

Policy Review and Development Panel

Grand Jury Room, Town Hall
8 August 2011 at 6.00pm

The Policy Review Panel deals with reviewing policies and issues at the request of the Cabinet or Portfolio Holder, or pro-actively identifying issues that may require review; dealing with those issues either directly or by establishing Task and Finish Groups, monitoring progress of these Groups and assessing their final reports.

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Terms of Reference

Policy Review and Development Panel

- To review strategies and policies at the request of the Cabinet either directly or by establishing Task and Finish Groups, and to make recommendations back to Cabinet for decision.
- To review issues at the request of a Portfolio Holder either directly or by establishing Task and Finish Groups and to make recommendations back to the Portfolio Holder for decision.
- To monitor progress of Task and Finish Groups and assess their final reports prior to their submission to either the Cabinet or the Portfolio Holder.
- To proactively identify issues that may require review and improvement and to seek Cabinet's agreement as to whether and how they should be examined.

**COLCHESTER BOROUGH COUNCIL
POLICY REVIEW AND DEVELOPMENT PANEL
8 August 2011 at 6:00pm**

Members

Chairman : Councillor Nigel Offen.
Deputy Chairman : Councillor Mark Cory.
Councillors Nigel Chapman, Julie Young, Margaret Fairley-Crowe, Marcus Harrington and Lesley Scott-Boutell.

Substitute Members : All members of the Council who are not Cabinet members or members of this Panel.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and the last Agenda Item is a standard one for which there may be no business to consider.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

4. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

5. Have Your Say!

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

6. Minutes

1 - 10

To confirm as a correct record the minutes of the meetings held on 28 February, 18 May and 20 June 2011.

7. Update on Introduction of 20 mph Speed Limits in Colchester

11 - 23

See report by the Head of Strategic Policy and Regeneration

8. Colchester Joint Protocol for the Management of Unauthorised Gypsy & Traveller Encampments 24 - 64

See report by the Head of Environmental Policy and Protection

9. Work Programme 2011-12 65 - 68

To consider a report by the Head of Corporate Management

10. Exclusion of the public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

POLICY REVIEW AND DEVELOPMENT PANEL

28 FEBRUARY 2011

Present :- Councillor Nigel Offen (Chairman)
Councillors Margaret Fisher, Mike Hardy, Michael Lilley
and Lesley Scott-Boutell

Substitute Member :- Councillor Sue Lissimore for Councillor Nigel Chapman

Also in Attendance :- Councillor Lyn Barton

22. Minutes

The minutes of the meeting held on 10 January 2010 were confirmed as a correct record.

23. Historic Town Centre Improvements

The Panel considered a report by the Head of Strategic Policy and Regeneration giving an update on the Historic Town Centre Improvement Project which formed part of the Better Town Centre Programme.

Howard Davies, Town Centre Project Manager and Fiona Duhamel, Regeneration Programme Manager presented to the Panel a background report explaining that the Better Town Centre Programme, which had been launched in March 2010, brought together a number of current and future projects under nine key themes:

- Improving Colchester for You and Your Family
- Creating Quality Public Places and Spaces
- Bringing New Buildings and Street Scenes
- Supporting and Growing Business and Retailers
- Getting around Colchester
- Promoting Colchester
- New Things to See, Do and Visit
- Ensuring Clean, Safe Places and Spaces
- Changing Colchester After Dark

The themes had significant cross over and following discussions across the Council's services and with Essex County Council, a Steering Group had been set up to monitor projects within the themes and risks to the programme and to ensure sufficient engagement opportunities were developed with the public and key stakeholders.

A number of key projects sat within the nine themes such as development of a new hotel and Creative Business Centre in the St Botolph's Quarter, the new Magistrates' Court, improving Town Station square, Greyfriars boutique hotel, successful implementation of Christmas lights, working with businesses around more reasonable parking charges, improved access works to the Priory, improved public realm works in Lion Walk, new working arrangements for town centre street cleaning and waste collection, task and finish group for the town centre evening economy, the round Britain

cycle race, creative kiosks in the bus station waiting room, work on improving the night time economy through the Purple Flag status and the town centre traffic and transport improvements.

A month long engagement period had been provided in October 2010 which included:

- A stakeholder event;
- A week long exhibition;
- Over 530 people attended the exhibition;
- An online questionnaire was launched;
- 193 responses, with 90 additional emails.

In addition the following groups had been individually consulted:

- Bus operators;
- Hackney Carriage Association;
- CoRBA;
- Access groups;
- Age Concern;
- Lion Walk Retail;
- Culver Square Retail;
- Federation of Small Businesses;
- Individual small business operators;
- Hotel operators;
- Residents from the Dutch Quarter, Roman Road and Priory Street.

It was explained that the detailed Phase 1 work has been produced in partnership with Essex County Council using consultants Mouchel, focusing on works to reduce unnecessary traffic in the town centre, improve reliability of public transport, enhance pedestrian priority and improve cycle access.

The scheme proposed:

- A bus gate at the bottom of North Hill, operating all day every day only allowing buses, taxis, motorcycles and cycles to travel north to south along its entire length;
- No right turn into the High Street from Head Street between 10am and 6pm, other than for buses, taxis, motorcycles and cycles;
- A bus gate at the eastern end of the High Street into Queen Street only allowing buses, taxis, motorcycles and cycles to improve late night pedestrian safety and prevent a rat run circuit in the evenings and mobile parking during the day;
- No entry at any time into the Dutch Quarter from the High Street, access to be from St. Peter's Street;
- Relocation of existing accessible parking from the High Street to other locations;
- Current High Street taxi rank reduced in size to enable a wider pedestrian space;
- A larger all day taxi rank in Head Street allowing provision to be shared around the town centre;
- Improved High Street Bus Stops. The improvements will enable buses to manoeuvre in and out without the need to protrude into the highway;
- An improved and larger bus stop in Queen Street as part of the hotel development;
- A longer term vision for a new bus facility in the Stanwell Street/Osborne Street area.

Feedback on the proposed traffic and transport plans had been positive with over 77%

of people expecting a positive impact or no change. Nevertheless, there had been issues of concern relating to changes to the accessible parking in the High Street and changes to business delivery times.

Investigations had been undertaken in relation to alternative accessible parking in the Town Hall car park and in Priory Street and other options were being looked at including working with NCP to develop opportunities at Nunns Road car park and increasing the number of spaces in Vineyard Street car park which would involve improvements to the existing lift.

In terms of the concerns from retailers regarding the proposed changes to the delivery times, officers had and would continue discussions with CoRBA and individual businesses.

It was proposed that implementation of the improvements to High Street bus stops would take place in the spring and the changes to traffic flows and vehicle access would be undertaken in the summer.

In respect of the wider Better Town Centre Programme, work on key projects was continuing with a further public engagement event planned with the likelihood that this could focus on the proposals to gain Purple Flag Status in Colchester (an accreditation linked to improvements in the night time economy).

The Panel discussed the topics raised in the report and gave particular consideration to the following issues:-

- The level of responses to the consultation and whether it was deemed to be significant;
- The need for young people's views to be taken into account, by using social network as a mechanism to obtain comments;
- Details of the work being undertaken to the lift from Vineyard Street car park to make it more reliable / resistant to abuse;
- The potential for negotiations to be undertaken with Culver Square retailers to secure the use of lift facilities to Culver Square;
- The likely timescale for the Vineyard Gate development to come on board;
- Details in connection with the Purple Flag initiative;
- The plans in place for the former bus depot.

Councillor Barton, Portfolio Holder for Planning and Sustainability, attended the meeting and, with the consent of the Chairman, addressed the Panel explaining that developers had been unwilling to commit to the Vineyard Gate development in the current economic situation but that good progress had been made with the boutique hotel and she was hopeful that a Creative Hub would be a very impressive outcome for this area of the town centre.

RESOLVED that the significant progress with the Better Town Centre Programme and the feedback from the engagement event undertaken in October / November 2010 be noted.

24. Colchester Cycle Town Project

Mr Phil Allen addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), in opposition to the proposal to change the Lower Castle Park riverside walk into a shared cycle / pedestrian route. He was of the view that the walk was currently a safe walking environment for residents and visitors of all age groups and believed that if it was opened to cyclists there would be no control as to how and by whom it was used. He felt that there were a number of alternative routes available to cyclists and urged the Panel members to oppose any change in designation of paths within the Castle Park.

Ms Paula Whitney addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), in opposition to the introduction of the cycle route currently being constructed in Crouch Street. This route had not been included in the original proposals and she was of the view that National Cycle Route 1 was well used and had been designed well so that people could see where it travelled. The route currently being constructed had been poorly planned and ought to have been routed behind the Tesco store to prevent conflict with pedestrians.

Paul Wilkinson, Transportation Policy Manager explained that a decision on the paths in Castle Park had not yet been made. The Castle Park consultation exercise was due to close at the end of that week. The responses would be looked at and reviewed and from which a report would emerge.

Mark Eves, Cycle Town Programme Manager explained that he was aware of the issues in relation to National Cycle Route 1 but the new route along Crouch Street was part of proposals to develop access both into and through the town centre. This was part of a Strategy formulated in 2008 to widen the cycle route network. He was of the view that it would be very difficult to encourage cyclists to use a route to the rear of the Tesco store and part of the reasoning was to encourage more people to travel past the Crouch Street shop frontages.

The Panel received a presentation by Paul Wilkinson on the Colchester Town Centre Project.

The presentation covered:

- Cycling and its links to the Strategic Plan;
- The reasons why people choose to cycle and the changes to enable these choices;
- The background behind Colchester being one of only 18 towns to secure Cycle Town status;
- The budget of £4.2m, made up of funds from Cycle England and match funding;
- The partnership was made up of Essex County Council, Colchester Borough Council, Sustrans and CTC, Colchester Cycling Campaign, Colchester2020 LSP, National Express East Anglia;
- The strategy centred on improved access, training and communication,
- Progress had been made in terms of improved infrastructure and routes from Highwoods, the Garrison, the railway station, Greenstead and Lexden, various marketing, promotion and training events

- Various options for the future were outlined.

The Panel discussed the topics raised in the report and gave particular consideration to the following issues:-

- An indication of what currently constituted a cycle route;
- The potential to continue to deliver Bikeability courses, in particular those to Level 3 standard, suitable for older children and adults;
- The work being undertaken to encourage cycle routes against the flow of vehicular traffic;
- The work being undertaken to discourage the use of headphones by cyclists;
- The potential to improve connections for cyclists from outlying areas such as Rowhedge and West Mersea;
- The benefits and dis-benefits of shared paths and the need for all use to be courteous and for pedestrians to take priority;
- The need for good quality cycle networks to be direct, pleasant and traffic free.

RESOLVED that Paul Wilkinson be thanked for his informative presentation.

25. Work Programme 2010/2011

The Panel considered a report from the Head of Corporate Management setting out the current situation regarding the Panel's work programme for 2010/11.

The Panel had completed a number of very important tasks and received presentations on very interesting and stimulating subjects. It remained only for the work connected with the Task and Finish Groups relating to Waste Prevention and Recycling Options Appraisal and Older People's Accommodation to be commenced as soon as possible.

RESOLVED that the contents of the work programme for 2010/11 be noted.

**POLICY REVIEW AND DEVELOPMENT PANEL
18 MAY 2011**

Present :- Councillors Nigel Chapman, Mark Cory,
Margaret Fairley-Crowe, Marcus Harrington,
Nigel Offen, Lesley Scott-Boutell and Julie Young

1. Appointment of Chairman

RESOLVED that Councillor Offen be appointed Chairman for the ensuing Municipal Year.

2. Appointment of Deputy Chairman

RESOLVED that Councillor Cory be appointed Deputy Chairman for the ensuing Municipal Year.

POLICY REVIEW AND DEVELOPMENT PANEL

20 JUNE 2011

Present :- Councillor Nigel Offen (Chairman)
Councillors Nigel Chapman, Mark Cory, Marcus Harrington, Lesley Scott-Boutell and Julie Young

Substitute Member :- Councillor Richard Martin
for Councillor Margaret Fairley-Crowe

Councillor Nigel Chapman and Councillor Nigel Offen (in respect of being a member of the Board of Colchester Borough Homes) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

3. Debt Management Policy

The Panel considered a report by the Head of Resource Management inviting the members to review the Council's Debt Management Policy.

The Council had first adopted a Corporate Debt Policy in 2002 and the procedures had recently been reviewed and strengthened in response to changes in legislation and best practice. It was intended that a consistent approach would be adopted throughout the Council and all possible opportunities taken to recover the debt, including guidance to recovering monies subject to bankruptcy or liquidation. In addition, procedures had been included to help customers who were suffering from financial difficulties such as appointments at a weekly Debt Clinic.

Debbie Greenwood, Enforcement Manager, and Councillor Smith, Portfolio Holder for Resources and ICT, attended the meeting to assist members in their discussions. Ms Greenwood explained that the first part of the policy document covered the general procedures to be followed, whilst appendices had been added to cover detailed actions to be taken for each service or type of debt. The intention was that the individual appendices could be reviewed and revised as necessary, without the need to amend the overall policy.

A Corporate Debt Working Group had been established to look at common issues and to work at improving recovery procedures which included all services as well as Colchester Borough Homes. Areas for further work already identified by the group included joint tracing arrangements and devising methods of sharing information obtained.

The Panel gave particular consideration to the following issues:-

- The positive work undertaken since the introduction of the Debt Advice Clinic and the need for increased publicity of this service;
- The use of the SOS bus to provide a Debt Roadshow in rural and other out of town venues;
- The working close ties developed across the areas of Council Tax, Housing and Colchester Borough Homes;

- The benefits of flexible working providing an ability to contact customers and also take payments outside of usual working hours;
- The need for the principles contained in the policy to be consistent across all areas of the Council;
- The classification of priority and non-priority debts in court proceedings;
- The popularity of independent debt clinics operated by Citizens Advice Bureau and the potential for joint appointments to be undertaken;
- The recent changes which provided for Housing Benefit payments to be made to tenants rather than landlords;
- The potential for the Council to accept debt payments from credit cards.

RESOLVED that the contents of the revised Debt Management Policy be noted.

4. Open Space Events Policy

The Panel considered a report by the Head of Life Opportunities inviting the members to review the draft Colchester Open Space Events Policy prior to its further development and formal adoption.

Bob Penny, Parks and Recreation Manager, and Councillor Dopson, Portfolio Holder for Communities and Diversity attended the meeting to assist members in their discussions. Mr Penny explained that an Open Space Events Policy has been in existence since 2007 but had not been formally adopted but was used as guidance. It was recommended that the Policy be reviewed and adopted to provide a reference framework for future decisions regarding the use of parks and open spaces within the Borough.

It was explained that there were a large number of open spaces available but only a few tended to be hired for use. The intention was to encourage a wide variety of events at a number of different sites, bearing in mind the need to balance the needs of local residents.

The Panel gave particular consideration to the following issues:-

- The inclusion of mass balloon releases and events with performing animals as policy exceptions in terms of permitted events;
- The need for an Equality Impact Assessment to be undertaken prior to the final version of the policy being drawn up
- The responsibilities for event organisers in relation to the Licensing laws;
- The requirement for public liability insurance to be provided for all events and whether there was potential to waive this in certain circumstances;
- The need for the policy to specify that the final decision regarding the cancellation of an event will rest with the Head of Service and that in the circumstances of a cancellation, the event organiser will remain liable for any costs incurred or a specified cancellation fee, whichever appropriate;
- The intention to encourage social gatherings in order to encourage use of open spaces, subject to there being no impact on the enjoyment for other users;

- The need to consider excluding events of a political and religious nature in order to ensure all such events are treated equitably;
- The need to amend the reference to no charging for charities from 'may be' to 'will be';
- The need for consultation to be undertaken specifically with regular event organisers in order to obtain their views on the contents of the policy

RESOLVED that the contents of the draft Open Space Events Policy be noted and the Portfolio Holder be requested to consider addressing the issues identified by the Panel for inclusion in the adopted version of the document.

5. Work Programme 2011-12

The Panel considered a report by the Head of Corporate Management giving details of the provisional scheduling in the Panel's work programme for the forthcoming year, bearing in mind that this was likely to evolve as items of business were commenced and concluded.

The report provided an update on the current situation regarding the Task and Finish Groups, explaining that the 20 mph Speed Limit Group had been suspended pending an announcement from Essex County Council, it was hoped that agreement would be reached to call a meeting of the Waste Prevention and Recycling Options Appraisal Group in late July 2011 and the Older Persons Accommodation Group would be meeting on 11 July 2011.

Reference was made to recent guidance issued by the Government on speed limits and whether this may have led to any change in policy at Essex County Council on the matter and the need for the terms of reference of the Older Persons Accommodation Task and Finish Group to be amended to include future as well as current provision.

Councillor Offen explained that the Liberal Democrats group had agreed to change their memberships on the 20 mph and Waste Task and Finish Groups such that his place would be taken by Councillor Cory.

More recently the Panel had been asked to consider setting up a Task and Finish Group to look into the various issues relating to the future of the Magistrates' Courts in the Town Hall.

RESOLVED that –

- (i) The contents and scheduling of the work programme, the current situation and changes in membership regarding the various Task and Finish Groups be noted;
- (ii) Arrangements be made, if possible, for an update report on the subject of 20 mph speed limits to be submitted to the August meeting of the Panel;
- (iii) The suggestion to set up a Task and Finish Group to investigate the future of the Magistrates' Courts in the Town Hall be accepted;

(iv) The terms of reference of the Older Persons Accommodation Task and Finish Group be amended to include future as well as current provision.



Policy Development and Review Panel

Item
7

8 August 2011

Report of	Head of Strategic Policy and Regeneration	Author	Paul Wilkinson ☎ 282787
Title	Update on introduction of 20mph Speed Limits in Colchester		
Wards affected	Not applicable		

This report concerns the Department for Transport's Strategic Framework for Road Safety and the potential introduction of 20mph speed limits in Colchester

1. Decision(s) Required

- 1.1 To recommend that Cabinet continues to lobby the County Council for the introduction of area wide 20mph in Colchester.

2. Reasons for Decision(s)

- 2.1 To review progress and release of new local and national strategies since the panel last considered 20mph in September 2010

3. Alternative Options

- 3.1 These were set out in the 1st September 2010 panel report. These were described as :
- Option 1 – Influence through new strategies
 - Option 2 – Pursue ad hoc introduction
 - Option 3 – Undertake Further Technical Work

Option 1 focuses on continuing work to engage with Essex County Council (ECC) using both political channels and consultation processes to try and influence their position. This is still the preferred approach.

Option 2 could initially result in a patchwork of implementation and therefore an inconsistent message being given to the wider Colchester population

Option 3 is not affordable at this time and therefore is not deliverable.

4. Supporting Information

- 4.1 The Panel last considered "20mph" at its meeting of the 1 September 2010. Since that meeting a number of policy documents have been released from ECC and central Government.
- 4.2 ECC published its 3rd Local Transport Plan in April 2011. The section referencing to 20mph is included in appendix 1. The key wording is from the chapter on Improving Safety :

The Council will work closely with the Essex district councils, Essex police and local communities to improve people's perceptions of safety when travelling by foot or by bike. The types of measure will include:

- *considering the introduction of 20mph speed limits in residential areas, where there is strong community support and where large numbers of pedestrians and cyclists can be expected;*

4.3 The Government released in May 2011 a Strategic Framework for Road Safety. The Government's key themes for Road Safety are :

- *making it easier for road users to do the right thing and going with the grain of human behaviour;*
- *better education and training for children and learner and inexperienced drivers;*
- *remedial education for those who make mistakes and for low level offences where this is more effective than financial penalties and penalty points;*
- *tougher enforcement for the small minority of motorists who deliberately chose to drive dangerously;*
- *extending this approach to cover all dangerous and careless offences, not just focusing upon speeding;*
- *taking action based upon cost benefit analysis, including assessing the impact on business;*
- *more local and community decision making from decentralisation and providing local information to citizens to enable them to challenge priorities; and*
- *supporting and building capability by working with the road safety community on better tools to support road safety professionals*

4.4 Norman Baker, the Regional and Local Transport Minister made a statement (June 2011) on the introduction of 20mph limits. This is set out in appendix 2. The reduction in bureaucracy referred to is linked to the publication of the Traffic Signs Policy Review due to publish its final report later this summer.

4.5 The implementation approach that the Minister suggests should be more affordable but does place the responsibility to drive slower on the individual driver and the community rather than physical enforcement.

4.6 In addition, the Department for Transport plans to revise the guidance on speed limits with the aim of increasing flexibility for local authorities.

4.7 In the Minister's statement he makes it clear that it remains the decision of local councils to decide whether or not to use 20 mph schemes following robust cost-benefit analysis of any such proposals. The Department will provide an economic tool to help councils to assess the full costs and benefits of any proposed schemes.

Essex County Council's Position

4.8 In response to a letter sent from the Leader of Colchester Borough Council to Essex County Council's portfolio holder for Highways and Transportation, ECC's position (September 2010) was set out. In summary:

- The Speed Management Strategy sets out the criteria for introduction of 20mph in Essex and is in accordance with Department of Transport guidelines.
- ECC are introducing 20mph as part of a capital improvement scheme in a central area of Chelmsford, which is currently under construction. Review and monitoring would take place after the scheme is completed.

- ECC are reviewing the results from other towns but did not expect to see introduction of 20mph across wide areas in the next 12/24 months
- Acknowledged that Colchester is very interested in 20mph but would need to understand the benefits and have greater clarity on funding.

4.9 ECC is introducing 20mph limits in new developments, in some isolated locations outside schools in rural locations, in small residential areas (including Wivenhoe). ECC will also review its Road Safety Strategy against the Government's new strategic framework.

The Portsmouth City Council Scheme

4.10 As referred to in previous reports Portsmouth City Council was the first to introduce 20mph limits on a city wide basis in residential areas. In September 2010 an Interim Evaluation Report was published by Dft/Atkins this is attached at appendix 3. Members attention should be drawn to lessons learnt and the transferability sections of the Executive Summary.

4.11 In certain areas of the city the Council is looking at introducing physical measures where the speeds have remained high.

5. Proposals

5.1 The idea of reducing traffic speeds in residential areas and in other areas where there are high levels of pedestrian movements cannot be wrong as the number and severity of accidents is reduced and the community's perception of an area changes. This is the approach taken in many northern European Countries to give a better balance between the different modes and improved quality of life in communities so it is not dominated by the movement of vehicles. There is a growing number of towns in this country which have introduced 20mph limits into existing residential areas.

5.2 The statements in ECC publications and by the Government are positive and appear to be a step in the right direction towards delivery but need to be tempered by the proposed economic benefit toolkit and potential response to the Traffic Signs Policy Review. An issue that was identified in the previous work was how 20mph limits were to be introduced. The ECC 2010 Speed Management Strategy allows for the introduction of 20mph limits where speeds were low or would need physical measures to control speeds.

5.3 ECC has yet to publish the implementation plan linked to the LTP strategy and there should be an opportunity to influence ECC on this.

5.4 Further dialogue needs to be undertaken between ECC and CBC at both the elected member level and by officers to articulate why 20mph is important as part of wider strategy. This approach is consistent with the preferred option discussed and recommended by the Panel in September 2010.

6. Strategic Plan References

6.1 Adoption and introduction of a 20mph policy will help achieve the following objectives;

- Listen and Respond – the issue of speeding and road safety has been identified by resident associations, neighbourhood action panels, parish councils and a range of local interest groups.
- Be Cleaner and Greener – reducing speeds will help remove a “perceived” barrier to walking and cycling, and change driver behaviour to reduce vehicle emissions and noise.

- Congestion Busting - reducing speeds will help remove a “perceived” barrier to walking and cycling, and change driver behaviour. There are then benefits to improving personal health through more active lifestyles.

7. Consultation

7.1 At such time as a greater level of support for 20mph policies is received from Essex County Council then a structured engagement process could then be undertaken. The shape of this engagement process will be influenced by the outcome of the review of local and national guidelines.

8. Publicity Considerations

8.1 There is a need to manage expectations around what is deliverable and what is required from ECC to deliver any 20mph policy in Colchester. It is proposed that public engagement be undertaken in the future at an appropriate time.

9. Financial Implications

9.1 There are no specific financial implications in this report. There is no budgetary allocation if further technical work or an engagement process is felt necessary. It would be expected that the implementation costs would be covered by ECC.

10. Equality, Diversity and Human Rights implications

10.1 There is no specific equality impact arising from this report. An Equality Impact Assessment was undertaken as part of earlier work into 20mph. This is available on the [Strategic Policy and Regeneration Equality Impact Assessments page of Colchester Borough Council's website](#)

11. Community Safety Implications

11.1 20mph in residential areas would improve the safety of residents from road accidents. This can be demonstrated through the research work undertaken for earlier reports on this subject.

Background Papers

Letter from the Leader of CBC to Essex County Council, portfolio holder for Highways and Transportation, 10 August 2010

Letter from Essex County Council, portfolio holder for Highways and Transportation to Leader of CBC, 2 September 2010

Appendix 1 – Extract from Essex County Council LTP, April 2011, section 6 Improving Safety

6.3.2 Working with partners to promote a safe and secure travelling environment

Key Issues :

- Concerns over fear of crime and personal safety
- Security concerns potentially discouraging cycling and public transport use

Approach:

Improving people's confidence to travel on foot or by bike

The Council will work closely with the Essex district councils, Essex police and local communities to improve people's perceptions of safety when travelling by foot or by bike. The types of measure will include:

- considering the introduction of 20mph speed limits in residential areas, where there is strong community support and where large numbers of pedestrians and cyclists can be expected;
- considering 'Home Zones' as part of new developments, to create shared spaces for cars, pedestrians, cyclists and other non-motorised road users;
- the provision of secure facilities for cyclists at key locations (for instance stations, hospitals or town centres) to reduce concerns over cycle theft;
- offering cycle training to both children and adults to provide people with the skills and confidence to travel safely by bike (see Policy 14 – Cycling); and
- working with developers and planning authorities (with the support of the Essex Design Guide) to ensure that whenever possible crime and fear of crime are "designed out" as part of new development proposals

All changes to speed limits and other calming measures will be developed in accordance with the Council's Speed Management Strategy. Any changes which incorporate physical calming measures or Home Zones will be required to respect the existing character of the surrounding area (see Policy 9 – the Natural, Historic and Built Environment).

Ministers cut traffic signs red tape for local councils

Publisher: Department for Transport

Published date: 9 June 2011

Type: Press release

Mode/topic: Roads, Traffic signs

Measures to reduce time-consuming and costly bureaucracy for councils wanting to use 20 mph schemes were announced today by Regional and Local Transport Minister Norman Baker.

Today's changes - the first to be announced as part of the Traffic Signs Policy Review - will mean that councils can use signs painted on roads as an alternative to expensive upright signs, cutting street clutter as well as costs.

In addition, the Government will reduce the need for councils to use speed humps in 20 mph zones and make it cheaper and easier for councils to put in place variable speed limits outside schools when local residents want these schemes.

Norman Baker said:

"I want to end the era of top-down government by providing a radical devolution of power to local authorities and communities.

"If councils and local communities want to put in place 20 mph schemes on residential roads or use common-sense measures such as variable speed limits outside schools, then they should be able to do so without spending time and money satisfying unnecessary Whitehall diktats.

"These changes will reduce costs for councils wanting to use 20 mph schemes, allowing them to act faster in response to the needs of their local residents while still ensuring that drivers know what speed they should drive at."

The changes include:

- Expanding the list of specified traffic calming measures allowable in 20 mph zones to include repeater signs and mini-roundabouts. This would allow zones to be introduced with fewer road humps or chicanes where appropriate;
- Allowing local authorities to use speed limit symbols painted on roads more often as repeater signs in 20 mph zones and limits. Upright signs will still be required to indicate the start and end of 20 mph schemes.
- Allowing local authorities to place signs at the entry and exit of variable speed limits - e.g. outside schools - on only one side of the road rather than on both sides of the road as is currently the case;
- Allowing the use of either flashing warning lights or specified flashing lights with a static sign at the entry to variable speed limits which are cheaper for councils to buy;

- Allowing the use of a sign design for advisory 20 mph limits using flashing school warning lights.
- Councils will now be able to request council-wide authorisations for these measures to be used in 20 mph schemes on residential roads where cost-benefit analysis has shown that such schemes would be worthwhile. This will mean that councils can apply these measures without getting approval from Government in each case.

It remains the decision of local councils to decide whether or not to use 20 mph schemes following robust cost-benefit analysis of any such proposals.

The Traffic Signs Policy Review is due to publish its final report later this summer.

In addition, the Department for Transport plans to revise the guidance on speed limits with the aim of increasing flexibility for local authorities. The Department will provide an economic tool to help them to assess the full costs and benefits of any proposed schemes so that they can use measures which are both appropriate and good value for money.

Notes to editors

1. Local authorities are able to use their power to introduce 20 mph speed schemes in (a) major streets where business on foot is more important than slowing down road traffic and (b) lesser residential roads in cities, towns and villages, particularly where this would be reasonable for the road environment, there is community support and streets are being used by pedestrians and cyclists. Evidence suggests that in residential streets, and in town centres where there is likely to be a conflict between vehicles and pedestrians, carefully implemented 20 mph zones can contribute to an improvement in road safety.

2. The strategic road safety framework, published on 11th May 2011, announced plans to revise and reissue the DfT guidance on speed limits in urban areas with the aim of increasing flexibility for local authorities.

3. It also indicated that the DfT will provide a toolkit to help local authorities assess the full costs and benefits of proposed schemes. This should help them make robustly defensible decisions about speed limits.

Press Enquiries: 020 7944 3066

Out of Hours: 020 7944 4292

Public Enquiries: 0300 330 3000

Appendix 3 – Portsmouth City Council, Interim Evaluation

Interim Evaluation of the Implementation of 20mph Speed Limits in Portsmouth, DfT/Atkins, September 2010

Executive Summary

Portsmouth City Council (PCC) is the first local authority in England to implement an extensive area-wide 20mph Speed Limit scheme – that is introducing signed 20mph limits largely without traffic calming, covering most of its residential roads which previously had a 30mph speed limit. This is therefore an important scheme which can be compared to more traditional 20mph Zones, which involve extensive traffic calming.

This document results from an interim evaluation of the impact of the scheme, focusing on early monitored results. It reports on monitored changes in traffic speeds, traffic volume and road casualties, comparing data for 'Before' and 'After' scheme implementation as well as resident perception of impacts through qualitative surveys. The document is intended to provide an early transfer of information to other local highway authorities on the effectiveness of implementing speed limits through use of signs alone and without providing any accompanying traffic calming measures.

The implementation of the 20mph Speed Limit scheme was carried out using a combination of post-mounted terminal and repeater signs. 20mph speed limit roundel road markings were also provided at street entry points on the carriageway adjacent to the terminal post-mounted signs. In some cases of limited visibility, they were also provided adjacent to the repeater signs.

For ease of installation the city was divided into six sectors: Central East, Central West, South East, South West, North East and North West. This amounted to 94% of road length (410 km of the 438 km of road length) in PCC.

On most of the roads where the speed limit signs and road markings were installed, the average speeds before installation were less than or equal to 24 mph. The relatively low speeds before the scheme implementation were because of narrow carriageways and on-street parking, which further reduces effective width of the carriageways. 20mph signs were also provided on roads with average speeds greater than 24 mph in order to avoid inconsistencies in the signed speed limits in Portsmouth. One of the aims of the scheme was to be self-enforcing (avoid the need of extra Police enforcement) and partly to support the low driving speeds, and encourage less aggressive driving behaviour.

Overall there was an increase in the number of sites that demonstrated speeds of 20mph or less after the implementation of the scheme. Many sites already had low average speeds of 20mph or less before the scheme was implemented. At the sites monitored with higher average speeds before the scheme was introduced, there were significant reductions in average speeds. For example for the group of sites monitored with average speeds of 24 mph or more before the scheme was introduced, the average speed reduction was 6.3 mph. The average reduction in mean speeds on all roads was 1.3 mph.

There is insufficient data to comment about the effects of the scheme on traffic routes and volumes. The expectation is that because most roads had fairly slow average speeds before the scheme was implemented, that the changes are likely to have been modest.

Comparing the 3 years before the scheme was implemented and the 2 years afterwards, the number of recorded road casualties has fallen by 22% from 183 per year to 142 per year. During that period casualty numbers fell nationally – by about 14% in comparable areas.

There are no large apparent disparities between the casualty changes for different groups of road users (for example pedestrians compared to motorists) or between crashes with different causes. The number of deaths and serious injuries rose from 19 to 20 per year. Because the total numbers of deaths and serious injuries and of casualties by road user type and cause are relatively low, few inferences about the scheme's impacts should be drawn from these figures.

Qualitative surveys indicate that the scheme was generally supported by residents, although most of the respondents would like to see more enforcement of the 20mph speed limits. The survey suggests that the introduction of the scheme has made little difference to the majority of respondents in the amount they travelled by their chosen mode. Levels of car travel stayed similar, whilst the level of pedestrian travel, pedal cyclist travel and public transport usage had increased for a small number of respondents.

In conclusion, early figures suggest that the implementation of the 20mph Speed Limit scheme has been associated with reductions in road casualty numbers. The scheme has reduced average speeds and been well-supported during its first two years of operation.

Knowledge Transfer

Although there is a general perception of widespread public support for the 20mph schemes, only Hull and Portsmouth have carried out satisfaction surveys using feedback questionnaires. The responses to these questionnaires showed high levels of satisfaction with the 20mph schemes. In Hull, over 80% of respondents to the survey were in favour of 20mph Zones; around 75% would recommend implementation of the scheme in other areas; and over 70-95% of respondents were in favour of humps/cushions. Response rates varied from 10% to 40% in individual Zones.

Research undertaken in 2000 (*Kirby, 2000*) identified a range of non-casualty benefits for 20mph Zones:

- over 25% of respondents said that they walked or cycled more following implementation of the 20mph Zone;
- over 50% of respondents felt that the 20mph Zone had made the area a more pleasant place in which to live; and
- 60% of respondents felt that more children played in the street.

In Portsmouth, those that were satisfied with the scheme and provided a reason (51% of the 1,445 respondents) felt that:

- The 20mph Speed Limit had improved safety (27%) – “People are driving safer, it’s a very good idea”
- The scheme was needed and works well (9%) – “Keep to 20mph. It is a good idea”
- Slower drivers result in fewer accidents (8%) – “Should be fewer accidents. More awareness due to travelling at low speed”.

Although there are high levels of satisfaction with the 20mph schemes, all the three areas have received complaints about continuing high speeds on a minority of roads. The authorities have always followed up the complaints although it is still not clear if it is a genuine problem or just perception of high speeds. This was also evident in the qualitative survey findings that indicated that respondents in Portsmouth who were not satisfied with the 20mph Speed Limit scheme felt that the scheme needed enforcing as drivers were still exceeding the Speed Limit.

Obstacles faced in Portsmouth

PCC has been faced with a number of obstacles during the scheme implementation process. These included:

- Limited resources to design and supervise the scheme’s implementation;
- Illegal removal of signs since implementation. However, the use of secure torque bolts to fix the signs in position may have addressed this problem and is likely to prove to be cost effective in the long term; and
- Sign clutter at junctions has been a problem at some locations. In other locations, roads have very narrow carriageways due to the presence of on-street parking (which obstructs visibility to the signs) and as such it has been difficult to find a suitable location for signs. As a result, some signing has been found to be unlawful (due, for example, to a lack of repeater signs or poor visibility), and has resulted in costly challenges to enforcement activity where the police have responded to speeding concerns.

Lessons learnt

Lessons learnt from the 20mph Speed Limit scheme implementation have included:

- Publicity, using community engagement and the media, is pivotal to gaining public acceptance/support for the scheme;
- Carrying out a survey and design of each road separately by staff with knowledge of the relevant legislation is key to ensuring suitability of the road environment for implementing 20mph Speed Limits;
- A comprehensive checking or sign review process should be put in place following implementation, to ensure that signs have been correctly installed and meet legal requirements;
- Local authorities should ensure that appropriate governance arrangements are in place, for the robust management of the scheme. A Project/ Stakeholder Board should be set up at the outset to guide and direct the implementation of the scheme;
- Engagement of stakeholders through the design and implementation of the scheme in order to gain public support and acceptance. For instance better engagement of bus operators and emergency services in order to identify key routes for a coordinated approach is encouraged which would in turn promote closer working relationships;
- The scheme should be based on robust evidence of casualty saving benefits that should be outlined in the early stages of scoping the scheme;
- There should be a plan for facilitating post-implementation feedback for 20mph Limit only roads where initial speeds are high.

Transferability

Outside London, PCC considers itself as the most densely populated city in Great Britain. The majority of residential streets are narrow, with terraced housing and cars parked on both sides. As such, the provision of the 20mph Speed Limit scheme on such roads only formalised an existing practice and possibly helped to reduce the incidences of aggressive driving. It is possible that such a scheme would be ineffective if implemented on an area-wide scale in many other locations without providing complimentary traffic calming measures. However, there are likely to be individual clusters of streets where such an approach could be applied. PCC is considering implementing 20mph Zones (i.e. adding traffic calming measures and the associated appropriate signage) on roads that have had speed related complaints raised or where average speeds are still in excess of 24 mph since the implementation of the 20mph Speed Limit scheme. This is likely to add significantly to the costs, but is also expected to improve the safety benefits of the scheme.

Experience from London and Hull suggests that significant safety benefits can be obtained by implementing a targeted area-wide implementation of 20mph zones in combination with 20mph speed limit signs, depending on the character and function of each road in the area.

In summary, and considering the fact that the scheme was implemented to formalise the existing average speeds, the effects of implementing the 20mph Speed Limit scheme (use of signing alone) are as follows:

- The average speed reduction achieved by installing speed limit signs alone is less than that achieved by the introduction of 20mph zones partly because 20mph Speed Limits are implemented where existing speeds are already low;
- Within an area-wide application of 20mph sign only limits, those roads with average speeds higher than 24 mph may benefit from significant speed reductions, but not to the extent that the 20mph speed limit is self enforcing;
- Based on the available data for two years after scheme implementation, casualty benefits greater than the national trend have not been demonstrated; and
- The evaluation of area-wide schemes relies on good quality data and an appropriate evaluation design.

Following the analysis of the available data, it is recommended that an evaluation study that takes account of 3 years of 'After' data to monitor the long-term impacts of the 20mph scheme in PCC would offer stronger evidence of outcomes.

Colchester Borough Council

33 Sheepen Road, Colchester, CO3 3WG

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Essex
CM1 1LX

Contact **Councillor Anne Turrell**
Phone **(01206) 282244 Fax (01206) 282233**
Email **leader@colchester.gov.uk**
Your ref
Our ref **PW/KB/AT**
Date **10 August 2010**

Dear Norman

20mph speed limits in Colchester

The Borough Council is very keen to see a wider use of 20mph limits across Colchester Borough in residential areas and town centres. We discussed this at the recent 5-a-side meeting with your deputy Cllr Roger Walters. We welcome the statements that you have made in the addendum to the recently published Essex Speed Management Strategy which allows for the introduction of 20mph speed limits and zones. However, I feel that we need to discuss this further than the short time given over to the subject at the meeting.

The research work that we have undertaken shows that for 20mph limits (without physical measures) to be effective in reducing accidents that they need to be applied across a wide area to give a consistent message. This approach also gives greater public ownership of the new limit. From reviewing neighbourhood action panels action plans, parish council village design statements or parish plans reduction/management of speed is frequently requested. The local highway panel has been allocating funding for Vehicle Actuated Speed signs following local requests demonstrating the local demand to manage and reduce speeds. Area wide 20mph limits takes this speed reduction a next step further, especially to improve the quality of life of the community and encouragement of healthier and more sustainable transport modes such as walking and cycling.

Where area wide 20mph limits have been introduced in other towns such as Portsmouth, they are showing a reduction in speeds and accidents across the network. Their initial work shows that speeds on roads with higher limits have also dropped. We are concerned that the new speed management strategy is still too onerous and is not affordable to be effective. Towns which have introduced such measures have demonstrated that area wide limits can be introduced at a fraction of the cost of limits which require physical measures. They can also be introduced in a more timely manner. Prior to delivery Portsmouth and Oxford undertook an extensive engagement and consultation process to ensure the public understood and owned the new limit. Bristol City Council are introducing 20mph limits using their Cycle City funding.

We have undertaken research work and following the 5 –a-side meeting have supplied our reports to Chris Stevenson. I would appreciate an opportunity to continue the dialogue upon the introduction of 20mph limits without physical measures as these are being introduced across many towns in the country. I have local cross party support for this initiative which was considered by a member Task and Finish including a parish council representative from Colchester would be willing to pilot a scheme within Essex if you were so minded.

Yours sincerely

Councillor Anne Turrell
Leader of the Council

Cc:
ECC Cllr Roger Walters
ECC Robert Overall – Executive Director
CBC Cllr Stephen Ford – Chair of the 20mph T&FGroup

Essex County Council
Cabinet Office
County Hall
Chelmsford
Essex CM1 1LX



Cllr Anne Turrell
Colchester Borough Council
33 Sheepen Road
Colchester
Essex CO3 3WG

Your ref: PW/KB/AT
Our ref: NH/H&T564
Date: 2nd September 2010

Dear Cllr Turrell,

RE: 20mph speed limits in Colchester

Thank you for your letter dated 10th August 2010 concerning the Task and Finish Group Technical Report to the Policy Review and Development Panel on the introduction of 20 mph areas in Colchester.

You will have received a copy of the Essex Speed Management Strategy that identifies the position of the Highway Authority on the introduction of 20mph limits and zones on the county's roads. The procedures laid down in that document indicate what is required to ensure that the introduction of these limits and zones is in accordance with Department for Transport guidelines, they can be legally enforced by the police and are in accord with the functional nature of routes within the Essex hierarchy.

I am currently considering a small proposal for the Moulsham Area of Chelmsford to extend the capital scheme for a 20mph Zone on Moulsham Street to include a small selection of roads for the introduction of 20mph limits. However these will all be local roads not Primary Routes 1 or 2. If this scheme proceeds then it will be evaluated at 12 and 24 months to judge its success and to inform future policy decision making. Similarly, we are monitoring the results of area wide schemes in Portsmouth and Oxford where early evidence indicates mixed results in both reduction of speeds and Killed or Seriously Injured. I therefore do not envisage the introduction of area wide 20mph limit schemes in Essex in the next 12/24 months.

However, it is obvious that Colchester Borough Council have invested a considerable amount of staff and Member time in preparing their case and I will therefore ensure that this request is registered when the evidence of benefit becomes clearer and funding will hopefully be under less pressure.

Should you require any additional information please contact Vicky Duff on the contact details provided below.

Yours sincerely

A handwritten signature in black ink, appearing to read "N Hume".

Councillor Norman Hume
Cabinet Member for Highways and Transportation

Please reply to Vicky Duff
Telephone: 01245 437270 / Email: Vicky.duff@essexcc.gov.uk



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Policy Review & Development Panel

Item

8

8 August 2011

Report of	Head of Environmental & Protective Services	Author	Beverley Jones
Title	Colchester Joint Protocol for the Management of Unauthorised Gypsy & Traveller Encampments		
Wards affected	All Wards		

This report concerns the proposed review of the current joint protocol for the management of Unauthorised Gypsy & Traveller Encampments. Comments from the Panel will inform the development of the revised Protocol before formal adoption.

1. Decision(s) Required

- 1.1 Members are asked to consider the current Joint Protocol for the Management of Unauthorised Gypsy & Traveller Encampments and comment on aspects for inclusion in the new revised protocol for adoption by the Portfolio Holder, in accordance with the proposals endorsed by Cabinet.

2. Reasons for Decision(s)

- 2.1 In preparation for the eviction of travellers from the Dale Farm site in Basildon, all Local Authorities are reviewing and updating their protocols for dealing with unauthorised encampments. Essex Police have reviewed and updated their policy and protocol and it is important to incorporate these changes into our own protocol which is now out of date.

3. Alternative Options

- 3.1 We could continue to operate under our existing Joint Protocol but references to documents & legislation that are now out of date or superseded would leave us open to legal challenge against any enforcement action we may take.

4. Supporting Information

- 4.1 In 2002, at a meeting of the Essex Chief Executives Association, it was agreed that a joint protocol for managing unauthorised camping in Harlow be developed. It was suggested that this would then provide a template for use by all Essex Police Territorial Divisional Commanders and Essex Local and Unitary Authorities in managing unauthorised encampments.
- 4.2 The protocol developed by Harlow formed the basis of an adapted protocol for Colchester and other Essex Districts and Boroughs. The Colchester Joint Protocol is attached as Appendix 1 and has been in use since 2002.
- 4.3 Contained within the Protocol itself is the Code for Gypsy/Travellers in Essex (referred to as "the Code"); this is effectively a charter or agreement offered to Gypsy/Travellers in Essex whereby Gypsy/Travellers may be allowed to stay on local authority owned land

for up to 28 days providing encampments are kept small and abide by the terms of the Code.

- 4.4 In March 2003, a Colchester Travellers Sub Group was formed at the request of the then Cabinet with a remit to review the Council's experience and policies on Gypsy and Traveller issues. In particular, it was asked to consider how a more integrated and comprehensive approach to unauthorised encampments could be achieved to overcome current perceived difficulties. A report to Cabinet on 9 July 2003 set out many recommendations and whilst there was no specific recommendation regarding the Protocol and the Code, the report was comprehensive and acknowledged their existence.
- 4.5 It is important to note that both the Protocol and the Code were drafted having regard to legislation, Government Guidance and the European Convention on Human Rights. Romany Gypsies and Irish Travellers are protected under the Race Relations (Amendment) Act 2000 and the Equality Act 2010 now makes it unlawful to treat someone less favourably on grounds of colour, race, nationality or ethnic or national origins. The overriding objectives of the Protocol are:
- To develop a fair and consistent approach to the management of unauthorised encampments by public bodies,
 - To ensure people are treated with respect, giving consideration to the variety of ethnic and racial origins, different lifestyles, needs and welfare issues, and
 - To ensure consideration is given to both the needs of those on unauthorised encampments and of the settled community.
- 4.6 Our current approach to managing unauthorised encampments is in accordance with the Code and is therefore deemed to comply with equalities legislation. An Equalities Impact Assessment for this approach is published on the Colchester Borough Council website.

The Role of Essex Police

- 4.7 In cases of trespass where there are no aggravating factors (which is a civil matter), the role of Essex Police is to maintain law and order and to keep the peace. However, in dealing with unauthorised encampments, Essex Police recognises the rights of both the community and the occupiers of the land and will enforce legislation and use statutory powers wherever necessary.
- 4.8 Essex Police has recently updated its Policy for Unauthorised Encampments and how it will respond to reports of any persons residing as trespassers on land. In determining the nature of this response, the Police will have regard to issues of behaviour, whether criminal, antisocial or nuisance, in combination with the impact on the landowner and local communities. The updated policy is attached as Appendix 2.

Review of Essex Protocols

- 4.9 Essex Police has reviewed and reissued its Policy for Unauthorised Encampments and now Essex County Council has also revised its version of the Code - the Joint Protocol that was, is now effectively defunct and Colchester must therefore look to review and update its own processes to ensure a consistent and lawful approach to the management of unauthorised encampments.

Local Authority Tolerance

- 4.10 The Joint Protocol recognises that in cases of unauthorised encampments occurring on Local Authority land where no crime or disorder issues exist, the Council shall make clear the circumstances in which the occupants will be permitted to stay without eviction proceedings being commenced i.e. the criteria for toleration set out in the Code. The protocol is therefore explicit in its intent that subject to certain criteria being met, the Council *will* adopt a position of tolerance towards the encampment.
- 4.11 The criteria for tolerance are summarised as follows:
- Encampments are to be kept small (3 caravans or slightly larger) and large encampments are required to split into smaller groups
 - Encampments are to be kept away from built up areas
 - Gypsy/Travellers are to look after the land and not burn rubbish (the Council will provide refuse sacks and collect bagged rubbish)
 - Vehicles are to be parked safely and only on land not needed for another purpose
 - Animals are to be kept under control
- 4.12 The Code also addresses the minimum acceptable distance between groups of Gypsy/Travellers, the effect of the occupation on amenities, damage to property and land, acceptable behaviour, the lighting of fires and the distance to be moved on leaving the site and future re-occupation of the site.
- 4.13 Failure to have regard to the Protocol and the Code could leave the Council open to legal challenge by Gypsy/Travellers and members of the settled community.

Expectations of Essex Police and their use of Eviction Powers

- 4.14 Police have powers under Section 61 of the Criminal Justice & Public Order Act 1994 to evict people from unauthorised encampments. These powers are discretionary and will only be used where 6 or more vehicles are present and behaviour or conduct is considered to be inappropriate or where the impact of the encampment on others is deemed unacceptable. In determining whether to use these powers, the Police will have regard to the existence of:
- Evidence of communities deprived of local amenities
 - Evidence of significant impact on the environment
 - Evidence of local disruption to the economy
 - Evidence of a significant increase in local crime
 - Evidence of significant disruption to the local community
 - Danger to life (e.g. an encampment adjacent to a motorway)
- 4.15 The mere presence of an encampment without any aggravating factors should not normally create an expectation that these powers will be used.

5. Proposals

- 5.1 It is proposed, and Cabinet have endorsed, that the Council undertakes a review of the Code and related processes for managing unauthorised encampments having regard to the new Essex Police Policy, relevant legislation and Government Guidance, namely:
- Communities and Local Government – Local authorities and Gypsies and Travellers: a guide to responsibilities and powers (May 2007)

- Office of the Deputy Prime Minister – Guide to effective use of enforcement powers
Part 1: Unauthorised encampments

5.2 It is proposed, and Cabinet have endorsed, that the revised Code and processes will be developed and applied having regard to the principles of good enforcement namely:

- Clear standards & expectations,
- Consistency of approach
- Proportionality and,
- Transparency in decision-making

Following these principles should ensure that the protocol and any resulting legal action is robust, fair and defensible.

6. Strategic Plan References

6.1 The Gypsy and Traveller Protocol is seen as contributing to the strategic objectives Community Development & Community Safety.

7. Consultation

7.1 Essex County Council and Essex Police will be consulted on the draft protocol to enable their comments to be included in the final version prior to formal adoption.

8. Publicity Considerations

8.1 A communications plan will be developed to ensure that the new protocol and any implications arising from the Dale Farm eviction in particular are understood by the public.

9. Financial Implications

9.1 There are no financial implications arising from the revision of this protocol

10. Equality, Diversity and Human Rights implications

10.1 An Equality Impact Assessment (EQIA) has been carried out on the existing protocol and is available on the Council's website.

http://www.colchester.gov.uk/servedoc.asp?filename=E_PS_EQIA_ASB_Gypsy_and_Traveller.pdf

10.2 A new Equality Impact Assessment will be completed in relation to the revised Protocol.

11. Community Safety Implications

11.1 This protocol specifically deals with ensuring that we take appropriate and proportionate action in relation to unauthorised encampments, one of the criteria in deciding the course of legal action is any impact on crime and disorder in the vicinity of the unauthorised encampment.

12. Health and Safety Implications

12.1 There are no Health and Safety implications

13. Risk Management Implications

- 13.1 As outlined in the main report – without reviewing and updating our current protocol there is risk of legal challenge against any decisions taken.

Background Papers

Appendix 1

Current version of the Essex County Council, Colchester Borough Council and Essex Police – A Joint Protocol for Managing Unauthorised Encampments in Colchester Borough

Appendix 2

DRAFT Essex Police Unauthorised Encampment Policy – July 2011



**ESSEX COUNTY COUNCIL
COLCHESTER BOROUGH COUNCIL
ESSEX POLICE**



**A joint Protocol for managing
UNAUTHORISED ENCAMPMENTS
In
COLCHESTER BOROUGH**

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INTRODUCTION

- 1a.** Unauthorised Encampment, for the purpose of this document, is defined as the occupation of land for the purposes of habitation, without the expressed permission of the landowner or without the necessary planning approval and caravan sites licence where necessary.
- 1b.** The subject of unauthorised encampments brings diverse and controversial views and feelings from both those on the encampments and those of the settled community.
- 1c.** The aim of this document is to develop a protocol that allows a fair and consistent approach by participating public bodies, to the management of unauthorised encampments.
- 1d.** The protocol has been developed so it supports and works within existing legislation and guidance. It also explains the joint policies and procedures used in the management of unauthorised encampments.
- 1e.** It recognises the sensitivity of the subject and the importance of treating everyone with respect, giving consideration to the variety of ethnic and racial origins, different lifestyles, needs and welfare issues.
- 1f.** The agreed policy for managing unauthorised encampments throughout Essex is 'The Code for Gypsy/Travellers in Essex' (known as The Code, Appendix B) which all districts have signed to.

1.1 County and Country Profile

- 1.1a** A bi-annual count of Gypsy/Traveller caravans on both authorised and unauthorised sites is taken in January and July each year. The latest figures published for Jan 2005 shows Essex as having a total of 395 unauthorised caravans in the County on the day of the count. Further figures showed Essex as having 249 caravans on local authority owned sites and 363 caravans on private sites.
- 1.1b** The 395 caravans on unauthorised sites in the County were made up as follows:

Chelmsford 53, Basildon 221, Braintree 12, Tendring 8, Rochford 14, Epping Forest 42, Harlow 2, Colchester 16, Maldon 0, Uttlesford 8, Brentwood 18, Castle Point 1.

1.1c The total number of unauthorised caravans in the Country in Jan 2005 was 3558, so Essex's total of 395 represents 9% of the total.

1.1d It should be noted that these half yearly counts are merely snapshots, seasonal changes play a large part in the number of unauthorised caravans in the County. Historically Essex has always had a large number of Gypsy/Travellers residing in the county and visiting, particularly between March and October.

1.2 Gypsy and Traveller Community Profile

1.2a Gypsies and other nomadic people have lived in Essex, or visited the county, since at least the fifteenth century. It is generally acknowledged that a considerable proportion of Gypsy families now live in housing. Although there are no figures, the numbers in housing are much greater than the numbers who live in caravans, and the numbers on permanent sites greater than the numbers who travel.

1.2b They also have cultural traditions and languages (like Gammon and Shelta) which go back many centuries. There are some European Travellers who travel regularly between their country and the UK, particularly from Ireland. There are also those who live in one part of the UK and travel to other parts, and some who are permanently in one location.

1.2c New Traveller communities have a shorter history. They have developed a distinctive lifestyle recognised by an emphasis on the importance of living in a manner that is friendly to the environment, living simply and in low-impact dwellings. The communities are drawn from a wide range of backgrounds and cultures. Farm work and craftwork are common amongst some of them.

1.2d The perception of others about the Gypsy/Traveller communities is often very different. Where people are encamped on land without facilities there are likely to be difficulties in accessing water, waste disposal and other facilities which exist in housing. In addition, there may be trading carried out by those who are encamped or other activities which prompt complaints.

1.3 Demographic Profile of District

Countryside and Woodland Sites

Existing Borough Council Local Nature Reserves	<u>Area</u> (Ha)
Bull Meadow LNR	1.1
Hilly Fields LNR	32.0
Lexden Park LNR	7.7
Lexden Springs LNR	1.8
Salary Brook LNR	19.5
Colne LNR (inc. Lower Lodge Farm, Wivenhoe Ferry Marsh, Wivenhoe Wood)	32
Welsh Wood LNR	2.7

Candidate Borough Council Local Nature Reserves	<u>Area</u> (Ha)
Three Mills public open space	5.7
Gosbecks Archaeological Park	65.0
Hythe Lagoons	14.3
Rowhedge Marsh	2.6
Spring Lane Nursery Meadow	2.3
High Woods Country Park	137.0

<u>Other Borough Council Countryside Sites</u>	<u>Area</u> (Ha)
Cymbeline Meadows	63.5
Ghost Wood [Greenstead Slopes]	0.4

<u>Other Countryside Sites</u> <u>Sites in other ownership in which the Council maintains an involvement</u>	<u>Area</u> (Ha)
Tiptree Heath SSSI – private ownership	63.5
Fordham Heath – parish council	14.0
Layer Bretton Heath – private ownership	13.0
Bourne Mill Pond – National Trust	0.1
Wivenhoe Wood – part of, parish council	0.9
Tiptree Parish Field LNR – parish council	2.2
West Mersea Monkey Beach and SSSI Reedbed	3.8

PUBLIC AUTHORITY ROLE

2a Numerous public authorities become involved with unauthorised encampments and have a part to play in the management process. Any decision made should take into account legislation, guidance, health, education and welfare needs. Consideration must be given to both the needs of those on unauthorised encampments and of the settled community. Decisions made by public bodies are open to challenge by those who believe them to be unreasonable. For example: challenges may be made by those who are expected to move from unauthorised encampments or from the settled community who have been affected by an encampment.

2.1 The Role of Essex County Council

2.1a The Gypsy Services Section of Essex County Council often in conjunction with the relevant local authority would normally be responsible for the management of unauthorised encampments on local authority owned land.

2.1b Once an unauthorised encampment is reported, then an Officer from Gypsy Services will, wherever possible, visit within 24 hours. The circumstances of the Gypsy/Travellers and encampment shall be assessed to establish compliance or otherwise with The Code. If the encampment complies then the group may be allowed to stay on local authority owned land for up to 28 days, subject to continued compliance. All appropriate Agencies will be informed of the encampment.

2.1c On land where Essex County Council is the lead agency and if the encampment does not comply with the code. The Gypsy Services Manager will request a full assessment of the group. This will relate to health, social care, educational needs and consideration will be given to the human rights of all parties involved.

2.1d Subject to the outcome of the above, and, if necessary in conjunction with the Local Authority and Essex Police, a decision on what action to be taken will be made.

2.1e The leaflets, "Guidance Notes for Gypsy/Travellers in Essex", (Appendix A) will be provided.

2.1f In circumstances where Gypsy/Travellers are camped on private land, although officers from Gypsy Services will be happy to advise, the onus is on the landowner to manage their own land.

2.2 Role of Colchester Borough Council

2.2a The local authorities have many duties and powers in law this includes;

- The management of unauthorised encampments on land for which the Council is responsible.
- The management of the impact of the encampment on the local environment and the settled community.
- The local authority will follow the Government's 'Good Practice Guide' in respect of the criteria for toleration.
- The Council will adopt the joint protocol for managing unauthorised encampments in Colchester
- The use of the Code for Gypsy/Travellers in Essex

2.2b Unauthorised encampments are assessed by the local authority, County Council and/or Police involvement may be sought.

- Where there is a low level of impact, the local authority may permit occupation of sites for a negotiated, temporary period.
- Local authority may take action under Section 77 of the Criminal Justice & Public Order Act 1994 or seek County Court Orders to secure evictions.
- In consultation with Police with reference to the use of powers under Section 61 of the Criminal Justice & Public Order Act 1994.

2.2c Following the review of Section 77, the Essex Chief Executives Association have made a recommendation that all Essex authorities secure the eviction of unauthorised encampments by the use of Possession Orders rather than Section 77 of the Criminal Justice & Public Order Act 1994.

2.2d Colchester Borough Council will not normally intervene when encampments are on land not owned by them. However, the Council may assist the private land owner to take action if:

- The site is of such a sensitive nature that it is in the public interest to secure a rapid eviction

or

- The behaviour of the encampment is such as to cause substantive problems to the settled community

or

- The local authority will take action if the change of use of the land to a Gypsy/Traveller site has persisted for more than 28 days and planning permission has not been sought or obtained.

2.2e Colchester Borough Council will assist in identifying “land ownership” in the private sector to the benefit of the partnership.

To assist the partnership in carrying out site condition survey at the time of trespass and ongoing dilapidation monitoring of the sites as and when required.

Where Essex police use powers to remove vehicles from site, Colchester Borough Council will assist in the provision of towing vehicles.

Colchester Borough Council will provide transfer stations to park the unauthorised vehicles.

Any transfer site identified will be subject to risk assessments, and in agreement with Colchester Borough Council, Essex police will provide the appropriate level of support and response to reported incidents.

2.3 The Role of Essex Police

- 2.3a** Normally trespass will be a civil matter between the trespassers and the landowner. The role of Essex Police in these circumstances is to maintain law and order and to maintain the peace.
- 2.3b** In dealing with unauthorised encampments Essex Police will recognise the rights of the community including the occupiers of the land.
- 2.3c** The police action will comply with the law, taking into account the European Convention of Human Rights.
- 2.3d** Essex Police will enforce the law wherever necessary to fulfil the role outlined above and use statutory powers where appropriate. The primary statutory power is Section 61 Criminal Justice & Public Order Act 1994.

Section 61 of the Criminal Justice and Public Order Act 1994 allows the Senior Police Officer attending the scene of an incident involving a trespass or nuisance on land to order trespassers and their vehicles to leave as soon as reasonably practicable. It states:

61(1) If the Senior Police Officer present at the scene reasonably believes that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and –

- (a) that any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his, OR
- (b) that those persons have between them six or more vehicles on the land,

he may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land.

61(4) If a person, knowing that a direction under subsection 61(1) has been given which applies to him –

- (a) fails to leave the land as soon as reasonably practicable

OR

- (b) having left again enters the land as a trespasser within the period of three months beginning with the day on which the direction was given, he commits an offence.

62 If a direction has been given under Section 61 and a Constable suspects that any person to whom the direction applies has, without reasonable excuse –

- (a) failed to remove any vehicle on the land which appears to the Constable to belong to him or to be in his possession or under his control;

OR

- (b) entered the land as a trespasser within the period of three months beginning with the day on which the direction was given,

the Constable may seize and remove the vehicle.

The Police power is discretionary and does not impose a duty.

The primary guidance is contained within the DETR booklet Managing Unauthorised Camping – A Good Practice Guide.

- 2.3e** Essex Police accept and confirm that sec 61 is considered a legitimate power that Essex Police can use against unauthorised encampments in appropriate circumstances. The decision to use sec 61 will be an operational one to be taken by the senior police officer on the ground. Appropriate triggers may include individual criminal activity, serious breaches of the peace, or disorder, or significant disruption to the life of the local community.

LEGISLATION

- 3a** All landowners have legitimate powers available to take action to remove people, their dwellings and possessions from their land, where they have no permission to be there.
- 3b** Within certain criteria Local Authorities and the Police have powers available under the Criminal Justice and Public Order Act 1994 to remove trespassers from land. However there is various guidance and case law to take into account before this legislation is implemented.
- 3c** The primary guidance is contained within the DETR booklet Managing Unauthorised Camping - A Good Practice Guide.
- 3d** Other legislation in respect of environmental health, planning, education, etc may apply and will need to be considered by the relevant authority.
- 3e** The primary legislation utilised in the lawful eviction of unauthorised encampments is:
- Criminal Justice and Public Order Act 1994
- Civil Procedure Rules 1998 Part 55
- 3f** The Wealden judgement made clear that local authorities should take account of “considerations of common humanity” in reaching eviction decisions, and they should make enquiries of a welfare nature prior to issuing a Direction to Gypsies and Travellers to leave a site under the powers available under the Criminal Justice & Public Order Act 1994.

MANAGEMENT OF UNAUTHORISED ENCAMPMENTS

- 4a** It is recognised by parties to this protocol that we will continue to have unauthorised encampments for the foreseeable future.
- 4b** In accordance with the Good Practice Guide to Managing Unauthorised Camping issued jointly by the DETR and Home Office in October 1998, the parties to this Protocol recognise that encampments may be allowed to remain where conditions are suitable.
- 4c** Where conditions are not suitable, following consultation, the partnership will make a decision as to action to be taken or not in respect of each encampment.

4.1 Management of Unauthorised Encampments on Local Authority Land where no crime or disorder issues are raised. (Flow Chart Appendix C.)

- 4.1a** When informed of an unauthorised encampment on Local Authority land the authority informed will visit and assess the circumstances of the encampment. Relevant referral information will be shared with the appropriate authorities.
- 4.1b** It will be made clear the circumstances in which the occupants will be permitted to stay without eviction action being started.
- 4.1c** In the absence of specific welfare needs, Colchester Borough Council will consider the following when seeking to balance the needs of occupants and the settled communities.
- The nature, suitability or obtrusiveness of the encampment site.
 - The size of group and the behaviour of occupants.
 - The number, validity and seriousness of complaints against the encampment.
- 4.1d** The criteria for toleration is clearly set out in the code for Travellers in Essex (Appendix A). This will be made available at the time of the initial visit by Essex County Council or Colchester Borough Council.
- 4.1e** The Code recommends that the occupants may be allowed to stay on Local Authority land for a period up to 28 depending on the circumstances.

4.1f The encampment will be reviewed in accordance with The Code as to whether the toleration criteria are still being met. Similarly complaints will be monitored and reviewed as necessary.

4.1g Where the encampment is in breach of The Code (including staying in excess of 28 days) action may be taken to repossess the land.

4.2 Management of Unauthorised Encampments on Local Authority Land where crime or disorder issue are raised (Flow Chart Appendix C)

4.2a There will be circumstances where sites will not be tolerated Examples include encampments which cause;

- A clear highway hazard
- Those located on high profile sites
- Where an unauthorised encampment is causing policing problems.

4.2b Deteriorating circumstances may lead to a decision to start eviction. In these circumstances the other partnership authorities will share information and determine the most appropriate action.

4.2c It is unlawful for a public authority to act in a way which is incompatible with the European Convention of Human Rights. The decision making must be structured so it reflects;

- The legality of the decision
- Its necessity
- Proportionality
- That it is non-discriminatory.

If through enquiries, it is established that an eviction could seriously damage the health of any trespasser consideration may be given to excluding that party from any direction to leave land.

4.2d Where the local authority have directed that the trespassers vacate the land and police action is sought, the police are entitled to assume that the Local Authority decision has been lawfully made, that all necessary welfare enquiries have been made, and there is no reason why the eviction should not be

enforced. (R V Chief Constable of Dorset Police, ex parte Fuller and Others [12.12.2001])

4.2e In the most urgent of cases it will not be possible to undertake exceptional meetings and the amount of welfare enquiries will be minimal. In even the most urgent of cases the right to life (Article 2, ECHR) must be considered.

4.2f It will be important for the direction to leave served by the police under Section 61 Criminal Justice & Public Order Act to state that the Travellers should leave immediately or as soon as reasonably applicable.

4.3 Management of Unauthorised Encampments on private land where no crime and disorder issues are raised (Flow Chart Appendix D)

4.3a In a simple case of trespass, it will often be appropriate for a landowner to apply for an order of repossession.

Colchester Borough Council will not normally intervene when encampments are on land not owned by them. However, the Council may assist the private land owner to take action if:

- The site is of such a sensitive nature that it is in the public interest to secure a rapid eviction

or

- The behaviour of the encampment is such as to cause substantive problems to the settled community

or

- The local authority will take action if the change of use of the land to a Gypsy/Traveller site has persisted for more than 28 days and planning permission has not been sought or obtained.

4.3b Essex County Council will provide advice to any land owner who has an incursion of an unauthorised encampment on their land.

4.3c Essex Police is not responsible for the enforcement of any possession of land order. They will attend if deemed necessary to ensure there is no breach of the peace.

4.4 Management of Unauthorised Encampments on private land where evident crime and disorder issues are raised (Flow Chart Appendix D)

- 4.4a** The landowner must have taken reasonable steps to ask the occupants to leave prior to Police considering the use of Section 61 of the Criminal Justice & Public Order Act 1994. What is reasonable depends on the circumstances of each case. It is important for this decision making process to be recorded.
- 4.4b** The role of Essex Police is documented at 2.3, this includes the criteria for Section 61 of The Criminal Justice & Public Order Act 1994 and appropriate triggers for Police action.
- 4.4c** Evidence supporting the use of Criminal Justice & Public Order Act 1994 should be collated. Such evidence may include statements from the residents, the landowner and Police Officers.
- 4.4d** Details of welfare enquiries made and the results of those should also be recorded. The amount of welfare enquiries will depend on the urgency of the case. If through enquiries, it is established that an eviction could seriously damage the health of any trespasser consideration should be given to excluding those persons from the direction to leave.
- 4.4e** In a simple case of trespass, it will often be appropriate for a landowner to apply for an order of repossession.

Colchester Borough Council will not normally intervene when encampments are on land not owned by them. However, the Council may assist the private land owner to take action if:

- The site is of such a sensitive nature that it is in the public interest to secure a rapid eviction

or

- The behaviour of the encampment is such as to cause substantive problems to the settled community

or

- The local authority will take action if the change of use of the land to a Gypsy/Traveller site has persisted for more than 28 days and planning permission has not been sought or obtained.

4.4f Prior to the use of Section 61 of the Criminal Justice & Public Order Act 1994, the partnership and land owner or agent will be consulted to determine the appropriate action.

Contact List

Colchester Borough Council

Contact: Julian Rendall
Gypsy liaison officer
Colchester Borough Council
PO Box 889
Town Hall
Colchester
Essex
CO1 1FL
Tel: 01206 282837
E-mail: julian.rendall@colchester.gov.uk

Christopher Samuel
Legal Department
Colchester Borough Council
PO Box 884
Town Hall
Colchester
Essex
CO1 1FR
Tel: 01206 282259
E-mail : christopher.samuel@colchester.gov.uk

Essex County Council

Contact: Steve Clarke
Gypsy Services
Essex County Council
County Hall
Chelmsford
Essex CM1 1QH

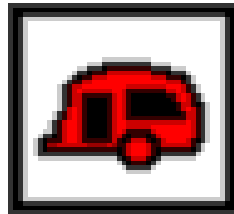
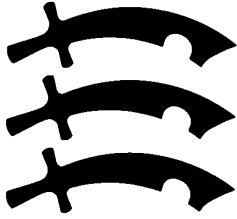
Tel: 01245 437645
E-mail: steve.clarke@essexcc.gov.uk

Adam Bradley
Gypsy Services
Essex County Council
County Hall
Chelmsford
Essex CM1 1QH

Tel: 01245 437757
E-mail: adam.bradley@essexcc.gov.uk

Essex Police

Contact: Keith Jones
Point of contact for Gypsies and Travellers
Colchester Police Station
Tel: 01206 762212
E-mail: keith.jones@essex.pnn.police.uk



Guidance Notes for Gypsy/Travellers in Essex

THE CODE FOR GYPSY/TRAVELLERS IN ESSEX

1. The basic message of this Code is that if Gypsy/Travellers in Essex stay in small groups and comply with the Code then they may be allowed to remain on local authority owned land for a period of up to 28 days.
2. A large encampment will need to split up into small groups. If this does not happen or if any of the factors listed in the Code are not met then action to move on the Gypsy/Travellers is likely to be taken either by the Police or the Local Authority.
3. The Code applies to all land in local authority ownership, although private landowners may well instigate their own eviction action.
4. Action to remove Gypsy/Travellers, especially in large groups or where trespassing on private land, may be taken by the Police.

THE CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

The Police have a discretionary power to enforce the removal of unauthorised encampments. The possible penalties for not moving on when directed to can be severe, ranging from vehicles being impounded, to fines of up to £2,500 or even arrest. If vehicles are towed away, the Police can charge the owner with the cost of removing them, and storing or disposing of them.

Evictions can also be undertaken by landowners obtaining a Possession Order from the County Court.

The Gypsy/Travellers in Essex Code is effectively a charter or agreement offered to Gypsy/Travellers in Essex whereby Gypsy/Travellers may be allowed to stay on local authority owned land for up to 28 days providing they keep to small groups and abide by the code.

WHAT THE CODE MEANS

1. The Code only applies to Gypsy/Travellers i.e. Persons who travel for the purpose of seeking their livelihood
2. The stay on land will depend on your co-operation:
 - keep groups small. Three caravans will normally be acceptable. Slightly larger groups may be O.K. away from built up areas.
 - space yourselves out, park away from other groups.
 - look after the land you park on and don't cause problems for nearby residents.
 - Do not dump or burn rubbish.
 - ask the local Council for black plastic bags for rubbish which they will then collect from you on a weekly basis.
 - park vehicles safely and keep all animals under control.
 - only park on land not needed for another purpose.
3. Follow the above advice and in most cases, Essex authorities will not pursue an immediate order for the eviction of small groups of Gypsies providing you follow the Code. There could be an agreed stay of up to 28 days.

COUNCIL SITES

The County Council has 12 Gypsy/Traveller Caravan Sites throughout the county. Should you wish to be considered for a pitch on such a site now or in the future please complete an application form which can be obtained from any site office or phone 01245 437694.

YOUR OWN SITE

If you want to buy a piece of land for a Gypsy/Traveller site, planning permission will be required. **Before purchasing land, discuss your ideas with the local council's Planning Department.** The use of a Planning Consultant is also recommended, e.g. Dr Robert Home, Tel: 0207 249 7818; Dr Donald Kenrick, Tel: 0207 7727 2916. Other names can be obtained from the Royal Town Planning Institute, Tel: 0207 636 9107. For general advice you may wish to telephone Nigel Bell of the PLANNING AID service, Tel: 01245 437508.

LEGAL ADVICE

Should you need general legal advice or help with a planning application phone the Community Law Partnership advice line on 0845 120 2980. Calls are charged at local rates. Names of other local solicitors may be obtained from Yellow Pages or the Citizens Advice Bureau of most large towns.

HOUSING

Some Gypsy/Traveller families express an interest in moving into a house. All authorities have a housing register accommodation and "weighting" systems decide on priorities. Contact the Homechoice shop in the High Street next to Angel Court. The shop is open 8.30 to 5.30 every day except Thursday when it closes at midday. No appointment is necessary. Or call 012062 82 222

EDUCATION

If you want help with your child's schooling phone Jackie Nesbitt (Traveller Education) on 01376 340360.

SOCIAL WELFARE

Should you have worries about any aspects of your welfare of yourself or your children please contact your local Area Office as follows:

BASILDON: Sheila Copeman 01268 643333
BRAINTREE/MALDON: Mike Ledley 01376 555400
CHELMSFORD: Lisa Arthey 01245 434418
CLACTON: Pat Casey 01255 253300
COLCHESTER: Joan Coleman 01206 761954 or 763267
EPPING FOREST: Janet Ashley 01992 701188
HARLOW: Jean Clydesdale 01279 434641
MALDON: Mike Ledley 01621 858958
RAYLEIGH: Di Hart 01702 542960
SAFFRON WALDEN: Monica Peak 01799 513132
SOUTHEND: Mike Chapman or Rod Summers 01702 469390
THURROCK: Ann Fletcher or Linda King 01375 390999

HEALTH

If you want advice on any health issues, you should be able to see any local GP or Dentist, even if you are not registered. There is a 24 hour NHS helpline you can phone – **0845 4647**.

REFUSE COLLECTION

All local authorities have been asked to supply plastic refuse bags to Gypsy/Traveller encampments on tolerated sites and to collect domestic refuse on a weekly basis. Please contact the local authority in whose area you are staying. Larger items need to be disposed of at Civic Amenity Sites, the location of which can be obtained from the same departments, however, those sites will not accept trade waste. Local authority contacts are:

BASILDON: Mr A Minney 01268 294901
BRAINTREE: Mr J Stuart 01376 552525
BRENTWOOD: Brentwood BC 01277 261111
CASTLE POINT: Mr Cracknell 01268 882200
CHELMSFORD: Mr Eric Burns 01245 606620
COLCHESTER: Mr P English 01206 282626
EPPING FOREST: Mr D Marsh 01992 564192
HARLOW: Mr R Adams 01279 446905
MALDON: Mrs T Bragg 01621 875816
ROCHFORD: Council Depot 01702 318111
SOUTHEND: Mr J Whiddon 01702 215000
TENDRING: Mr M Appleby 01255 425501
THURROCK: Mr A Furze 01375 652485
UTTLESFORD: Mr P Dickson 01799 510510

MOVING ON

When you leave a site please try to leave it as you found it. The state in which you leave the site will be taken into account when you wish to camp on a new site. The distance you move must be at least two miles from the site occupied.

GYPSY SERVICES MANAGER

The County Council's Gypsy Services Manager is Steve Clarke, who is based at County Hall. His Address is Essex County Council Planning Division, County Hall, Chelmsford CM1 1QH. Her telephone number is 01245 437757. Should you need any further advice please contact him direct.

APPENDIX B

THE CODE FOR GYPSY/TRAVELLERS IN ESSEX

Subject to the satisfactory assessment of the following factors, Essex authorities will not normally pursue an order for the removal of vehicles from any land on which they are stationed for a period of up to 28 days:

1. The "Gypsy" status of occupants of the caravans. For the purposes of this Code "Gypsy" means persons of nomadic habit of life, whatever their race or origin, who wander or travel for the purpose of making or seeking their livelihood and does not include persons who move from place to place without any connection between their movement and their means of livelihood and does not include members of an organised group of travelling showmen or of persons engaged in travelling circuses, travelling together as such.

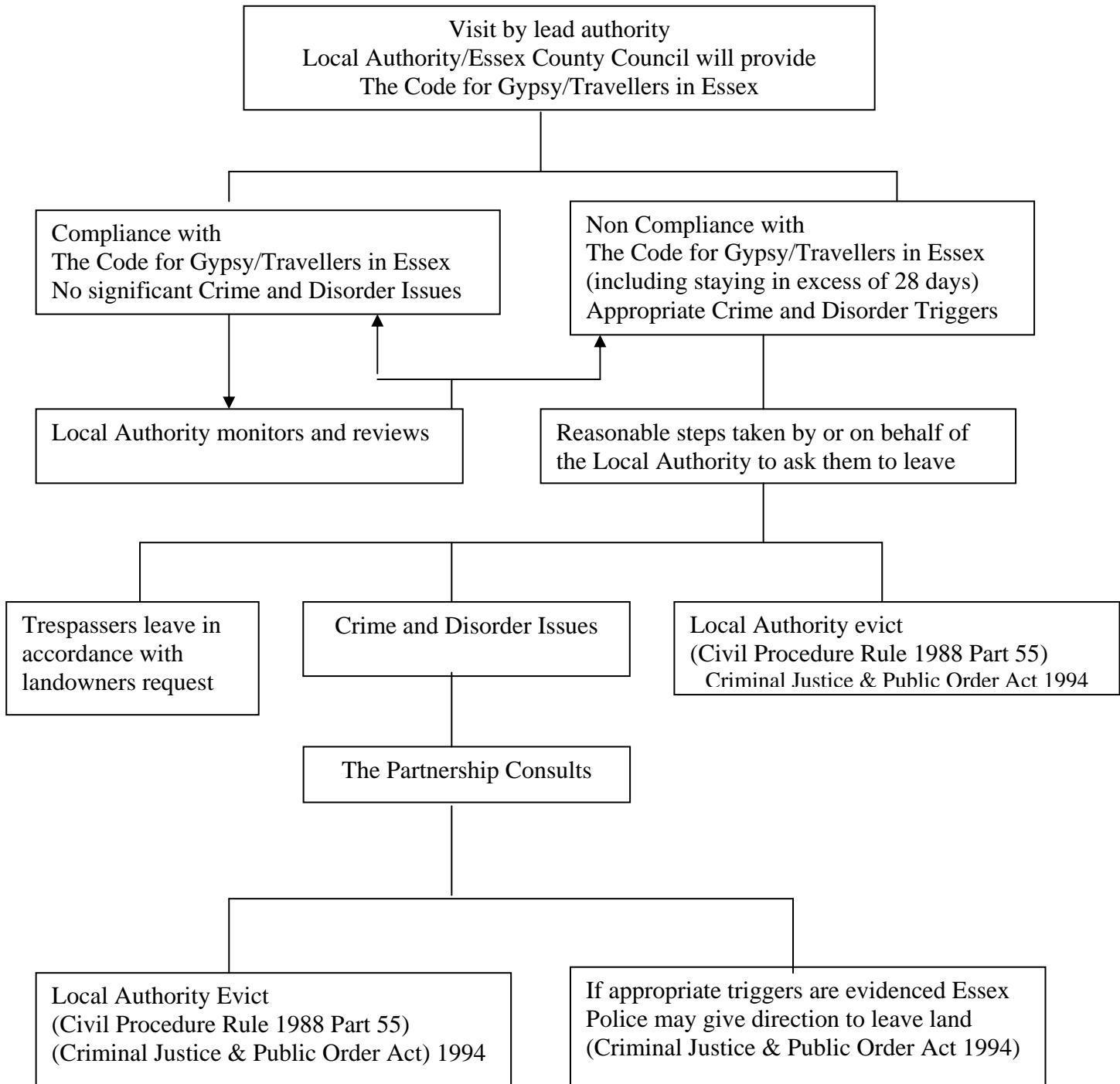
Travellers, other than Gypsies as defined above, will be moved on subject to their welfare needs being assessed.

2. The number of caravans involved. The maximum number normally acceptable will be 3 caravans in any one group although slightly larger groups may be permissible in locations remote from residential or commercial properties.
3. The distance between groups. The minimum acceptable distance between groups of Gypsy/Travellers shall normally be half a mile.
4. The occupation of any land shall not have a serious effect on the amenities, or otherwise cause nuisance to, the occupants of any adjacent property.
5. No damage shall be caused to any property, fences, trees etc. on that or adjacent land.
6. The behaviour of the Gypsy/Travellers to other people shall be acceptable, ie. no intimidation especially involving actual violence or the use of abusive or insulting language.
7. There shall be no dumping or inappropriate disposal of household, human or trade waste especially where this constitutes a hazard to public health, nor any stockpiling of materials.
8. No fires shall be lit on any land other than for cooking or washing purposes.
9. Vehicles shall be parked, and any animals kept, in such a manner so as to cause no inconvenience or affect on the safety of users of the adjacent or nearest highway.

10. The occupation of local authority or other statutory authority land or agricultural land shall not impede its necessary operational use or, insofar as parkland or other public open space is concerned, shall not detract from its amenity value.
11. Once the agreed period of occupation has elapsed, then the distance moved must be at least two miles from the site occupied. Re-occupation of the same site must not take place within three months.

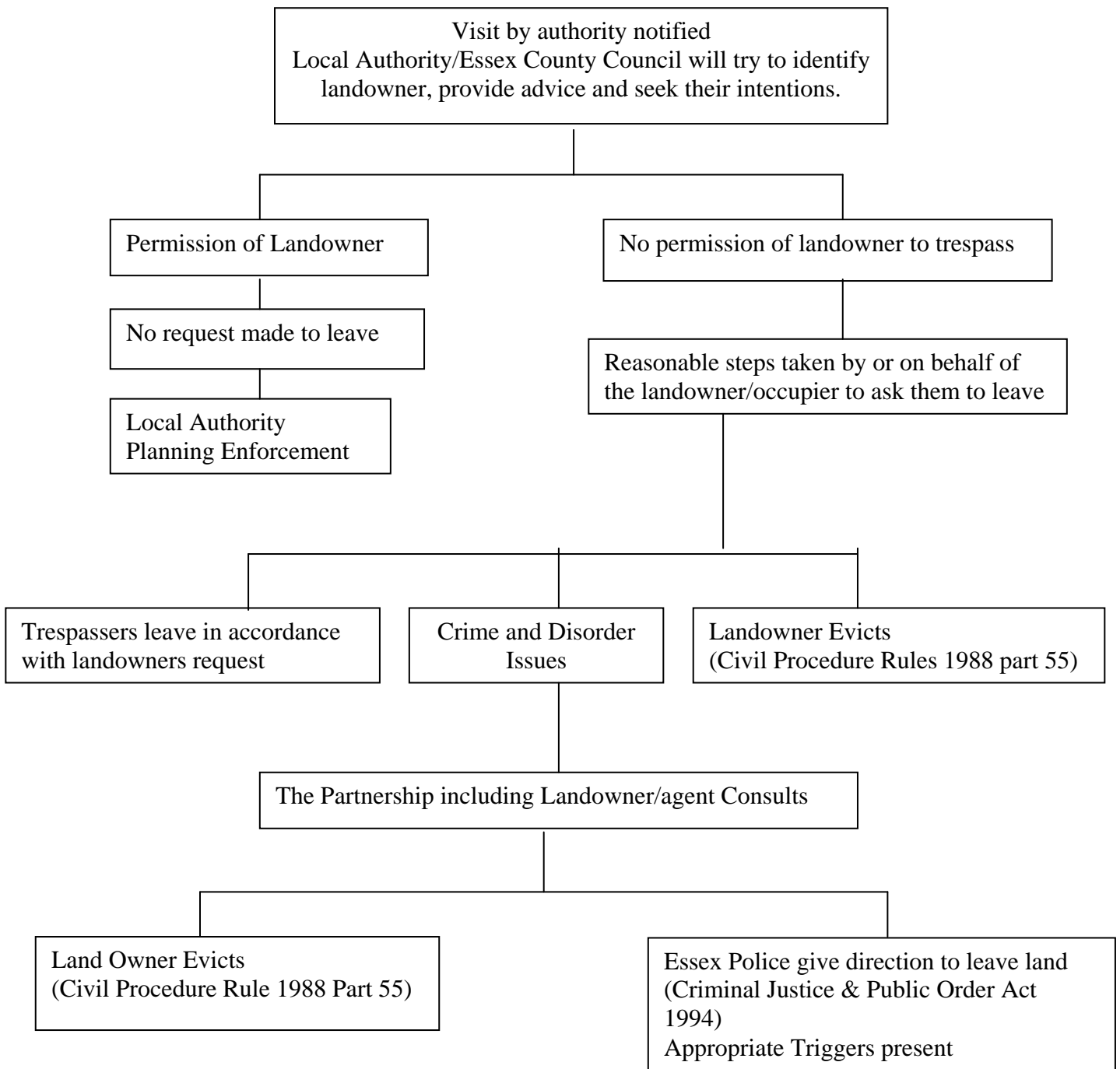
APPENDIX C

Unauthorised Encampments on Local Authority Land



All decisions will take into account welfare issues, size of encampment, location, nuisance, traffic hazard, damage, human rights of all parties etc. A consistent and balanced approach will be taken.

Unauthorised Encampments on Private Land



Local authorities have responsibility to make welfare enquiries and take account of considerations of common humanity whatever power used

POLICY – Unauthorised Encampments

Number: D 0706

Last Updated: 1 July 2011

1.0 About this Policy

This policy applies to any unauthorised encampment on land not owned by the individual(s) intending to reside there and without the permission of the landowner.

This policy is not a policy on Gypsies and Travellers; rather it is a policy on how Essex Police will respond to reports of any persons residing as trespassers on any land. It is, however, recognised that many unauthorised encampments will contain Gypsies or Travellers.

It is not intended this policy will be used to deal with incidents involving:

- Unlawful development, whereby individuals purchase and occupy land, with or without planning permission. Such matters will be referred to the Local Council or Unitary Authority;
- Illegal occupation of unoccupied buildings i.e. squatting. Such matters will be dealt with by the owner through the Civil Courts. Where the matter relates to a rave, officers should consult [D 0601 Procedure - Raves](#).

Working with partners Essex Police will aim to promote community cohesion enabling safer communities by:

1. Building confidence in all the communities we serve;
2. Protecting the public by preventing crime and Anti-Social Behaviour;
3. Gather intelligence and assess the effects of police and partner actions on local communities.

This policy will ensure a consistent approach across Essex Police in respect of the methodology and process in dealing with unauthorised encampments. A flow diagram ([Form C128](#)) is available to illustrate this process.

This policy complies with our legal obligations and National ACPO policy. Also, the 5 recommendations for the police, published in '[Common Ground](#)' by the Commission for Racial Equality Inquiry are incorporated into this procedure.

The Human Rights Act 1998 (HRA) states that it is unlawful for a public authority to act in a way that is incompatible with a Convention Right. This has meant, in practice, that public authorities have had to review their decision-making processes to ensure that any decisions taken are compatible with the HRA. Local authorities have to act in a manner that **fairly balances the rights and freedoms of all individuals concerned (including Gypsies/Travellers and local residents), ensuring any decisions are proportionate to the circumstances.**

Key articles are Article 8 (right for respect for one's private and family life, home and correspondence), Article 14 (right not to be subject to discrimination) and Article 2 of protocol 1 (right to education).

POLICY – Unauthorised Encampments

Number: D 0706

Last Updated: 1 July 2011

The Equality Act 2010 makes it unlawful to treat someone less favourably on the grounds of colour, race, nationality or ethnic or national origins. The following of a nomadic lifestyle is lawful, indeed it is a culture that is recognised and protected through legislation. Romany Gypsies and Irish Travellers (G&T) are protected under the Race Relations (Amendment) Act 2000.

This puts a general duty on the police to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.

There is no legal right to trespass and the law provides a wide range of powers to remove people unlawfully on land. The establishment of any unauthorised encampment can raise many concerns with the landowner and neighbouring members of the settled or business community.

Decisions to evict, or not, must be balanced (as directed by legislation and Government guidance) and be compliant with the terms of the Human Rights Act 1998.

It is essential that the police response takes account of the issues of behaviour, whether criminal, anti-social or nuisance, in combination with the impact on the landowner and local communities rather than because encampments are present at a specific location.

Police powers to evict people from unauthorised encampments are embedded within [Sections 61](#) and [62 A-E](#), Criminal Justice & Public Order Act 1994, (CJPOA 94).

These powers are discretionary and will be used where behaviour or conduct is considered to be inappropriate, or where the impact of an encampment on others is deemed unacceptable. This position is consistent with all other areas of enforcement within the community.

In managing unauthorised encampments officers must be sensitive to the fact that in Essex there are a lack of pitches on authorised sites and there are no designated 'transit sites' therefore 62 A-E, Criminal Justice & Public Order Act 1994, (CJPOA 94) will currently not be utilised in this force.

2.0 Risk Assessments/Health and Safety Considerations

There are no specific risks that arise from the implementation of this procedure. Each incident and site must be subject to a risk assessment on its individual merits.

The risk assessments must include consideration of the Health and Safety, Human Rights and welfare of all those involved.

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Number: D 0706

Last Updated: 1 July 2011

3.0 Procedure

3.1 Initial Report

A STORM incident log will be created for each unauthorised encampment notified to the police. This incident will be used to record the following:

- Any calls from the public relating to the encampment;
- Any calls from the occupants of the encampment;
- Any incidents directly attributable to the occupants of the encampment.

Any incidents that occur at an alternative location which are directly attributable to the occupants will be cross referenced to the primary incident log.

It will be the responsibility of the FIR Supervisor to ensure that this incident is tagged for the attention of the Equality of Service Manager within the Diversity Unit and the Divisional Command Team. The Divisional Command Team will have oversight of the management and decision making of such incidents. The Equality of Service Manager will review the STORM incident by way of dip sample to ensure this procedure has been complied with.

The incident should be brought to the attention of the NPT Inspector or if unavailable the Duty Inspector.

Where appropriate, it is recommended that the police visit newly established encampments. Visits should wherever possible be done together with a landowner, Local Authority, and other relevant agencies such as health and education services.

Liaison should be maintained with the landowner, those most affected by the establishment of the encampment and our partner agencies to assess the need for Police intervention. In accordance with guidance issued by the Department for Communities and Local Government (CLG), the Local Authority, as lead agency for unauthorised encampments, should take an active role in engaging with the site residents and will in particular take the lead with sites established on their land, which do not require immediate police action. The lead role for decision-making should rest with the local authority and the use of police powers should not normally be considered as a first response.

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3.2 Scene Assessment

The first police unit at scene should:

- Begin a dialogue with members of the encampment to determine if they have permission to be on the land, and if they state they do, who from;
- Identify the landowner or their agent and obtain their name, address and telephone number;
- Gather evidence to identify the point of entry and any offences committed to gain entry i.e. Criminal Damage;
- Takes steps to preserve any evidence and consider the attendance of a scene of crime officer (SOCO) requested to attend;
- The identity of the occupants should be established;
- Determine if there are any welfare issues, and if so, record them;
- The number of adults and children should be determined;
- Details of the vehicles and caravans should be recorded and entered onto the incident log;
- Location of last site should be established;
- Their views on desired duration of stay;
- Establish the identity of a representative for the community to act as a point of contact.

All of the above information will be recorded on an Initial Site Assessment [Form C125](#).

Officers should serve [Form C129](#) Code of Conduct on the representative head, together with a suitable verbal explanation of the type of conduct that will be classed as unacceptable and which will have the potential to lead to their eviction from the land. If a representative head is not identifiable, it would be advisable to serve the Code of Conduct on all occupants of the unauthorised encampment.

Upon completion, the initial site assessment should be handed to the NPT Inspector or if unavailable the Duty Inspector. If it is considered that the use of Police powers are necessary due to the information collated as a result of the scene assessment and consultation with partner agencies, the Inspector will attend the unauthorised encampment at the earliest opportunity.

3.3 Inspectors Assessment

The Inspector will complete [Form C126](#) Eviction Rationale detailing the supporting rationale for any decisions made and a clear documented audit trail.

An aide memoir [Form C127](#) provides further advice and guidance regarding the completion of these documents.

The Inspector will take into consideration all factors when assessing whether police powers should be used including whether the location of the unauthorised

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encampment, the behaviour of residents or the needs of the landowner justifies an eviction. Prior to any Police powers being used to evict the occupants, the Inspector must consult the Duty Command team member or, if unavailable, the Duty Silver Commander. Where the unauthorised encampment is directly linked to an ongoing operation, consultation must take place with the Silver Commander for that operation.

The Inspector must assess the health and welfare needs of the occupants within the unauthorised encampment but be proportionate to the issue. Consultation with the local authority Gypsy and Traveller liaison officer may assist if practicable.

3.4 Decision not to use Police powers

If the decision is to not utilise powers under Section 61 of the Criminal Justice and Public Order Act, the landowner and Local Authority should be advised of the rationale.

Police will provide information to partner agencies in accordance with the information sharing agreement.

The decision not to use police powers will be reviewed at regular intervals throughout the duration of the unauthorised encampment, taking into account the conduct of the occupants of the unauthorised encampment. This will be carried out by the Neighbourhood Policing Team (NPT) for the area.

The NPT Inspector will assume the role of Bronze and will ensure:

- Periodic visits by NPT officers are maintained to local residents and occupants of the site;
- Impact of the unauthorised encampment on all communities is monitored;
- Record details of every additional vehicle/s that remain at the unauthorised encampment;
- Effective steps are taken to build community relations with site residents and also to identify community tensions;
- The details of any further incidents relating to occupants of the unauthorised encampment are documented within the original Eviction Rationale Form C116.

This process will be overseen by the District Chief Inspector who will assume the role of Silver.

The decision whether or not to utilise police powers should be periodically reviewed to establish if circumstances have changed that will require the use of a police eviction to protect the rights of others.

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3.5 Decision to use Police powers

If the decision is to utilise powers under Section 61 of the Criminal Justice and Public Order Act then reasonable steps must be taken by the landowner, to ask the trespassers to leave before police powers can be used (See [Form C130](#)).

Any direction to leave must be given verbally and in writing (if practicable) whereby the Inspector would complete, Form C59 and ensure it is served on the occupants.

Once a final decision is reached the original log should be endorsed with the outcome, including any police powers used, and a copy forwarded to the Equality of Service Manager for review in conjunction with the Strategic Independent Advisory Group.

Essex Police will consider the use of police powers where:

- Local amenities are deprived to communities or significant impact on the environment: This could include, for example, forming an encampment on any part of a recreation ground, public park, school field, village green, or depriving the public use of car parks. The fact that other sections of the community are being deprived of the amenities must be evident before action is taken;
- There is local disruption to the economy: Local disruption to the economy would include forming an encampment on a shopping centre car park resulting in there being a general lack of car parking left available or in an industrial estate, if it disrupts workers or customers, or agricultural land, if this results in the loss of use of the land for its normal purpose;
- There is other significant disruption to the local community or environment which is considered so significant that a prompt eviction by police becomes necessary;
- There is a danger to life of any individual: An example of this might be an encampment adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway;
- There is a need to take preventative action: This might include where occupants of an encampment have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established site. This reasoning will take on greater emphasis if the land occupied is privately owned, as the landowner will be responsible for the cleansing and repair of their property;
- There is a significant increase in local crime which is attributable to the unauthorised encampment.

The mere presence of an encampment without any aggravating factors should not normally create an expectation that Essex Police will use police powers. This should be communicated to the public, landowners, local authorities and other agencies. It should be noted that where insufficient grounds exist for local authorities to take action, or for example owing to welfare issues, then Essex Police will not generally consider using police powers to evict.

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The allegation of a crime or identification of an individual suspect at an unauthorised encampment should not be grounds alone for consideration of a full group eviction.

Where occupants at unauthorised encampments are victims of crime or anti-social behaviour, they must be given access to services in the usual way. If there is a perception that the incident is racially motivated then the matter should be dealt with in line with force policy. Such incidents should not be used as grounds for eviction under section 61 Criminal Justice & Public Order Act 1994.

3.6 Working with other agencies

In more **exceptional circumstances**, where the time taken to achieve a Section 77/78 of the CJPOA, or other lawful methods of eviction which would result in disproportionate harm to persons lawfully entitled to use the land, the police may be requested by the owner of the land to consider using their powers under Section 61 CJPOA.

On occasions other agencies may request police officers to accompany them to an encampment to assist them for a lawful purpose. Such assistance will be discussed and authorised within the Divisional Command team daily briefings. Officers will remain neutral and will provide reassurance to all involved that the peace will be maintained.

In line with Force Policy, PCSOs will not be deployed in relation to confrontational situations with the occupants of unauthorised encampments when they are being initially set up. PCSOs may, however, be deployed to unauthorised encampments as part of the local NPT response.

3.7 Retention and disposal of records

Documents mentioned in the above policy will be retained in line with [G 0833 Procedure – Retention and Disposal](#).

4.0 Monitoring and Review

All completed documents must be forwarded to the Equality Service Manager within Essex Police who will ensure that the requirements of this procedure are complied with by way of a representative dip sample.

This procedure will be reviewed after three years, by or on behalf of the Chief Inspector, Specialist Operations, OPC to ensure that it remains up to date and fit for purpose.

5.0 Related Procedures

None

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6.0 Related Policies

None

7.0 Information Sources


- [Publication called: Guidance on Managing Unauthorised Camping](#)

Procedure Author: Ps 72355 Danielle Bailey, Operational Policing

Procedure Owner: Chief Inspector Operational Planning, Operational Policing Command.

Cancellations: P39/03 Unauthorised Encampment – Joint Protocol Template

8 August 2011

Report of	Head of Corporate Management	Author	Amanda Chidgey
Title	Work Programme 2011/12		 282227
Wards affected	Not applicable		

This report sets out the current Work Programme 2011/2012 for the Policy Review and Development Panel.

1. Decisions Required

- 1.1 The Policy Review and Development Panel is asked to note the current situation regarding the Panel's work programme for 2011/12.

2. Alternative options

- 2.1 This function forms part of the Panel's Terms of Reference and, as such, no alternative options are presented.

3. Introduction

- 3.1 At each meeting of the Panel, the opportunity is taken for the work programme to be reviewed and, if necessary, amended according to current circumstances.

4. Current Situation

- 4.1 The Work Programme has been updated since the meeting of the Panel held on 20 June 2011 to reflect the decisions that were made at the meeting.

- 4.2 In terms of progress in respect of the Task and Finish Groups:

- **20 mph speed limit:**
Update report subject to a separate report on this agenda;
- **Waste Prevention and Recycling Options Appraisal**
The Group was hoping to meet in July 2011 but it has not yet been possible to find a suitable date for all members to attend.
- **Older Persons' Accommodation**
The Group met on 11 July 2011 and so far have two further meetings have been scheduled for 12 September and 17 October 2011.
- **The Future of the Magistrates' Courts in the Town Hall**
The Group met on 7 July 2011 and so far have two further meetings have been scheduled for 4 August and 8 September 2011.

5. Standard References

- 5.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

Policy Review and Development Panel
WORK PROGRAMME 2011/12

	<u>20 June 2011</u>	<u>8 August 2011</u>	<u>12 September 2011</u>
Policy Initiatives		Colchester Joint Protocol for the Management of Unauthorised Gypsy & Traveller Encampments	
Review of Corporate Policies	Events Policy for Parks and Open Spaces Debt Management Policy		Economic Development Strategy 2010 - 2015
Task and Finish Groups		Update on the introduction of 20 mph speed limits in Colchester	Future of Magistrates' Courts in the Town Hall (subject to progress)

	<u>7 November 2011</u>	<u>16 January 2012</u>	<u>5 March 2012</u>
Policy Initiatives			
Review of Corporate Policies	Single Equality Scheme // Action Plan		
Task and Finish Groups			

Task and Finish Groups	Membership 2011-12
20 mph speed limit	Councillors Cory, Ford, Hardy, and G. Oxford and Parish Councillor Gili-Ross
Waste Prevention and Recycling Options Appraisal	Councillors Cope, Cory, Ellis, P. Oxford, J Young and Willetts
Older Persons Accommodation	Councillors Kimberley, Lewis, Lilley, Mudie, B Oxford and L Sykes
Magistrates' Courts in the Town Hall	Councillors Davies, Frame, G Oxford, Spyvee, Sutton and J Young.

