



## ADUR & WORTHING COUNCILS

Joint Strategic Committee  
7 November 2019  
Agenda Item 9

Key Decision [No]

Ward(s) Affected: N/A

### **JOSC report on the review of Adur and Worthing Gypsy & Traveller Encampments**

#### **Report by the Director for Digital & Resources**

#### **Executive Summary**

##### **1. Purpose**

- 1.1 The Joint Strategic Committee (JSC) is asked to receive and note the findings and recommendations of the Joint Overview and Scrutiny Committee (JOSC) review on Adur and Worthing Gypsy and Traveller encampments. These recommendations follow on from the discussions of a Working Group set up by JOSC. A copy of the report to JOSC and Working Group report is attached as Appendix 1 to this report.
- 1.2 The evidence submitted to the Working Group and further investigations has provided a good analysis of the procedures which are followed by the responsible agencies when unauthorised Gypsy and Traveller encampments occur on Council owned land. The evidence has also provided a good understanding of the background/reasons for the Councils entering into the joint agreement for the provision of the County transit site and also some views from local residents groups and a national Gypsy and Traveller organisation. This evidence has highlighted that a great deal of work is undertaken to deal with the unauthorised encampments.
- 1.3 However, the Working Group has identified some issues that it would like to submit to JSC for consideration as it is recognised that they are some key

issues which need to be addressed as part of the overall procedures for managing Gypsy and Traveller encampments in Adur and Worthing and also to ensure that overall processes are improved.

## **2. Recommendations**

- 2.1 That the Joint Strategic Committee note the report, findings and recommendations from the Joint Overview and Scrutiny Committee; and
- 2.2 That the Joint Strategic Committee agrees to receive a report in January 2020 on the issues raised by the Joint Overview and Scrutiny Committee and consideration of the implications for each recommendation contained in the Scrutiny report at Appendix 1 in order for the Executive to provide a formal response to the Joint Overview and Scrutiny Committee.

## **3. Context**

- 3.1 As part of its Work Programme, the Joint Overview and Scrutiny Committee (JOSC) agreed to undertake a review of Gypsy and Traveller encampments in Adur and Worthing.
- 3.2 Councillors Catherine Arnold, Roy Barraclough, Keith Bickers, Stephen Chipp, Andy McGregor and Bob Smytherman were appointed to the Working Group. Councillor Smytherman was appointed as Chairman of the Working Group. The following Terms of reference and project objectives for the review were agreed:-
  - 1. To review the Gypsy and Traveller encampments in 2018.
  - 2. To review the procedures for dealing with Gypsy and Traveller encampments including the guidance from the statutory bodies on this issue.
  - 3. To question the Council Executives and others to assess if residents are receiving value for money for the costs which the Councils incurred for the Gypsy and Traveller transit site in West Sussex.
  - 4. To help provide additional engagement with the settled and Gypsy and Traveller communities to ensure everyone is informed.
  - 5. To consider if there is a need for any recommendations to be put to the Executives to improve the processes.

- 3.3 The JOSC Working Group has recently concluded its work and reported the findings and recommendations to JOSC on 17 October 2019. The findings and recommendations from the Working Group are contained in Appendix 1 to this report and were agreed by JOSC subject to an additional recommendation being added as 6.8 as follows:-

*‘6.8 - That the Director for Public Health be requested to research to see if there are any Public Health funds available to support Gypsy and Travellers, particularly to access funds for advisory services.*

*Reason - To help Gypsy and Travellers access advisory services if required.’*

- 3.4 Joint Strategic Committee is now requested to consider the findings and recommendations from JOSC and its Working Group to provide the formal Executive response.

#### **4. Issues for consideration**

- 4.1 JOSC and the Working Group have identified a number of conclusions and recommendations which are intended to help the management of the Gypsy and Traveller encampments in Adur and Worthing and has also reviewed the value for money for the Councils in entering into the multi agency transit site agreement.

#### **5. Engagement and Communication**

- 5.1 As part of its report, the JOSC Working Group has engaged with West Sussex County Council, Council Officers, Executive Members, Residents and Traders Associations and a national Gypsy and Traveller support Group.

#### **6. Financial Implications**

- 6.1 There are no direct financial implications relating to this report but if implemented, some of the recommendations from the Working Group will have financial implications for the Councils.

#### **7. Legal Implications**

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate, or which is conducive or incidental to the discharge of any of their functions.

- 7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).
- 7.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

## **Background Papers**

Report to the Joint Overview and Scrutiny Committee 17 October 2019

### **Officer Contact Details:-**

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no issues identified.

### **2. Social**

#### **2.1 Social Value**

Matter considered and no issues identified.

#### **2.2 Equality Issues**

Matter considered. Adur and Worthing Councils recognise and accept the rights of Gypsies and Travellers to live a nomadic life but the objective for the Councils is also to manage all unauthorised encampments on the Councils land with consideration, recognising the need to balance the rights of the Gypsies and Travellers with the rights of the settled communities to enjoy the open spaces.

#### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

Matter considered. The findings in the Working Group report recognise and respect the rights of Gypsies and Travellers and also balance this with the rights of the settled communities to enjoy the open spaces.

### **3. Environmental**

Matter considered. The findings in the Working Group report recognise the need to protect natural resources and a recommendation is made regarding this relating to waste collection facilities.

### **4. Governance**

Matter considered. The Working Group has considered issues relating to decision making and has made recommendations to improve processes to improve overall governance and transparency.



ADUR & WORTHING  
COUNCILS

## APPENDIX 1

Joint Overview and Scrutiny Committee  
17 October 2019  
Agenda Item 8

Key Decision[No]

Ward(s) Affected:N/A

### **Adur and Worthing review of Gypsy and Traveller encampments in 2018**

#### **Report by the Director for Digital and Resources**

#### **Executive Summary**

##### **1. Purpose**

- 1.1 This report sets out the findings from the Joint Overview and Scrutiny Committee (JOSC) Working Group which was created as part of the JOSC Work Programme to review Gypsy and Traveller encampments which occurred in 2018.

##### **2. Recommendations**

- 2.1 That JOSC consider the report and recommendations from the Gypsy and Traveller encampments Working Group and refer the recommendations to the Adur and Worthing Joint Strategic Committee for consideration in due course.

### **3. Context**

- 3.1 At its meeting on 20 September 2018, JOSC agreed as part of its Work Programme to set up a Working Group to review the procedures for dealing with Gypsy and Traveller encampments to see if there are any areas in need of improvement.
- 3.2 The Working Group held a number of meetings between January and June 2019 to gather information and evidence and has identified a number of conclusions and recommendations which are set out in the attached report at the appendix to this report which it is considered can help improve processes.

### **4. Issues for consideration**

- 4.1 JOSC is asked to consider the report and recommendations from the Gypsy and Traveller encampments Working Group, set out as the appendix to this report and refer those recommendations to the Joint Strategic Committee and other relevant bodies for consideration in due course.

### **5. Engagement and Communication**

- 5.1 The JOSC Chairmen and Vice-Chairmen have been consulted on this report. The Councils Leadership Team and those people who gave evidence to the review have also been consulted.

### **6. Financial Implications**

- 6.1 There are no direct financial implications relating to this report but if implemented, some of the recommendations from the Working Group will have financial implications for the Councils.

### **7. Legal Implications**

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.
- 7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).

- 7.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

## **Background Papers**

Relevant papers as referenced in the Working Group report.

### **Officer Contact Details:-**

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no issues identified.

### **2. Social**

#### **2.1 Social Value**

Matter considered and no direct issues identified.

#### **2.2 Equality Issues**

Matter considered and no issues identified.

#### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

Matter considered and no issues identified.

### **3. Environmental**

Matter considered and no direct issues identified.

### **4. Governance**

Matter considered. The Working Group has considered issues relating to decision making and has made recommendations to improve processes to improve overall governance and transparency.



ADUR & WORTHING  
COUNCILS

**Scrutiny review of the Adur and Worthing Gypsy and Travellers encampments 2018**

**Report by the Joint Overview and Scrutiny Working Group**

**1.0 Summary**

- 1.1 This report sets out the findings and recommendations from the Joint Overview and Scrutiny Working Group which was established as part of the 2018/19 Joint Overview and Scrutiny Committee (JOSC) Work Programme to review Adur and Worthing Gypsy and Traveller encampments in 2018.
- 1.2 The Working Group has been tasked to consider if there is a need for any recommendations for change to be put to the Executives to improve the processes.

**2.0 Background to the JOSC Review**

- 2.1 In 2015, Adur and Worthing Councils along with all other District and Borough Councils in West Sussex and the County Council, agreed to enter into an effective West Sussex multi agency arrangement for managing unauthorised Gypsy and Traveller encampments which has involved the provision of a 9 pitch transit site for travellers in the Westhampnett area of the Chichester District. West Sussex County Council is the lead authority for this agreement in respect of the management of the transit site and the enforcement activities. The Councils agreed to these arrangements because it was considered that the availability of a transit site was more effective for managing unauthorised encampments and had a more positive impact in empowering Sussex Police to use powers to direct Gypsy and Travellers from unauthorised sites to the Transit Site.
- 2.2 In the Summer of 2018, however, a number of unauthorised Gypsy and Traveller encampments took place in Adur and Worthing which created some tensions between the Gypsy and Traveller communities and local residents

and because of this JOSC considered that it should review the current and previous procedures for dealing with unauthorised Gypsy and Traveller encampments to assess for itself if the Councils are receiving value for money for the transit site and multi agency agreement for which the Councils had to pay up front costs and are also obliged to pay ongoing yearly costs in accordance with the terms of the Multi-Agency agreement which runs for a period of 60 years.

2.3 As part of the JOSC Work Programme for 2018/19, JOSC agreed to set up a Working Group to review the processes for dealing with Gypsy and Traveller encampments in Adur & Worthing in 2018. Councillors Catherine Arnold, Stephen Chipp and Andy McGregor from Adur District Council and Roy Barraclough, Keith Bickers, and Bob Smytherman from Worthing Borough Council were appointed to the Working Group. The Working Group met in January, February, March and June 2019 to consider information and formulate its recommendations. Councillor Bob Smytherman was appointed as Chairman of the Working Group and Councillor Catherine Arnold as its Vice-Chairman.

2.4 The Working Group agreed the following terms of reference for its review:-

1. To review the Gypsy and Traveller encampments in 2018.
2. To review the procedures for dealing with Gypsy and Traveller encampments including the guidance from the statutory bodies on this issue.
3. To question the Council Executives and others to assess if residents are receiving value for money for the costs which the Councils incurred for the Gypsy and Traveller transit site in West Sussex.
4. To help provide additional engagement with the settled and Gypsy and Traveller communities to ensure everyone is informed.
5. To consider if there is a need for any recommendations to be put to the Executives to improve the processes.

2.5 This report provides the detail of the discussions and findings and some recommendations which the Working Group considers will help improve the procedures for dealing with unauthorised Gypsy and Traveller encampments in Adur and Worthing and that relate to the multi agency joint agreement.

### **3.0 Method of the review**

3.1 The Working Group met on 16 January, 27 February, 27 March and 13 June 2019. The Working Group considered that it was important to review the current processes for dealing with unauthorised Gypsy and Traveller

encampments that occurred on Adur and Worthing Council land and also to understand more about the multi agency agreement and the reasons behind entering this Agreement. The Working Group agreed at an early stage that this work would involve gathering evidence from those involved in this work such as Council Officers, Police, Legal Services, West Sussex County Council and relevant Executive Members. The Working Group also considered that it was important to gather evidence from local residents Groups, local Ward Councillors and either Gypsy and Travellers or Gypsy and Travellers groups to find out more about the processes to see if any improvements needed to be made.

3.2 The Working Group held two detailed evidence gathering hearings with the following witnesses:

Mary D'Arcy, Director for Communities and Andy Edwards, former Head of Environmental Services, Adur & Worthing Councils

Inspector Allan Lowe, Sussex Police

Susan Sale, Head of Legal Services, Adur & Worthing Councils

Esther Quarm, Gypsy & Traveller Team Manager, West Sussex County Council

Councillor Emma Evans, Adur District Council, Executive Member for Environment

3.3 The Working Group has also received helpful written evidence as part of its review from the following:-

Councillor Ed Crouch, Worthing Executive Member for Digital and Environmental Services

The Goring and Ilex Conservation Group

Goring Residents Association

Southwick Traders Association

Bryan Turner - Former Worthing Borough Councillor

Chief Inspector Miles Ockwell, Sussex Police on behalf of local West Sussex Chief Inspectors

Friends, Families & Travellers Support Charity

Senior Legal Services Officers at Mid Sussex District Council and Chichester District Council

## **4.0 Findings and Proposals**

- 4.1 The evidence submitted to the Working Group and further investigations has provided a good analysis of the procedures which are followed by the responsible agencies when unauthorised Gypsy and Traveller encampments occur on Council owned land. The evidence has also provided a good understanding of the background/reasons for the Councils entering into the joint agreement for the provision of the County transit site and also some views from local residents groups and a national Gypsy and Traveller organisation. This evidence has highlighted that a great deal of work is undertaken to deal with the unauthorised encampments.
- 4.2 The Councils, like most other local authorities across the UK, have to deal with a number of unauthorised Gypsy and Traveller encampments each year on Council land and these encampments often have an impact on local communities, as well as involving officer time being diverted to deal with the encampments. There is often reputational damage to the Councils and a cost to the Councils in pro-active and reactive measures in dealing with the encampments. The Working Group recognises that the Adur and Worthing communities should be thriving, liveable and resilient places where people get along and no community should feel excluded, everyone should understand and embrace the benefits and opportunities of a diverse society.
- 4.3 A summary of the key issues raised as part of the evidence findings is set out below in Section 5.
- 4.4 Adur & Worthing Councils procedures and related costs for dealing with unauthorised Gypsy and Traveller encampments**
- 4.5 Adur and Worthing Councils recognise and accept the rights of Gypsies and Travellers to live a nomadic life but the objective for the Councils is also to manage all unauthorised encampments on the Councils land with consideration, recognising the need to balance the rights of the Gypsies and Travellers with the rights of the settled communities to enjoy the open spaces.
- 4.6 Evidence provided to the Working Group has revealed that there were 11 Gypsy and Travellers encampments in the Adur District during 2018 which covered 59 days and there were 3 encampments in the Worthing Borough for 2018 which covered 18 days. (This included 8 days in the Tarring area). It is not known why there were more in Adur than Worthing but this might be down to Adur being closer to Brighton or that there was some family connection to the Gypsies and Travellers in the area. At the time of writing this report, for 2019, there have been 4 Gypsy and Traveller encampments in the Adur District and 0 Gypsy and Traveller encampments in the Worthing Borough.

- 4.7 The Councils receive notification of Gypsy and Traveller encampments via Council services, the Council Contact Centre, members of the public, elected Members, Sussex Police and social media. When notifications are received the Councils find out the location of the encampments and the dates and an estimate of the numbers of Gypsy and Travellers involved. The Director for Communities has delegated authority to the Head of Environmental Services to act as the lead officer to oversee the removal of the Gypsy and Travellers from Council land. In the absence of the Head of Service, the authority is delegated to the Parks and Foreshore Manager.
- 4.8 Officers will visit the site and take pictures of the site and the encampments to establish location and identify any issues relating to the site which may cause concern. It is usual practice for the Leader of the Council, Executive Members, Ward Members, Councils Leadership Team, Council Communications Team and the Legal Team for West Sussex County Council who deal with Gypsy and Traveller encampments to be notified of the encampments. A check is then made to see if any events are planned to take place on the land. The West Sussex County Council Gypsy and Travellers Team Manager, or one of her team, undertake visits to the encampments and carry out an assessment with the Gypsy and Travellers. The County Council will then liaise with Sussex Police over the use of Police powers. The Head of Environmental Services is provided with updates on the process. If the Police use their powers for removal of the Gypsy and Travellers then the travellers will move off the site and the site is then cleaned. If there are insufficient grounds for the Police to use their powers to move on the Gypsy and Travellers then Court proceedings are commenced. It takes approximately one week for the eviction process to be undertaken through the Courts. If Gypsy and Travellers are on West Sussex County Council land the same process is followed and WSCC Officers keep other authorities informed as the matter progresses.
- 4.9 The Councils do not keep complete records of all the costs incurred in responding to the unauthorised encampments but do keep the costs of the Cleansing Team and Park Rangers who get involved in the clean up work. The costs for 2018 were £4,625. Up to 2015/16, £16,500 was included in the Capital Programme for each area to cover response and clean up costs. From 2016 onwards no capital funding was applied for as it was considered that the areas were more secure. For 2018/19 the Working Group has been advised that height barriers were installed at the Southwick Leisure Centre and works undertaken at the Tarring Recreation Ground, providing barriers etc.
- 4.10 The Councils provide detailed advice to residents and Gypsy and Travellers on encampments when they occur via the Council website and advice is also provided on the West Sussex County Council website. Advice is also included about

permanent sites and a link to Police advice.

#### **4.11 Sussex Police procedures for dealing with unauthorised Gypsy and Traveller encampments**

- 4.12 Evidence provided to the Working Group has established that the Police are notified about unauthorised Gypsy and Traveller encampments by the Public, by the Councils and via own Police contacts. The Police then do an assessment of the encampments and also work with Esther Quarm, Gypsy and Travellers Team Manager from West Sussex County Council.
- 4.13 In 2018 the Superintendent authority to authorise the removal of Gypsy and Travellers was delegated down to Inspector level - This covers Sections 61 and 62 of the Criminal Justice and Public Order Act 1994. Section 61 powers allow the Police to ask the Gypsy and Travellers to leave land which they are occupying illegally and if they have used bad behaviour and are disruptive with six vehicles or more. Section 62 powers allow the Police to move on the Gypsy and Travellers to the West Sussex transit site. This covers two or more Gypsy and Travellers and one vehicle. The legal advice was for all caravans to be moved at the same time.
- 4.14 When considering whether or not to authorise the removal of the Gypsy and Travellers from sites, the Police need to consider the impact on the environment, local disruption to the economy, disruption to the community and danger to life. The Police make an assessment and need to make a sensible decision and will need to make sure that the Police officers are able to enforce the decision. The Police would look to move the Gypsy and Travellers to the West Sussex transit site if space is available. Each encampment is dealt with on its merits. There are legal restrictions which prevent Gypsy and Travellers being moved to a transit site outside of the West Sussex area.
- 4.15 Initial evidence provided to the Working Group indicated that Sussex Police would not authorise a partial move of the Gypsy and Travellers because Police legal advice was that evictions should not be partial. The Working Group was concerned about this inconsistency in advice and during the course of the review raised the matter with Sussex Police. Following a Police review of policy and discussions with West Sussex County Council the Police have now adopted a position where they have relaxed the policy against partial evictions so that they will now consider partial evictions where appropriate. The Working Group believes that this will help make the process manageable.

#### **4.16 The role of West Sussex County Council**

4.17 Esther Quarm was interviewed by the Working Group as Gypsy and Traveller Team Manager from West Sussex County Council and advised the Working Group that since 2015 the County Council has undertaken all of the enforcement of unauthorised encampments on public land within West Sussex and also have responsibility for managing the nine permanent sites in West Sussex.

4.18 When reports of unauthorised Gypsy and Traveller encampments are received the County Council instruct agents to attend and they liaise with Sussex Police. When Officers arrive on site they will carry out a welfare check of the Gypsy and Travellers and consider any issues which are brought to their attention. A notice is then served on the Gypsy and Travellers asking them to vacate the site within 24 hours. As well as this the County Council will liaise with Sussex Police on the use of their powers. The County Council check with Council officers on what is happening on the Council land to see if there are any events planned.

4.19 West Sussex County Council attend Court and present the evidence. When the summons is served a letter is also handed to the Gypsy and Travellers advising when, if the Order is granted, it will be enforced. When the Order is granted this is then served on the travellers and will be enforced within 24 hours. The first consideration for any officer when dealing with an encampment is whether the encampment can be tolerated for a period of time. Police decisions are kept under review.

#### **4.20 Multi agency agreement for the provision of the West Sussex transit site and value for money**

4.21 The Working Group has investigated the background to the multi agency West

Sussex transit site agreement, the costs involved and the value for money for this site. The Working Group has been advised that at the time of entering the agreement for the provision of the transit site in 2015, HCA grant funding of approximately £630,000 was obtained which meant that each West Sussex Authority contributed approximately £46,000 to set up the transit site. Each West Sussex local authority also pays £15,000 every year as part of the transit site multi agency agreement to cover the enforcement costs and the running of the transit site. There is also a requirement for the Councils to each pay an 8th of the total maintenance and repair costs for the transit site every year.



- 4.22 The transit site is owned by Chichester District Council and is leased to the County Council - The HCA grant funding was awarded on the basis that the lease of the agreement was for 60 years. The County Council cannot terminate the lease without HCA agreement which is why that risk had to be passed on to each local authority in the form of the agreement.
- 4.23 Adur and Worthing Councils cannot terminate the agreement without the consent of all parties to the agreement. There is no break clause. The decision for the Councils to enter into the agreement was authorised by the Joint Strategic Committee in December 2014 which delegated authority to approve and enter into the agreement to the former Director for Communities, in consultation with the Head of Legal Services and Chief Financial Officer.
- 4.24 The Working Group has reviewed the process that was followed by the Director for Communities in making the Officer decision and whilst it is not possible to revisit the decision made it is clear from evidence provided that the Director did undertake the consultation, the Working Group, however, is surprised that there is no formal record of the Officer decision being made and no published evidence of the outcomes of consultation being shared with any elected members of the Joint Strategic Committee. Evidence provided to the Working Group also suggests that the matter was discussed with the Informal Cabinets but again there is no written record of those discussions available. As no notes/minutes are provided of these meetings there is no way of checking. The Working Group is concerned that there may have been a lack of compliance with the decision making process on this occasion and because of this requests, as part of its recommendations, that these processes should be reviewed.
- 4.25 Legal advice relating to the Councils entering into the multi agency transit site agreement**
- 4.26 As part of its overall investigations and in order to establish if the Councils are receiving value for money for the transit site agreement, the Working Group wanted to find out more about the legal advice provided to the Councils when they were considering whether or not to enter into the multi agency transit site agreement. The Working Group was concerned that the agreement is for a long period of 60 years and it appears that the Councils cannot terminate the agreement without the prior consent of all the other parties to the Agreement. As part of this process, the Working Group interviewed the Head of Legal Services for the Councils who provided the Working Group with

a comprehensive statement on the advice provided which was strictly confidential and subject to legal professional privilege.

#### **4.27 Comments from residents and Traders Associations**

- 4.28 As part of the review process, the Working Group asked local residents associations/traders associations for their views. Comments were received from the Goring Residents Association suggesting that there should be 24 hour contact hotlines to enable reports of Gypsy and Traveller encampments to be made and that the Councils should ensure that regular site checks are made of potential access points for Gypsy and Travellers. The Goring and Ilex Conservation Group welcomed the support provided by the Councils, Councillors and West Sussex County Council in responding to reports of Gypsy and Traveller encampments. The Group also supported the Government proposals to clamp down on illegal encampments and considered that speed of response to remove Gypsy and Traveller encampments was essential. The Southwick Traders Association highlighted concerns which they had when there were Gypsy and Traveller encampments on Southwick Green in 2018.

#### **4.29 Comments from Friends, Families and Travellers**

- 4.30 As part of this review the Working Group has considered the importance of receiving comments from Gypsies and Travellers and their support groups to help gain a better understanding of the expectations and needs of the Gypsies and Travellers and to ensure that both sides are heard. Unfortunately it was not possible to speak directly with any Gypsies and Travellers despite a request via the Sussex Travellers Group. The Working Group did, however, make contact with Friends, Families and Travellers (FFT), a national support group for Travellers based in Brighton. FFT explained that through their national advocacy service, telephone support was provided to Gypsies and Travellers in Adur and Worthing areas who self-refer to them for support. Over the last year, FFT have supported over 50 families to access healthcare, health related benefits, education, training, sites, address homelessness and housing problems and access debt resolution, although they can only support around half of those who call as resources are limited. Until September 2018, FFT was funded for outreach work in the area through the Big Lottery Reaching Communities Programme but this has now ended and they are no longer funded to visit Gypsies and Travellers in the Adur and Worthing Areas.
- 4.31 FFT have told the Working Group that the West Sussex Transit site is generally liked by Gypsies and Travellers using the site and it is thought to be

well kept. There are difficulties with accessibility, in that it is a long way from the next nearest site in Brighton and that the only way to access the site is to be “sectioned” on to the site i.e. Gypsies and Travellers first have to be found on the roadside and then directed by the Police or Local Authority on to the site rather than being able to book ahead and avoid being on the roadside. They are also aware that a number of families are in fact homeless and moving around between Chichester and other transit sites as a substitute for a permanent site, rather than using the site as part of their working nomadic life. They suggest that homeless families would clearly be better accommodated on permanent sites where they could better access education, employment and healthcare. Their view is also that the transit site still provides better outcomes for Gypsies and Travellers wanting to use the site, than nothing, in terms of being able to stop safely for a few weeks in clean conditions.

- 4.32 FFT have suggested that there should be some form of Gypsy and Traveller awareness training for elected Councillors which would help provide more knowledge about Sussex Gypsies and Travellers which would ultimately help elected Councillors when dealing with Gypsy and Traveller encampments in their local wards. FFT also indicated that other local authorities, such as Mid-Sussex, have also looked to support cultural recognition of resident Gypsies and Travellers as part of their diversity work through activities at schools and fairs, particularly during Gypsy Traveller Roma History Month in June each year. Steyning Grammar School have a large number of Gypsy pupils and are developing cultural recognition as part of improving attainment for their pupils. Steyning Grammar staff have recently completed training and found it particularly useful.

#### **4.33 Comments from other West Sussex Local Authorities on the joint agreement**

- 4.34 The Working Group consulted with the other West Sussex authorities to find out more on their views about the operation of the West Sussex transit site. Comments were received back from Chichester District Council and Mid Sussex District Council. Mid Sussex indicated that they were happy with the way that the West Sussex enforcement team dealt with the enforcement of unauthorised encampments but had concerns about the rule that prevented the Police moving Gypsies and Travellers on outside of the area and highlighted the fact that there had been cases where spaces were available in East Sussex when the West Sussex site was full but the Gypsies and Travellers could not be moved on. Chichester indicated that the transit site was working well and there were good relations with them and the West Sussex enforcement team. There were, however, concerns about local community

tensions caused by having the transit site in the Chichester District and that Gypsies and Travellers were more likely to gravitate towards the Chichester District. They did consider that the Councils were receiving value for money for the transit site.

## **5.0 Conclusions**

5.1 The Working Group would like to thank all those involved in this review that has enabled it to draw together its findings and develop its recommendations. Having considered all of the evidence provided the Working Group would like to make some recommendations which it considers will make a difference to existing practices for dealing with unauthorised Gypsy and Traveller encampments and highlight some where improvement is required. These recommendations cover the following areas:-

- Review of Adur and Worthing Council procedures for dealing with Gypsy and Traveller encampments
- Police enforcement procedures to be more consistent
- Improved engagement by the Councils with local residents and the Gypsies and Travellers.
- Value for money for the transit site
- Officer decision making processes
- Government consultation on unauthorised Gypsy and Traveller sites
- The 'hardening' of strategic sites to prevent further encampments.

### **5.2 Review of Council procedures for dealing with Gypsy and Traveller encampments -**

The Working Group considers that the Councils should be a bit more flexible and consider providing litter/waste bins on sites for use of the Gypsies and Travellers where appropriate. This will help provide better value for money to existing Council Tax payers to have litter bins available and help to contain left over waste rather than the costs to the Council of having to undertake additional litter picking where no bins are provided. The Council will, however, need to monitor this situation with the use of the bins to ensure that there is no abuse by the Gypsies and Travellers.

5.3 **Police enforcement procedures to be more consistent** - The Working Group considers that the Police should be more consistent in the use of their powers by allowing partial evictions if necessary which will help speed up the time for moving Gypsies and Travellers on. The Working Group is, therefore, pleased that Sussex Police have now agreed to a relaxed policy against partial evictions so that they will now consider partial evictions where

appropriate.

- 5.4 **Improved engagement by the Councils with local residents and the Gypsies and Travellers** - The Working Group is pleased with the communication that is provided by the Councils to inform the communities about the Gypsies and Travellers encampments, however, the Working Group believes that the Councils could provide more engagement by engaging Gypsies and Traveller communities and local settled communities direct about the processes that need to be followed before the Gypsy and Travellers can be moved off a site. To improve engagement and understanding, the Working Group also considers that local elected Councillors from Adur and Worthing should undertake some up to date Gypsy and Traveller awareness training, which will provide them with a better understanding of the issues involved.
- 5.5 **Value for money of the transit site agreement** - All evidence provided to the Working Group indicates that the Councils are receiving value for money for being party to the agreement and the level of service being provided by the West Sussex County Council enforcement service is good with a very clear and transparent service provided. Since the transit site has been set up 155 traveller families have been housed on the site.
- 5.6 The Working Group is, however, seriously concerned that the transit site agreement is a long 60 year agreement with a number of very onerous repairing clauses imposed on it and there is no easy exit strategy for the Councils should circumstances change in the future. What is considered to be value for money now may not be the case in the future and ,therefore, the Councils should continue to review the value for money situation. The Councils have not yet had to pay any maintenance costs but may do so in the future which will put additional financial burden on the Councils.
- 5.7 **Officer decision making processes** - During its evidence gathering the Working Group also looked at the process undertaken by Officers to act on the delegated authority given by the Joint Strategic Committee for the Councils to enter into the joint transit site agreement. Whilst the Working Group is not in a position to seek to overturn that decision the Working Group does consider that some of the processes followed in making the decision were flawed and practices need to be reviewed moving forward. The Working Group has noted that there was no formal recorded decision by the former Director for Communities and no recorded discussion with Executive Members about the decision and the legal advice received. The Working Group considers that in those circumstances, when considering such an important issue, that some form of recorded decision should have been made

by the Director and the Cabinets.

- 5.8 **Government consultation on unauthorised sites** - The Working Group has noted that the Government have responded with consultation on plans to tackle illegal Gypsy and Traveller sites and welcomes this news. The draft measures being considered by the former Home Secretary were aimed at providing the Police with stronger powers to remove Gypsy and Travellers from land that they should not be on. There are also plans to provide local authorities with practical and financial support to handle unauthorised encampments. The Government is also planning to provide financial support to work with Gypsy, Traveller and Romany communities to tackle discrimination, improve integration, healthcare and education.  
[Government plans](#)
- 5.9 **'Hardening' of strategic sites to prevent further encampments** - The Working Group has received evidence to suggest that the 'hardening' of strategic sites leads to a 50% reduction in the number of encampments. The Working Group welcomes the work already undertaken by the Councils to 'harden' the sites but believes that more work could be done to control unauthorised access to the sites and that the Councils should provide more funding for these capital works.
- 6.0 **Recommendations (Reasoning explained above)**
- 6.1 **That the Working Group considers that the Councils are receiving value for money for being party to the West Sussex transit site agreement and is pleased with the overall level of service provided by West Sussex County Council as part of this agreement, however, there are concerns that circumstances will change and there will not be value for money further into the agreement with it being a 60 year agreement which is a very long agreement with no proper break clauses. The Working Group, therefore, calls on the Councils (Director for Communities) to ensure that there is continual ongoing review of the agreement (at least every three years) to ensure that there is value for money and this should be discussed with Members of the Council in a transparent way so that they are aware of the process.**
- 6.2 **That the Sussex Police decision to consider 'Partial' evictions as referred earlier in the report be welcomed as a means to helping speed up the process of removing Gypsies and Travellers from unauthorised encampments.**
- 6.3 **That the Councils review its Officer decision making processes in light of the compliance issues raised in this report and report back on the outcomes of the review.**

- 6.4 That the Working Group welcomes the Government consultations and plans to tackle illegal Gypsy and Traveller encampments and hopes that the new proposals can be implemented as soon as possible.**
- 6.5 That the Councils undertake a thorough review of all strategic sites to assess if the sites need to be 'hardened' to protect against unauthorised encampments and allocate appropriate capital funding as a priority to undertake the necessary works.**
- 6.6 That the Councils review how it engages with the settled communities and the Gypsy and Travellers when there are unauthorised encampments and to assist with this engagement review, all elected Councillors be offered Gypsy and Traveller awareness training.**
- 6.7 That the Councils provide litter and refuse bins for use by Gypsy and Travellers when they occupy the sites so as to try and contain the litter and waste and reduce costs associated with additional litter picking.**

**Local Government Act 1972  
Background Papers:**

None

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