

SSA EQUALITY IMPACT AND NEEDS ANALYSIS

Directorate	Environment & Community Services
Service Area	Parks & Highways
Service/policy/function being assessed	High Court Injunction To allow the Council to expedite the removal of travellers on Council land
Which borough (s) does the service/policy apply to	Wandsworth
Staff involved	David Allister, Jo Shearer, Steve Biggs, David Kennett, Henry Cheung,
Date approved by Policy and Review Manager All EINAs must be signed off by the Policy and Review Manager	25/09/2018

SUMMARY

Please summarise the key findings of the EINA.

- The Council would like to seek a preventative injunction from the High Court to protect the Council's parks and open spaces and any Council owned land and highways that could be targeted from unauthorised encampment.
- The [Criminal Justice and Public Order Act 1994](#) enables the Council to address unauthorised traveller encampments, but the process is time consuming and does not prevent travellers moving into the immediate field or park next to the one they have just been evicted from following a Court Order granted by a Magistrates Court.
- The Council's parks and open spaces and any Council owned land and highways can be occupied for several weeks at a time following each new incursion, thus disrupting use of the area by settled residents, local business and other visitors to the borough.
- The Council also spends a significant amount of time and cost to clean up after unauthorised encampments.
- A successful preventative injunction will allow the Council to take the same action as at present, but in a more expedited way. It will allow swifter action to remove unauthorised encampments on the Council's parks and open spaces and any Council owned land and highways that could be targeted from unauthorised encampment. Additionally, welfare checks on the travellers will no longer be required and they will be unable to relocate to another area covered by the preventative injunction.
- The benefit of the proposal will be more proactive and effective enforcement against unauthorised encampment and any associated anti-social behaviour.
- The outcome sought is that the residents and visitors of the borough will be able to enjoy parks and open spaces and any Council owned land without disruption or fear of anti-social behaviour. Disruption to local businesses will also be reduced as a result.

- Gypsies and Travellers are protected from discrimination by the Race Relations Act 1976 (amended 2000), the Human Rights Act 1998 and the Equalities Act 2010, together with other ethnic groups who are recognised in law as having a particular cohesive culture, language or set of values.
- There will be a negative impact on travellers as they will be unable to set up unauthorised encampment on our parks and open spaces and any Council owned land earmarked in the injunction.
- To mitigate the impact there will be clear communications regarding the new approach so that travellers are aware. The new approach will allow travellers continue to travel through the boroughs. The proposal is for an initial three-month period after which there may be a 3 year extension. The three-month starting period will allow any further negative impacts to be identified and taken into consideration.
- The Council is seeking to balance the needs of Travellers with those of the wider community, considering the adverse effect that unauthorised encampments and associated fly-tipping and anti-social behaviour has on the borough, its residents, businesses and visitors in both financial and non-financial terms.
- The process of seeking an injunction through the courts allows for debate and for an independent view to be taken by the court.
- To mitigate the impact, there will be clear communications regarding the Council's enforcement approach so that travellers are aware. Whilst welfare checks will no longer be necessary, if requested, we will continue to direct any travellers' welfare issues to the relevant agency or department including medical treatment, surgery's and GPs.
- The policy has already been applied in Enfield, Sutton and Croydon.

1. Background

Briefly describe the service/policy or function:

The current legislation is not allowing the Council to address unauthorised traveller encampments promptly nor does it prevent the travellers moving into the immediate field or park next to the one they have just been evicted from following a Court Order granted by a Magistrates Court.

A successful borough wide preventative injunction will enable the Council to expedite the removal of unauthorised encampments on Council land, thus protecting the Council's parks and open spaces and any Council owned land that could be targeted from unauthorised encampment.

This will allow the Council and the police the benefit of being able to use a court backed order immediately if required with no additional court appearance once a Writ has been obtained after the first breach as all specified sites will then be covered for the duration of the order. Welfare checks will no longer be necessary, and no other parts of our process will be affected.

2. Analysis of need and impact

Protected group	Findings
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Race/ethnicity	<p>Gypsies and Travellers are protected from discrimination by the Race Relations Act 1976 (amended 2000), the Human Rights Act 1998 and the Equalities Act 2010, together with other ethnic groups who are recognised in law as having a particular cohesive culture, language or set of values.</p> <p>In the past 24 months there have been 5 unauthorized encampments in the Borough involving travellers.</p>
Age	<p>Nationally the population has a young age profile; in the 2011 Census the median age of Gypsies and Irish Travellers in England and Wales was 26 years compared to the national median of 39 years. Gypsies and Irish Travellers below 20 years of age accounted for 39% of the ethnic group compared to 24% for the overall population of England and Wales.</p> <p>For unauthorized encampments, age of travellers was not collected.</p>
Disability	Data not collected
Gender (sex)	<p>Nationally equal numbers of men and women identified as Gypsy or Irish Traveller in the 2011 Census.</p> <p>For unauthorized encampments, gender of travellers was not collected.</p>
Gender reassignment	Data not collected.
Marriage and civil partnership	<p>There were 20,500 households in England and Wales with a household reference person who identified as a Gypsy or Irish Traveller in the 2011 Census. The most common family household type was 'lone parent' at 24%, compared with 11% of all households in England and Wales. The second most common household type was 'married or same-sex civil partnership couple' at 23%, which was less than the 33% recorded for the population as a whole.</p> <p>Marital status data was not collected for unauthorized encampments</p>
Pregnancy and maternity	Data not collected
Religion and belief, including non belief	Data not collected
Sexual orientation	Data not collected

3. Impact

Protected group	Positive	Negative
Race/ethnicity	Preventing unauthorised encampments will reduce anti-social behaviour and	There will be a negative impact on travellers as they will be unable to set up unauthorised encampment on our

	fear for personal safety which would encourage people in protected groups to make greater use of parks and public places and Council owned facilities.	parks and open spaces and any Council owned land earmarked in the injunction. To mitigate the impact there will be clear communications regarding the new approach so that travellers are aware. The new approach will allow travellers continue to travel through the boroughs. The proposal is for an initial three-month period after which there maybe a 3 year extension. The three-month starting period will allow any further negative impacts to be identified and taken into consideration. If requested, we will continue to direct any travellers' welfare issues to the relevant agency or department including medical treatment, surgeries and GPs.
Age	As above	As above
Disability	As above	As above
Gender (sex)	As above	As above
Gender reassignment	As above	As above
Marriage and civil partnership	As above	As above
Pregnancy and maternity	As above	As above
Religion and belief, including non belief	As above	As above
Sexual orientation	As above	As above

4. Actions

Action	Lead Officer	Deadline
Review impact after three months and amend in light of any further negative impacts identified	David Kennett / Steve Biggs	4 months after a successful application
Speak to other councils who have put this approach in place to identify how they mitigated any negative actions and apply in Wandsworth	David Kennett / Steve Biggs	4 months after a successful application