

A Countywide approach to improving the management of Unauthorised Encampments

Report by the Strategic Director (JM)

1.0 Summary

- 1.1 The report proposes that Adur and Worthing Councils ("the Councils") work in partnership with the other Local Authorities in West Sussex to jointly fund the provision and running costs of Transit Site for Gypsies and Travellers.
- 1.2 Currently there are no public transit sites in West Sussex and, without such a site, the powers open to Sussex Police to move unauthorised encampments on is very limited. Early in 2013 all the West Sussex authorities jointly commissioned an independent study into the pros and cons of providing a Transit Site in West Sussex. The Study recommends that the West Sussex authorities should develop a Transit Site as a County-wide resource; that the partners, together with Sussex Police, develop a holistic, multi-agency way of managing both the Transit Site and unauthorised encampments; and that the West Sussex approach should be based on the East Sussex model.

2.0 Background

- 2.1 In recent years Committee has received a number of reports on the frequency and impact of unauthorised encampments on Council land. Significant progress has been made by the Council's in dealing with such encampments, with updated legal policies and standard operating procedures approved in 2012.
- 2.2 While the response of the Council's has improved, the effect of unauthorised encampments has remained substantial in terms of the impact on local communities; the amount of officer time diverted to deal with encampments; reputational damage to the councils; and the cost of pro-active and reactive measures in dealing with encampments. Many of these factors apply equally to Sussex Police.
- 2.3 Adur and Worthing are not alone in experiencing the impact of unauthorised encampments. Many of the Districts and Boroughs in West Sussex have had similar experiences, particularly along the coastal strip. As a result of this an independent report was commissioned in 2013 by the Chief Executives of West Sussex County, District and Borough councils, to assess whether a transit site would assist in managing unauthorised encampments and to inform partners of the pros and cons of a transit site. A copy of the study, its conclusions and recommendations, can be found in Appendix 1.

- 2.4 The Study recommends that the West Sussex authorities develop a Transit Site to be used as a Countywide resource and that partners, together with Sussex Police, develop a holistic, multi-agency way of managing both the Transit Site and unauthorised encampments and that the arrangements should be based on the East Sussex model. The main findings were:
- (a) Evidence from around the UK shows that providing a transit site, if managed well, reduces the numbers of unauthorised encampments and the overall cost associated with managing encampments
 - (b) For it to work well there needs to be a consistent multi-agency approach to managing both the transit site and unauthorised encampments, based on the County taking the lead role in both the management of the site and enforcement activities
 - (c) East Sussex Councils have adopted a multi-agency approach to unauthorised encampments and have been successful in reducing the number of unauthorised encampments year on year. In 2013/14 to date, there have been only 6 unauthorised encampments in East Sussex whereas Adur (7) and Worthing (9) have experienced 16 in the same period
 - (d) A strong partnership with the Police, supported by robust data-sharing, is key
 - (e) The perception that the transit site will always be full is not supported by the evidence
 - (f) Transit sites should be close to key road networks
 - (g) Grant funding is available from the Homes and Communities Agency (HCA)
 - (h) Good design and robust management limited to 10 pitches are key elements of effective transit provision.
- 2.5 If the West Sussex authorities wish to develop a multi-agency arrangement, similar to the East Sussex model, all of the following components would need to be in place for it to be effective:
- (i) A suitable transit site within the West Sussex county boundaries, which meets Government guidelines
 - (j) The County Council taking responsibility for the effective running of any transit site and any enforcement activity in the County area.
 - (k) All Districts and Boroughs signing up to a multi-agency approach and all authorities equally sharing any capital and revenue costs.
 - (l) Sussex Police using its discretionary Section 62 powers to move on unauthorised campers.

3.0 Proposals

- 3.1 It is clear from the study (Appendix 1) that unless an effective multi-agency arrangement is entered into, the provision of a transit site alone will not be effective in dealing with unauthorised encampments.
- 3.2 The findings of the study have been discussed among the Leaders and the Chief Executives of West Sussex and they have all agreed to recommend to their Councils that they should enter into a West Sussex-wide multi-agency approach to managing unauthorised encampments. West Sussex County Council has agreed to be the lead authority for the multi-agency arrangements in respect of both the management of the transit site and enforcement activities. For this arrangement to be successful, a Transit Site, in public ownership and control, must be sited within the West Sussex County boundaries.
- 3.3 A potential transit site has been identified in Chichester district. The site is located a few miles outside the City Centre and is accessible to the A27 and local amenities.
- 3.4 Draft details for a 9 pitch transit site have been prepared using Government guidelines which include a significant number of requirements needed to gain approval and secure grant funding from the Homes and Communities Agency (HCA) and to meet health and safety requirements that fall within the remit of the Local Fire Authority, under the (Fire Safety) Order 2005 (RRO).
- 3.5 The proposal is to create 9 pitches each to accommodate at least three parking spaces i.e. one caravan, two vehicles or one caravan, one trailer and one vehicle. Any deviation from the Government Guidelines will need to be explained and be agreed with the HCA.
- 3.6 Each pitch would have access to a separate amenity space either within a large site amenity block or provided as a semi-detached building serving two pitches. The purpose is to provide a degree of ownership when using site facilities.
- 3.7 The site also would need to be connected to local services and other facilities would include:
- A Manager's office
 - CCTV
 - External lighting
 - Road barrier to prevent unauthorised access
 - LPG storage
 - Perimeter fencing

4.0 Legal

- 4.1 The Police can use discretionary powers under Section 61 of the Criminal Justice and Public Order Act 1994 (CJA) to direct unauthorised campers to leave the site if they have caused a public order offence or caused criminal damage. However, Section 61 is rarely used as strict conditions need to be met before the Police use this power and therefore landowners are left to seek repossession via the civil courts.

- 4.2 The Police have further discretionary powers, under Section 62 of the CJA, which allow them to direct trespassers to a publicly-owned transit site if one is available in the County area. Currently there are no publicly-owned transit sites in West Sussex and, therefore, Police cannot use this power. If such a site was available, the Police could direct the unauthorised campers to the site. If they do not leave when directed, or they return to the county area within three months of being directed, they would be committing a criminal offence.

5.0 Financial implications: Transit Site

- 5.1 Officers at Chichester District Council (CDC) have undertaken work to provide cost estimates for the proposed Transit Site. CDC officers estimate the total cost of the scheme is expected to be in the region of £1.2 - £1.3m.
- 5.2 CDC officers met with the HCA on 14 November 2013 to discuss the potential of HCA grant funding. This is available but, in order to draw down the funding the following conditions must be met:
- (a) The grant application must be submitted to the HCA by 31 March 2014.
 - (b) The scheme must meet the DCLG requirements for developing Transit Sites. Any deviations from the Guidance must be agreed with the HCA.
 - (c) In order to be successful we will need to demonstrate deliverability of this site.
 - (d) All parties will need to have sought formal approval to enter into the arrangements
 - (e) Practical completion must be achieved before 31 March 2015.
- 5.3 The HCA has indicated that the average amount of grant is approximately £60,000 per pitch. However, due to the nature of the works needed at the proposed site it may be possible to secure a grant of £90,000 per pitch. Until the application has been approved it is not possible to give an exact figure but, assuming the design meets their requirements it is reasonable to assume a grant in the region of at least £540,000.
- 5.4 If the application is successful, the timescale for practical completion is expected to be February 2015. This assumes all key milestones are met and that there is no slippage in the project timing, either. This is a major risk because even the best managed projects can be delayed by unexpected events. Therefore, to ensure that, in the event the project is delayed for whatever reason, each partner authority will be required to underwrite the potential loss of grant so that CDC is protected from bearing the full financial effects if the grant does not materialise.
- 5.5 The gross capital cost of the scheme is likely to be in the region of £1.3m. This includes the cost of the land, building costs and internal and external resources to manage the project. Therefore, the cost for Adur and Worthing Councils would be in the region of £162,500 each.
- 5.6 If HCA funding is secured (assuming a grant of £60,000 per pitch) and the site can be fully functional by 31 March 2015, then the cost per authority is £95,000.

- 5.7 Once the site has been developed, the running of it will be passed to West Sussex County Council. The County will also co-ordinate all enforcement activities across the area. For this to work effectively each authority will need to nominate a lead officer to work up the partnership agreement.
- 5.8 The full costs of the scheme will not be known until the site design has been finalised. Once the tenders have been received a definitive budget will be drawn up. If, at this point, the budget was to exceed £1.3m a meeting of Chief Executives and Leaders would be held to consider whether to proceed. Any abortive costs up to this point would be shared equally amongst all the authorities.
- 5.9 The on-going revenue costs of the multi-agency arrangements are likely to be in the region of £10,000 – £15,000 per annum per authority.
- 5.10 In order to secure grant funding West Sussex County Council must have an interest in the land. A multi-agency partnership arrangement will need to be agreed in due course on how the site will be managed in the future.

6.0 Financial Considerations: Current Position

- 6.1 The proposals set out in the report to fund the provision and running of a West Sussex transit site have significant financial implications. However members will be aware that the Council's currently expend significant sums of capital and revenue costs in dealing with unauthorised encampments.
- 6.2 In 2012 the estimated revenues costs to the Council of dealing with unauthorised encampments in Adur was £11,321 and in Worthing was £16,981 totalling £28,302.
- 6.3 In 2012/13 each Council had a capital budget of £16,500 to undertake works to prevent incursions on Council owned land.
- 6.4 In 2013 the estimated revenues costs to the Councils of dealing with unauthorised encampments in Adur is £9,200 and Worthing £13,800, totalling £23,000.
- 6.5 In 2013/14 Worthing Borough Council has spent £20,350 on capital schemes designed to reduce the risk of unauthorised incursions. Adur District has spent £14,336 in the same period.
- 6.6 The costs shown in 6.2 – 6.5 show the cashable costs of unauthorised encampments. However this does not take into account the cost of work being delayed or cancelled as a result of having to deal with the impact of unauthorised encampments for officers and members.
- 6.7 The nature of unauthorised encampments are such that immediate responses are required that are detrimental to officer workloads and priorities. As such the cashable costs listed above do not reflect the full cost to the Councils of unauthorised encampments.
- 6.8 In addition to the costs listed above, unauthorised encampments have a significant negative reputational impact for the Councils. A perception exists that the Councils and Police are unable to deal effectively with these events.

7.0 Conclusions

- 7.1 Although the Councils have made improvements to the way in which it responds to and manages unauthorised encampments, the absence of a Transit Site limits the options for the Councils and the Police.
- 7.2 The Local Authorities in West Sussex have recognised that the current approach to dealing with unauthorised encampments is not sustainable. In East Sussex a proven model of operation has been in place for some years that has resulted in a very effective set of provision and practices, resulting in very few encampments across the whole County.
- 7.3 Adur and Worthing Councils spend significant sums annually on reactive measures and defensive barriers, with mixed results.
- 7.4 The proposal for West Sussex Local Authorities to work together to fund the provision and running of a Transit site offers the prospect of a cost effective and sustainable solution to problems created by unauthorised encampments in Adur and Worthing.

8.0 Recommendations

Joint Strategic Committee is asked to approve:

- 8.1 That Adur District and Worthing Borough Councils enter into a multi-partnership arrangements for the effective management of unauthorised encampments across West Sussex.
- 8.2 That Strategic Director (JM) is given delegated authority to agree the details of the multi-partnership arrangements with counterparts across West Sussex.
- 8.3 Notes that the proposed Transit Site is located in Chichester District and that West Sussex County Council will be responsible for the management of the site once developed.
- 8.4 That Adur District and Worthing Borough Councils agree to contribute up to £15,000 each to the running costs of the Transit Site and that this becomes part of the base budget for both Councils from 2015/16 onwards.

Joint Strategic Committee is asked to recommend to Councils:

- 8.5 Recommend to Adur District Council inclusion in the Capital Investment Programme 2014/15 a sum of up to £162,500 as the Councils contribution to the capital costs of the Transit Site.
- 8.6 Recommend to Worthing Borough Council inclusion in the Capital Investment Programme 2014/15 a sum of up to £162,500 as the Councils contribution to the capital costs of the Transit Site.

Local Government Act 1972
Background Papers:

Dealing with Unauthorised Encampments in Adur District and Worthing Borough
Report to Joint Strategic Committee 27th September 2012

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Provide and Develop customer driven and cost effective services;
- 1.2 Adopt more sustainable ways of delivering services

2.0 Specific Action Plans

- 2.1 The proposals set out in the report are consistent with the aims and objectives of the work undertaken by the Adur and Worthing Gypsy & Traveller Strategic Working Group.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified

4.0 Equality Issues

- 4.1 Travellers are an ethnic minority group and Equalities Legislation is applicable and their Human Rights must be taken into consideration.

5.0 Community Safety Issues (Section 17)

- 5.1 The proposals set out in the report will have a positive impact on community safety in Adur and Worthing.

6.0 Human Rights Issues

- 6.1 In dealing with unlawful encampments both the human rights of the travellers and of the settled community must be taken into account and balanced against each other. Any action taken must be proportionate and reasonable.

7.0 Reputation

Current arrangements for dealing with unauthorised encampments have significant detrimental impact on the reputation of the Councils. The proposals set out in the report will improve the reputation of the Councils significantly.

8.0 Consultations

- 8.1 Matter considered and no issues identified for Adur and Worthing Councils. Consultations will take place in Chichester.

9.0 Risk Assessment

- 9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

- 10.1 Matter considered and no issues identified

11.0 Procurement Strategy

- 11.1 Matter considered and no issues identified

12.0 Partnership Working

- 12.1 The proposal requires partnership working with all West Sussex Councils, Sussex Police and the HCA.



West Sussex Authorities Transit Site Study REPORT



November 2013



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1. Executive Summary and Conclusions

The Commission and Report

- 1.1 While the majority of Gypsies and Travellers have permanent bases either on public or private sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of their time. Due to the mobile nature of the population a range of sites have been developed to accommodate Gypsies and Travellers as they move through different areas.
- 1.2 Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through on the way to somewhere else. A transit site typically has a restriction on the length of stay and has a range of facilities such as water supply, electricity and amenity blocks.
- 1.3 Opinion Research Services (ORS) was commissioned by all councils in West Sussex to consider the implications and options relating to transit site provision.
- 1.4 The objectives of the study are:
 - » to assess whether transit provision would assist in managing illegal encampments; and
 - » to inform the partners about the pros and cons of transit site provision.
- 1.5 This study aims to draw on work already undertaken across the authorities and also additional work with stakeholders and the experience of other Councils who already have transit sites.
- 1.6 This Executive Summary summarises the outcomes of the study including the conclusions and areas for consideration. Readers are referred to the detail of the full report for a more comprehensive account of the case for transit provision in West Sussex.

Introduction

- 1.7 The provision of a transit site is one of several approaches that have developed to meet the needs of Travellers in transit. In total there are less than 250 transit pitches across the whole of England within local authority ownership or control. Currently, in Sussex there are two: **nine pitches at Bridies Tan, East Sussex** and **23 pitches at Horsdean, Brighton**. The number of transit pitches on the latter site will reduce by six in the future to make way for permanent pitches.
- 1.8 The decision to provide a transit site is often driven by the associated enforcement powers that it creates, specifically Section 62A-E Criminal Justice and Public Order Act, which allows the police to direct trespassers to remove themselves and their vehicles and property from any land where a suitable

pitch on a relevant caravan site is available within the same local authority area (or within the county in two-tier local authority areas).

Unauthorised Encampments in West Sussex

- ^{1.9} Data on unauthorised encampments confirms stakeholders' assertions that over recent years the number of encampments in the West Sussex area has increased. The total number of reported sites in East Sussex was much lower than in the other areas, indicating that the transit site operating in the area may have reduced the number of encampments.
- ^{1.10} Overall, the majority of unauthorised encampments in West Sussex are thought not to be caused by Travellers who seek permanent residence in the West Sussex area but by Travellers in transit who wish to stop in the area for a short period of time.
- ^{1.11} The cost of enforcement has been an issue in West Sussex. Based on high level data it is estimated that over the last five years unauthorised encampments are estimated to have cost the District and Borough Councils approximately £250k.

Managing Unauthorised Encampments: UK Experiences

- ^{1.12} Evidence collected from eleven unitary and local authority areas suggested that there is no one reason common to all for choosing to provide a transit site. However, they have evolved as usually a solution to unauthorised encampments.
- ^{1.13} The **location** of transit sites have in the main been the result of land availability and tended to be in council ownership and in areas that: would cause the least controversy such as adjacent to a permanent site; are a considerable distance from the settled community; near main road networks; and in areas frequented by Gypsies and Travellers.
- ^{1.14} Stakeholders agreed that for a transit site to work in a County there needs to be **buy-in from all district and borough councils**.
- ^{1.15} Transit sites are not considered to act as a magnet for Gypsies and Travellers who will only go to an area because they have a reason to be there, for work opportunities, historical travelling patterns or to visit family/friends; they do not go to an area because they have heard there are vacancies on a particular transit site.
- ^{1.16} Most transit sites have been funded through the Department of Communities and Local Government (DCLG) Gypsy and Traveller Sites Grant programme which is now administered through the Homes and Communities Agency (HCA). The design of these sites has been developed using good practice guidance and include: Hard standing; security fence; street lighting; CCTV; Amenity block and Laundry room.
- ^{1.17} The average cost of providing sites based on a per pitch basis (but including the cost of shared facilities) is approximately £55,560 per pitch.
- ^{1.18} Interviewees from areas that have transit sites believed that by providing this facility they had more options available to them especially in relation to enforcement and eviction of illegal encampments.

Importantly, in their experience the cost of enforcement had reduced and therefore having such a provision has provided good value for money.

Managing Unauthorised Encampments: Brighton and Hove; East Sussex; and West Sussex

- ^{1.19} **Brighton and Hove (BHCC)** is considered a popular destination for Travellers in the South East who are attracted by employment opportunities and seasonal work and are therefore up to four times more likely to have unauthorised encampments than in the rest of the region¹.
- ^{1.20} BHCC currently manage encampments through the provision of a transit site at Horsedean which contains 23 pitches and the employment of a Gypsy Traveller Liaison Officer who will carry out a joint site visit with the police when an encampment is reported. The results of this assessment will form the basis of a joint decision on the use of Section 61 and 62a. Currently, the Brighton and Hove's Police Division do not carry out partial evictions therefore they will only use the transit site when there is enough space to accommodate all members of the encampment. We are told that this practice will be changing in the future to mirror the use of Section 62a by East Sussex's Police Division.
- ^{1.21} **East Sussex Districts** currently manage unauthorised encampments through their use of a single transit site serving the entire County. Although data on recorded unauthorised encampments is not available prior to the opening of the transit site, stakeholders report that since the site opened in 2010 there are fewer encampments and there has been a year on year decrease since 2010.
- ^{1.22} Responding to unauthorised encampments in East Sussex is not viewed as the responsibility of one agency and the protocol sits within the context of the multi-agency holistic Traveller Strategy for East Sussex.
- ^{1.23} In carrying out their enforcement powers in relation to Section 61 and 62a Sussex police play a vital role in the overall approach to managing unauthorised encampments and have agreed to use their Section 62a powers if Bridies Tan is available irrespective of where the unauthorised encampment is in the County.
- ^{1.24} If Bridies Tan is full they cannot use S62A. However, they will perform a partial eviction if there limited pitches available at Bridies Tan. When this occurs in the majority of cases the whole group move and none go to the transit site and this usually happens very quickly – usually within a couple of hours. Most Travellers are aware of the legislation and therefore understand the process.
- ^{1.25} The lack of a transit site in **West Sussex** means that the West Sussex Police Division cannot use Section 62a. This results in costly enforcement action.
- ^{1.26} All stakeholders interviewed within the Sussex area supported the provision of a West Sussex transit site which serves all Districts and Boroughs. It is considered that the provision of a site would: meet the needs of Travellers in transit; reduce the cost of managing encampments; and will create a Sussex wide approach which will provide a consistent service to Travellers who visit Sussex.

¹ Brighton and Hove (2012) *Traveller Commissioning Strategy 2012: Balancing the needs of Traveller communities and the City's settled communities*, p4.

Conclusions

^{1.27} Based on the data and interviews with stakeholders from the UK and Sussex, ORS would recommend West Sussex develop a transit site on the basis that:

- » a public transit site would offer an alternative to all Gypsy and Traveller households visiting the county. Areas without a site councils are believed to offer a reduced service to Gypsies and Travellers moving through their area
- » evidence from around the UK and Sussex shows that providing a transit site, if managed well, reduces the numbers of unauthorised encampments and the overall cost associated with managing encampments
- » adopting a transit site to help manage unauthorised encampments would create a consistent approach in Sussex with all three areas providing a transit provision
- » in areas where no transit sites or pitches are provided there are less options available to facilitate enforcement action
- » a transit site would provide another tool to manage encampments because of the ability to direct Travellers to that site through the use of S62A
- » in areas where there is no transit site it can be difficult to provide for Travellers welfare needs by the roadside
- » adopting an approach to managing unauthorised encampments which includes transit provision reportedly decreases community tensions
- » using a transit site will protect recreational areas from disruption as a result of encampments
- » experience of areas with a transit site has proved they are politically acceptable as it reassures the local community.

Areas of Consideration

^{1.28} From the evidence, if West Sussex adopt a transit site model it will need to consider a number of issues:

- » One of the factors which have contributed to the success of the East Sussex model is the holistic multi-agency approach which is as important as the provision of a well-managed transit site in effectively managing Unauthorised Encampments. ESCC works closely with: the Police; Trading Standards; and Waste Management as well as other bodies to ensure a partnership approach.
- » Each District and Borough in East Sussex contributes £8k towards the running cost of Bridies Tan.
- » Guidance and evidence collated in this study suggests a site containing up to ten pitches. It is a concern, however, that the encampments in West Sussex can sometimes be larger than this figure. Experience has shown in East Sussex that where a proportion of the encampment is redirected to the transit site, they will decide not to go to the transit site and chose to stay together and move out of the District. However, in Brighton and Hove

it is reported that the same practice does not occur. Sussex Police need to consider developing a common protocol to their approach to using Section 62a, particularly with respect to carrying out partial evictions which is consistent across the areas. It is important for Travellers to understand that wherever they go in Sussex they will be treated in the same way.

- » Alongside Bridies Tan, the East Sussex strategy has identified a number of emergency stopping places which would act as a back-up if the formal site could not accommodate the number of encampments. East Sussex have never resorted to using such sites but West Sussex should consider this as part of their overall strategy
- » West Sussex would need to consult with both Sussex Police and Travellers themselves prior to deciding upon a suitable location for a transit site, although evidence suggests that the location should be on major road networks frequented by travellers.

Recommendation

^{1.29} From the evidence collected ORS recommends that West Sussex explore developing a transit site based on the East Sussex model:

- » Politically and operationally it makes sense to have a consistent approach across Sussex
- » The East Sussex model shares a number of commonalities with emerging models around the UK, however, it also features enhancements such as the involvement of Trading Standards and Waste Disposal which is considered to have contributed to the reduction of encampments
- » The Sussex Police Authority is already using S62A effectively in East Sussex. Therefore, extending this to the West Sussex area is not considered to be problematic and should not require a change to police operational procedures.

2. Introduction

The Study

- ^{2.1} Opinion Research Services (ORS) was commissioned by the West Sussex authorities to consider a wide range of implications and options relating to transit site provision. This study aims to draw on work already undertaken across the authorities and also additional work with stakeholders and the experience of other Councils who already have transit sites.
- ^{2.2} The authorities involved in this study are:
- » Adur District Council;
 - » Arun District Council;
 - » Chichester District Council;
 - » Crawley Borough Council;
 - » Horsham District Council;
 - » Mid Sussex District Council;
 - » Worthing Borough Council; and
 - » West Sussex County Council (WSCC).
- ^{2.3} The tender brief for the study set out its objectives as being:
- » to assess whether transit provision would assist in managing illegal encampments in West Sussex; and
 - » to inform the partners about the pros and cons of transit site provision.
- ^{2.4} Key aims of the study are to:
- » Provide a better understanding of Gypsy and Traveller movements across the County and wider sub-region;
 - » Understand what impact the approach taken by councils on unauthorised encampments and transit provision has on West Sussex;
 - » Provide a better understanding of the models used by other authorities in the Sussex Police administrative area, such as East Sussex, and whether any of these models are able to be transferred to West Sussex; and
 - » Seek and explore the relationship between an under supply of permanent sites across West Sussex and the sub region with the effectiveness of transit provision in addressing unauthorised encampments (in other areas).

Definitions

2.5 For the purposes of the planning system, Gypsies and Travellers means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such." (Planning Policy for Traveller Sites, CLG, March 2012)

2.6 Within the main definition of Gypsies and Travellers, there are a number of main cultural groups which include:

- » Romany Gypsies;
- » Irish Travellers; and
- » New Travellers.

2.7 Romany Gypsies and Irish Travellers are recognised in law as distinct ethnic groups and are legally protected from discrimination under the Equalities Act 2010.

Managing Unauthorised Encampments

2.8 While the majority of Gypsies and Travellers have permanent bases either on public and private sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of their time. Due to the mobile nature of the population a range of sites have developed to accommodate Gypsies and Travellers as they move through different areas:

- » **Transit sites** - full facilities where Travellers might live temporarily (for up to three months) – for example, to work locally, for holidays or to visit family and friends;
- » **Stopping places** - more limited facilities; and
- » **Temporary sites and stopping places** - only temporary site facilities to cater for an event.

Transit Sites

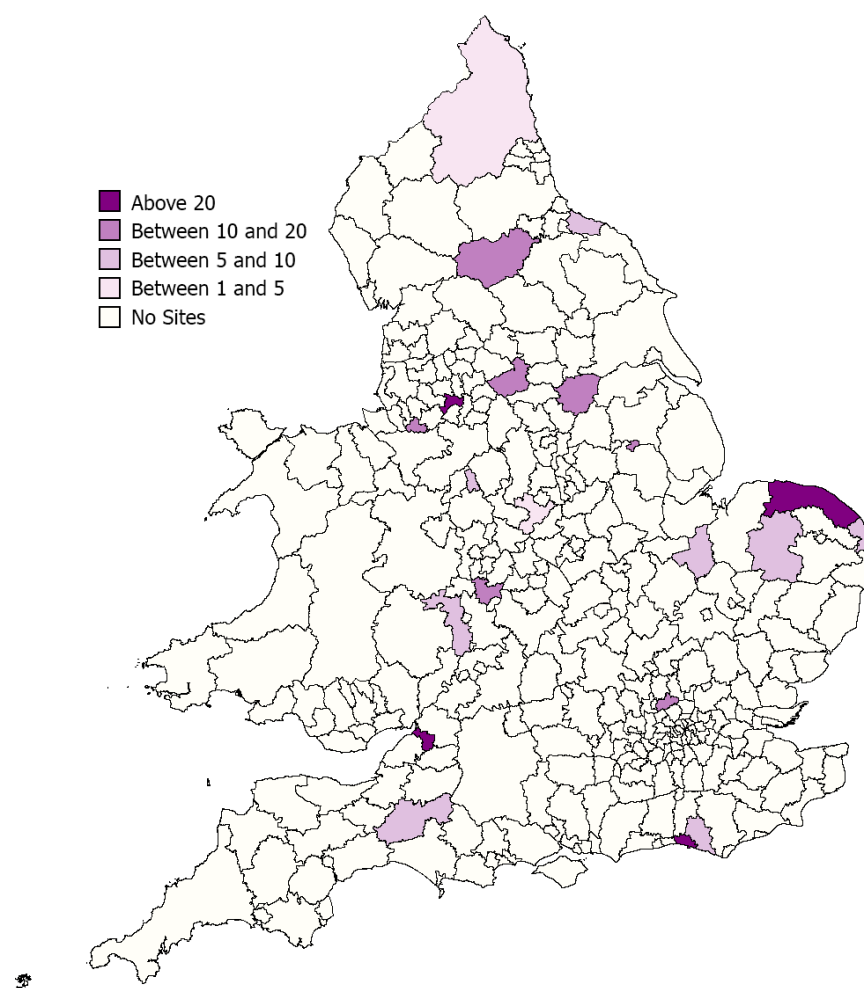
2.9 Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through on the way to somewhere else. A transit site typically has a restriction on the length of stay of usually from 4 to 13 weeks and has a range of facilities such as water supply, electricity and amenity blocks.

2.10 Communities and Local Government (2008) 'Designing Gypsy and Traveller Sites: Good Practice Guide' suggests that guidance for transit sites mirrors that of permanent sites except that proximity to community facilities (schools and doctors) is less important. Nevertheless, guidance does suggest the following differences which should be taken into account:

- » **Number of pitches** – For a Transit Site to be well managed it should not exceed 15 pitches

- » **Balance between soft and hard landscaping** – As transit sites are only intended for short stays there is less need for soft landscaping but this does not rule out maintaining the general ambience of the site
- » **Parking** – It is recommended that parking space for at least two vehicles is provided on each individual pitch
- » **Accommodation for a resident manager or warden** – Transit sites may present particular management challenges and depending on local circumstances and sufficient usage, it is recommended that provision is generally made for a resident manager/warden.
- » **Waste disposal** – is recommended for individual pitches
- » **Size of pitch** – It is important to ensure that each pitch can accommodate two touring caravans, two parking spaces and private amenities
- » **Private amenities**- it has been found that the majority of Gypsies and Travellers prefer private amenities on each pitch including a toilet, wash basin and shower with hot and cold water supply

2.11 The map below shows the distribution of transit sites in England which includes local authority and privately owned sites.



- ^{2.12} In total there are less than 250 transit pitches across the whole of England within local authority ownership or control. Currently, in Sussex there are two: nine pitches at Bridies Tan, East Sussex and 23 pitches at Horsdean, Brighton. The number of transit pitches on the latter site will reduce by six in the future to make way for permanent pitches.
- ^{2.13} There are also a number of transit pitches that are contained within private sites. This type of provision exists within West Sussex. The Clearwater site, near Chichester, is an example of a site which incorporates both permanent and transit pitches. However, this does not operate as an openly available transit site but is available to family and other visitors of existing residents.

Negotiated/Tolerated Stopping Places

- ^{2.14} An alternative to or in addition to a transit site is emergency or negotiated stopping places. This type of site also has restrictions on the length of time for which someone can stay on it, but has much more limited facilities with typically only a source of water and chemical toilets provided.

Temporary Sites and Stopping Places

- ^{2.15} Temporary stopping places are made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold water supply; portaloos; sewerage disposal point and refuse disposal facilities.
- ^{2.16} This type of provision should provide safe and convenient access to road networks and be located so as to cause minimum disruption to surrounding communities. Scarborough use this type of provision to meet the needs of those travelling and attending the Seema Horse Fair and the Whitby Regatta and make land available while the events are taking place. Temporary stopping places are more commonly used when catering for the needs of those attending specific event because local authorities will be aware of the date and length of stay and will have a good idea about the expected Traveller numbers.

Understanding Approaches to Managing Unauthorised Encampment

- ^{2.17} The type of provision provided will depend on the specific nature of the Travelling community in an area. These needs can be identified through the Gypsy and Traveller Accommodation Assessments (GTAA's) and the twice-yearly Caravan Counts, supplemented by local records.
- ^{2.18} Importantly, the type of provision provided will depend upon the strategic approach to managing unauthorised encampments the Local Authority wishes to take. The response to managing encampments will not always be met by providing site or land provision. Some Local Authorities will opt for a policy of toleration toward unauthorised encampments and will allow Travellers to stay on their chosen site or land for a reasonable length of time. While not providing any formal provision, except possibly bin bags for rubbish collection, this approach can still be viewed as meeting the needs of Travellers as ultimately they have been given the freedom to travel and camp where they want to.

- ^{2.19} The decision to provide a transit site is often driven by the associated enforcement powers that it creates as outlined below.

Criminal Justice and Public Order Act 1994

- ^{2.20} The Criminal Justice and Public Order Act 1994 (Sections 61, 62, 77 and 78) is particularly important with regard to the issue of Gypsy and Traveller transit site provision. In 2006 the Department of Communities and Local Government produced a summary document entitled 'Guide to effective use of enforcement powers Part 1: Unauthorised encampments' which cover the range of powers open to the police and local authorities. The sections below is in turn a summary of the main points and powers of the Criminal Justice and Public Order Act 1994 (Sections 61, 62, 77 and 78).

Sections 61 Criminal Justice and Public Order Act 1994

- ^{2.21} The police can use Section 61 of the Criminal Justice and Public Order Act to direct unauthorised campers to leave a site if the landowner or his agent has asked the unauthorised campers to leave the land by a particular date and time, and they have failed to do so, and any of the three following conditions have also been met:

- » the unauthorised campers have caused damage to the land or property on the land;
- » they have used threatening, abusive or insulting words or behaviour to the occupier, a member of his family or his employee or agent;
- » there are six or more vehicles on the land.

- ^{2.22} Initially the landowner must make a formal request to the police that they use their powers under the Criminal Justice and Public Order Act. Once a decision to use police powers is made, a uniformed police officer visits the encampment and advises the occupiers that they are required to leave by a certain date and time, and provides them with a copy of the legislation. The police may determine the period of notice to the unauthorised campers to leave, and this may be hours or days.

- ^{2.23} If the unauthorised campers fail to leave by the date and time specified by the police officer, or return to that location within three months of the direction, they are then committing an offence and liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding £2,500.

- ^{2.24} In summary the powers contained within Section 61:

- » can only be used by the police;
- » can be used on any land except the highway;
- » are used to remove identified individuals and/or their vehicles from land;
- » there must be two or more persons trespassing on the land before the power can be used;
- » do not require the involvement of the courts;
- » possession is enforced by the police;

- » the return of unauthorised campers to the location within three months carries criminal sanctions.

Section 62A-E Criminal Justice and Public Order Act

^{2.25} Section 62A of the Criminal Justice and Public Order Act allows the police to direct trespassers to remove themselves and their vehicles and property from any land where a suitable pitch on a relevant caravan site is available within the same local authority area (or within the county in two-tier local authority areas).

^{2.26} A suitable pitch on a relevant caravan site is one which is situated in the same local authority area as the land on which the trespass has occurred, and which is managed by a local authority, registered social landlord, or other person or body as specified by order by the Secretary of State. In two tier authority areas, where a district council is situated within a wider county council area, the relevant caravan site may be anywhere within the county council area.

^{2.27} The power may be used where the following conditions are met:

- » at least two persons are trespassing;
- » the trespassers have between them at least one vehicle on the land;
- » the trespassers are present on the land with the common purpose of residing there for any period;
- » it appears to the officer that the person has one or more caravans in his possession or under his control on the land, and that there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans;
- » the occupier of the land (i.e. the freehold owner or lessee), or a person acting on the occupier's behalf has asked the police to remove the trespassers from the land.

^{2.28} If the unauthorised campers do not leave when directed to do so under Section 62A, or if they return to the district within three months after being directed, they are committing an offence, and the police may then use their powers under Section 62B of the Criminal Justice and Public Order Act to arrest and detain them.

^{2.29} Local authorities will need to confirm that appropriate alternative pitches are available in the area before the police use their powers. The powers contained with Section 62A-E of the Criminal Justice and Public Order Act can only be used if there is alternative space available on a transit site under public control. The Police cannot redirect households to use transit provision on private sites as part of their enforcement action because it is at the discretion of the site owner who is allowed on to the site. However, for any area such as West Sussex, a publically controlled transit site anywhere in the County could be utilised to activate the powers.

Sections 77-78 Criminal Justice and Public Order Act 1994

^{2.30} Section 77 of the Criminal Justice and Public Order Act gives local authorities the power to direct individuals to remove their vehicles and belongings and to leave highway land, or any land occupied

without the consent of the landowner, whether owned by the local authority itself or by any other public or private landowner.

- ^{2.31} Local authorities may draw up a Direction which instructs the unauthorised campers to leave on a particular date and time. This document is approved and signed by an authorised signatory of the local authority (usually a solicitor or legal executive employed by the authority). It also identifies either individuals or vehicles on the unauthorised encampment.
- ^{2.32} The Direction is then served on the unauthorised campers by a local authority officer (the document must be given directly to one of the named unauthorised campers or affixed prominently to one of the vehicles).
- ^{2.33} If the campers have failed to move and/or remove any vehicles and other property by the date specified in the Direction, or return to the same location within three months of the date of the Direction, they are then committing a criminal offence and may be arrested by the police.
- ^{2.34} In practice however, it can be more effective for local authorities to pursue unauthorised campers who have contravened a direction under Section 77 by using their powers under Section 78 of the CJPOA. This allows local authorities to advise the Magistrates' Court of the contravention and, if the court is satisfied, then they may grant an Order for Removal of Persons and Vehicles.
- ^{2.35} The summary these sections of the Criminal Justice and Public Order Act
- » can only be used by a local authority;
 - » can be used on any land within the local authority's area, irrespective of ownership;
 - » are used to remove identified individuals from land;
 - » only require the involvement of the courts when unauthorised campers do not leave when directed to do so;
 - » possession is enforced by local authority officers or private bailiffs employed by the local authority;
 - » the return of unauthorised campers and/or their vehicles to the location within three months carries criminal sanctions.

Summary for the Criminal Justice and Public Order Act 1994

- ^{2.36} The Criminal Justice and Public Order Act 1994 confers a range of powers on the police and local authority, but does not create a duty to act. Both local authorities and the police have discretion as to whether to exercise their powers or not.
- ^{2.37} However, for powers to be potentially used under Section 62A-E it is imperative that a suitable pitch on a relevant caravan site is available. Therefore, unless a publically control transit site is provided in West Sussex the potential power conveyed by this act cannot be utilised by the local authority and police.

Managing Unauthorised Encampments in West Sussex

^{2.38} The following Chapters will investigate the extent to which West Sussex requires a transit site and what advice, guidance and lessons learned can be achieved through an examination of UK and Sussex approaches to managing unauthorised encampments.

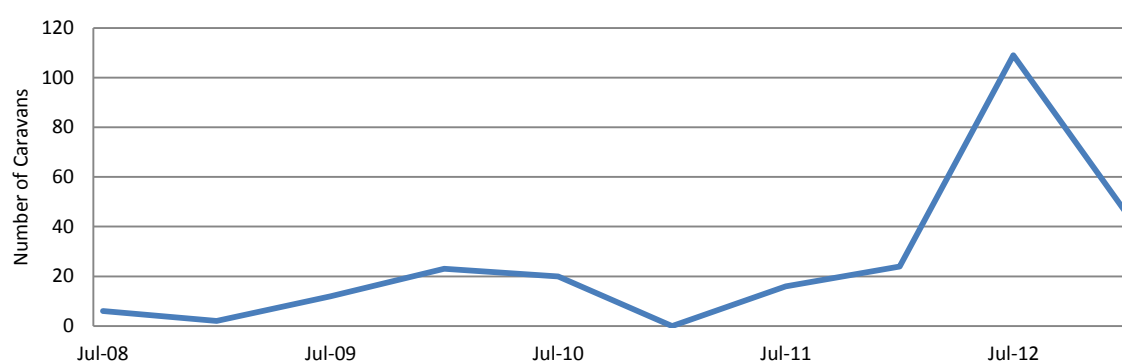
3. Gypsy and Travellers Unauthorised Encampments

Caravan Count

- 3.1 A source of information available on the Gypsy and Traveller population derives from a bi-annual survey of Gypsy and Traveller caravans, required by government, conducted by each local authority in England on a specific date in January and July of each year, and reported to CLG. This count is of caravans and not households. It must also be remembered that the count is merely a 'snapshot in time' conducted by the local authority on a specific day and that any unauthorised encampments which occur on other dates will not be recorded. Likewise any caravans that are away from authorised sites on the day of the count will not be included.
- 3.2 The charts below show the number of caravans on land not owned by Gypsies and Travellers in West Sussex. These represent unauthorised encampments which potentially could have been redirected to a transit site. The extremely high figure for July 2012 was driven by 69 caravans in Crawley. Overall it is clear that at any one time there are caravans in transit across West Sussex.

Figure 1

Gypsy Caravan Count for Caravans on Land Not Owned By Gypsies and Travellers for West Sussex: July 2008– January 2013
(Source: CLG Bi-annual Local authority Caravan Count)



West Sussex County Council and Local Authority Records

- 3.3 Figure 2 shows that evidence held by West Sussex County Council and district & borough councils indicates that in the period 2008-2013 over 350 unauthorised encampments occurred in West Sussex on highways and local authority land. These figures are likely to be an under-estimate of all encampments in the study area because some will have also occurred on private land and hence would not be the responsibility of West Sussex County Council or the local authorities. This would appear to highlight a clear gap in provision for at least one transit site in the area to help to manage unauthorised encampments.

Figure 2
Number of Encampments on Highways Land and Local Authority Land in West Sussex by Local Authority 2008-2012 (Source: West Sussex County Council and Local Authorities)

Local Authority	2008	2009	2010	2011	2012	2013	Total
Adur	11	8	5	2	9	5	40
Arun	9	25	7	19	12	6	78
Chichester	4	10	4	8	7	47	80
Crawley	19	2	1	5	2	1	30
Horsham	13	7	3	5	6	7	41
Mid Sussex	15	16	6	5	12	3	57
Worthing	2	5	2	1	8	9	27
Total	73	73	28	45	56	78	353

- 3.4 Sussex Police also collect data on encampments across the force area and the actions taken. In 2013 they had 94 encampments reported to them across West Sussex, East Sussex and Brighton and Hove, with 51 of these in West Sussex. While having the power to use Section 62 of the Public Order Act 1994 in East Sussex, this was only used twice in 2013 and the total number of reported encampments in East Sussex was much lower than in the other areas, indicating that the transit site may have an impact on the number of encampments.

Figure 3
Actions of Sussex Police in Relation to Unauthorised Encampments in 2013 (Source: Sussex Police Records)

Area	Reported Sites	Police Welfare Assessment Conducted	Landowner requesting use of powers	Supt Authority Sought	Supt Authority Granted	Section 61 Used	Section 62 Used
West Sussex Division	51	39	10	17	4	3	0
East Sussex Division	6	5	3	2	2	1	2
Brighton and Hove Division	37	33	9	11	8	8	0
Total for Sussex Police	94	77	22	30	14	12	2

Understanding Transit Patterns in West Sussex

- 3.5 The data on unauthorised encampments confirms stakeholders assertions that over recent years the number of encampments in the West Sussex area overall has increased. Faced with the associated cost of dealing with greater numbers, there has been growing support for exploring the future management of unauthorised encampments, specifically through the provision of a transit site similar to their neighbours:
- » **Horsedean, Brighton and Hove City Council** - 23 pitches
 - » **Bridies Tan, East Sussex County Council** – 9 pitches
- 3.6 The factors that explain unauthorised encampments across the Districts and Boroughs differ and favoured Traveller areas are subject to change. As reported by a WSCC officer, Chichester has become a popular Traveller destination in the last two years. In 2012 this was thought to have been caused by one particular group of Travellers who had stayed in the area for employment opportunities – specifically block paving work. Also, it is reported that many who are camping in Chichester are working in Hampshire. Prior to the increase in Chichester, Crawley and Horsham were favoured areas. This suggests that encampments can and do occur in each District and Borough at various times for different reasons.
- 3.7 Overall, the majority of unauthorised encampments in West Sussex are thought not to be caused by Travellers who are seeking permanent residence in the West Sussex area. Rather they are Travellers who:
- » have permanent accommodation elsewhere in the Country
 - » are on holiday
 - » en route to an event in the country (example religious festival in Western Super Mare in 2012)
 - » are travelling to the area for employment opportunities
 - » have been evicted from a neighbouring area
 - » are staying in West Sussex but working in neighbouring areas (Hampshire and Brighton and Hove)
 - » are seeking permanent residence in neighbouring areas (Brighton and Hove).
- 3.8 It is suggested that Travellers in transit in the West Sussex area have previously accessed the transit site at Brighton where they can stay for a maximum of three months.
- 3.9 Therefore, it can be assumed that some travelling patterns are cyclical and based on a stay at a transit site before travelling to West Sussex. In addition, however, the capacity at the Horsedean has fluctuated over the past year as repairs and other issues are remedied. This may have had an effect on the availability of provision across Sussex as a whole and could have increased the number of encampments in other areas including West and East Sussex.
- 3.10 It is well recognised by stakeholders across the Sussex area that forthcoming provision of a permanent site in Brighton has kept a number of Traveller families in the area who wish to claim local connections to Brighton and Hove and secure permanent residence. When conducting the Coastal West Sussex and Mid-Sussex GTAA's stakeholders revealed anecdotal evidence that Travellers in the area had been or were looking to travel to Brighton. It is reported that the Brighton connection has affected Mid Sussex and Adur

and Worthing to a greater extent than the other Districts. An officer representing BHCC was also aware of Travellers who have been moving between Brighton and Chichester on a regular basis.

4. Managing Unauthorised Encampments: UK Experiences

Background

- 4.1 There are less than 250 transit pitches across the whole of England within local authority ownership or control. The following section presents findings from interviews with representatives from eleven unitary and local authority areas. The areas where interviews have been undertaken include areas with transit sites:
- » **Fenland** - (1 site = 9 pitches);
 - » **Hertfordshire** – (1 site = 16 pitches).
 - » **Norfolk** - (4 transit sites = 27 pitches); and
 - » **Wiltshire including Swindon** - (2 sites = approximately 40 pitches).
- 4.2 ORS have also interviewed representatives in areas where transit provision is not currently provided to glean views from those in a similar situation to West Sussex:
- » **Buckinghamshire** – (identified a potential need for 1 site = 10 pitches);
 - » **Mendip**- (0 sites = currently working on a Community Land Trust (CLT) initiative that will look to develop a permanent site, 2 pitches will be for transit use);
 - » **Oxfordshire** - (1 site = 6 pitches that are not used for transit provision. No need was identified for transit provision in their recent needs assessment); and
 - » **Suffolk** - (0 transit sites);
- 4.3 A member of the ORS research team also attended an expert learning day, delivered by Leeds Gate Gypsy and Traveller Exchange on the 19th September, on 'Negotiated Stopping'. The information gathered has been shared in this section.

Unauthorised encampments

- 4.4 All Local Authorities generally gave the impression that the numbers of unauthorised encampments in their areas had decreased over the years. This was felt to be for a number of reasons:
- » Gypsies and Travellers were in some cases wishing to be permanently based for a number of reasons such as
 - » Their children's education;
 - » The cost of diesel;
 - » The lack of sites;

- » The recession and lack of employment opportunities;
- » Changes in legislation relating to areas such as scrap metal dealing and possible legislative changes to “cold calling”;
- » The fear of being moved on.

4.5 Nonetheless, many Travellers continue to travel and the reasons highlighted by those interviewed as to why Gypsies or Travellers move between areas were identified as being:

- » Traditional travelling routes;
- » Visiting friends/family;
- » Employment opportunities;
- » Specific events such as Royal agricultural shows and religious festivals such as the Catholic pilgrimage to Our Lady of Walsingham church near King’s Lynn; and
- » Holidays.

4.6 Those interviewed generally believed that Gypsies or Travellers still transient are moving through their areas or satellite around their area are more likely to be those who are Irish Travellers and New Travellers; some believed that Romany Gypsies tended to travel less and if they did, it would be during the summer months.

4.7 The majority of those interviewed referred to enforcement policies and procedures and, to improve the relationship between Gypsy and Traveller communities and public bodies together with providing a better service and a more tolerant approach some, such as Norfolk has a Protocol and a Gypsy and Traveller Strategy (currently being updated) and Swindon has a Traveller Code.

4.8 Enforcement in the areas interviewed was conducted through their own dedicated Gypsy and Traveller Officer/Enforcement Officer or each local authority (in two tier areas) paid towards the costs of the County Council providing such a service.

Explaining Preferences for the Provision of a Transit Site and their location

4.9 When interviewees were asked to explain why they had chosen to provide a transit site it was clear that there is no one reason common to all. Transit sites have usually resulted over time as a perceived solution to unauthorised encampments or as a result of a need being evidenced in a Gypsy and Traveller Accommodation Assessment.

4.10 The location of transit sites had in the main been the result of land availability and tended to be in council ownership. Transit sites tended to be in areas that would cause the least controversy such as where sites had already been developed for permanent use. The older sites in particular have been developed as a result of a path of least resistance e.g. usually next to existing permanent residential sites or on small parcels of land such as old railway cuttings or chipping depots that have become defunct over time. One site however had been developed on a piece of land that had been in private ownership and was specifically bought after consultation with Gypsies and Travellers with regard to preferred location and in comparison with other sites this was always in use.

- ^{4.11} It appears that where transit sites are provided there is stronger political backing for their existence than for providing new permanent residential sites; those interviewed believed that executive officers and council members tended to be more supportive of the provision of existing transit sites or for the providing of additional/new transit sites. It was put forward by those interviewed that this may be because of a perceived belief that Gypsies or Travellers will move through their areas more quickly, transit sites are thought to be cheaper to develop and run and they will therefore save public money. It is believed that having a transit site ensures there is a place where Gypsies or Travellers can be directed to should enforcement action be necessary.
- ^{4.12} When choosing where a transit site should be located those interviewed generally believed that transit sites through experience should not be adjacent to existing permanent residential sites. There was evidence to suggest that where existing permanent sites have been expanded to accommodate transit provision, issues arose between the permanent residents and those that are transient. Anti-social behaviour particularly relating to noise such as from generators, music, dogs and disputes between children made managing the two types of site extremely time consuming and possibly expensive. However, it is worth noting that in most cases transit sites tended to be away from residential bricks and mortar accommodation so there was no evidence to suggest that there were any general community cohesion issues other than between the Gypsies or Travellers themselves.
- ^{4.13} It is generally believed, that transit sites were best near main road networks and in areas that were known to be frequented by Gypsies or Travellers.
- ^{4.14} Some interviewed were mindful that it is easier to apply Section 62a in a unitary authority. In Counties, stakeholders agreed that for a transit site to work there needs to be a multi-agency approach to managing illegal encampments, by all districts and boroughs and led by the County Council.
- ^{4.15} There is a perception that such provision located within a local authority area could act as a magnet for Gypsies or Travellers and in addition may be seen as a negative to those people living in that local authority area with a perception that houses prices could be devalued. This perception is not supported by evidence. Three of the transit sites identified, regularly had vacancies and were generally underused². In one case it was known for the local authority to contact nearby local authority neighbours to ask whether they had any need to use their transit site because of underutilisation and it could be perceived there was a need to justify the existence of a transit site in their area. A conclusion could be made therefore, that Gypsies or Travellers will only go to an area because they have a reason to be there, for work opportunities, historical travelling patterns or to visit family/friends; they do not go to an area because they have heard there are vacancies on a particular site.
- ^{4.16} Some interviewees also pointed out Gypsies and Travellers are not one homogenous group; there are cultural differences between the different Gypsies and Travellers groups that often cause disputes; in addition to this there are further hierarchical and/or family feuds. This means that should police direct Gypsies or Travellers to vacancies on a transit site they will not necessarily go there because of these reasons and in some cases New Travellers, in particular, do not like to be told where to go and will decide for themselves what is best for them in terms of location.

² The majority of transit sites were constantly in use and at times could be considered as overcrowded.

Design and Development Costs

- ^{4.17} Some of the sites identified had been in place for a long time arising from the Caravans Act 1968; the sites have evolved rather than purposefully designed. In some cases the transit sites are used on a temporary, seasonal basis and in some cases they could be considered as pop-up³. The design of these sites has been developed using good practice guidance referred to in Chapter One⁴.
- ^{4.18} Those sites that have been “designed” are usually as a result of grant funding from the Department of Communities and Local Government (DCLG) Gypsy and Traveller Sites Grant programme which is now administered through the Homes and Communities Agency (HCA). Through that programme £16.3m have been invested in 26 schemes across the country providing 88 new or additional pitches and 179 improved pitches. The HCA has been in the process of delivering up to £60m Traveller Pitch Funding as part of the Affordable Homes Programme, to support local authorities, housing associations and other delivery partners.
- ^{4.19} In January 2012 the HCA announced confirmed allocations for £47m of this funding to support 71 projects across the country, for the provision of new Traveller sites and new pitches on existing sites, as well as the improvement of existing pitches. Further funding may become available as a result of slippage over the course of the programme. Providers interested in developing Traveller provision, including transit sites, can still contact their local HCA area office to discuss their proposals.
- ^{4.20} Older sites tend to be basic and in some cases provide little more than hard standing, cold water and portaloos. However, it has been identified that some of these sites have received significant refurbishment grants to improve facilities, but have since been vandalised. In these cases site owners now have little money or inclination to undertake the process of submitting grants to fund new facilities which could meet the same end. The evidence suggests that where transit sites have basic facilities, those using them are more transient and some could be considered to have chaotic lifestyles; they also tend to be more willing to move on from basic sites than those sites that have better facilities. Sites with basic facilities and with little management were less likely to be used by those Gypsies or Travellers wishing to keep a low profile when entering an area and want to go quietly about their business and cause as little disruption as possible.
- ^{4.21} Sites where “design” principles have been used have better facilities. These include shared bathroom amenity blocks consisting of basin, shower and toilet. There is also the provision of electric hook ups, drainage and taps to each plot. The visual appearance of these sites is more considered and often create less impact on the local environment. The use of earth bunding is considered to be preferable to Heras or wood panel fencing; this is because it cannot be removed or burnt and is aesthetically softer. Plots should be clearly delineated to ensure arguments over pitch use do not arise and it is advisable for an area to be set aside for large vehicles, livestock and/or for work.
- ^{4.22} Based on the experience of those authorities who have transit sites well designed and well managed sites are likely to have more vacancies and can therefore be used more effectively as a tool to avoid unauthorised encampments.

³ Pop-up – This term has been used for small pieces of derelict land or underutilised areas that can be used on an ad-hoc basis;

⁴ Designing Gypsy & Traveller Sites good practice guide, Housing Corporation, CLG 2009

- 4.23 Interviewees who had experience of or who managed sites that had existed for a significant amount of time were unable to provide costs relating to their initial development.
- 4.24 Developments costs for some sites that received grant funding in recent years have been provided. As explained these new sites have better facilities and will include the following as a basic outline:
- » Hard standing;
 - » Security fence;
 - » Street lighting;
 - » CCTV⁵;
 - » Amenity block (probably providing male and female facilities each with a shower, WC and wash hand basin);
 - » Laundry room.
- 4.25 Each pitch in most cases accommodates two caravans⁶ and is provided with separate electric, water and drainage.
- 4.26 The average cost of providing sites based on a per pitch basis (but including the cost of shared facilities) was approximately £55,560 per pitch. It is noteworthy that some of those interviewed believed that the quality of the facilities are beyond what is required and that providing basic facilities of hard standing, water and portaloo facilities is sufficient for a transit site. This is because it is significantly cheaper to develop (especially if the land is in the ownership of a public body); it is cheaper to run because there is less infrastructure or facilities that can be vandalised or stolen. The result of this is that the sites are believed to be easier to manage.

Management, Service Provision and Running Costs

- 4.27 Security and safety were considered by those interviewed to be extremely important and there were differences in the way site access is managed. Some sites, especially where they are an extension to an existing permanent site or those that could be considered large⁷, have 24 hour wardens or gatekeepers. However, the majority of transit sites are locked at all times and anyone wishing to use the site telephones a key holder; the management of these sites is arm's length.
- 4.28 In some cases where 24 wardens or gatekeepers are available on sites these are sometimes from the Gypsy or Traveller communities themselves. Some interviewees report that on their transit sites warden/gatekeeper accommodation was provided rent free or at a peppercorn rent and in one case rent from a proportion of those living on the sites went direct to the agent in payment for warden services rather than receiving a salary from the council.
- 4.29 The use of curfews and barrier systems to allow residents or visitors to have access whilst staying at the site were restricted to daytime hours only, security lighting and the use of CCTV were considered, by some, to be important. There were differences in opinion in relation to the use of CCTV as for some residents it provided a sense of security whilst for others it was an invasion of privacy.

⁵ Not all sites included CCTV.

⁶ One interviewee highlighted that they had pitches that were either singles or doubles.

⁷ Large is considered in this case to be more than 15 pitches

- 4.30 In the majority of cases those using transit sites are asked to complete a Mobile Homes Act agreement or similar transit site agreement, an example of which is available on request.
- 4.31 The transit sites identified had a maximum length of stay ranging from 28 days to three months and some had a restriction of no return within three months. Some interviewees identified that they had regular users of their sites and in one area they had experienced difficulties in a family not moving from the transit site for a year.
- 4.32 Some of those interviewed had experienced management issues ranging from anti-social behaviour such as noise, control of dogs and/or children, rent arrears and overcrowding. Overcrowding was often experienced on the transit sites in the majority of areas because of the lack of permanent provision – therefore it is assumed that transit provision works best when there is adequate and appropriate permanent provision.
- 4.33 Fees are charged and in some cases, a deposit required. Transit sites where facilities are basic generally charge a small fee usually to cover the cost of water, the use of the portaloo and rubbish collection (black sacks are provided) – on average this is around £5 per week. Where sites provide modern facilities and amenities such as hot/cold water, laundry and bathing facilities, electricity⁸ and security the fees range from £20-£50 per week. One area charged £70 per week for a double pitch (accommodating 2 caravans). However, it was noted the level of rent charged, especially in relation to whether or not a deposit was required, was in some areas discretionary. This is because some organisations believed that not all Gypsies or Travellers could afford this level of expenditure and it was acknowledged that where fees were handled by a middle man this could be open to abuse. It was believed that there was a need to be flexible and respect the experience and knowledge of Liaison Officers/Wardens or gatekeepers, as it was considered that they knew the Gypsies and Travellers that they dealt with on a regular basis and they knew whether or not there was a need for leniency.
- 4.34 With regard to the successful collecting of rents and deposits the research has indicated that where organisations charge rent there are difficulties in obtaining the money – rent arrears often accrue. One interviewee was of the view that where any Gypsy or Traveller had rent arrears they would be unable to use the transit site in the future unless the arrears were paid in full.
- 4.35 Respondents were, in the main, unable to provide information about running costs. The general impression is that those operating transit sites incorporate operating and revenue costs within larger generic budget. A view was put forward that this may actually hide the genuine costs of running and operating transit sites and by doing so there is an inability to justify costs against usage/need. The running costs that have been identified indicate that for a basic transit site an approximate running cost would be in the region of £9k per year, but this does not include the cost of providing key holders etc. One interviewee confirmed that last year the net loss for their transit site was over £13,000 but this year they were currently in profit by nearly £2,000; the revenue for covering costs for this area is provided through rents collected on their permanent sites.

⁸ Electricity is usually paid for by purchasing a £5 meter card and this often included the use of water.

Cross Border and Partnership Working

- 4.36 All of those interviewed believed that the relationship with the police authority in their areas was extremely important. It was generally recognised that in the majority of cases the police offered the ability to be tolerant when needed, but active and effective when a clear breach of the law had taken place. It was considered by some of those interviewed that the police taking an interest in the social welfare issues of Gypsies and Travellers alongside possible breaches of the law provided good partnership working. For example, Gypsy and Traveller Liaison Officers or site managers were able to inform the police of who was using a site in their area. Some of those interviewed also found the use of the police architectural liaison officers of assistance when designing sites.
- 4.37 Those interviewed confirmed that if a transit site in the area was being used in relation to enforcement action it was only for those with a local connection or being moved on within their own local authority area; their sites could not be used to direct Gypsies or Travellers to or from other district or county areas. However, in two tier areas where there is a countywide agreement to pass responsibility for dealing with unauthorised encampments supported by a countywide transit site this is not an issue.
- 4.38 Those interviewed did not highlight any cross border issues or good practice; in relation to cross border/partnership working other than the approach taken in East Sussex and in some areas Gypsy and Traveller Liaison Groups are attended by local authorities (housing and enforcement), health, education etc.

Meeting the Needs of Transit Sites Users

- 4.39 Interviewees agreed that the policies in use and the transit sites in their areas generally met the needs of those using them and some were able to evidence this from satisfaction surveys. However, it was generally agreed by those with Gypsies and Travellers in their area that because of the lack of permanent provision the use of transit provision was under strain. This was evidenced by some families/individuals staying for the maximum amount of time before moving onto another transit site; thus orbiting around an area and making do before finding a permanent pitch.
- 4.40 It was also considered that access to services such as education and health had improved through the use of welfare checks usually carried out by Gypsy and Traveller Liaison Officers.

Meeting the Needs of the Local Authority

- 4.41 Interviewees from areas that have transit sites believed that by having such a facility they had more options open to them especially in relation to enforcement and eviction. It was believed that well organised management, with supporting policies and procedures in place definitely reduced issues related to managing transit sites. It was also generally believed that having a well-designed site with good quality fixtures and fittings and basic facilities were preferable to those that could be easily damaged or removed.
- 4.42 Importantly, it was interviewees' perception that the cost of enforcement was reduced as a result of having transit provision. Unfortunately, interviewees were unable to provide data to evidence this. Value for money is therefore difficult to evidence due to the lack of detailed income and expenditure costs information and different methods of financing the costs. However, it was the perception of those interviewed that providing transit sites did equate to value for money.

- ^{4.43} The cost of enforcement has certainly been an issue for West Sussex. Based on high level data it is estimated that over the last five years unauthorised encampments are estimated to have cost the District and Borough Councils approximately £250k. This figure is likely to be grossly underestimated as it does not include data from the County Council and some authorities were unable to provide the data for the full 5 years. There are also inconsistencies in the methods used to collate this data across the Districts and Boroughs.
- ^{4.44} Those interviewed in areas where no transit sites or pitches were provided believed it gave their areas less options especially in relation to enforcement action. It was also believed that it gave a reduced service to Gypsies and Travellers moving through their area or where permanent site provision was insufficient.

Transit Site Provision: A Case Study from Halton, North West England

- ^{4.45} In 2009, Halton Borough Council opened a ten-pitched transit site, which offers Gypsies & Travellers coming into Halton a place to stay where they are able to access services. Families are able to stay for a three-month period, which must be followed by three months away from the site before they can return.
- ^{4.46} The transit site has greatly reduced unauthorised encampments in Halton – only 14 occurred in a two year period (2010-2012) and these were successfully dealt with within hours and the only associated cost was staff time. Prior to the transit site opening the average number of encampments was around 15 each year. This has since reduced to an average of eight per year. The number of unauthorised encampments continues to reduce since the opening of the transit site.
- ^{4.47} Importantly, this compares favourably when compared to a neighbouring authority without a transit site where there were over 60 unauthorised encampments over the period (2010-2012), a number of which took weeks to resolve and involved court action and the associated costs. Prior to the opening of the transit site, Travellers were going back and forth between neighbouring areas, however, this has reduced.

Negotiated Stopping: A Case Study from Leeds, West Yorkshire

- ^{4.48} In 2009 the West Yorkshire Gypsy Traveller Accommodation Needs Assessment identified a need for forty new pitches in Leeds before 2013 and a further eight pitches before 2015 to accommodate population growth. No new pitches have become available during this period and there are several private planning applications pending. Leeds City Council (LCC) have applied for planning permission to increase the 41 pitch local authority site to 53 pitches. The Local Authority estimates that up to 12 homeless Gypsy and Traveller families are already living on the Local Authority site 'doubled up' on pitches leased by family members. There are also up to 12 families living on authorised encampments in Leeds.
- ^{4.49} Between 2003 and 2010 Leeds City Council spent £2 million on 'eviction and clear-up costs' associated with unauthorised encampment. Locations of unauthorised encampments were increasingly inappropriate, including leisure use and church land, as previous camps were bundled.
- ^{4.50} Leeds Gypsy and Traveller Exchange (GATE), a community members association, provides advocacy and development support to members living on the roadside. The organisation raised concerns about health and wellbeing costs to the families living on the unauthorised encampments, as well as the identified costs to the Local Authority and uncalculated costs to the police force and health and education (missed appointments, school absence).

- ^{4.51} In January 2011, LCC published the findings of the Neighbourhoods and Environment Scrutiny Panel into Gate and Traveller site provision which made 12 recommendations including conducting a pilot ‘negotiated stopping’ scheme.
- ^{4.52} In May 2011, Leeds based families returned to a camp where they had previously been evicted. The Chief Housing Officer was given the task of reviewing the location with a view to initiating negotiated stopping. LCC found a desirable site for the following reasons:
- » The land was a ‘defensible space’ in that land available was restricted and any encampments therefore would be restricted in size
 - » That there was some ‘buy-in’ to the project among local business owners, the police and elected members
 - » The location was safe for the families and that they were prepared to stay there
- ^{4.53} The pilot went ahead with Leeds Gypsy and Traveller Exchange acting as facilitator to assist with the drawing up and signing of individual contracts with the heads of the families. As part of the contract LCC provided rubbish disposal and ‘portaloo’ toilets for each family. The agreement was to last three months. Once this period was up LCC sought another location and a successful move took place. The camp has been at the current location for four months and a further location is currently being sought.
- ^{4.54} A number of issues and learning points have arisen as a result of this approach:
- » LCC is reported to have saved in excess of £100,000 on associated costs up to September 2014, in relation to reductions in eviction and clear up costs associated with unauthorised encampments. The reduction in costs is important. However, it is important to note that this reduction has been achieved through a more tolerant approach overall and not just through the negotiated stopping place.
 - » The role of Leeds GATE as mediator has been helpful.
 - » Reducing difficulties associated with illegal encampments has been a beneficial effect on community cohesion and may reduce opposition to permanent site provision.
 - » Access to healthcare, education and training opportunities has significantly improved for the roadside families as the pace of evictions have slowed.
 - » Evidence that an authority is engaging in negotiated stopping can be presented to court if, at any point, recourse to an application for a possession order becomes necessary. The police can also use Section 62 of the CJPOA, if the local authority has identified an area where residents of an unauthorised encampment can be directed to.
- ^{4.55} Negotiation isn’t unique in the UK. Fenland District Council currently retains no budget for dealing with unauthorised encampments because negotiation is routine.
- ^{4.56} The use of negotiated stopping places has certainly had some success in Leeds, and has been aimed at meeting Leeds based Travellers and seems to be an interim solution to the lack of permanent accommodation in the area. This could provide a useful solution for West Sussex as they try to cope with Travellers in transit, prior to the development of a transit site which could take a number of years. This could be developed at a county-wide level in conjunction with Sussex Police. This approach could also be used in conjunction with formal transit provision.

Recommendations and Conclusions

4.57 When asked what recommendations they have for West Sussex, interviewees advised some form of transit provision and made the following suggestions based on their own experiences:

- » Keep site facilities and design basic;
- » Work with other local authorities within your county to provide a transit site along your main roadways;
- » Have a lead officer as the main point of contact who can then contact any officers required within an organisation, especially in relation to unauthorised encampments and other anti-social behaviour reported by members of the public;
- » Have tight rules and procedures as this will ensure that your transit sites are not abused such as non-payment of rent or overstaying;
- » Ensure the management of the site is in place before it opens and have either a gatekeeper/warden or more than one key holder;
- » Do not locate your transit site as an expansion to an existing permanent site;
- » Ensure those using the site can access local facilities such as health centres, shops and schools;
- » Do ensure that you have an ethos of toleration this will create greater trust in those that may be directed to a transit site and thereby use it;
- » Ensure a consistent approach with your neighbouring authorities, in two tier authorities at a County level, and work pragmatically to ensure provision and approach is shared;
- » Consider having lengths of stay that are flexible – if there are no Gypsies or Travellers waiting to use a transit site consider allowing a person to stay on the site a bit longer (with a new date agreed).

4.58 In conclusion, the way in which local authorities respond to the management of unauthorised encampments differs, nonetheless, there are a number of commonalities which provide some guidance when developing a transit site:

- » An optimum number appears to be up to ten pitches.
- » The site should provide basic facilities such as hard standing (no pea shingle), water and portaloo with sacks provided for rubbish (rubbish collection once a week).
- » Travellers in transit are likely to have their own generators so do not provide an electric hook up as they could overload it/abuse it.
- » A curfew should be imposed so that people can't get on during the night (but a code to be able to get out).
- » The site should be located away from existing sites and also local residents, but close enough to road networks and facilities. Good locations could include old chipping depots slip roads and land in ownership of the council to reduce cost.
- » Boundaries should be earth bunding as opposed to wood panel fencing.

^{4.59} It is fair to conclude, that there is no single model that could be considered 'best practice'. Local authorities have responded to local and regional factors such as availability of suitable land; travelling movements including size of encampments and frequency and the needs of the travelling community as well of the needs of the local authority.

5. Managing Unauthorised Encampments in Sussex

Background

- 5.1 In order for West Sussex to make an informed decision regarding the future management of encampments it is important to examine the unauthorised encampment policy in the Sussex region. This section examines the policies in Brighton and Hove, East Sussex, West Sussex and the approach to managing encampments by Sussex Police.

Brighton and Hove City Council (BHCC)

- 5.2 Brighton and Hove is considered a popular destination for Travellers in the South East who are attracted by employment opportunities and seasonal work and are therefore up to four times more likely to have unauthorised encampments than in the rest of the region⁹.
- 5.3 BHCC currently manage encampments through the provision of a transit site at Horsdean which contains 23 pitches. The transit site was originally created for New Travellers, however, in 2007 BHCC applied for a government grant to undertake some refurbishment of the site to make it suitable for Gypsies and Irish Travellers. The site is well used and, on many occasions, is full. The site is owned by BHCC and is managed by a warden. It is policed via CCTV security systems. However, the site is considered too big and when a large number of families occupy the site it can reportedly become difficult to manage and remove the families.
- 5.4 Plans around the future of the site and the management of Unauthorised Encampments has been laid out in *The Traveller Commissioning Strategy 2012: Balancing the needs of Traveller communities and the City's settled communities* which contains a number of objectives, but importantly sets out how the Authority intends to reduce the number of unauthorised encampments through the development of a permanent site at Horsdean which will redress the shortage of official permanent pitches. The site will be funded by a £1.7 million government grant. Once the permanent site is developed, it will reduce the number of transit pitches that are available by six. It is envisaged that there will be more families applying for a permanent pitch than what will be available and there are households which regularly use the transit site.
- 5.5 The strategy emphasises achieving maximum value for money by providing the services that will make the most difference and by reprioritising funding from reactive to preventative services. Overall, the dedicated Traveller services the Council provides to manage the Horsdean Transit site, to tackle unauthorised

⁹ Brighton and Hove (2012) *Traveller Commissioning Strategy 2012: Balancing the needs of Traveller communities and the City's settled communities*, p4.

encampments and provide outreach education services costs around £600,000 per year. Just over half of those costs go on managing unauthorised encampments, although this cost does not include the more intangible impact on the settled and Travelling communities such as residents not being able to use parks or the impact on the health and education of Traveller from regular evictions.

Managing Encampments

- 5.6 BHCC employ a Gypsy Traveller Liaison Officer who has a protocol with the police which is based upon 2004 guidelines on unauthorised encampments. The local authority will carry out a joint visit with the police within 24 hours (except for weekends).
- 5.7 An assessment will be undertaken which looks at the location, size of encampment and whether there are issues with the local community for example “is it on a sports field?” “Is there a local community event?” Or is it in a place which could be tolerated for a short period. Health and welfare enquiries are also conducted. The results of this assessment will form the basis of a joint decision on the use of Section 61 and 62a.
- 5.8 With a transit site in place it does mean that the police can use S62a to move Travellers on to that site. However, in Brighton the potential of this enforcement power is not yet been realised in the same way as East Sussex. Currently, the police don’t undertake a partial eviction, for instance when there are six pitches but ten families. It is reported that this practice will soon become more consistent with the other divisions since a recent refresh of the ‘pan-Sussex’ approach. It is argued that once Police begin undertaking partial evictions, the transit site will become more beneficial in reducing the numbers of encampments.
- 5.9 During 2013 the Horsdean Transit Site was closed and offered fewer pitches for those in transit. Prior to this it was constantly full and occupied by families who wanted or needed permanent sites. This supports the evidence that without permanent provision transit site provision cannot be effective in managing unauthorised encampments.

East Sussex County Council (ESCC)

- 5.10 East Sussex Districts currently manage unauthorised encampments through their use of a single transit site serving the entire County. The aforementioned solution has taken a decade to reach and was achieved through strong political leadership.
- 5.11 Although the provision of a transit site was prompted by rising tensions within the settled community, importantly, the development of appropriate transit provision available to all the Councils in East Sussex was viewed as central to an effective strategy for dealing with unauthorised encampments critically because it enables the Police to exercise their powers under Section 62A of the Criminal Justice and Public Order Act irrespective of where the unauthorised encampments are located in the County.
- 5.12 The Leaders of the District and Borough Councils in East Sussex, East Sussex County Council and the Sussex Police Authority agreed in 2003 that there should be a common approach to unauthorised encampments across the County. A report to ESCC Cabinet on 3 August 2004 agreed the key components for the development of an effective strategy for the management of unauthorised camping in East Sussex would be progressed in partnership with the District and Borough Councils and Sussex Police. It was agreed that the development of the Southerham lay-by in Lewes to provide transit provision should be progressed. The Cabinet report was approved by the Cabinet of each of the District and Borough Councils.

- 5.13 In September 2010 Bridies Tan was opened. The site has nine pitches and is situated on the A27 which had previously been a traditional but unofficial stopping place.
- 5.14 Although data on recorded unauthorised encampments is not available prior to the opening of the transit site, stakeholders report that since 2010 there are far fewer encampments and there has been a year on year decrease since 2010. As shown in figure 3 the amount of encampments in East Sussex is lower than West Sussex.

Multi-Agency Approach

- 5.15 Responding to unauthorised encampments in East Sussex is not viewed as the responsibility of one agency and the protocol sits within the context of the multi-agency Traveller Strategy for East Sussex. Agencies involved include the County Council, the District and Borough Councils, East Sussex Police and Health Services. Each of the Councils make a financial contribution to a post, hosted by the County Council in the Traveller Team to help with liaison between the agencies including the production of the joint strategy.
- 5.16 In the first 24-48 hours of an encampment arriving a Community Impact Assessment meeting will be held coordinated and chaired by ESCC. The meeting takes priority and at that meeting there will be representatives from the community including Travellers, Elected Members (town, parish, district or county), the Police, the Travelling Team, trading standards, waste management, children services, education and legal advice. A plan is reached and the roles of each of the professionals involved are decided. Once the decision to evict or tolerate is decided communication channels are then set-up. Elected Members, at every level, are advised and informed. The Traveller Team then carries out a joint visit with appropriate services and will offer advice and assistance to Unauthorised Encampment occupants. For example, trading standards have a DVD they hand out which covers specific issues such as the cooling off period in relation to carrying out works. Waste management will give advice on waste management carrying licences and keeping invoices etc.
- 5.17 In carrying out their enforcement powers in relation to Section 61 and 62a Sussex police play a vital role in the overall approach to managing unauthorised encampments. The police are unable to use S62A powers without available transit site provision.
- 5.18 In the East, Sussex Police have agreed to use their S62A powers if Bridies Tan is available irrespective of where the unauthorised encampment is in the County. Because Bridies Tan is a County resource if the Travellers then move to another District in East Sussex the police will serve another S62A until they have no Districts they can go to for three months. It is common that the travellers will not go to Bridies Tan.
- 5.19 If Bridies Tan is full they cannot use S62A. However, the following example was given by an officer representing East Sussex who claimed that in one incidence there were eleven caravans but only eight spaces at the site. Sussex Police served S62A and directed eight of them to the site, however, they all moved and didn't go to Bridies Tan. This is common. This is considered be a fairly swift experience which can take a couple of hours. Most Travellers are aware of the legislation and therefore understand the process.

Site Management, Service Provision and Running Costs

- 5.20 The initial cost of setting up the site at Bridies Tan was funded through a central government grant of £1.4 million. The cost is viewed as high largely due to the fact that the site is in an AONB (Area of Outstanding Natural Beauty) and a steep chalk bank had to be dug out.
- 5.21 The site is managed by the County Council Traveller Team through a site manager who also manages the four permanent sites in the County. Residents are allowed a twelve week stay with six weeks in between visits. There is restricted gated access and access on and off site is controlled and monitored by CCTV. Travellers have to ring if they want to move on and off the site with their caravan, uncontrolled access is only available for cars. Once four or more pitches are occupied this will involve more hands-on management. The occupancy of Bridies Tan year on year is going up and is now around 45% occupancy spread over a year. However, intensive management of the sites can be offset against the minimal amount of time the Traveller Team now spend on the management of encampments overall.
- 5.22 Electricity is charged separately and each pitch has its own meter which is controlled remotely. The pitches have individually allocated showers and toilets with lockable metal security doors but all located in a single separate block.
- 5.23 The running cost of the site is funded through an equal contribution of £8k from all Districts and Borough which covers the cost of the management and upkeep of Bridies Tan, and the management of unauthorised encampments. A proportion of the cost is offset by the rental income (£50 per week in advance) and utility income. It is argued that value for money of a transit site should not just include these factors. Certainly, as in the case of East Sussex, the reduction in the cost of managing encampments should also be taken into account.
- 5.24 The effect the transit site has on the host district is monitored on an on-going basis. This remains a live issue for debate but to date there have not been any major problems.
- 5.25 The role of the County as the overarching body is considered critical to the overall success of providing a transit site which is available county-wide. When exploring ways to improve the management of unauthorised encampments, the District and County Councils, together with Sussex police, found that permanent sites were not properly managed within the County. There are four permanent residential sites (three in Wealden and one in Rother) which have been in existence for over twenty years and are largely family sites with few vacancies arising. Originally East Sussex County Council (ESCC) owned and managed the 'property asset' of the sites whilst the relevant local council had responsibility for the individual residents. This proved problematic and for some years ESCC contracted with a specialist housing association, this also proved costly and ineffective. Consequently in 2007 ESCC took back the management of these sites. The County now plays an integral and vital role in managing Traveller site provision which includes the transit site.

What works in East Sussex?

- 5.26 Interviewees believe that the effectiveness of a transit site should not be based upon how many people use the site but should be the extent to which the numbers of encampments have reduced. For this reason most interviewees are of the opinion that the unauthorised encampment policy in East Sussex has been a

success and made the following points about what factors they feel have contributed to the success of the policy and the provision of a transit site:

Multi-Agency Approach

An agreed protocol and understanding between the County, the Districts and Boroughs and police is considered crucial. Different agencies involved in managing unauthorised encampments have different roles and it is seen as vital that these roles are clearly defined and coordinated from the outset to avoid duplication and to clear levels of responsibility.

In East Sussex, although the site is situated in Lewes, all Districts and Boroughs contribute financially to the provision of the site. It is not just a question of fairness – that all contribute but it is strategic in the sense that it is a countywide resource which means wherever an encampment occurs in the East Sussex area – it can be directed to Bridies Tan.

The Community Impact Assessment is seen as important in ensuring the needs of the travellers are properly considered and the involvement of Trading Standards and Waste Management is viewed as extremely important in sending out clear messages to Travellers that are engaged in trading activities.

Role of the Police

The willingness of East Sussex police to use Section 62a, even in the event that there is not enough space to cater for all members of encampment on the site, is viewed as critical because in most cases the group will not want to be split up and will move out of the area.

Location and Size

Those interviewed felt the location of the site could have been more centrally placed. However, the A27 is a main road and is a traditional and well-used travelling route; therefore, it is accessible to Travellers. Importantly, the police are not resistant to enforce if an encampment occurs anywhere in the County. Up to ten pitches are considered to be an optimum size for creating the balance between meeting Travellers needs and effective management.

Meeting the Needs of Travellers

Stakeholders believe that Travellers needs are best met in a formal site as opposed to on the roadside.

It is also argued that it provides a clear consistent message to Travellers that, if they want to come to East Sussex, they will have to use the transit site.

^{5.27} Interviewees representing East Sussex support the provision of a transit site in West Sussex on the basis that it would send out a consistent message to Travellers in the Sussex area. When thinking about the development of such a site interviewees believed that West Sussex should take the opportunity to learn from its neighbour in East Sussex who share the same police force.

West Sussex County Council (WSCC)

- 5.28 Most interviewees were of the view that all the councils in West Sussex are not managing unauthorised encampments effectively. Currently, each individual authority has responsibility for dealing with encampments on their land. WSCC will take responsibility for encampments on county-owned and highways land. Although encampments are managed in a similar way across the Districts and Boroughs there is not one overarching body which takes responsibility and control for managing encampments. As a consequence information, data and intelligence about the travelling groups is not routinely shared between the Districts and Boroughs and travellers are simply moved between council areas.
- 5.29 The lack of a transit site that serves the County means that the West Sussex Police Division currently does not have the ability to use Section 62a. This results in costly enforcement action. For example in 2012/03 Chichester had four encampments which resulted in a cost of £18,755 (including removal costs, officer time, security fees, legal fees and clean-up costs).
- 5.30 Overall, most stakeholders were of the view that West Sussex should provide a transit site. However a number of concerns were raised.
- 5.31 It would be difficult to use transit provision effectively unless the governance structure matched that in East Sussex where the County, through a Traveller Team, takes the lead on managing unauthorised encampments on behalf of the Districts and Boroughs. Currently the resources and staff are not in place to manage a transit site.
- 5.32 There is some concern that currently West Sussex County Council are in the process of outsourcing management of its permanent Travellers sites. Neighbours in East Sussex, however manage both the permanent and transit provision. East Sussex believe this is critical to the overall success of the management of unauthorised encampments. However, stakeholders outside of the East Sussex area are not convinced that management of permanent and transit is interlinked and needs to be the responsibility of one single body. Therefore, it is quite possible that a registered provider takes responsibility for permanent provision and the County manages encampments and any transit provision. What is clear is that whoever takes responsibility for managing encampments needs to have strong working relationships with other agencies including the Police, Trading Standards and Waste Enforcement.
- 5.33 The Police Division supports the provision of a site and argues that it would be more effective if Travellers could go to a site rather than be moved around the West Sussex area, as they currently are. Nonetheless, they note the following concerns about their enforcement role:
- » When using Section 62a the decision would have to be balanced taking into account the needs of the Travellers.
 - » When conducting a partial eviction it is considered not to be the role of the police to decide who goes onto the site.