

Equality and Human Rights Assessment: Unauthorised Encampments

Havant Borough Council Summer 2020

This assessment should be read in conjunction to the Cabinet Report entitled HBC Land – Controlling Access

There are nine protected characteristics under the Equality Act 2010, these are:

- Age
- Disability
- Gender reassignment
- Marriage/civil partnership
- Pregnancy and maternity
- Race *
- Religion
- Sex
- Sexual orientation.

Gypsies and Irish Travellers are protected groups under Race (*).

The Equality Act 2010 places a Duty on public bodies called the Public Sector Equality Duty. This is a proactive duty placed upon Havant Borough Council. It has three aims regarding the nine protected characteristics above:

1. Eliminate discrimination
2. Foster good relations between different groups
3. Promote equality of opportunities

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. This Act requires all public bodies and other bodies carrying out public functions to respect and protect human rights. The Act includes Freedoms and Rights, such as the Right to a private and family life, Access to education, Freedom from inhumane or degrading treatment and Protection from discrimination.

The Hampshire Gypsy and Traveller Accommodation Needs Assessment 2017 states that there are currently no public Transit Sites in Hampshire. It recommends that Councils should monitor unauthorised encampments for any future need. No interviews for that assessment were undertaken on unauthorised encampments in Havant.

The evidence in the last three years (significant rise in unauthorised encampments in the Borough) now shows that the Council needs to formally consider its options. Unauthorised encampments are unsettling for both the settled community and the travelling community. Often sensitive or inappropriate sites are used causing breakdowns in relations between the two communities. Travelling families with children have the right to welfare and access to education which can be difficult from unauthorised sites. Moving families on from site to site is distressing for this community and does not help the Council discharge its legal duties outlined above.

Appendix D

Unauthorised encampments have no provision for basic amenities such as water, sanitation or appropriate access to other services.

The settled community often become frustrated with unauthorised encampments because they do not contribute financially to their stay in the Borough.

Recent government guidelines under the Covid19 pandemic states that the local authority's role, should it encounter an unauthorised encampment, is not one of enforcement, but to provide appropriate welfare support. The Council has been proactive with these guidelines regarding unauthorised encampments to date since the being of the pandemic. Examples include providing water butts, portable toilet facilities and identification of more appropriate temporary stopping places when encampments are on sensitive sites.

If a Transit Site is established within the Borough:

- Both the settled and travelling communities will have more peace and security
- Police will have greater powers to move unauthorised encampments and more quickly (onto the Transit Site)
- Sensitive sites will be more protected (without the need for fortification)
- The cost to the Council for moving unauthorised encampments should dramatically reduce
- The travelling community will have access to sanitation and other essential amenities
- The Council can recoup costs by charging for such a facility
- The settled community can be reassured that the travelling community are financially contributing for such services.

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