



Item 2

ESSEX MEMBERS FACTSHEET

Draft Document

Authors

Stephen Andrews – ECTU

Date: 22/03/17

Version 1:1

Gypsy/Travellers in Essex – Key Facts in the working with the community and the management of unauthorised encampments

- Gypsy/Travellers are recognised ethnic groups under the Racial Equalities Act
- This is not a single ethnic group, there are Romany (English), Travellers of an Irish Heritage (Irish Travellers), Scottish and Welsh Travellers. Although there is the common factor of travelling, they are very different cultures
- The true size of the population is unknown, as it is believed the larger proportion of the community live in bricks and mortar accommodation but do not declare their ethnicity
- There have been long running issues around appropriate accommodation provision, and it is considered that a proportion currently in bricks and mortar accommodation would prefer to live on a caravan site if available
- It is legally recognised that Travellers can have an aversion to bricks and mortar
- It is not illegal to travel
- Travellers travel for a number of reasons
 - Culture need
 - Work
 - Leisure/holiday
 - No legal stopping place/homeless
- **Unauthorised encampments** – where a group have stopped on a piece of land with the intention to reside, do not own the land, nor have permission to be on it – are civil trespass, and not a criminal offence.
- There are two powers available to repossess the land:
 - *Section 77/78 of the Criminal Justice and Public Order Act 1994* – this is a specific local authority power which is heard in the Magistrates court. The time for this process is largely dictated by legal/court requirements, ECTU normally achieve this in 7 working days.
 - *Part 55 of the Civil procedure rules* – a power available to all landowners, heard through the County Court. Can often be a more protracted affair due to court availability.
 - As local authorities we have specific duties, and have to ensure they are correctly carried out. All encampment occupants have to undergo formal welfare checks.
 - All available powers require redress to the courts.

- The Police have two emergency powers to manage encampments
 - *Section 61 of the Criminal Justice and Public Order Act 1994* which can be applied to move an encampment without redress to the courts but based on legal criteria and ACPO guidance
 - Highways land is excluded from the act, hence the power cannot be applied.
 - Criteria include
 - two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and—
 - (a) that 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
 - (b) that those persons have between them six or more vehicles on the land

He may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land.

 - *Section 62a of the Criminal Justice and Public Order Act 1994* – is a less criteria based power, but reliant on an available legal stopping place for the Police to direct the encampment to. As we have no Transit provision in Essex, this power is rarely available.
- Fly tipping/waste – there will often be waste/tipping issues around an encampment. If there are no public facilities accessible nearby, the caravans rarely have toilet facilities.
 - Not all encampment fly tip, some will keep the site clean and bag up their waste for collection post encampment
 - Post encampment clean ups are carried out by the land owner or authority's street cleansing dept.
 - It is possible to charge encampments up front for the provision of a skip and portaloos. This will not increase the duration of the encampment, but simply reduce the impact/cost of post encampment clear up.
- **Unauthorised Development** – where the land is owned but the occupant, or they have permission to reside by the land owner, but they do not have planning permission to reside. *This is a planning issue, and is managed by the relevant planning authority.*