

CORPORATE AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL 21 SEPTEMBER 2022

UPDATE ON GYPSY, ROMA AND TRAVELLER SERVICES

Summary

1. The Panel has requested an update on Gypsy, Roma and Traveller services.
2. The Cabinet Member with Responsibility for Communities, the Assistant Director for Communities and the Service Manager for Countryside Centres, Green Space, Gypsy Services and Road Safety have been invited to the meeting.

Background

3. This report has been requested from the Panel as part of its agreed work programme. It provides contextual information into the culture of Gypsy, Roma and Travellers along with the detail on the services and functions provided by or on behalf of Worcestershire County Council.

Culture and Ethnicity – definitions, terminology and statistics

4. There are several different groups of Gypsies and travellers including: Romany Gypsies, Irish Travellers, Scottish Gypsy Travellers, Travelling Show people and New Travellers. Each have different histories and traditions:
 - Gypsies are Romany ethnic groups who have lived in Britain for around 600 years. Their ancestors originate from northern India.
 - Irish Travellers are a nomadic group with a distinctive way of life who have been part of Irish and British society since ancient times but increased since the 1960s.
 - New Travellers are people of settled background who adopted a travelling lifestyle more recently, although some are now in their third or fourth generation of travelling. They have adopted this way of life for a variety of reasons, such as homelessness, unemployment or environmental issues
 - 'Gorgers' is the term that Gypsies and Travellers use to describe non travellers.
5. Gypsies and Travellers are recognised as an ethnic group under the Race Relations Act (2000) and Equalities Act (2010). The population of Gypsies and Travellers in England and Wales is 58,000 (2011 census). 75% live in bricks and mortar accommodation, many of whom do so reluctantly, whilst 25% live in caravans/mobile structures on traveller sites, either permanently or semi-permanently. Only a small proportion of Gypsies and Travellers are truly nomadic (1000 caravans nationally).

6. More information on education, employment, housing and health of Gypsies and Travellers is available at the following link: [Gypsy, Roma and Irish Traveller ethnicity summary - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://gov.uk/ethnicity-facts-and-figures/ethnicity-facts-figures.service.gov.uk)

7. The Equality Act 2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. A nomadic lifestyle is lawful; it is a culture that is recognised and protected through legislation, Romany Gypsies and Irish Travellers are protected under this Act. The Public Sector Equality Duty applies to the police and all public authorities. The Act places a duty on all authorities to have due regard to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.

Gypsy and Traveller Service Team

8. Worcestershire County Council employs a small Gypsy and Traveller Service Team which consists of 2.6 FTEs (3 staff) plus 1/3 Countryside Greenspace, Gypsy Service and Road Safety Education Manager's time. The majority of the team's time is spent managing the County Council's seven residential traveller sites and dealing with unauthorised encampments on County Council land. The Team does not get involved in planning applications for Traveller sites or unauthorised Gypsy and Traveller development matters, those falling to the local planning authorities i.e., Districts.

9. The Gypsy and Traveller Service Team has a budget of £509,382 per annum, including recharges. It does not have a base budget from the County Council, instead raising its revenue from site income (rents and water payments), so that the service is 100% self-financing.

10. The County Council owns and manages seven residential traveller sites in Worcestershire as follows:

- Hipton Hill, Evesham – 24 plots
- Hinton on the Green, Evesham – 5 plots
- Pinvin – 19 plots
- Smite, Worcester – 18 plots
- Waterside Park, Worcester – 17 plots
- Lower Heath, Stourport – 22 plots
- Malvern Meadows, Malvern – 5 plots

11. The Traveller Sites provide accommodation for 110 families in Worcestershire on a social housing basis, with reasonable rents and sites that are maintained to a good standard. Providing well-designed and managed sites for Gypsies and Travellers supports happy and healthy communities and addresses wider determinants of health, education and employment.

12. Each family plot is made up of a utility block (shower/bathroom, kitchen and, in some cases, a dining area) within an area of hardstanding surrounded by a boundary fence. These are all maintained by the County Council. Families then provide their own sleeping/living accommodation on the plot, via touring caravan,

static caravan or park home, which is their responsibility in terms of maintenance and health and safety.

13. Tenancy agreements fall under the Mobile Homes Act legislation where residents have a signed agreement with the County Council. Residents pay a weekly rent of £76.50 for a single plot and £110.10 for a double plot, as well as a weekly water charge of £11.50. Many residents are on either Universal Credit or Housing Benefit. Rent payments are paid to the County Council direct through Housing Benefit, but because Universal Credit do not recognise Councils as social landlords, Universal Credit payments can only be paid direct to the County Council if this is specifically requested, otherwise residents pay their rent payments once they have received their benefits. This does cause challenges with arrears building up over time.

14. There are a number of residents with long standing arrears which have built up due to delays in them receiving their benefits (particularly Universal Credit) or through direct non-payment of water or rent. An arrears management process has been developed in recent years, with support from Finance and Legal teams. An arrangement with Warwickshire County Council Legal Services is now being trialled to deal with the most serious arrears, ultimately concluding with potential termination of Mobile Home Act agreements if payment plans cannot be adhered to. Residents are signposted to Citizen's Advice for debt or budget planning support.

15. The Gypsy and Traveller Service Team operates a waiting list for families who would like to reside on a County Council site. There are currently nearly 50 families on the waiting list, due to a shortage of plots. Plots are allocated using a priority points system for certain criteria, similar to that used by Housing Teams with District Councils. Some examples of these criteria include local connection to Worcestershire, with children, children educated locally, proven medical need, registered disabled, elderly relatives, homeless, vulnerability and payment history. Points can also be deducted as a result of previous anti-social behaviour, neighbour harassment, unpaid arrears and previous abandonment of plot/other housing. The waiting list is updated annually.

Planning Requirement for the Provision of Traveller Sites

16. There is a national shortage of traveller sites, which contributes significantly to the number of unauthorised encampments. District Councils have a statutory responsibility to ensure there is adequate provision of permanent traveller sites via their Gypsy and Traveller Accommodation Assessments (GTAA) and their Traveller and Travelling Showpeople Development Plan Documents that sit within their Local Plans.

17. The definition of Gypsies and Travellers in the planning system was changed in 2015 so that it no longer includes those who have ceased travelling permanently for any reason, including old age or disability. This has meant that the approach to Gypsy and Traveller planning policies is inconsistent across local planning authorities and the requirement for traveller site pitches has been artificially reduced, further exacerbating the lack of recognised traveller sites across the UK.

Unauthorised Encampments

18. The County Council deals with 40+ encampments per year on WCC land such as Highway, school grounds, car parks, countryside sites e.g. country parks and picnic places.

19. The County Council developed the Joint Protocol for the Management of Unauthorised Encampments of Gypsies and Travellers on Local Authority Land in Worcestershire around 25 years ago. The Protocol involves all seven local authorities and West Mercia Police and identifies roles and responsibilities for dealing with encampments on local authority land. It does not consider encampments on private land. The Joint Protocol is reviewed every few years by a group of Legal and Enforcement officers from each of the seven local authority.

20. Once an encampment is identified on County Council land, Gypsy and Traveller Service officers will visit the encampment on behalf of the client department (e.g. Property, School, Countryside) to clarify the intentions of trespassers, advise of any vacancies on legitimate sites, complete a welfare check and signpost to relevant agencies such as health, dentist, education, housing. If welfare issues are identified, the client department may have to consider deferring enforcement action. If enforcement action is deemed necessary, the encampment is served with a written notice to leave. If the trespassers fail to meet the deadline, formal legal proceedings will be started.

21. Typically the County Council will take immediate enforcement action if one or more of the relevant criteria are being met:

- level of nuisance is occurring which cannot be effectively controlled.
- Demonstrable requirement of land for operational use.
- Environmental damage.
- Criminality demonstrably linked to the encampment, usually determined by the police.

22. If the relevant criteria are not met, then the client department may consider deferring enforcement action for a period of time (up to 21 days).

23. If a decision is taken by the client department, a legal process under either Section 77 of the Criminal Justice and Public Order Act 1994 or Part 55 of the Civil Procedure Rules is started, both of which will ultimately involve bailiffs if the encampment does not move on.

24. New police powers for managing unauthorized encampments have recently been introduced as part of the Police, Crime, Sentencing and Courts Act 2022 (Section 60C Criminal Justice and Public Order Act 1994 (CJPOA)). Offences now apply where:

- a person is aged 18 or over;
- a person is residing, or intending to reside, on land without the consent of the occupier of the land;
- a person has or intends to have at least one vehicle with them on the land;
- one or more conditions in subsection 60C(4) of the CJPOA are met including when a person has caused **OR** is likely to cause **significant** damage, disruption or distress.

25. West Mercia Police have defined 'significant' as:

- Communities not being to access facilities such as car parks, sports fields, parks etc.
- Damage to land eg agricultural
- Environmental damage
- Interference with water/energy supplies
- Impact on workers or customers
- Distress from offensive conduct

26. If a person commits significant damage, disruption or distress but leaves on request – no offence is committed, unless they return within the prohibited 12 month period (other offences may apply such as Criminal Damage or Public Order). If there is no significant damage, disruption or distress, then previous police powers under the amended section 61 criminal justice & public order act 1994 or section 62a criminal justice and public order 1994 can be used as follows:

- where **2 OR** more people – trespassing - on land (or on land that forms part of a highway, but only where other conditions are met);
- there is a **reasonable belief** by police they are trespassers and intend to reside there;
- reasonable steps have been taken by the occupier or on their behalf to ask them to leave; and
- property has been damaged or threatening or abusive words or behaviour have been shown towards the occupier or 6 or more vehicles are present

27. Section 62a can be used by police if the trespassers can be directed to an available transit or permanent site that has vacancies. This is rarely used as vacancies do not generally exist on traveller sites in Worcestershire.

28. The new police powers highlight the need to liaise with local authorities when assessing each individual case. West Mercia Police state that local authorities should be the lead agency in the initial stages of assessing the welfare of trespassers. This suggests a wider scope than has existed in Worcestershire under the current Joint Protocol as that only relates to local authorities leading where an encampment is on local authority land, rather than private land as well. The police are meeting with local authorities in September to further discuss how this will operate in reality and whether this creates a new duty for local authorities.

29. If there is no requirement of land for operational use, no unreasonable effect on neighbouring land and communities, no criminality, no environmental damage and no road safety hazards, enforcement of unauthorised encampments can be delayed for a period of up to 21 days. Due to the rural highway network that exists in Worcestershire, the County Council is relatively often able to allow an encampment to remain in place for a period of time. Ultimately this decision is for the client department, Highways, to take.

30. Negotiated Stopping is sometimes used by urban local authorities and pioneered in Leeds. Negotiated stopping involves local authority officers making an agreement with Gypsies and Travellers on unauthorised encampments. The agreement allows Travellers to stay either on the land they are camped on or move to a piece of land more suitable for all parties. The length of the agreement can also

vary from 2 weeks to several months but tends to be around 28 days. The agreement is a local one and will vary but often includes Travellers agreeing to leave sites clean and not make too much noise and the local authority providing waste disposal and toilets, sometimes showers and water too. This practice is not routinely used in Worcestershire.

31. Transit sites are permanent but are used short term by Gypsies and Travellers and have basic amenities and services, which include water supply, shared toilets, washing facilities/utility room, and waste disposal. Gypsies and Travellers can stay on these for a limited amount of time as they are only meant to be for short term stop-overs. There is a privately run transit site in Worcestershire, at Crossway Green near Hartlebury.

Joint Work with other Stakeholders

Suicide Prevention

32. The suicide rate amongst Gypsy and Traveller communities is higher than average, particularly amongst middle aged men. The Suicide Prevention Team, within Public Health, has done some joint work with the Gypsy and Traveller Service Team on raising awareness of mental health amongst our traveller site residents. A short film, 'Hold out a Hand' [Hold Out A Hand - YouTube](#) (created by Rural Media) was commissioned by Public Health to support this work.

Covid Pandemic

33. Vaccination rates amongst the Traveller community are generally low. The Gypsy and Traveller Service Team has worked with Public Health to raise awareness of the importance of isolating during the peak of the pandemic and also the benefits of vaccination against the Covid virus.

Resistance Bands

34. 'Living Well for Longer' is a Public Health initiative promoting positive and active ageing. The project is dedicated to improving the health and wellbeing of older people, bringing together the positive ageing work currently going on across the county and encouraging active and independent later lives. A major element of the project is the roll out of Resistance Bands Exercises programme. The Gypsy and Traveller Service Team is working with Public Health to get Resistance Bands distributed to the over 50s across the County Council's Traveller sites.

Census 2021

35. Completion rates of the census by the Gypsy and Traveller community have in the past been low, resulting in an artificially low provision of data on Gypsy and Traveller demographics. The Census Team asked for support in promoting completion by Gypsy and Traveller communities of the Census in 2021

Training for Social Workers across Adult Social Care and WCF

36. A bid for funding to the Social Work Teaching Partnership has been submitted to fund the development of online training for all social workers The key problem/need

to be addressed is the dearth of knowledge and practice guidance for social work with Gypsy, Roma and Traveller communities. Recent research has recognised the disproportionate numbers of families having children removed and the consequent effect upon mental health. In order to work more empathically and sensitively with Gypsy, Roma and Traveller cultures requires a core knowledge and value base which effectively challenges 'The Last Acceptable Form of Racism'. Once the e learning package is created it will become part of the core offer within adult and children's social work. The development of this training is dependent on the success of the funding bid.

Traveller Education Team

37. The Gypsy Roma Traveller Education Team consists of a small team of 2 FTE (3 staff members) who work with the community, schools and partner agencies to encourage continued participation with education. Of these, one officer works with those families who are registered as being electively home educated. Officers visit both council and private sites, allocated by a geographical 'split'

38. We work across the county, offering support to all maintained schools and offer various traded support packages to our academies.

39. Work with our Gypsy Roma Traveller families is on a referral basis and we work closely alongside partner agencies to ensure support is offered in a joint way. Following the Covid pandemic, we have placed great emphasis on strengthening our relationships with our families and ensuring they feel included and supported when making decisions about their child's education.

40. The team underwent a whole service review in 2021, which aimed to ascertain exactly how best our support could be used. From this, 3 key priorities were identified:

- Improved Multi-agency working
- Training offer to schools and other agencies
- Focus on support at key transition points

41. These priorities underpin the work we do and allow us to ensure we are able to offer support which will benefit both the community and education providers across the county.

County Museum Gypsy Caravan Collection

42. Worcestershire County Museum cares for an extremely rare collection of Gypsy caravans, or 'vados' with each caravan having an extensive painted exterior and an equipped and decorated interior. The collection has national significance as the largest collection of Gypsy caravans on display in the country. It gives a rare insight into a history of our rural communities that is not widely shared.

43. For centuries the GRT community have been a significant part of rural life in our county, inextricably linked with the agricultural calendar and most significantly our fruit and hop farms where local settled and travelling communities would come together each harvest in the fields. The County Museum has been awarded a grant over 3 years to build networks of expertise both within and beyond our organisation,

enabling a legacy of archives and display of the vardo collection over future years. The GRT community is a primary research source and the project will visit sites to record documentary and oral histories.

Purpose of the Meeting

44. The Panel is asked to:

- consider and comment on the information provided on Gypsy, Roma and Traveller services
- determine whether any further information or scrutiny on a particular topic is required
- agree any comments to forward to the Cabinet Member/s

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Background Papers

In the opinion of the proper officer, in this case the Democratic Governance and Scrutiny Manager (Interim Monitoring Officer) there are no background papers relating to the subject matter of this report.

[All agendas and minutes are available on the Council's website here.](#)