

Equalities Screening Record Form

Date of Screening:	Directorate: Environment Culture and Communities	Section: Licensing
1. Activity to be assessed	Council Statement of Policy in relation to trespass on its land	
2. What is the activity?	Policy/strategy	
3. Is it a new or existing activity?	Existing	
4. Officer responsible for the screening	Robert Sexton	
5. Who are the members of the EIA team?	Robert Sexton, Jane Eaton and Kath Cox	
6. What is the purpose of the activity?	<p>The Council has a "Statement of Policy in relation to trespass on its land" which can include Gypsy and Traveller unauthorised encampments. The policy sets out the conditions under which the Council will seek eviction of trespasses from the land to protect the land, the health and safety of both the trespassers and the settled community. The policy also sets out the criteria where immediate eviction will not necessarily be sought</p> <p>The service is delivered in conjunction with Thames Valley Police, other Council services including Environmental Health, Housing, Social Services, Education, Planning, Gypsy and Traveller Network and other local authority land owners.</p> <p>A joint Thames Valley Police and Bracknell Forest procedure for approaching and managing unauthorised encampments is in the process of being confirmed. The Council in determining its policy took into account:</p> <ul style="list-style-type: none"> • Recent developments in UK case law with Local Authority eviction orders being challenged by Gypsies and Travellers in the courts • The ODPM Guidance for Local Authorities on planning for gypsy and traveller sites • Human Rights Act 1998 • Anti Social Behaviour Act 2003 • The Housing Act 2004 contains several provisions designed to mainstream the provision of accommodation for gypsies and travellers alongside that of the settled community, and to ensure that local authorities take a strategic approach to assessing and meeting the needs of Gypsies and Travellers as they do for the rest of the community. Section 225 of the act places a requirement on local housing authorities to assess the accommodation needs of Gypsies and Travellers and to produce a strategy on how these needs can be met and to take any such strategy into account when they are exercising their functions, such as planning, education and social care. • Equality Act 2010 	
7. Who is the activity designed to benefit/target?	The general community residents and business, and the Traveller community	
8. a Racial equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	Y	The Traveller community have a decreasing number of authorised temporary sites upon which they can settle for a period of time to carry on their traditional way of life. The moving of nomadic Travellers from road side and other unauthorised sites impacts negatively upon their ability to

		live their traditional way of life. The policy is positive to Gypsy Roma and travellers of protected groups as it sets out criteria which can be used not solely for decisions of eviction but also for decisions that allow for tolerance if circumstances dictate.
8. b What evidence do you have to support this? E.g equality monitoring data, consultation results, customer satisfaction information etc.		This information is within the public domain through a range of research papers and government publications including guidance for Local Authorities on the management of Unauthorised Encampments. In addition evidence is available from Council records to demonstrate that eviction is not immediately enacted for all encampments and those factors such as location, land and its use, health and social issues contained within the Policy are considered and tolerance is exercised to permit a short occupation of the land. No challenges to the courts have been made in relation to decisions to evict from land in the past 10 years
9. a Gender equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	N	The procedure is not known to impact adversely on gender. In some circumstances the procedure is positive as greater consideration will be given to women particularly those who are pregnant
9. b What evidence do you have to support this?		Women who are pregnant and are either not in a fit state to travel or have a need to seek medical advice within the area of the encampment will receive additional consideration when considering whether an eviction process is the appropriate action
10. a Disability equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	N	The policy requires that consideration be taken on health and welfare issues for example – “Individual physical or psychiatric health needs” and “Individual access of older people, or those with disability, to domiciliary services in order to maintain independence” when making decisions regarding eviction.
10. b What evidence do you have to support this?		Experience from officers visiting unauthorised encampments is that despite research evidence that disability is higher in the Gypsy and traveller population, particularly in the older generation the issue of disability has not been found to be an issue identified with those found at unauthorised sites. This maybe because the reason primarily given by the people on site for the presence within the borough is because they are seeking work within the local area which in itself tends to be very physical in its nature.
11. a Age equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	Y	The Traveller Education Service will engage with the parents of any early age and children of school age at the encampment to encourage those children to attend local schools. The eviction of an encampment can disrupt the education needs of those children that are attending local schools. The policy states that consideration will be given to – “Individual cases of welfare and education of children including issues relating to the Child Protection Register, individual statements of special education needs or other factors affecting child development” Elderly people may also be impacted due to their health needs and these are taken into consideration through the health and welfare checks conducted by officers.
11. b What evidence do you have to support this?		The number of encampments where elderly or young children are present is a minority and where present efforts are made to engage with those people to establish and provide health and educational

	needs.	
12. a Religion and belief equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	N	Many Romany Gypsies and Irish Travellers are members of Christian religious groups and religion is for many an important aspect of cultural identity alongside matters such as family, language and nomadism.
12. b What evidence do you have to support this?	Whilst the issue of religion and need to access services has not been a matter that has been raised when approaching those at unauthorised encampments research clearly states that such issues are important to these communities. As part of the information sheet that officers give to families at the site on important services to access within the borough information will also be included on what religious services are available.	
13. a Sexual orientation equality - Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	N	There is no evidence that this procedure would impact upon people of varying sexual orientation. It would apply to all people regardless of their sexual orientation
13. b What evidence do you have to support this?	Literature from and research upon the Romany Gypsy culture indicates that as a group they have a strong intolerance of sexual orientation beyond heterosexual.	
14. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carer's/ex-offenders) and on promoting good community relations.	From a number of research papers, Gypsies and Travellers are often seen as being within the lower social economic groups due to inequalities in such areas as access to employment, health services, social care, education and racial discrimination. Consideration is made within the policy, as previously detailed, to reflect both the welfare needs of all and educational needs of children within an encampment.	
15. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?	The policy recognises that eviction from public land can have an adverse impact upon Gypsies and Travellers who have a traditional nomadic way of life and it requires officers to consider a range of matters where tolerance can be exercised with those encampments. Where the impact upon the land and the local community enables tolerance and the welfare needs of the travellers requires it an agreement to permit the encampment for a specific period is sought. In such circumstances it is normal to agree a stay of up to a week before leaving is required as long as the travellers comply with the Code of Conduct. The policy also recognises that the occupation on certain types of land would be detrimental to the land itself, to the community which it serves or creates a health and safety risk to the local community or those occupying the land. There is a balance to be struck and Gypsies and Travellers due to their protective status and way of live are given greater weight when tolerance is being considered.	
16. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?	The Statement of policy in relation to trespass will particularly impact upon the Gypsy and Traveller communities due to their nomadic lifestyle. This is acknowledged within the policy and the policy makes allowances to tolerate encampments where possible. The number of encampments upon public land will vary significantly each year dependant upon routes adopted by the Travellers in seeking work and upon significant events such as funerals, marriages, horse fairs and the like happening within the local area. As an average figure 4 encampments per year may occur but upwards of 20 have been known although the trend has declined in the last 10 years.	

17. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?		N		
18. What further information or data is required to better understand the impact? Where and how can that information be obtained?	In 2002 a group of councillors formed the Unauthorised Traveller Encampment Policy Advisory Group which was set up to look at the issues associated with unauthorised encampments within the Borough. It received evidence from officers on legal and best practice in this field and also interviewed people from the Town and Parish Councils, Traveller Education Service, Thames Valley Police and a representative from the Council Traveller site at Easthampstead. The group also visited Milton Keynes which at the time was held up as an example of a good partnership model between Council, Police, Landowners and Travellers. This group made a report to the Executive on the 15 October 2002 with a recommendation to adopt a Statement of Policy in relation to Trespass. This Policy has been updated by officers in subsequent years whenever any new guidance has been given by Government and now includes a Code of Conduct, and Criteria for Eviction. The last update was in 2008.			
19. On the basis of sections 7 – 17 above is a full impact assessment required?		N	After careful consideration of the evidence above it is considered that the “Statement of Policy in Relation to Trespass” takes into account the legal protections in place to protect the way of life of such groups as Roma Gypsies and Travellers and balances those against the rights of landowners and the settled community. This policy is aimed at ensuring that rights enshrined in law for such groups are protected and applied. As the law changes the policy will have to be reviewed to ensure it remains relevant.	
20. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.				
Action	Timescale	Person Responsible	Milestone/Success Criteria	
Review of EIA	Inline with reviews of Trespass Policy	Robert Sexton		
Monitor any changes in legislation and consider	ongoing	Robert Sexton		
21. Which service, business or work plan will these actions be included in?	ECC			
22. Have any current actions to address issues for any of the groups or examples of good practice been identified as part of the screening?	<p>The Council is working with the Gypsy Roma and Traveller community through planning approval discussions to provide residential sites within the borough which correspond with Government agreed residential provision.</p> <p>The Council has discussed with local Gypsy Roma families that have land with spare pitches for provision of those pitches on a temporary basis for roadside Travellers in need. Roadside families are asked if they would be interested in such provision and agreement is sought for contact.</p> <p>When an unauthorised encampment is set up within the borough officers will visit the site and conduct welfare checks for both adults and children.</p> <p>Where children of school age are on the site officers will ask about educational provision and will inform the Head of Education Traveller Support who seeks to assist Travellers families with</p>			

	<p>education provision.</p> <p>Officers also provide details of local Health and Council services available to be accessed if required.</p> <p>The Council will also provide details of local religious sites that are within the community upon an information note it provides.</p> <p>The Council gives a Code of Conduct to Gypsy Roma and Travellers which provide guidance upon what is acceptable in terms of the land they are encamped upon and the behaviour and management of the land whilst they are encamped. Compliance with the code helps reduce the opportunity and likelihood of conflict between travellers and the sedentary community and contributes towards the Council duty to promote good community relations.</p> <p>Officers immediately inform Ward members of any encampments and the actions that the council have and will be taking. Officers regularly update members so they can inform their constituents when concerns are raised to them. This assists to reduce conflict arising between the travelling and sedentary communities and assists to allay fears and demands for immediate eviction.</p>
<p>23. Chief Officers signature.</p>	<p>Signature:  Date: 16 April 2012</p>
<p>24. Which QSR will this screening be reported in?</p>	<p>Quarter 1, 2013</p>

When complete please send to abby.thomas@bracknell-forest.gov.uk for publication on the Council's website.