



Managing encampments without permission

**A guide to help Gypsy and
Traveller communities understand
their rights**

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Introduction

This document explains the guidance that is given to councils and public bodies on how they should respond to **unauthorised encampments**.

An **unauthorised encampment** is a site where caravans or vehicles park up on land without the owner's permission.

This is different to when land has been bought by Gypsies and Travellers who don't have planning permission.

That is known as a private site without planning permission. This is **not** covered in this guidance.

Gypsies and Travellers have the same rights as anyone else to safe, suitable, and culturally appropriate homes.

We made this guide to help everyone understand these rights.

Gypsy and Travellers in Wales

There are around 3,600 Gypsies and Travellers in Wales.

There are more Gypsies and Travellers in Wales than there are available pitches for their caravans or mobile homes.

A pitch is a space on a site where a family can park their caravan or mobile home and live.

In Wales, unauthorised encampments often happen near to main roads, by families who are travelling through the area.

A lack of temporary stopping places for families can lead to unauthorised encampments.

Some local councils in Wales may have more unauthorised encampments than others.

But all should have plans in place to support those on the encampment respectfully.

Who the guidance is for

This version of the guidance is available to help Gypsy and Traveller families understand their rights and how they should be supported by local council.

It may also be helpful to landowners and organisations.

Where land belongs to the Welsh Government or any other public authority, the local council is responsible.

Private landowners **do not** have the same duties that local councils do.

Your Rights

Local councils have duties towards Gypsies and Travellers who are living within their area.

Local councils must meet these duties whether people are on a local authority site **or** an unauthorised encampment.

Acts are legal rules to protect people and some of them are detailed below. These are your Rights.

Equality Act 2010

Gypsies and Travellers are entitled to protection under the Equality Act 2010.

They must be treated fairly and not experience poor treatment.

The Act says people must not be treated unfairly because of their race, culture, beliefs. The Act protects Gypsies and Travellers from being treated badly or unfairly.

Housing (Wales) Act 2014

Local councils have duties to the homeless and those at risk of homelessness.

Gypsies and Travellers living in caravans who are parked up on an unauthorised encampment, with nowhere to legally live can register as homeless under this Act.

Local councils must do assessments of the housing needs of Gypsies and Travellers. This is to make sure they are providing enough gypsy and traveller sites and if not work on plans to manage this in the future.

Local councils provide sites where mobile homes may be placed to meet those needs.

Children's Act 1989

Every local council has a duty to keep children safe.

They must provide services to promote the welfare of children, by checking what children need, addressing safety risks, and making sure children have the right support and a safe place to stay, where required.

Social Services and Well-being (Wales) Act 2015

Public services must promote the well-being of adults and children who need care and support.

This may be relevant when dealing with families at the roadside who need help to get support services.

Education Act 1996

Local councils must support the development of the community through education.

Welfare assessments

Local councils should do welfare assessments for everyone who has moved on to an unauthorised encampment - to make sure they are safe, well and not in immediate danger.

To do this, councils should work with other services that may have duties to support families in a way that doesn't make families feel threatened or unsafe.

Welfare Assessments should be done as quickly as possible to make sure families are safe. Ideally within 24 hours of the local council becoming aware of family moving onto the unauthorised encampment.

You do not have to give personal information to the local council if you don't want to, but it helps them to understand what support you may need.

This will help the local council understand your families' needs and whether they need a pitch on a transit site or a stopping place.

Councils should consider arranging rubbish collection, toilets, and water supplies.

Understanding what unauthorised encampments are

Gypsies and Travellers may be on unauthorised encampments for many good reasons.

As part of their nomadic lifestyle, they may be travelling through an area to attend a festival, travelling for work, or attending weddings and funerals.

But also, for example, there may be a lack of council sites and stopping places for families, resulting in families parking up.

Providing more local council sites and good site management will:

- Keep families safe.
- Help reduce unauthorised encampments.
- Meet communities' needs.

When unauthorised encampments happen, local councils should try to make sure they are as safe as possible.

It may be better for families and more cost effective for councils to provide a pitch. Even if it is a temporary pitch.

A **temporary stopping place** is an agreed site where Gypsies and Travellers can stay for periods of time.

Councils should provide access to water supply and toilets.

Managing unauthorised encampments

Councils and other services need to make sure that the rights of Gypsies and Travellers and the rights of local residents are being thought of.

All local councils should have a plan to respond to unauthorised encampments so that when they happen they know what to do to keep people safe.

Local councils should always ask for the views of both Gypsies and Travellers and local communities when writing and following their plans. Local councils should make sure plans are clear and easy to understand.

Gypsy and Traveller families want councils and services to treat them with respect.

Local councils are expected to consider human rights, ensure fairness, and involve Gypsy and Traveller communities in decisions that affect them.

Local councils have 3 main options when dealing with unauthorised encampments:

Option 1

Accept the unauthorised encampment. This could be short term.

They will need to check the safety of the camp. Both for the people living there and the wider community.

Option 2

Find another site, either temporary or longer term.

Option 3

If options 1 and 2 do not solve the situation or are not appropriate, the local council should only ask families to move on. But **only** if there is damage, or harm, or a serious problem at the encampment.

Before making this decision, the council must talk with families. They should explain the reasons, and make sure everyone's needs and safety are considered.

Each unauthorised encampment should be dealt with on a case-by-case basis.

A fair balance between the rights of Gypsies and Travellers and the rights of landowners and the public is important.

A local council may decide to approve an unauthorised encampment in some situations.

They will make this decision based on:

- The welfare assessment carried out by the single point of contact for Gypsies and Travellers. In some local authorities, this is called a Liaison Officer.
- Local issues in the wider community.
- How long the encampment is likely to be there.
- Health and safety both families travelling and surrounding community.

There are places where local councils would not agree an encampment, if they are unsafe for families to park on or the area is protected. For example:

- National Nature Reserves.
- School car parks or playing fields.
- Car parks for other facilities, like hospitals.
- Public playing fields.
- A site where pollution or waste could damage the ground, water, or water courses.
- An area with toxic waste.
- The verge of a busy road.

The decision to remove people from an unauthorised encampment should be made very carefully. And always discussed with the people on the encampment.

Councils must think about the welfare needs of people on the site and any safety concerns.

The council and any other organisations involved should write up all the work they have done when making a decision. Ensuring everyone involved should be kept up to date with what is happening.

If an encampment wants to remain in the area long-term, this could suggest the need for a permanent local authority site. More conversations would need to take place.

Police, Crime, Sentencing and Courts Act 2022

Laws that relate to the Police and how they are dealt with

If you are staying on land without permission, the council should speak to you first. They should try to help you find a safe place to stay.

The police do not want to come to an encampment unless there is a serious problem, like damage to property or someone getting hurt. This is called a breach to peace.

Local authorities should always be the first people to meet and speak with people on unauthorised encampments.

If the council or police ask you to move because of a breach to peace, you should do so as soon as you can. Unless you have a good reason (like your vehicle breaking down).

If you do not move when asked, or if you come back to the same land within three months, you could get a fine or other penalty.

If an encampment blocks a main road or is dangerous, the council can ask you to move.

If you get any letters or papers, ask the council or police to explain them. You can also get help from support groups.

Who is responsible for managing an unauthorised encampment

All public authorities have duties towards Gypsies and Travellers under the Equality Act 2010 and the Human Rights Act 1998.

They must think about these duties when responding to an unauthorised encampment on public land and fully understand the needs of the families.

The Welsh Government

The Welsh Government does not have a role in taking action against unauthorised encampments on local authority or private land without planning permission.

Local councils

Where an unauthorised encampment happens on local authority land, the council has a duty to help those who are homeless or at risk of homelessness. Liaison Officers or people responsible should speak to the community on the encampment.

They also have duties to take care of people's welfare when deciding how to deal with an unauthorised encampment.

Other public authorities

Other public authorities who are landowners, may ask people to leave their land. For example, national parks. But they should speak to the local council first as they should be aware of the encampment.

Private landowners

Private landowners do not have the same duties as public authorities.

Where needed they should speak with local councils. But they should try and resolve issues in a fair way and follow the law before involving the police.

Communication

It is important that the local council keeps everyone up to date when they are responding to an unauthorised encampment, especially speaking to the people on the encampment. The council should understand what the family needs are and, if it is safe, agree how long they can stay.

The local council should keep everyone updated about what is happening, especially the people on the encampment. If the council or landowner plans to take further action, the people on the site must be included in all conversations. If there is an eviction, families must be helped to understand any court papers.

Families must be given information in plain language and offered support to understand their rights and options. Advocacy groups and Liaison Officers can help.

What is most important is talking and working with the people on the encampment. The aim is to understand and support the family's lifestyle, not to move them away. Everyone should be treated fairly and with respect, with decisions made alongside families so they feel heard, valued and fully supported throughout.