

STRATEGIC DIRECTOR - CITY SOLICITOR

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Our Ref: ML/sc/260

29 November 2007

South East England Regional Assembly
Berkeley House
Cross Lanes
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Dear Sirs

GYPSY AND TRAVELLER ACCOMODATION – S62a CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994

I write regarding the Local Authority's understanding of the above legislation and the limitations it will impose on Councils, thus undermining the Government's intention to provide a "*Strategic approach*" towards gypsy and traveller accommodation.

Section 62a provides that, if a senior police officer reasonably believes that certain conditions are met in relation to a person and land, he may direct the person to either leave that land and / or to remove any vehicle and other property he has with him on that land. If vehicles are to be removed, there must be a "relevant caravan site" for that vehicle.

A relevant caravan site is defined as a "site situated in the area of a Local Authority within whose area the land is situated and managed by a relevant site manager".

There has been widespread discussion regarding what constitutes a "Local Authority area" the interpretation of which effectively provides a restriction on site use and erodes the desire for a strategic approach. Unitary Authorities, of which there are 46 in England and 22 in Wales, are required to make provision within their respective "Local Authority Area". This means that the Police cannot move illegal encampments either into or out of unitary boundaries, even if adequate provision exists in a nearby neighbouring authority.

In order to use this power, there must be provision within the local authority area. Portsmouth City Council, in conjunction with its neighbouring authorities, commissioned a Gypsy and Traveller Welfare Assessment in 2006. The conclusion of this study confirms that no need was identified for Portsmouth, although as a Council, Portsmouth recognises that a strategic network of sites is the way forward, thereby providing value in terms of significant use for the substantial investment that such sites need.

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The Government has requested a strategic approach to Traveller provisions. However, the inability to link with other Local Authority areas, which may have greater or lesser needs for Traveller provisions, is not conducive to a strategic approach and leads to higher costs for each authority.

To assist the implementation of a strategic approach, Portsmouth City Council requests that s.62a is amended, so that Local Authorities may share sites, as must be the Government's intention, in order to

1. accommodate Travellers;
2. implement a strategic approach, in what is otherwise a piecemeal situation;
3. provide a better return on the investment.

Yours faithfully

Michael Lawther
Strategic Director and City Solicitor