



DERBY CITY COUNCIL

COUNCIL CABINET **2 October 2007**

Cabinet Member for Neighbourhood, Social
Cohesion and Housing Strategy

Adoption of the Derbyshire Traveller Issues Working Group (TIWG) Inter-Agency Guidance document

SUMMARY

- 1.1 The TIWG is a county-wide forum with representation from Derby City Council, Derbyshire County Council, each of the Derbyshire district councils and other partners including the police, PCTs and the voluntary sector.
This guidance document has been developed and written by the TIWG.
- 1.2 The inter-agency guidance document was adopted by Derbyshire County Council on 31 October 2006 to act as a point of reference and to offer direction around best practice throughout the county on traveller issues to all agencies.
- 1.3 The guidance document takes into account changes in relation to equality legislation, the associated responsibilities imposed on local authorities and other public sector organisations involved in dealing with gypsies and travellers.
- 1.4 The guidance document includes a Code of Practice for Travellers on unauthorised encampments. The code seeks to minimise the effects on the environment and surrounding communities.

RECOMMENDATION

2. That the TIWG Inter-Agency Guidance be adopted

REASON FOR RECOMMENDATIONS

- 3.1 The guidance acknowledges the Human Rights Act and its implications for gypsies and travellers who occupy unauthorised encampments. Additionally, the guidance sets out the responsibilities of public sector organisations in respect of the Human Rights Act 1998 and the Race Relations Act (as amended) 1976.
- 3.2 The guidance contains specific information on anti-social behaviour and how this will be dealt with by the police and partner organisations.
- 3.3 The guidance contains a code of practice for Travellers. The code sets out the responsibilities of local authorities and those expected of Travellers on unauthorised land whether or not court action is planned.



DERBY CITY COUNCIL

COUNCIL CABINET
DATE 4 September 2007

Report of the Corporate Director – Corporate and Adult Services

**Adoption of the Derbyshire Traveller Issues Working Group (TIWG)
Inter- Agency Guidance document**

SUPPORTING INFORMATION

- 1.1 The TIWG is a county-wide forum with representation from Derby City Council, Derbyshire County Council, each of the Derbyshire district councils and other partners including the police, PCTs and the voluntary sector. The TWIG is also the steering group responsible for commissioning a Gypsy and Traveller Accommodation Assessment, required by the Housing Act 2004. The study covers the geographic county and the entire Peak District National Park. This guidance document has been developed and written by the TIWG.
- 1.2 The inter-agency guidance document was adopted by Derbyshire County Council on 31 October 2006. TIWG took a decision on 16 May 2007 to seek the adoption of the document by member organisations. It will be a point of reference and offer direction around best practice throughout the county on traveller issues to all agencies.
- 1.3 The guidance document takes into account changes in relation to equality legislation and the associated responsibilities imposed on local authorities and other public sector organisations involved in dealing with gypsies and travellers. It also takes into account the outcomes of Derbyshire County Council's 2004 scrutiny review into unauthorised encampments, which sought to balance the rights of the travelling community with those of the settled community.
- 1.4 The inter-agency guidance document contains the following:
 - **Definition of Gypsies and Travellers** - defines the difference between Romany Gypsies and Irish Travellers and those who have a nomadic way of life but are not a minority ethnic group such as New Travellers and Show People.
 - **Statement of commitment** – briefly summarises the statutory functions and policies of member organisations.
 - **Contacts** - contains contact details for TIWG members on matters of policy and good practice.
 - **Traveller Sites in Derbyshire** – provides details of three sites owned by Derbyshire County Council and one privately owned Traveller site within the County.

- **Unauthorised Encampments** – sets out the relevant criminal and civil legislation relating to unauthorised encampments for use by local authorities and private land-owners. This section refers to the duties of local authorities under the Human Rights Act 1998 and the Race Relations Acts 1975 and (Amendment) 2001. Issues surrounding confidentiality of information and other statutory responsibilities and powers are also highlighted.
- **Appendix 1: Code of Practice** – The intention of the Code is that any stay on land by Travellers is limited in time and ensures that Travellers comply with a number of requirements. The code sets out the responsibilities of Travellers which seeks to minimise the effects of unauthorised encampments on the environment and surrounding communities.

OTHER OPTIONS CONSIDERED

2. The Council could decide not to adopt the TIWG Inter-agency guidance but that would leave the Council vulnerable to challenge in so far as it would need to demonstrate compliance with CLG's guidance in some other way.

For more information contact:	Officer Ian Fullagar Tel 255185
Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Traveller Issues Working Group Inter-Agency Guidance

IMPLICATIONS

Financial

1. The code of Practice attached to the Guidance document indicates that Travellers will be able to request the Council to provide a means of rubbish collection whilst they remain on that site. The Council retains the discretion as to whether to provide such a service and indeed whether it wishes to charge the Travellers for such a Service. If the Council should choose to provide this service at no cost then it will have to meet the costs in full. The provision of a rubbish collection service may however reduce final clear up costs that would otherwise fall on the Council.

Legal

- 2.1 Under section 8 of the Housing Act 1985 local authorities are required to consider the accommodation needs in their area and to carry out a periodic review of these needs. Section 225 of the Housing Act 2004 imposes a specific duty on local authorities to assess the accommodation needs of Gypsies and Travellers within their area as part of that overall review.
- 2.2 CLG issued guidance on 4 March 2007 that advocates the implementation of an unauthorised encampment strategy whose purpose is to help prevent a reactive response to encampment activity by local authorities and their partners involved in managing unauthorised encampments. The guidance promotes inter-agency working and the sharing of information.
- 2.3 The Inter-agency guidance document goes some way towards complying with CLG's guidance. The increase in site provision and better enforcement are intrinsically linked. Signing up to the document would demonstrate the Council's commitment towards compliance with the guidance and would create a pathway to be followed for dealing with gypsies and travellers in the future. Not signing up would leave the Council vulnerable to challenge in so far as it would need to demonstrate compliance with CLG's guidance in some other way.

Personnel

3. None arising directly from this report

Equalities impact

- 4.1 The TIWG Inter-Agency Guidance positively affects equality of opportunity by putting in place mechanisms to ensure the council's response to unauthorised encampments of gypsies and travellers is fair and reasonable and that the interests of the local community are protected through the implementation of the Code of Practice for the travelling community to adhere to.

- 4.2 The Human Rights Act 1998 under Article 8 of Schedule 1 contains two conventions of major importance in connection with the home of a Gypsy or Traveller. Article 8 applies to those persons on unauthorised encampments as “home” can include a caravan even if it is unlawfully or illegally parked. Article 14, the right of prohibition of discrimination also applies to the extent that the Race Relations Act (as amended) 1976 categorises Gypsies and Travellers as a race of people whom it is possible to discriminate against.

Corporate priorities

5. The proposal promotes the Council's objectives **making us proud of our neighbourhoods** and **helping us all to be healthy, active and independent.**