

SSA EQUALITY IMPACT AND NEEDS ANALYSIS

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| 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 unauthorised encampments on Council land |
| Which borough (s) does the service/policy apply to | Richmond |
| Staff involved | Henry Cheung, Roland Copley, David Allister, Yvonne Kelleher |
| Date approved by Policy and Review Manager All EINAs must be signed off by the Policy and Review Manager | 07/09/2018 |

SUMMARY

Please summarise the key findings of the EINA.

- Richmond 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 current legislation [Criminal Justice and Public Order Act 1994](#) enable us to address incursions, but the process is time consuming and it doesn't prevent encampments 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 could therefore be occupied for several weeks at a time following each new incursion, thus disrupting local community events, causing fear, anxiety and concern for immediate residents and those who wish to visit.
- The Council also spend a significant amount of time and cost to clean up the mess that is often left behind by the encampments which is a drain on the Council's resources.
- A successful preventative injunction will allow the Council to expedite the removal of unauthorised encampments on the Council's parks and open spaces and any Council owned land and highways that could be targeted from unauthorised encampment. Welfare checks 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 allow a more proactive and effective enforcement against unauthorised encampment and any anti-social behaviour associated with encampments.
- The outcome sought is that the residents and visitors of the borough will be able to enjoy our parks and open spaces and any Council owned land without disruption or fear of anti-social behaviour through an expedient eviction process. Disruption to local businesses will also be reduced as a result.

- The Gypsy and Traveller Community are more likely to be impacted by this proposal. 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 Gypsies and Travellers as they will be unable to set up unauthorised encampment on borough 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 Gypsy and Traveller communities are aware. The new approach will allow Gypsies and Travellers to 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.
- The Council is seeking to balance the needs of Gypsies and Travellers with those of the wider community, considering the adverse effect that unauthorised encampments and fly tipping 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, surgeries 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 us to address unauthorised incursions promptly nor does it prevent the encampments 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 2011 Census, there were 95 people of Gypsy or Irish Traveller ethnicity in Richmond.</p> <p>In the past 24 months there have been 10 unauthorised 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% in this age group for the overall populations of England and Wales.</p> <p>In Richmond, under 20s accounted for 35% of the Gypsy & Traveller population compared with 24% of the borough overall.</p> <p>For the unauthorised encampments the 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. In Richmond, 59% of Gypsies and travellers are female.</p> <p>For the unauthorised encampments the 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 person¹³ 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>Data on marital status was not collected for the unauthorised encampments</p> |

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| 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 |
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| Race/ethnicity | Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage women to make greater use of parks and public places and Council owned facilities. | <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. 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 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, surgery's and GPs.</p> <p>The policy has already been applied in Enfield, Sutton & Croydon.</p> |

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| Age | Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage children, young people and older people to make greater use of parks and public places and Council owned facilities. | As above |
| Disability | Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage people with a disability to make greater use of parks and public places and Council owned facilities. | As above |
| Gender (sex) | Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage women to make greater use of parks and public places and Council owned facilities. | As above |
| Gender reassignment | Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage all to make greater use of parks and public places and Council owned facilities. | As above |
| Marriage and civil partnership | Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage all to make greater use of parks and public places and Council owned facilities. The impact of the proposal is neutral on the issue of | As above |

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| | marriage and civil partnerships. | |
| Pregnancy and maternity | Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage all to make greater use of parks and public places and Council owned facilities. | As above |
| Religion and belief, including non belief | Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage all to make greater use of parks and public places and Council owned facilities. | As above |
| Sexual orientation | Preventing unauthorised encampments will reduce anti-social behaviour and fear for personal safety which would encourage all to make greater use of parks and public places and Council owned facilities. | As above |

4. Actions

| Action | Lead Officer | Deadline |
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| Review impact after three months and amend in light of any further negative impacts identified | Henry Cheung / Roland Copley | 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 W/R | Henry Cheung / Roland Copley | 4 months after a successful application |