obtained from the Assistant Chief Executive - Legal and Regulatory Services / Chief Executive.</p>		
Step 3	<table border="1"> <tr> <td>Evict: Refer Legal Services.</td> <td>Tolerate: Monitor site in accordance with toleration procedure.</td> </tr> </table>	Evict: Refer Legal Services.	Tolerate: Monitor site in accordance with toleration procedure.
Evict: Refer Legal Services.	Tolerate: Monitor site in accordance with toleration procedure.		
Step 4	<p>Steps 1, 2 and 3 will be repeated until: Gypsies/Travellers leave in accordance with agreed departure date. Or Eviction procedure implemented.</p>		

APPENDIX 3:**ILLEGAL ENCAMPMENT NEEDS ASSESSMENT – Undertaken by Lead Authority**

GENERAL INFORMATION				
Location of encampment				
Date of occupation		Intended duration of stay		
Name of spokesperson representing family group(s)				
Number of adults in Group by Sex	Male		Female	
Number of Children in Group by Sex and Age Group	Male	0-5	6-10	11-16
	Female	0-5	6-10	11-16
Number of caravans	Number of occupants in caravan	Available details on occupants	Identifying features of caravans	

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HEALTH ISSUES				
Are any of the adult females in the group pregnant and if so how many and stage of pregnancy?	0 to 3 months	3 to 6 months	6 to 9 months	Confinement imminent
Do any members of the group require medical treatment on a regular basis?	Details			
Has any member of the group sought and received emergency medical treatment since arriving at this location?	Details			
Do you require the services of a Health Visitor and/or Nurse for any of your group at this location?	YES/NO (Delete where not applicable)			
If YES , for what specific purpose i.e. advice on inoculations, general health/nutrition advice, etc.	Details			
If NO , do you or any of your group object to the details of your group and it's current location being passed to the health visitor service?	YES/NO (Delete where not applicable)			

SOCIAL ISSUES		
Do you or any member of your group require the services of a social worker for your group at this location?	YES/NO (Delete where not applicable)	
If YES , for what particular need i.e. guidance, advice, etc.	Details	
If NO , 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 Social Services?	YES/NO (Delete where not applicable)	
EDUCATION ISSUES		
Do you or any member of your group require the services of an Education Officer at this location?	YES/NO (Delete where not applicable)	
If YES , for what purpose i.e. children and or adult educational needs?	Details	
Are any of the children in school? YES/NO	Name of School	Names of children

VEHICLE CONDITIONS	
Do you or any of your group have a vehicle (Car / LGV / HGV / Trailer) that is not capable of moving or being moved due to mechanical breakdown?	YES/NO (Delete where not applicable)
If YES , what steps are you taking to resolve the situation? Description and registration	Details
If NO , 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 an Education Officer?	YES/NO (Delete where not applicable)

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 (Delete where not applicable)
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 Gypsy or Traveller Representative</p> <p>Date</p>	

Appendix 4: Contact Lists

Service Area	Contact		E-mail
Lead Officer	Lee Jones	Group Manager Public Protection	Lee.Jones@Bridgend.gov.uk
Education	Julie Griffiths	Group Manager Strategic Planning and Resources	Julie.Griffiths@bridgend.gov.uk
Property Services	Fiona Blick	Group Manager Property Services	Fiona.Blick@bridgend.gov.uk
Parks & Grounds Maintenance	Gareth Evans	Parks and Playing Fields Manager	Gareth.Evans@Bridgend.gov.uk
Country Parks & Commons	Robert Hughes	Senior Lawyer	Robert.Hughes@bridgend.gov.uk
Economic Development Land	Ray Pearce	Manager Regeneration & Economic Development	Ray.Pearce@bridgend.gov.uk
Environmental Health	Mike Burtonwood	Principal Officer	Michael.Burtonwood@bridgend.gov.uk
Social Services			
Legal Department	Brett Davies	Principal Solicitor	Robert.Hughes@bridgend.gov.uk
Community Safety	John Davies	Community Safety Team Leader	John.Davies@bridgend.gov.uk
Equalities	Rhiannon Crocombe	Equality and Engagement	Rhiannon.Crocombe@bridgend.gov.uk
Planning Enforcement	Osian Roberts	Planning Assistant - Enforcement	Osian.Roberts@bridgend.gov.uk
Countryside management	Robert Jones	Countryside Management Officer	Robert.Jones@bridgend.gov.uk
Highways			
Health	Primary,		

Abertawe Bro Morganwg	Community and Mental Health Services (Health Visitor) Mental Health, Nursing, Child Protection		
South Wales Police	Support Unit & Chief Inspector		
Waste Management	Gail Jones	Principle Recycling / Waste Monitoring Officer	
Communications	Michelle Bower	Communications & Marketing Manager	Michelle.Bower@bridgend.gov.uk

Appendix 5: Extract from adopted Bridgend Unitary Development Plan

<http://www.bridgend.gov.uk/BCBCUDP/index.htm>

4.10. Residential Caravans and Gypsy Sites

4.10.1. Unitary Authorities no longer have a statutory duty to provide and manage gypsy sites. However, they should still indicate what regard they have had to meeting gypsies' accommodation needs by making adequate provision for sites in their UDPs and by including a criteria-based policy which will enable gypsy site proposals, which may come forward, to be considered in the appropriate manner.

4.10.2 GYPSY SITES

POLICY H8

ANY NEW SITE TO ACCOMMODATE GYPSIES RESIDING IN, OR RESORTING TO, THE COUNTY BOROUGH WILL BE PERMITTED ONLY WHERE IT:-

- 1. HAS REASONABLE ACCESS TO SHOPS AND ESSENTIAL SERVICES;**
- 2. AVOIDS CLOSE PROXIMITY TO RESIDENTIAL DEVELOPMENT;**
- 3. IS COMPATIBLE WITH NEIGHBOURING LAND USES;**
- 4. IS CAPABLE OF BEING ACCESSED SAFELY FROM THE HIGHWAY NETWORK AND BE CONVENIENTLY SITUATED FOR PUBLIC TRANSPORT;**
- 5. IS ACCEPTABLE IN TERMS OF THE CONSERVATION OF THE ENVIRONMENT, AND THE PROVISION OF UTILITY SERVICES; AND**
- 6. IS CAPABLE OF BEING SCREENED AND SUITABLY LANDSCAPED TO A STANDARD COMPATIBLE WITH EITHER ITS URBAN OR RURAL SURROUNDINGS.**

4.10.3. Neither Bridgend County Borough nor the former Ogwr Borough have been an area in which any sizeable numbers of gypsies have resided, or resorted to, in recent years. However, [Policy H8](#) is intended to provide broad guidance for development of gypsies sites in the future. The policy is based on similar policies which have been found to be acceptable in previous Structure Plans in Wales, and includes a number of criteria to guide site evaluation.

4.10.4. In accordance with [Policy H8](#), a site should therefore have a reasonable chance of being used, (i.e. be sited usually in an area traditionally used by gypsies). This will inevitably mean that it should not be remote from the strategic highway network. In addition, it should be conveniently located for retail and community services (including schools) and be regularly served by public transport. The site should also satisfy other transportation requirements e.g. it should not give rise to traffic hazards and have safe access to the highway; whilst close proximity to residential development should be avoided where possible. The site should not be located in such a way as to give rise to conditions unsuitable for residential development, particularly with regard to the effects of neighbouring land uses. The site must also be capable of being supplied with utility services at a reasonable cost. In some circumstances a countryside location may be acceptable where an urban option is both unavailable and unacceptable. In all cases, a site must be acceptable in terms of environmental conservation and landscape protection, and it must be capable of being properly screened.