

**Herefordshire Council
Travellers' Policy**

25 November 2008

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Vision

“To create in Herefordshire an environment where different communities, the traditionally nomadic and the traditionally settled, live in harmony and where all have access to the basic needs and benefits which characterise an inclusive society. Herefordshire will be a place where people, organizations and businesses working together within an outstanding natural environment will bring about sustainable prosperity and well being.”

INTRODUCTION

The Herefordshire Council Travellers' Policy has been drawn up and agreed by the cabinet of Herefordshire Council on 25 November 2008.

The document is intended to reflect the work, role and duties of the various agencies and voluntary organisations in Herefordshire whose work impacts on the Traveller population of Herefordshire.

Policy Review

The Policy will be reviewed periodically to review its effectiveness and continuing applicability to the residents. The responsibility for this Policy rests with the Cabinet Member for the Environment and Strategic Housing. The role of reviewing the Policy should be the responsibility of the Herefordshire Council Traveller Service who will make recommendations to the Cabinet Member for the Environment.

Herefordshire Plan

The Policy is in accordance with corporate priorities and reflects the commitment from the members and officers of the Council to the Herefordshire Plan and makes particular contributions to the following.

- **To maximise the health, safety, economic wellbeing, achievements and contributions of every child, including those with special needs and those in care.**
- **To enable vulnerable adults to live independently and in particular, to enable many more older people to continue to live in their own homes.**
- **To sustain vibrant and prosperous communities including by securing more efficient, effective and customer-focused services, clean streets, tackling homelessness and effective emergency planning**
- **To promote diversity and community harmony and strive for equal opportunities for all the people of Herefordshire, regardless of race, religion, disability, gender, sexual orientation, geographical location, income or age.**
- **To develop its community leadership role, working with partners to deliver the Herefordshire Community Strategy, including the Local Area Agreement.**
- **Better to understand the needs and preferences of service users and Council Tax-payers, and to tailor services accordingly.**

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Race Relations (Amendment) Act 2000

Reference should also be made to the Council's Race Equality Scheme and the associated Action Plan as well as the Council's Comprehensive Equality Policy.

THE LOCAL CONTEXT

PREAMBLE

The Traveller population of Britain comprises a number of culturally distinct groups: English, Welsh and Scottish Gypsies, Irish Travellers and New Travellers and members of all these groups can, on occasion, be found living in Herefordshire. For the main part, however, the local population is predominately an English Gypsy and New Traveller one, and its exact size is hard to estimate, as it is partially nomadic.

The situation is further complicated because there are many families currently living in housing or permanently settled on sites who no longer travel at all, or only travel occasionally, also identify themselves as Gypsies having been born into a distinct racial group who with its own history and culture. Many families in the past have moved into housing only to move out again later. The Gypsy community currently forms the county's largest ethnic minority and has been part of our shared history since the 16th century. Their long established presence is reflected in our local place names e.g. Tinkers Corner, Romany Way etc. and the vestiges of the international language of the Gypsy people - Romany are still in use today.

The County's farms have traditionally required a seasonal workforce and this is still a reason why some sections of the community choose to pursue a nomadic lifestyle. Most of Herefordshire's Gypsy families travel predominately within the County boundary, but there is a small and generally more affluent group who travel in pursuit of work throughout Britain and the Continent. Travellers often turn their hands to a variety of jobs, e.g. land work, tarmac laying, barn painting, tree surgery, scrap collection, carpet selling, holly and mistletoe gathering, antique dealing etc.

New Travellers have their origins in the settled community but have chosen to become modern nomads for a variety of reasons. The majority of horse drawn caravans one sees on the County's roads were originally owned by Gypsies but are now in the possession of New Travellers. Their population locally has increased steadily since the 1960's and their children are attending local schools in growing numbers.

No Gypsy or Traveller can be excluded from a site by virtue of race but the site at Croft Lane in Luston is predominantly occupied by New Travellers and the Council particularly welcomes New Travellers to apply for pitches on this site.

Despite the complexities of the Traveller population, people still frequently make reference to 'real Gypsies' out of a lack of understanding of the history of the various groups that make up the Traveller community and without appreciating that their culture, like ours, is in a continuous process of change.

Over the centuries many groups - tinkers, pedlars, drovers, circuses, migrant works, merchants, Gypsies, showmen etc. have travelled the highways of the county for a variety of reasons and inevitably intermarriage and cultural exchange has taken place not only between the various groups, but between the various groups and the settled community.

Local Travellers have access to the services of The Herefordshire Travellers' Support Group which operates a children's play scheme, the Travellers' Health Project which visits local sites, the West Midlands Consortium Education Service for Travelling Children which assists the county's school in serving the needs of Traveller children.

Under the terms of the 1968 Caravan Site Act, which has since been repealed, the local authority had a duty to provide sites for Travellers residing in or resorting to the County and a number of sites were built, but this issue of sufficient appropriate accommodation for a numerically fluctuating and diverse community remains an ongoing challenge, which has to be met if its members are to continue to enjoy the benefits of proper health care and education to which they are entitled and which are enshrined in Human Rights legislation.

BACKGROUND TO SITE PROVISION

The County of Hereford currently has 7 Local Authority run sites as follows: -

Romany Close, Grafton, Hereford	9 pitches (permanent)
Croft Lane, Luston, Leominster	10 pitches (permanent)
Open Fields, Linton, Bromyard	14 pitches (permanent)
Watery Lane, Lower Bullingham, Hereford	11 pitches (permanent)
Tinkers Corner, Near Bosbury	7 pitches (permanent)
Turnpike, near Pembridge/Shobdon	6 pitches (permanent)
Stoney Street, Madley	17 pitches (Transit/Emergency/Stopping)

The three significant dates in the history of site provision are:

1 st April 1970	The 1968 Caravan Sites Act became law requiring Local Authorities to provide 'accommodation for Gypsies residing in or resorting to' their area
December 1979	Local Government Land Act providing 100% Exchequer Grants to pay for site provision
1994	Criminal Justice and Public Order Act repealed the 1968 Act duty and the grants

The first site in the area was produced by the former Bromsgrove Rural District Council at Wythall in 1968. Further sites followed in 1974/5 at Hipton Hill, Evesham and Pinvin, Pershore started by the Worcestershire County Council and finished by the Hereford and Worcester Council.

Two sites were opened in Herefordshire in the first week of November 1988 (Turnpike and Watery Lane). Sites followed at Grafton (1992), Madley (1995), Luston (1996), Bosbury (1997) and Bromyard (1998).

Although following the withdrawal of the Government grants, as these sites were already in the pipeline, 100% government funding was secured.

No further local authority sites have been built since the formation of the Herefordshire Council but further sites are actively being sought.

The transition of the English (and Welsh) Gypsy population from a state of semi-nomadism to the more settled condition provided by sites was not without difficulties. However, there have been many examples of very successful sites operating for varying periods.

So far, however, there has not been much success in meeting the need for temporary stopping places with basic facilities for groups of Travellers passing through the County. When they have been obliged to camp illegally there has sometimes been annoyance caused to the settled population around them and disturbance to local Travellers with whom they compete for sites.

Some successful permanent sites have operated for many years where casual encampments have been left undisturbed and gained acceptance - even rights of occupation. They do not all have planning permission but have been treated by the local authority as "tolerated" sites.

Privately owned and managed sites are much prized by those Gypsies that can afford them and are able to get planning permission. There are around 20 such sites in the county of varying sizes but in the main provide 1 to 2 caravan pitches per plot.

An inherent difficulty confronting Travellers on council provided permanent residential sites is that they have not chosen their neighbours. The close proximity of the Pitches precludes the families resolving any disputes in the traditional way - by separating themselves off. If they leave they many find they have forfeited their place and cannot get back.

There is currently no government subsidy for the running of a Traveller Service and attempts to fund it through rents from sites has meant that the service has been underfunded and not flexible enough to cope with the difficulties caused between residents.

The consequences of this policy have been that there has been a move out of Council sites by the Gypsy population - the more well to do finding small pieces of ground to set up family sites and those unable to do that applying for, and securing, social housing.

In addition, the movement into housing, although it has been remarkably smooth in most cases, may be a temporary phenomenon.

The Council has now to decide the future of its sites. The policy that follows will need to focus on a Community Development challenge; how to accommodate a distinctive minority, with respect for its varied traditions and wishes and in accordance with Human Rights legislation (which would seem to prohibit the exclusion of certain groups per se) and taking account of the responsibilities imposed by S.71 of the Race Relations Act (as amended) to work positively to secure good race relations and to minimise friction with the majority and will complement the Councils Comprehensive Equality Policy, which sets out how the council should be working to eliminate all unlawful discrimination and is committed to promoting equality of opportunity and, good community relations.

For while the Traveller population has too often been seen in terms of 'a problem', there is no doubt that its contribution to the economy and distinctiveness as well as the cultural diversity of Herefordshire has been very great. In an age of increasing conformity and uniformity, the existence of alternative traditions and cultures that resist these overwhelming pressures becomes consequently more important to us all.

Herefordshire is fortunate in having a range of services for Travellers which is probably as extensive and experienced as anywhere in the country. The Unitary Authority allows the dovetailing of major services under one provider and the Police boundaries coincide with those of the Local Authorities.

HEALTH SERVICE -

In addition to mainstream health care, Herefordshire Primary Care Trust (HCPT) has provision to fund a Travellers health project, which offers additional support to Travellers who have well recognised health inequalities. The project offers a 9am -5pm service Monday – Friday, working from an administration base within the city. The team currently consists of a Lead Nurse/Project Manager, Health Visitor, Health Visitor Support Worker, Mobile Unit Drive and administration support. We offer outreach health care, advice, support, advocacy, health education and health promotion to Travellers wherever they may be living within the county. We also provide outreach clinics at Traveller sites via a mobile unit as pre-arranged and previously advertised.

The project works closely with other health professionals with the aim of providing optimum health care to this population. The team will adapt the health care work provision offered according to needs assessment and patient involvement. We work closely with the local Travellers Support Group - with which we have a service level agreement (SLA) - to provide Traveller run pre-school play groups to local Travellers. We also work closely with other local statutory services e.g. Council, Housing, Education, Police etc.

The project steering group meets 3 to 4 times annually to which are invited representatives from local Traveller groups and local health, voluntary and statutory agencies. Travellers are encouraged to provide their views on what services they would like provided and ways in which the project can best meet health needs.

Planning for success and continuity

- **Partnership Working** - continuing to work closely with local Traveller Voluntary and Statutory agencies to ensure Travellers health needs are met as well as possible for this potentially vulnerable group.
- **Efficiency** - ensuring the project teams are identifying Traveller health needs and are trained to respond to these needs as well as possible.
- **Equality and Diversity** - ensuring Travellers health needs are taken into consideration when planning local services.
- **Health Management** - empowering Travellers to access services and manage their own health needs

EDUCATION FOR TRAVELLING CHILDREN IN HEREFORDSHIRE

Herefordshire Local Authority is a member of the West Midlands Consortium Education Service for Travelling Children.

WMCESTC is a statutory agency dedicated to the access and inclusion of all Traveller children aged 3-19 into mainstream education throughout the West Midlands.

A priority of the Service's work, as directed by the Department for Education and Skills is supporting highly mobile children who may have no legal stopping place.

Herefordshire Council assists WMCESTC in its work with families by:

- ❑ Notifying WMCESTC of unauthorised encampments.
- ❑ Notifying WMCESTC of families taking up tenancies on Local Authority Caravan sites/ housing association accommodation.
- ❑ Conducting initial checks that encompass education needs, health and general welfare, and subsequently informing relevant agencies.

Our joint commitment under the Children Act 2004 is to ensure that Traveller children, including those resident in unauthorised encampments, enjoy their legal entitlement to the minimum standards detailed under the five outcomes of Every Child Matters, namely:

- ❑ Be Healthy
- ❑ Stay Safe
- ❑ Enjoy and Achieve
- ❑ Make a Positive Contribution
- ❑ Achieve Economic Well-being

WMCESTC currently deploys two Advisory Teachers and a Senior Field Welfare Officer to support children and families in accessing education and other mainstream services. The Advisory team offers in-service training and support to all statutory agencies.

For further information please contact...Pat Holmes (Co-ordinator)

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Pool Street
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THE SERVICE OPERATES:

A public record transfer system to ensure that the educational records of the children keep pace with the childrens' movements from school to school and LEA to LEA.

A system for monitoring records ensuring that individual children make progress and that the schools receive advisory support.

An advisory welfare service for the benefit of the Travelling families and the Local Authority Social and Welfare Services.

A pool of Advisory/Support Teachers experienced in teaching communication skills and who are familiar with the lifestyles of the travelling communities.

A transport budget to provide immediate assistance to schools registering travelling children who are experiencing transport difficulties.

An advisory education service through the pool of Advisory/Support Teachers under the direction of the Senior Advisory Teacher to assist schools in meeting the need of travelling children.

A resource Centre containing appropriate and tested materials for use with travelling children.

A library/archive for use by teachers, students and colleagues in other agencies.

An in-service training program for school staff, welfare staff, students and others involved with Travelling families to promote awareness of Traveller culture and lifestyles, positive attitudes towards the children and an understanding of their educational needs.

PLANNING FOR SUCCESS AND CONTINUITY – RESOURCES

In order to assist Traveller children towards being confident and successful learners, the Service has concentrated on developing and providing resource materials to encourage their positive self-image and also to support better understanding of Traveller lifestyle amongst all children.

Attainment Targets and levels of National Curriculum are taken into account when developing materials, ranging from wooden toys, matching, sequencing and jigsaw items using real photographs taken within Traveller communities; materials for project work, wooden inset scenes for language extension, pre-literacy and numeracy booklets, projects, a phonic program, reading books and an introductory reading and writing program "The Literacy Trail".

"The Literacy Trail" is intended to give some structure support and continuity to Traveller children's early reading experiences as they move between schools, Authorities and regions. It is not intended to provide their sole reading and language experience.

As with all children they should be given access to a wide variety of books, reading materials and language experiences.

A display and master copy of "Literacy Trail" and other materials are also available for sale outside the West Midlands Region (price list on request).

DISTANCE LEARNING: FAIRGROUND, CIRCUS AND SEASONAL TRAVELLERS

Families travel for work purposes usually between Spring and Autumn each year. Children attend the schools near to their winter sites. All West Midlands schools provide children with Distance Learning Work when they leave each Spring. The work is discussed with their parents who will provide support for them when they travel. The Service supports schools in preparing the work, supports the children's work during the travelling season and supports the winter schools when the children return. The school, the parents, the children and the Service work together in partnership. Distance Learning Work passes between families and schools throughout the travelling season and the Service plays a vital link role in the process.

WEST MERCIA CONSTABULARY – HEREFORD DIVISION

- West Mercia Constabulary is committed to providing equality of service to all members of the community regardless of their sex, marital status, race, ethnic origin, disability, or any other reason, which may include religion, sexual orientation or age.
- The Chief Inspector, Local Policing, will be the named Officer as the Portfolio Holder for Traveller issues.
- Any response to incidents involving Travellers will be dealt with under the West Mercia Constabulary Managed Response Guidelines.
- A protocol between Herefordshire Council and West Mercia Constabulary to define responsibilities in responding to incidents involving travellers is to be established.
- The Constabulary is presently reviewing its own procedures, particularly as regards to unauthorised encampments. A service level agreement between the Constabulary and Herefordshire Council is to be agreed once this review is complete.

Considerations:

- Issues in respect of the use of Section 61 of the Public Order Act.
- A review of incidents with a view to Anti-Social Behaviour Orders and Partnership Action to support both Travellers and the Community.
- The West Mercia Constabulary is a member of the Herefordshire Equality Partnership.

COUNCIL OWNED TRAVELLERS' SITES FOR HEREFORDSHIRE

1. Background

There are currently 7 sites run and managed by the Council. The sites are spread fairly widely across the County however the south and south west of the County are poorly provided for.

Site	No. of Pitches
Romany Close, Grafton	9
Watery Lane, Rotherwas	11
Madley*	17
Bosbury	7
Openfields, Bromyard	14
Luston	10
Pembridge	6
Total	74

* Transit Site

The state of the Council owned Travellers' sites in Herefordshire is as follows:

Bosbury, Herefordshire

This site has seven pitches and is very well run. Apart from some intimidation of the residents during 2001, there have been few problems since the site was opened in 1997. Recently tensions between families on the site have resulted in a high turn over of plots.

Watery Lane, Lower Bullingham, Hereford

This is an eleven-pitch site and, similar to Bosbury, there have been no problems on this site since it opened except for some intimidation of residents in 2001. As at 2008 most of the residents at Watery Lane are elderly.

Open Fields, Linton, Bromyard

Bromyard is a fourteen-pitch site. The bottom-end of the site was vandalised at the beginning of 2001. During 2001 and 2002 there were also instances of Travellers trying to break onto the site, steps were taken to prevent illegal entry to the site. The Unitary Development Plan has identified the need to redevelop the site, redesigned with a reduction in the number of plots. At present only two pitches are available for use.

Croft Lane, Luston, Herefordshire

Croft Lane is a ten-pitch site that was closed down due to vandalism during 2000. During 2002 the site was refurbished and let.

Pembridge, Herefordshire

This is a six-pitch site that has normally been fully occupied since its opening. It has during its history been subject to vandalism, which led to its temporary closure. It has recently been redesigned and refurbished and is available for use.

Romany Close, Grafton, Hereford

Grafton was an eighteen-pitch site, which was operating well, until the end of 2000. The site was very badly vandalized. Work to refurbish the site was completed in November 2006.

Madley Travellers' Site, Madley, Herefordshire

Madley has seventeen pitches, but no utility buildings – just concrete slabs, standpipes and electric power. There were also problems with drainage and sanitation. Madley was only ever a transit/semi-permanent site. Although not used it is a valuable resource and in particular might prove useful in instances of future unauthorised encampments within Herefordshire. A site should remain available for use until such time as a replacement can be secured.

2 The Future

The Council is committed to providing a long-term investment programme to secure the accommodation needs of the Traveller.

In particular the assessment of housing needs for Gypsies and Travellers will be actioned to provide the appropriate number of residential pitches, transit sites and emergency stopping places.

When Gypsies and Travellers are in fixed accommodation in Herefordshire support will be provided as appropriate through the work of the Gypsies and Traveller Liaison Officer.

The government's Gypsy and Traveller Unit Guide - Local Authorities and Gypsies and Travellers - Guide to Responsibilities and Powers, Issued February 2006 recognised the need for adequate Gypsy and Traveller site provision as being key to a reduction in unauthorised camping and the associated problems. It also highlighted that such provision could save money in that residents of local authority sites have to pay rent and Council tax etc and the high costs of enforcement against unauthorised sites could be avoided.

The Housing Act 1996 places an obligation on the Council to provide suitable accommodation for homeless persons if certain other criteria are met. For a Gypsy/Traveller a pitch on a caravan site might be considered appropriate particularly if it can be demonstrated that a cultural aversion to traditional housing exists.

UNAUTHORISED ENCAMPMENTS POLICY ON COUNCIL OWNED OR ADMINISTERED LAND

1 General Statement of Principles

- There will be a consistent application of the Council's Policy towards all Travellers.
- Due regard will be given to Government Guidance

2 Subject to the satisfactory assessment of the following factors, Herefordshire Council will not normally pursue an order for the removal of vehicles from any land on which they are stationed for a period of no less than 14 days. All Travellers will receive an assessment of their welfare needs.

- For the purpose of this policy "Traveller" means persons of nomadic habit of life, whatever their race or origin, who wander or travel but does not include members of an organised group of travelling showmen or of persons engaged in travelling circuses, travelling together as such.

3 Travellers, will normally be allowed to stay on sites when the following conditions are met:

- The maximum number normally acceptable will be 3 caravans or motorhomes or other moveable dwellings such as tents or benders in any one group although slightly larger groups may be permissible in locations remote from residential or commercial premises.
- The distance between groups of Travellers shall be distinct as determined by officers of the Gypsies and Traveller's Service.
- The occupation of any land shall not have a serious effect on the amenities or otherwise cause nuisance to, the occupants of any adjacent property.
- No damage shall be caused to any property, fences, trees etc. on that or adjacent land.
- The behaviour of the Travellers to other people shall be acceptable i.e. no intimidation especially where this constitutes a hazard to public health, nor any stockpiling of materials.
- No fires shall be lit on any land.
- Vehicles shall be parked, and any animals kept, in such a manner so as to cause no inconvenience or affect the safety of users of the adjacent or nearest highway.
- The occupation of local authority or other statutory authority land or agricultural land shall not impede its necessary operational use or, insofar as

parkland or other public open space is concerned, shall not detract from its amenity value.

- Once the agreed period of occupation has elapsed then the distance moved must be a least two miles from the site occupied. Re-occupation of the same site must not take place within three months.
- 4 In turn the Council will:
 - Provide refuse sacks
 - Will identify places where water supplies can be accessed.
 - Provide Travellers with a copy of the Code detailed in Appendix 2
 - Will inform all appropriate Statutory Bodies of the existence of the encampment.
 - 5 The Council will not secure evictions from council owned or administered land where there is a long and established history of occupation without complaint.
 - 6 The Council will not secure evictions from private land.
 - 7 Where the Council takes enforcement action in relation to Council owned land, the action will be determined by the Director of Environment or the Head of Environmental Health.

PLANNING POLICY

GYPSIES AND OTHER TRAVELLERS

Extracts from UDP

- 5.5.20 The Housing Act 2004 requires Local Authorities to include within their Local Housing Assessments the accommodation needs of Gypsies and Travellers. In addition, Government planning policy is increasingly favouring the identification of sites for Gypsies and Travellers in Development Plan Documents. Herefordshire Council recognises these requirements, which will be taken forward in the preparation of new Development Plan Documents forming part of the Local Development Framework. In the interim, however, the following policy is still required in order to consider the merits of planning proposals.
- 5.5.21 Herefordshire Council together with a number of external organisations established a Traveller Policy Task Group in order to produce a comprehensive countywide strategy for traveller issues. The resulting Travellers' Policy was adopted by the Council in November 2002 with a resolution to review and further develop the policy on an annual basis.
- 5.5.22 The provision of new Gypsy/traveller sites is recognised in policy H7 as one of the exceptional circumstances where development may be permitted outside of defined settlements. However, although sites may be acceptable in rural settings their impact upon the character of the countryside should be minimised, particularly within the County's Areas of Outstanding Natural Beauty (AONB). Sites should be well landscaped in order to limit their visual impact and should be in locations with access to local facilities and services such as shops and schools. Small sites (up to 5 or 6 caravans accommodating pitches for individual or extended families) will be preferred, as they can be unobtrusive and easier to manage. Permanent dwellings on Gypsy/traveller sites will only be permitted in locations where such proposals would accord with other housing policies of this Plan.
- 5.5.23 The nature of sites will vary in terms of the location, size, characteristics and level of service according to the type of site needed. Three types of site are identified in Government advice:
- Residential sites for settled occupation, with infrastructure including provision of sanitation and other services. Such proposals should also identify areas for work and storage within the site, having regard to the safety of the occupants and their children;
 - Temporary stopping places, with basic facilities; such as hard standings, convenient drinking water supply a means of sewage disposal and refuse collection point; and
 - Transit sites, with facilities to minimise impact and avoid health hazards (e.g. refuse collection point, access to a drinking water supply and sewage disposal).

H12 Gypsies and other travellers

Proposals for the development of sites intended to provide for the accommodation needs of Gypsies or other travellers will be permitted where:

- 1. The site is within reasonable distance of local services and facilities;**
- 2. Sites for settled occupation should be small, as should temporary or transit sites, unless there is a need to provide a site on a route frequented by groups travelling in large numbers;**
- 3. Adequate screening and landscaping is included within the proposal in order to ensure that the proposal does not result in an adverse impact upon the character and amenity of the landscape, particularly within the Malvern Hills and Wye Valley AONB, Conservation Areas or other sensitive locations; and**
- 4. They contain appropriate levels of residential amenity, including safe play areas for children and provide satisfactory work and storage areas.**

POLICIES AND PROCEDURES FOR DEALING WITH UNAUTHORISED USE OF PRIVATE LAND AS A CARAVAN SITE.

1. Introduction

The purpose of this policy and procedure document is to:

- Provide guidance to all Council officers on the Council's approach to unauthorised caravan sites on private land to ensure consistency of approach and proper liaison between departments and compliance with planning law.
- Ensure that the Council can discharge its duties to those living on the site and neighbouring residents by licensing caravan sites under the Caravan Sites Act 1968
- Enable those running sites or living on sites and neighbours of the sites to be informed of the Council's approach and likely response.
- Assist those living on sites to access services that they need provided by the Council and the health services.
- Ensure that the Council complies with its obligations under the Human Rights Act 1998
- Ensure that the Council properly discharges its obligations to business rates and council tax payers by collecting charges properly due

2. Scope of this Document

This policy only deals with unauthorised use of private land as a caravan site where the owner of the land has consented to this use. If the landowner is taking action to have a site removed, no action should be required.

For these purposes a "caravan site" includes the residential use of the land by people occupying caravans, vans, buses, benders, coaches, trailers and tents. In other words any temporary structure or vehicle used for accommodation.

The identity of the residents is not material to this policy. It therefore includes use of the site by both traditional Gypsies and Travellers.

3. Planning Permission

Use of a site, as a permanent caravan site requires planning permission. Whether or not planning permission will be granted for a particular site will depend on the particular features of the site and the planning policies as contained in the Herefordshire Unitary Development Plan.

4. Toleration of sites without permission

The Council's policy is that they will not tolerate sites without permission, except in very exceptional circumstances and that sites should therefore have permission or be cleared.

This is for the following reasons:

- It is important for both site residents and local residents to have certainty about which sites are tolerated and why so that they can be clear about the future use of the site and any constraints on such use enabling them to plan their lives and their dealings with their homes accordingly.
- Consideration of an application for planning permission gives the local planning authority the opportunity to control development through the imposition of appropriate conditions and to ensure such matters as the protection of the environment, visual amenity and amenity for local residents and highway safety are properly addressed.
- If there is no permission this prevents an assessment being made and then controls being enforced on the number of residents on the site that can appropriately be accommodated on the site without a major adverse effect on the environment, other local residents, traffic safety.
- Enforcement, in the absence of planning permission, results in stress due to uncertainty.
- The Council's experience of sites that have operated in the county without permission is that the numbers living on site have grown, there have been adverse effects from the increased size of the sites in terms of the impact on other residents and the environment.
- The Council, mindful of its duty to the whole community, cannot properly discharge its legal obligations to protect against nuisance to other residents or protect the safety of residents on the site (sometimes including children) under the Caravan Sites Act 1968 unless the site has planning permission. For example, such matters as drinking water quality, sanitation and fire safety cannot be satisfactorily addressed.

The Council's experience is that the nature of the mobility of occupants of caravans, means that the impact of a caravan site can alter frequently as residents arrive or leave and that more people arrive if toleration occurs, increasing the impact of the site on others and making toleration less acceptable.

5. The Council's Approach to New Sites

When there is reason to believe that there is a new caravan site in use without planning permission the Council's approach is set out below. The aim will be that once the site has been identified and it is clear that it is not going to be removed quickly, steps will be taken to establish the position and decide on appropriate action.

5.1 Non domestic rates

Where there is a site on which residential caravans, tents or other structures and vehicles are being moved around regularly, or where the occupants are transient but the site is permanent the district valuer will treat the site as a business subject to non-domestic rates. The site owner will be contacted and asked for details so that an assessment can be made of rateable value.

A site can be rated regardless of whether or not it has planning permission or a site licence. The rating legislation makes the site owner liable for rates.

Once the site is on the valuation list, future liaison will be with the Council's Revenues Department.

5.2 Applying for Planning Permission and Preparing for Possible Enforcement Action

When the use of a site is identified, the person believed to be the owner will be sent a letter together with a form to apply for planning permission and a requisition notice.

This letter invites the site owner to enter into pre-application discussions about the site whilst also preparing the Council for enforcement action should the need arise. It also provides the owner with the information and forms they need to seek planning permission, should they choose to do so. The letter will make clear that the Council's policy that toleration is only an option in the most exceptional circumstances and will set a deadline by which the application should be received after which enforcement action will be considered. It will also make clear that if they think there are exceptional circumstances why the site should be tolerated, they should make these clear.

5.3 Visit to residents

Residents will be visited by planning enforcement officers or gypsy officers. Each person who is resident on the site will be interviewed and letters left for any additional persons who are not present in a plastic bag attached to their caravan or home inviting them to contact the officer concerned.

The person visiting the residents will have the following documents with them:

- A form for completion of interview (welfare check form).
- A housing application form.
- A gypsy site pitches application form.

The interviews will be conducted using the form shown in Appendix 3 which will deal with the following issues:

- Their previous accommodation history e.g. addresses or sites occupied previously.
- Their previous history of living, working or attending school in the county.
- Where they could go if they are required to leave.
- Where they work if they or family members are employed or self employed (They will be given a leaflet about the local job centre if interested in finding work).
- Where they or family members receive education if attending an educational establishment (They will be given a contact number for the Education Department if they have children of school age and be asked to agree to the Department having details of their child).
- Whether they would accept housing if required to leave (if so, they will be given a housing application form and also advised of the phone number to contact if they become homeless).
- Whether they have any health needs or any family member has any special needs or disabilities (They will be given the number to contact to obtain a GP and the contact number for the Travellers' health visitor service and asked to agree to information being passed to that service).
- Whether any family member requires assistance from the Council's Social Care department e.g. child in need or adult with physical or mental disability. If so, they will be asked to agree to information being passed to that service.
- Whether they wish to apply for a pitch on a council site (they will be given an application form and advised to return it to the Gypsy service).

The Council's policy of not tolerating caravan sites, except in the most exceptional circumstances, will be explained to them. In particular, it will be explained to them that permission should be obtained for the site that it is likely that the site will be removed and the deadline that the owner has been given.

If any resident has difficulty with reading or writing, we will put them in touch with the Travellers Liaison officer to assist them with completing any of the forms.

5.4 After the visit

5.4.1 Contacting other departments and forwarding information

After the visit:

- Any housing application form will be sent to Housing to process.
- Any application for a pitch on a council site will be sent to the gypsy service to determine. They will also be asked what alternative sites might be available for use by the residents if required to leave.

- The officer will notify other departments and organisations of the number of residents on site and areas of need, e.g. health.
- Specific needs e.g. of a particular child or adult for health services, will be passed to that department where the site resident has agreed.
- Any concerns about health and safety of occupants on site, fire safety or noise nuisance, will be passed to Environmental Health to investigate.
- Revenues will be notified of the existence of the site so that they can ask the district valuer to assess it for rating purposes.

For this purpose, each department and the health services will have a named contact person who will receive this information.

5.4.2 Assessing the position

If no application for permission has been received by the deadline, the appropriate Planning Officer and Environmental Protection Manager will decide on the appropriate enforcement action in consultation with the Legal Department. They will take account of the following:

- The impact of any enforcement action on the rights of the site residents with respect for their home and family life. Taking into account the availability of places to go, the availability of housing accommodation, gypsy site pitches and the impact on household members, eg: because of health, education or work.
- The response of the site owner and track record of site owner. His or her history of compliance or lack of compliance and co-operation on planning and site licensing matters. In particular, whether disregard of planning and site licensing requirements are deliberate and flagrant.
- Any complaints received from residents in the area.
- The impact on residents in the area and on the amenity and environment, particularly visual amenity and property values of other properties in the area.
- The impact of the site on other matters, eg access and highway safety.
- The safety of residents on the site and the need for licensing controls to protect residents and others.
- The ability of the Council to control the size and extent of the site and health and safety aspects of licensing if the site is tolerated. This would include consideration of the extent to which a s106 agreement would secure sufficient control.

- The need to maintain public confidence in the planning and licensing systems by controlling unauthorised development

6 S 106 agreements

In exceptional circumstances a s106 agreement may be entered into with the site owner to secure the future use of the land. This method might be used to secure some control over a tolerated site where the s106 would contain the limits of the tolerated use.

7 Toleration

This would be highly exceptional. A personal permission avoiding the need for those individuals on site to leave is an option to be considered.

8 Enforcement action

Action considered will include:

- Injunction to have the site removed.
- Injunction against the owner not to permit any additional residents on the site and / or not to allow those leaving to return and no one else to join either indefinitely or pending the determination of a planning application.
- Enforcement notice requiring the site to be removed or numbers limited. Numbers likely to be number of vehicles and structures but in some circumstances a limit on the number of occupants may be appropriate.
- Injunction requiring the use of the site to cease without a caravan site licence.

In cases where there are specific problems with the site such as health and safety concerns or nuisance, the following additional action will be considered:

- Environmental health action e.g. because of noise nuisance or statutory nuisance.
- Action against individuals for public nuisance.
- An Anti Social Behaviour Order against individual residents.

9 Preventing an increase in unauthorised use

Where information is received that the use of an unauthorised site is increasing, the planning department will liaise closely with the legal department. Consideration will be given to obtaining an injunction against the owner not to permit any additional residents to join the site and / or restricting any extension of the site pending determination of any application for permission or conclusion of other enforcement action.

POLICY FOR THE ALLOCATION OF PITCHES ON COUNCIL-OWNED TRAVELLERS' SITES

Background

The purpose of this document is to explain the aims and objectives of Herefordshire Council's policy for the allocation of Pitches on the Council's Travellers' sites.

Policy Aims

Herefordshire Council aims to provide an allocation service that:

- Ensures maximum occupancy of its Travellers' sites.
- Sustains the existing communities living on its sites.
- Allocates Pitches in accordance with a published Allocations Scheme.
- Is sympathetic to the needs of its users.

To these ends it has set itself the following **objectives**:

1. Service Provision

Herefordshire Council will provide an allocations service that:

- Complies with the requirements of all relevant legislation.
- Ensures that there is an element of choice in the allocation of Pitches
- Is of the highest quality.
- Continuously improves.
- Regularly monitors performance against targets.
- Has clear service delivery standards.
- Reviews the implementation of this policy and the service standards in conjunction with service users, other statutory agencies and the Travellers' Liaison Group.
- Complies with the Human Rights Act 2000, the Race Relations Act 1977 and the Race Relations (Amendments) Act 2000.
- Has staff who are competent to fulfill the tasks of the service.

The Allocations Service will be expected to operate in accordance with standards, performance targets and local performance indicators.

The service provision will be regularly monitored and independent reviews will be carried out periodically.

2. Partnership Working

Herefordshire Council will work in partnership with other statutory and voluntary agencies to:

- Meet its statutory duties.
- Develop the Gypsy and Travellers' Policy for the county.
- Increase the options available to Travellers.
- Work towards preventing homelessness among Travellers wherever possible.
- Deal promptly with applications from Travellers requiring a Pitch because of domestic violence, harassment and anti-social behaviour.
- Deal promptly with applications resulting from discrimination or harassment, (c.f. Discrimination and Harassment Policy).
- Deal promptly with applicants with special needs.

Partnership working is recognised as a fundamental requirement in dealing with the accommodation needs of gypsies. This policy commits it to developing partnerships jointly with other organisations that are open, honest and equal.

ALLOCATIONS SCHEME FOR COUNCIL-OWNED TRAVELLER SITES

Purpose

This scheme sets out the criteria by which Herefordshire Council allocates Pitches on its traveller sites, both to new applicants and to existing tenants seeking a transfer. This document should be read in conjunction with the Council's Policy for the Allocation of Pitches on Council-owned Traveller Sites.

The scheme aims to allocate Pitches to eligible applicants on the basis of three criteria:

- Need, as assessed by the allocation of needs points;
- Time spent on the waiting list, and;
- Whether the applicant is new, or an existing tenant seeking a transfer.

The Council will also provide transit sites that will be covered by their own allocation scheme.

Eligibility

Eligibility to apply for a Pitch on a council-owned Traveller site (other than transit sites) is restricted to people aged eighteen or over who:

- Are Travellers whose primary residence is the county of Herefordshire.
- Are Travellers who regard Herefordshire as their primary base.
- Are Travellers who have close family living in the county.
- Are Travellers who can demonstrate a need to live in Herefordshire for the following reasons:
 - Employment
 - Education
 - Health (including those who cannot live in fixed housing for health reasons)
 - Caring responsibilities. In exceptional circumstances pitches may be occupied by persons other than family members i.e. spouse or partner of licensee and children with the prior written agreement of the Environmental Protection Manager
- Other special circumstances considered appropriate by the Environmental Protection Manager.

Additionally those who are not eligible to apply are:

- Previous and/or current residents of Herefordshire council-owned sites with records of failing to pay due rent on time.
- Previous and/or current residents of Herefordshire council-owned sites with unsettled overdue rent accounts.
- Previous and/or current residents of Herefordshire council-owned sites with records of behaviour that would lead, or did lead the Council to take possession proceedings against them (e.g. violence against other residents, or council staff, anti-social behaviour, etc.).
- Current residents of Herefordshire council-owned sites who are subject to a Notice of Seeking Possession, a Notice to Quit, or any other possession proceedings.
- The Council is unable under the current legislative regime to accept applications from Travellers subject to controls under immigration or asylum regulations.

- Residents of sites outside Herefordshire who have an unacceptable tenancy record or have a history of violence.
- Applications will be accepted from persons who have secured accommodation but it is expected that if a Pitch is awarded that the current accommodation will be relinquished.

All applicants found to be ineligible to make an application will receive an explanation of the decision and are entitled to appeal against that decision to the Head of Environmental Health and Trading Standards within 21 days of notification in person, or in writing. All applicants will be given information about where they can receive independent advice.

The Waiting List

All eligible applications will be entered onto a waiting list that is administered by the Gypsy and Traveller Officer. All Applicants will receive notification that their application has been registered and has been given a serial number.

Successful applicants will be offered a licence to occupy a plot. A breach of the licence conditions may result in termination of the licence.

Attached, as appendix 7 is the procedure that will be followed if such a breach of condition occurs.

New legislation is expected that will mean that the current licence arrangements will have to be replaced. The new arrangements shall be implemented to ensure compliance with legislative requirements



HEREFORDSHIRE
COUNCIL

Points Scheme

For Allocation of Pitches

on

Council Gypsy Sites

Applicant: _____

Reference: _____

Date of Review Meeting: _____

Officers Present: _____

Points Scheme

The point's scheme shown in this section is the Herefordshire Council's Gypsy Service scheme.

1. Local connection

	Available points	Total points
Applicants who are living on the roadside, and who have lived in Herefordshire 3 out of the last 5yrs.	150	
Applicants who have lived in Herefordshire for three years out of the last five but not currently living on a Traveller site	100	
Members of the applicant's close family who have lived in Herefordshire for at least twelve months prior to the application being made.	75	
Existing licensees who have held a licence with Herefordshire Council for a minimum of two years who wish to transfer to another site.	50	
Existing licensees who wish to take up an additional Pitch on a site.	0	

Use one box only

2. Current Accommodation

	Available points	Total points
Roadside with no facilities	30	
Field or common with no facilities	30	
Private Site (Reference required)	5	
Housing (Reference required)	5	
Council Site (Reference required)	5	

Use one box only

3 Homelessness

	Available points	Total points
Has the applicant submitted a homeless request?	30	
Has the application gone through and homeless status been granted?	50	
Did the applicants intentionally make themselves homeless?	20	

Use one box only

4 Lack of facilities

	Available points	Total points
No water supply	5 points	
No bathroom	5 points	
No W.C.	5 points	
No electricity, mains or generator	5 points	
No laundry facilities	5 points	

Use all appropriate boxes

5 Security of Tenure

	Available points	Total points
Court Eviction Order	50	
Notice of Seeking Possession (NSP), Notice to Quit (NTQ) or other notice of possession proceedings.	40	

Use one box only

6 Welfare Needs

	Priority	Examples	Available points	Total points
Category 1	Where the need is for urgent consideration for applicants personal safety.	Fleeing violence or harassment, or the threat of violence or harassment.	100	
Category 2	Where the need for a Pitch is of a supporting, caring & compassionate nature.	Moving to Herefordshire to receive support or care from family members.	75	
Category 3	Where the need for a Pitch is of a supporting, caring & compassionate nature.	Moving to Herefordshire to provide support or care for family members.	75	
Category 4	Where the need for a Pitch is of a social nature.	Joining family members on one particular site.	50	
Category 5	Where the need for a Pitch is of a less urgent nature.	Returning to Herefordshire to work.	25	
Category 6	Where there is no urgent need for a Pitch.	Applicant moving into Hereford but has no connection with the area.	10	

Use one box only

7 Medical Circumstances

	Priority	Examples	No of persons	Available points	Total Points
Category 1	Where the need is so urgent that the applicant should be considered for the next available Pitch.	Applicant or member of household needs regular outpatient hospital treatment for life threatening complaint.		100	
Category 2	Where the need for a Pitch is urgent.	Applicant or member of household attends regular outpatient hospital or doctor's appointments.		50	
Category 3	Where the need for a Pitch is necessary but of a less urgent nature.	Applicant or member of household needs to live in proximity with doctor's surgery and/or pharmacy.		20	
Category 4		Applicants or member of household contains a pregnant woman.		10	

Use all appropriate boxes

8 Special Family needs

	No of persons	Points per person	Total Points
Applicants' family contains children less than 1 year?		10	
Applicants' family contains persons over the age of 60 years?		10	

Use all appropriate boxes

9 Educational Needs

	No of persons Attending a local school	Points per person	Total Points
Children age 5 - 11 with special educational needs.		20	
Children age 12 - 16 with special educational needs.		20	
Children age 5 - 11		10	
Children age 12 - 16		10	

Use all appropriate boxes

10 Time in Need for accommodation and transfer applicants

Additional points awarded for every 3 months applicant is on waiting list. These are weighted to favour those in greatest need.

Existing need points	Additional time points (per completed 3 months on list)	Total
1 - 25	= 1 additional point	
26 - 50	= 2 additional points	
51 - 75	= 3 additional points	
76 - 100	= 4 additional points	
101 plus	= 5 additional points	

Use one box only

Summary -		
1.	Local connection	
2.	Existing/Previous tenants	
3.	Current Accommodation	
4.	Homelessness	
5.	Lack of facilities	
6.	Security of Tenure	
7.	Welfare Needs	
8.	Medical Circumstances	
9.	Special Family needs	
10.	Educational Needs	
11.	Time in Need	
	TOTAL POINTS	

Offers

As vacancies arise the allocation panel will review the waiting list and make an offer to the highest placed applicant who has expressed a preference for the site where the vacancy has occurred. Applicants will be offered an accompanied viewing of the site and will have 14 days within which to accept the offer.

Review

Periodically the allocation panel will conduct an overall review of the waiting list to ensure that applicants' circumstances have not changed since making their initial application. Where circumstances have changed points awarded will be adjusted. Where an applicant is found to have become ineligible they will be removed from the waiting list. Applicants will be formally notified of any changes and will be able to appeal against any decision to remove applicants' name from the waiting list. Appeals should be made to the Head of Environmental Health and Trading Standards within 21 days of notification in person, or in writing. All applicants will be given information about where they can receive independent advice.

ADVICE NOTE TO PUBLIC AND PRIVATE LANDOWNERS

Gypsies, Travellers and the Law

Everyone has rights, including Gypsies, Travellers and people on whose land unauthorised camping takes place.

Gypsies and Travellers are protected from discrimination by the Race Relations Act 1976, together with all ethnic groups who have a particular culture, language and values, including white and black people.

The aim of this Advice Note is to set out how local authorities and official agencies will work to try and balance the rights of all of those involved.

Here are the answers to some of the most frequently asked questions on the subject:

Q. Why do Gypsies/ Travellers pursue a travelling lifestyle?

A. Their way of life means that they travel the country staying for various periods in different locations in order to earn a living. In most cases it has been a way of life for generations.

Q. Does the Council have a duty to move Gypsies/Travellers when they are camped without the landowner's permission on private land?

A. No. If Travellers are camped on council land, the council can evict them. If they are on private land, usually it is the landowner's responsibility. The Government has advised that when Gypsies/Travellers are not causing a problem, the site may be tolerated.

Q. If Gypsies/Travellers camp on my land what can I do?

- A. (i) Talk to them to see if a leaving date can be agreed.
- (ii) **Take proceedings in the County Court under the Civil Procedure Rules, 1998. There must be a minimum of two clear days between service of documents and the Court hearing.**
- (iii) **The Gypsy and Traveller service may be available to give general advice on an individual basis.**

Q. What if I decide to let them stay on my land temporarily?

A. Unless you have already obtained planning permission for a caravan site or you are a farmer and they are helping you with fruit picking, etc., then you could be in breach of the Planning Acts. You may wish to seek further advice from the Planning Department of Herefordshire Council.

Q. I have seen Gypsies/Travellers camping on the side of the road and sometimes on parks or other Council-owned land. What can the Council do in these cases?

A. If the Gypsies/Travellers are causing problems they will be moved on as soon as is reasonable (and in accordance with the Council's Policies). The Council will consider each case on its merits. In all cases the site is visited and every effort made to try and make sure that the Gypsies/Travellers keep the site tidy and do not cause public health problems. This sometimes means that refuse collection facilities may be provided for this purpose.

Q. If the Council want to, can they force Gypsies/Travellers to move immediately?

A. No. Because the Council must:

- Be able to show that the Gypsies/Travellers are on land without consent.
- Make enquiries regarding the general health and welfare of the Gypsies/Travellers.
- Go through relevant steps in terms of serving notices and follow due processes in the courts to gain the necessary authority to order the Gypsies/Travellers to leave the site.

Q. Can the Court refuse to grant the Council an order to move the Gypsies/Travellers on?

A. Yes. If there is an unavoidable reason for the Gypsies/Travellers to stay on the site, or if the Court thinks the Council have failed to make adequate enquiries regarding general health and welfare of the Gypsies/Travellers. The Council must try to find out this information before going to Court.

ADVICE TO TRAVELLERS

Code for Travellers in Herefordshire

‘The stay on land will depend on your co-operation:

- Keep groups small. Up to three caravans will normally be acceptable. Slightly larger groups may be OK away from built-up areas.
- Space yourselves out; park away from other groups.
- Look after the land you park on
- Don't cause problems for nearby residents.
- Don't dump or burn rubbish.
- Ask the local Council for black plastic bags for rubbish, which they will then collect from you on a weekly basis.
- The Council may be able to tell you where the nearest supply of water is.
- Park vehicles safely and keep all animals under control.
- Only park on land not needed for another purpose.

Follow the above advice and in most cases, Herefordshire Council will not pursue an immediate order for eviction . . .’

Unauthorised Traveller Encampment Visit Record

1: Address	
Location of Trespass	
Grid Reference	

2: Date of arrival of Travellers	
---	--

3: Visiting Officer:	
Post held:	
Date of visit	

NB: if no information offered or available, place X in box beneath the appropriate paragraph or sub-paragraph.

4: Family Make up (Complete on additional sheets if required)		
NAME	Date of Birth	STATUS
		Head of family
		Partner
		Son/Daughter
		Son/Daughter
		Son/Daughter
		Son/Daughter
		Son/Daughter
		Son/Daughter
5: Additional Occupants of Site (complete on additional sheets if required)		
NAME	Date of Birth	STATUS

6: Persons over 60 years			
NAME	Date of Birth	STATUS	REMARKS
		Mother	
		Father	
		Relative	

7: Vehicles			
Make	Description		Registration

8: Health including pregnancies and special needs		
Name:	DOB:	Remarks:
Concerns:		
Local Doctor:		
Name:	Address:	
Local Hospital:		
Name:	Address:	
Dates Attended:	Dates of future Appointments:	

9: Education			
a) Request for children to have access to education			
Name	Date of Birth	Parents	
b) School enrolled and date			
Name	School	Date	Remarks
(c) Special Needs (School):			
School Name:		School Address:	
Special Needs:			
Date enrolled:			

10: Was any offer made to put Travellers in contact with		
(a)	Health	Yes/No
(b)	Welfare	Yes/No
(c)	Housing organisations	Yes/No
(d)	Education	Yes/No

11: If Yes was this accepted	Yes/No
Details of action taken:	

12: If 'No', is it considered that, nevertheless, such contact is needed?	Yes/No
If 'Yes' give reasons or action taken	
Give details:	

14: Site Information	
(a)	How long do the occupants intend to remain in this location?
(b)	Are there any mechanical problems?
(c)	If so, how long will repairs take?
(d)	What is the purpose of the encampment?
(e)	Any known problems associated with this location?

15: Persons with whom discussions took place with on site	
Name	
Name	
Name	
Name	

16: General Comments	

Print Name & Sign:	
Date:	



**HEREFORDSHIRE COUNCIL
TRAVELLERS' SITE APPLICATION FORM**

Section 1 [Complete all sections]

Personal Details

Applicant

Mr/Mrs/Miss	Forename	Surname	Sex	Date of Birth	NI Number

Joint Applicant (Where appropriate)

Mr/Mrs/Miss	Forename	Surname	Sex	Date of Birth	NI Number

Address

.....

Telephone Number

Family (all those who will be living on plot with applicant)

Full Name	Sex	Date of Birth	Relationship to applicant

Section 2

Relationship to Families Currently accommodated on a Herefordshire Council Site

Please indicate family connection (i.e. parent, sister, brother, etc.)

Site Name	Plot No.	Occupant Name	Relationship

Section 3

Previous Tenancies, Licences, Stopping Places

Please give address/location for the past five years, if roadside please give Village/Town/County.

Location/Address	From	To

Section 4

Previous Local Authority Tenancies

Council	Date	Length of Tenancy	Comments

Section 5

Medical; Special Family; & Educational Needs

YES/NO

If yes, please note any medical special Family & Educational factors (including pregnancies) you feel should be taken into consideration.

Applicant or member of household needs regular outpatient hospital treatment for a life threatening complaint	
Applicant or member of household needs attends regular outpatient hospital or doctors appointments	
Applicant or member of household needs to live in proximity with a doctors surgery and/or pharmacy	
Applicant or member of household is pregnant	
Other reasons (please specify)	
Applicants family contains persons over the age of 60 years	
Applicants family contains children with special educational needs	

Please detail below any Medical; Special Family & Educational Needs you wish to be taken into consideration

Name	Date of Birth	Sex	Details

Current Accommodation

Roadside	Field or Common	Private Site	Housing	Council Site	Other
Current Facilities					
Access to Water	Access to Showers / Washing Facilities	Access to toilet facilities	Access to Electricity (mains or generator)	Access to Laundry Facilities	Other
Please detail current facilities					
Have you received a Court Eviction Order for you current accommodation (please detail below)					Yes / No Please delete if not applicable
Have you received a Notice Seeking Possession, Notice to Quit or other notice of possession proceedings (please detail below)					Yes / No Please delete if not applicable
Reason for Application					
Reason for Application			Please give example where applicable		
Returning to Herefordshire to Work					
To join family members on a particular site					
To provide support or care to a family member					
To receive support or care from a family member					
For reasons of personal safety					
Other Reasons					

Section 6

Site Requested and Caravan Size

Please indicate site name and address and order of preference (you will not be considered for any site not listed)

Site Name	Area
(a)	
(b)	
(c)	

Caravan Size	Please check if offered a plot the Number of caravans that can be accommodated (maximum of two caravans)
(1)	
(2)	

Section 7

Vehicles and Pets

Please Note:

- The size of plot or number of caravans may restrict vehicles allowed on the plot (maximum two vehicles)

Number of type of vehicles
(1)
(2)

Pets

- No animal, other than cats, dogs and caged birds, may be kept on the site without the written permission of the Council. These animals should not be allowed to roam and be restricted to Licensees individual plot only.

Any other factors that you wish to be taken into consideration for this application

DECLARATION

I/we certify that the particulars given on this form are true and correct to the best of my knowledge. I/we also understand and agree that the Herefordshire Council may approach any previous landlords to gain tenancy references. I further understand that the completion of this application form in no way gives automatic right to allocation of a plot until called forward by the Council's proper Officers.

Signature 1 Date

Signature 2 Date

For office use only

App. Date	
App. No.	

Rev Date	
Rev No	

Pts	
Acc	

Please return this application form to:

Mr Frank Lane
Gypsy Officer
Traveller Services
Herefordshire Council
Bath Street
HEREFORD, HR1 2HQ

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Arial

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Arial, 9 pt



Herefordshire Council

TRAVELLER CARAVAN PITCH LICENCE AGREEMENT

I / We

Mr/Mrs/Miss	Forename	Surname	Sex	Date of Birth	NI Number

Joint Applicant (Where appropriate)

Mr/Mrs/Miss	Forename	Surname	Sex	Date of Birth	NI Number

Accept the licence of:

Plot Number _____

Site Address _____

With effect from Monday, _____

At a current rent of £ 48.00 per week, made up as follows:-

Accommodation Charge £ _____

Water Charge £ _____

Total Rent **£ _____**

- Please note that the rent is payable on a Monday in advance and is reviewed annually in March. Should you believe that you may be entitled to Housing Benefit, you are advised to take this licence to the Housing Benefit Office, Town Hall, Hereford without delay.
- Electricity on the site is provided through a pre-payment meter, cards to operate these meters can be purchased for £5.00 each from the Council Offices, Garrick House, Widemarsh Street, Hereford, or from the Site Officers during their regular scheduled visits.

Any personal information on this Licence Agreement will be held securely by Herefordshire Council. In some cases it may be necessary to share some of this information with other organisations. If this is the case any such sharing of information will be carried out strictly under the terms of the Data Protection Act 1998 and disclosure would be kept to a minimum.

This pitch is provided for the use of yourselves as licensee(s) together with the following persons only:

Family [for the avoidance of doubt this means spouse or partner and children only] (all those who will be living on pitch with applicant)

Full Name	Sex	Date of Birth	Relationship to applicant [see above note]

Caravan Size	If offered a pitch please check the Number of caravans that can be accommodated (maximum of two caravans)
(1)	
(2)	

Vehicles and Pets

Please Note:

- The size of pitch or number of caravans may restrict vehicles allowed on the pitch (maximum two vehicles)

Number and type of vehicles
(1)
(2)

Pets

- No animals, other than cats, dogs and caged birds, may be kept on the site without the written approval of the Council. Dogs should not be allowed to roam and be restricted to Licensees' individual pitch only.

Any other factors that are relevant to this licence

- The rights and duties of both parties are set out in the Terms of Licence for Pitch on a Traveller Caravan Site (attached).
- Please read the agreement carefully.
- If you are joint licensees, the terms 'you' refers to both or each of you.
- Please keep your copy of the Licence Agreement in a safe place.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

TERMS OF LICENCE FOR PITCH ON A TRAVELLER CARAVAN SITE

In this set of Terms the following expressions have the following meaning:-

The Council:	means the County of Herefordshire District Council or its successors in title.
Caravan:	includes a mobile home/living van fit and suitable for habitation in present state.
The Site:	means the whole area of land owned by the Council comprising the caravan site to which the licence relates.
The Pitch:	means the Pitch as shown in red on the attached map of the site for an individual Licensee.
The Occupier:	in any term hereunder means the Licensee and all named occupants (in writing) in occupation of their particular pitch as shown on the Traveller Caravan Site Licence Agreement.
His/Her:	word importing any gender shall include every gender.
Motor Vehicle:	car/van excluding motorised mobile home.

1. Before occupying any Pitch the Licensee shall pay a deposit of £300.00 or such other sums as the Council considers appropriate. The deposit will be refundable upon termination of the Licence by either party less any amount the Council considers is due to them in respect of damage to the site or arrears or any cost arising from any breach of the terms of the Licence by the Licensee.
2. The Licensee agrees to pay the Council a weekly site charge of £42.00 rent & £6.00 water. The Council requires two weeks rent and water to be paid in advance or any such sum as approved and set by the Council. The sum may be varied by the Council at any time by its giving to the Licensee not less than four weeks written notice.
3. The Licence permits the Licensee to place one caravan on the Pitch allocated to him. A second residential caravan may be placed on the Pitch with the written agreement and at the prior discretion of the Council's Site Officers. In no circumstances is the licensee to place more than two caravans on the Pitch. This Licence also permits the Licensee to use the Pitch amenity block, (if provided) and to park no more than two motor vehicles on the Site.

Large goods vehicles or trailers are not permitted on site without the written permission of the Council. Only vehicles capable of negotiating under the entrance barrier are normally permitted with a maximum 3.5 tonnes unladen weight

4. The Occupier shall pay to the Council the above-mentioned weekly sum which will be collected on the designated day in each week and shall produce to the Council Officer the official Payment Card on demand.

Croft Lane	Monday & Thursday
Pembridge	Monday & Thursday
Bosbury	Monday & Friday
Bromyard	Monday & Friday
Watery Lane	Thursday
Grafton	Monday & Thursday

5. The Occupier shall only use the caravan(s) placed on the Pitch for private residential purposes involving occupation by the Licensee and named occupants. The Licensee is not entitled to allow any other person to occupy the Pitch. Lodgers are not permitted.
6. All persons occupying the Pitch must be named in the Traveller Caravan Site Licence Agreement.
7. Before occupation of the Pitch the Licensee must ensure that the electrical system of any caravan brought on to the Site is safe. The Council will not accept liability for any losses arising from the failure of any electrical system or appliance.
8. The Licence shall be a weekly one commencing and terminating at 12 noon on a Monday and may be ended by the Occupier giving not less than 14 days clear notice in writing and by the Council giving not less than 28 days notice in writing. When the Occupier's licence ends he shall at once remove his caravan(s) and belongings from the Site and if he fails so to do the Council may remove them to such a place they think fit and recover the cost from the Licensee. The Council will not be liable for any damage caused to the Occupier's caravan and/or belongings whilst exercising this right.
9. Any notice given by the Council to the Licensee shall be deemed to be duly served on the Licensee if addressed to him/her and left at or affixed to the Caravan or the pitch amenity block. The Licensee shall not alter deface or remove any notice relating to any other plot.
10. Any notice given by the Licensee shall be deemed to be duly served on the Council if sent by first class post or delivered to the Director of Environment, Herefordshire Council, Brockington, Hafod Road, Hereford.

11. This Licence is personal to the Licensee and cannot be transferred.
12. The Occupiers shall permit employees of the Council or its agents at any reasonable time access to the Pitch and the amenity block to examine the condition thereof or undertake work whether at the request of the Licensee or not.
13. The Occupier at all times shall treat Council employees or agents thereof with courtesy and shall behave reasonably at all times. Any incidences of physical or verbal abuse to officers/agents/vehicles or equipment shall give the Council the right to serve notice of termination on the licensee.
14. The Occupiers shall keep the Pitch and the Site in a clean and tidy condition and shall keep any grass on the Pitch allocated to the Licensee short.
15. The Licensee shall be responsible for payment of charges for the use of electricity through a pre-payment meter installed in the amenity block or adjacent to the Pitch. No extensions of electrical wiring or alteration thereto may at any time be made except by prior arrangement with the Council and the approval of the electricity supply provider. No electrical connections are permitted under any circumstances between Caravans either in separate pitches or off the Site.
16. The Occupier shall respect the rights and privacy of other Occupiers and the Occupiers shall not do, or permit to be done anything in or upon the Pitch, their Caravans(s) or Site, which may be, or may become a nuisance or annoyance to other Licensees. The Occupier shall not do or permit to be done anything in or upon the Pitch, the Caravans(s) or Caravan Site, which may be, or may become a nuisance or annoyance to adjoining owners or occupiers of premises in the vicinity of the Site. In particular no resident shall threaten or use violence.
17. The Occupier shall not, without the consent in writing of the Council, erect any structure on the Site or any annexe or extension to their Caravan(s) but may install a television or wireless aerial of a height and position agreed in writing by the Council.
18. The Occupier shall not erect any fence, gate or other means of enclosure without the written permission of the Council.
19. The Occupier shall use refuse sacks. Sacks in use shall at all times be kept in the holder/bin provided. Full sacks shall be removed from the bin holder properly tied down and placed in the designated place ready for collection.
20. The Occupier shall not cut, lop or damage any tree, shrub or hedge growing on or over the site.
21. All persons using the Site must comply with any reasonable request made by the Council Officers and/or its agents.
22. Caravans and their contents are brought onto, left on or removed from the Site at the owner's risk and any person using the Site or visiting any buildings thereon do so at their own risk. Subject to statute law the Council accepts no liability for damage, loss or inconvenience suffered which in any way arises from the use or occupation of the Site by anyone.
23. **Accidental damage.**
The Licensee will be responsible for any accidental damage however caused to their Pitch, its grounds, buildings, fencing and utilities being the property of the Council.

Any items or equipment damaged must be rectified to its original condition at the expense of the Licensee. Such damage will be properly rectified at the first available opportunity and immediately in circumstances contravening general or specific Health & Safety regulations at that time being in force.

Criminal or non-accidental damage.
It is the responsibility of the Licensee to prevent as far as reasonably practicable any act(s) of criminal damage being caused to the Council's property or their Pitch. The Licensee must report any such damage to the Council's Traveller's Officer immediately upon its discovery. It will also be the Occupier's responsibility to report any such damage to the Police immediately upon its discovery. Failure to do so will render the Licensee liable for any such damage.
24. No scrap or other waste material shall be kept on the Site other than that loaded onto the Occupier's motor vehicle.
25. No animals other than one cat, one dog and one caged bird may be kept by the Licensee, any other animal(s) shall not be allowed on the Site without written permission from the Council.

Any animal so allowed shall at all times be kept under proper control and not permitted to cause nuisance or danger to any other person nor damage the Site or grounds. Dogs must not roam unsupervised on the Site. The Licensee shall be responsible for removing from the Site and properly disposing of any excreta deposited by their animals.
26. The carrying of or use of any airgun, shotgun or firearms of any description including weapons of offence is strictly prohibited on the Site.

27. Car breaking or similar work shall not be carried out on the Site, such work is strictly prohibited.
28. The Occupier shall not cause or permit any open fires to be lit on their Pitch, or within any other area of the Site, without the written permission of the Council.
29. Where outside fire taps are provided by the Council the Licensee shall provide and maintain a tap hose in good condition for effective use in the case of emergency. Occupiers shall provide their own fire extinguishers and fire alarms which, must be properly maintained at all times to the Council's satisfaction.
30. Only two gas containers are allowed on a Pitch at any time and must be for the Occupiers personal use. All containers must be kept in the open air.
31. The Licensee will at all times keep the Caravan(s) on their Pitch in a sound state of repair.
32. All vehicles parked on the Site must be kept in working order.
33. The Licensee is responsible for the internal redecoration of the Pitch amenity block if provided.
34. Nothing in this Licence shall be construed as giving the Licensee exclusive possession of the Pitch on which the Caravan(s) are stationed or the amenity block or any other part of the Site or as creating a tenancy or secure tenancy between the Council and the Licensee.
35. The use of equipment for generating electricity on the Site is prohibited, except in the case of emergency. In an emergency permission must be obtained from the Council.
36. In the interest of accident prevention and pedestrian safety, no vehicle should be driven in excess of 5 m.p.h. on the Site or its access roads.
37. The Council reserves the right to vary, alter or extend the above conditions with 28 days notice.
38. No businesses shall be conducted from the Site without the written approval of the Council and such permission may be subject to conditions.
39. Rent arrears outstanding for more than four consecutive weeks may cause termination of the Licence Agreement and lead to proceedings being taken by the Council for eviction of the Occupier from the Site.
40. The licensee shall ensure that any absence of 13 weeks or more shall be notified to the Council in writing, where possible on the appropriate form. Where a Licensee is already absent from a Site and subsequently extended to 13 weeks or more they shall notify the Council without fail of this fact.

By signing, you and the Council accept the terms and conditions of this agreement and agree to comply with them.

Declaration

I agree to abide by all the above conditions outlined above and if I fail to honour any of these obligations I understand that the County of Herefordshire District Council have the unreserved right to terminate this Licence Agreement by serving upon me a termination notice. If such a notice of termination is issued upon me or if I am evicted from the Site by a Court Order I shall not be able to apply for a further Pitch Licence within the said County of Hereford for a minimum period of 12 months from the date of my eviction or service of the notice (whichever the later).

Acceptance of an application will be at the complete discretion of the Council.

Signed by Licensee	Dated
Name of Licensee	
Signed on behalf of the Council	Dated
Name of Officer	
Post Held	

- Copy to be retained by the Licensee
- Copy to be retained by the Council

APPLICATION FOR SECOND CARAVAN ON RESIDENTIAL PITCH

Name:

Pitch Number:

Site:

Details of Caravan

Make:

Colour and year (if known)

Capacity: persons

1. I/we confirm that the above caravan is owned by me/us.
2. I/we confirm that the caravan will be used for residential purposes only.
3. I/we confirm that the caravan will only be used by the Applicant(s) and/or their immediate family (i.e. Spouse or Partner and Children) who are identified on the site license
4. I/we undertake to notify the Council as soon as possible as to the details of any change of immediate family who are using the caravan.
5. I/we understand that the caravan is permitted entirely at the Council's discretion and I/we undertake to comply promptly with any request to remove the caravan made by the Council.

Signed:

Dated:

SITE LICENCE CONDITIONS FOR PRIVATELY OWNED AND OPERATED TRAVELLER SITES

TRANSIT SITES

(All Travellers)

1. FIRE PROTECTION

NOTE: The Fire Prevention Officer should be consulted if a specific site is identified. The latest advice from the Fire Authority suggests that fire precaution measures should reflect the needs identified by risk assessment.

- i) FIRE POINT - Shall be located within 90 m of any caravan. Clearly marked 'FIRE POINT' and easily accessible. Suitable fire fighting equipment shall be provided at each fire point with a suitable means of raising the alarm in case of fire.

Clearly written/illustrated notices should be provided giving advice on what action should be taken in the case of a fire.

Travellers should be encouraged to carry adequate fire fighting equipment (2.5 kg dry powder extinguisher or fire blanket) and have smoke alarms

N.B. depending on circumstances fire protection requirements may lie within the remit of the fire service and not form part of the site licence.

It is recommended (and not a requirement) that, *Hereford and Worcester Fire and Rescue Authority 'Fire Safety for Travellers' leaflets are made available to all Travellers.*

- iii) SEPARATION - The design of the site should be such as to encourage adequate separation between caravans, hedgerows/boundary fences and other buildings. A minimum separation of 3metres should be provided between caravans and other buildings.
- iv) COMBUSTIBLE MATERIALS - The site should be kept free from accumulations of combustible materials. Grass and vegetation should be cut at regular intervals where necessary to prevent it becoming a fire or safety hazard. Any such cuttings should be removed from the vicinity of the caravans

- v) **GAS BOTTLES** When not in use Liquefied Petroleum Gas (LPG) bottles shall not be stored or allowed to accumulate on the site unless a secure compound approved by Herefordshire Council is provided. Suitable arrangements shall be made for the disposal of used gas bottles off the site.

N.B Travellers should be encouraged to carry adequate fire fighting equipment (2.5 kg dry powder extinguisher or fire blanket) and have smoke alarms. This would prove unenforceable as a requirement particularly for Transit sites.

2. HEALTH & SAFETY

- i) **ELECTRICAL SAFETY** Any electrical installation provided to the site should comply with IEE Regulations and be periodically tested and inspected by a competent person.
- ii) **HARD STANDINGS** Each caravan shall be sited on a hard ground level standing which is firm and safe in poor weather conditions.

3. WATER SUPPLY

A standpipe with a constant supply of wholesome drinking water shall be available. No caravan should be more than 90 metres from a drinking water standpipe.

4. SANITATION/WASHING

- i) **CHEMICAL TOILETS** - A suitable disposal point shall be provided for the contents of chemical toilets together with a water supply for cleansing containers. The water supply provided to this disposal point must be separate from the drinking water supply point and shall be clearly marked 'CHEMICAL TOILET DISPOSAL – NOT DRINKING WATER'.
- ii) **TOILET FACILITIES** - A toilet and wash hand basin with hot and cold water shall be provided in a suitable enclosure at the following ratio:
Up to 10 pitches: One unisex toilet.
More than 10 but is less than 30 pitches : 1 toilet and urinal for men and 2 toilets for women.

iii) DRAINAGE

Each enclosure should be designed to be vandal proof and provision made for regular cleansing.
Satisfactory provision shall be made for the disposal of foul drainage

5. REFUSE

There shall be adequate provision for the storage, collection and disposal of refuse.

Desirable

6. WORK/FACILITIES

It is recommended (and not a requirement) that a hard standing should be provided for the repair of vehicles etc. This area need not be adjacent to the caravans.

7. HEALTH CARE

Advice should be given on the availability of local health care, doctors, dentist, chemist etc. A formal agreement with the Health Authority may be required.

8. RECREATIONAL AREAS

Areas should be available for recreational purposes including children's play areas.

Indoor recreational areas to be used for crèches, meeting room etc.

The provision of electricity supplies to the site for those wishing to use it.

PERMANENT

(All Travellers)

1. FIRE PROTECTION

NOTE: The Fire Prevention Officer should be consulted if a specific site is identified. The latest advice from the Fire Authority suggests that fire precaution measures should reflect the needs identified by risk assessment.

- i) FIRE POINT - Shall be located within 30 m of any caravan. They should be housed in a weatherproof structure, easily accessible and clearly and conspicuously marked '**FIRE POINT**'. Suitable fire fighting equipment shall be provided at each fire point with a suitable means of raising the alarm in case of fire.
- Clearly written/illustrated notices should be provided giving advice on what action should be taken in the case of a fire.
- Travellers should be encouraged to carry adequate fire fighting equipment (2.5 kg dry powder extinguisher or fire blanket) and have smoke alarms fitted. If this can be imposed through licence agreement then consideration may be given to dispensing with the need for fire points.

N.B. depending on circumstances fire protection requirements may lie within the remit of the fire service and not form part of the site licence.

- It is recommended (and not a requirement that *Hereford and Worcester Fire and Rescue Authority* 'Fire Safety for Travellers' leaflets should be made available to all travellers)
- iii) TELEPHONE - Should be made available on the site for calling emergency services.
- iv) SEPARATION - The design of the site should be such as to encourage adequate separation between caravans, hedgerows and other building (6m – 3m between family units). It may be appropriate in some instances to increase the separation to a 10 m distance.

v) COMBUSTIBLE MATERIALS - The site should as far as reasonably possible be kept free from accumulations of combustible materials. Grass and vegetation should be cut at regular intervals where necessary to prevent it becoming a fire or safety hazard. Any such cuttings should be removed from the vicinity of the caravans..

vi) GAS BOTTLES When not in use Liquefied Petroleum Gas (LPG) bottles shall not be stored or allowed to accumulate on the site unless a secure compound approved by Herefordshire Council is provided. Suitable arrangements shall be made for the disposal of used gas bottles off the site.

2. HEALTH & SAFETY

i) ELECTRICITY Electrical installations on the site should comply with IEE Regulations and be periodically tested by a competent person

ii) HARD STANDINGS Each caravan shall be sited on a hard ground level standing which is firm and safe in poor weather conditions.

iii) LIGHTING A suitable level of lighting shall be provided to roadways, footpaths and utility buildings

iv) ROADS All roadways shall be constructed of a hard, level surface and maintained in a good state of repair so as to permit vehicular access. Roads should not be less than 3 metres wide with at least 3.7 metres clearance to allow access for fire appliances. No Pitch shall be more than 50 metres from a road and each Pitch shall be connected to a road by a footpath with a hard surface not less than 0.75 metres wide.

v) Footpaths - Suitably surfaced footpaths should be provided to provide access between the roadway, car parking areas, and utility rooms etc.

3. WATER SUPPLY

A constant supply of wholesome drinking water shall be available to all caravans on the site. It is recommended that drinking water is supplied to each Pitch; however it is a minimum requirement that no caravan be more than 50 metres from a drinking water standpipe. The supply shall be fitted with a tap and suitably mounted to prevent contamination.

Desirable

Drinking water supply to each Pitch.

4. SANITATION/WASHING FACILITIES

- | | | | |
|-----|-----------------------------|---|---|
| i) | CHEMICAL TOILETS | - | A suitable disposal point shall be provided for the contents of chemical toilets together with a water supply for cleansing containers. The water supply provided to this disposal point must be separate from the drinking water supply point and shall be clearly marked 'CHEMICAL TOILET DISPOSAL – NOT DRINKING WATER'. |
| ii) | TOILET & WASHING FACILITIES | - | Toilet, washing laundry and dish washing facilities must be provided. It is recommended that every Pitch is provided with its own utility building housing WC, washing, dish washing and laundry facilities, however it is a minimum requirement that communal facilities are provided as follows:-
Men – 1 WC + 1 urinal per 15 caravans.
Women – 2 WCs per 15 caravans.
1 wash basin for every WC (with hot and cold water).
1 shower or bath for each sex for every 20 caravans.
Dish washing and laundry facilities. |

Desirable

Utility building with the above facilities at every Pitch.

5. REFUSE

Provision should be made for a proper disposal point for rubbish with regular collection.

6. WORK/FACILITIES

- i) PITCH SIZE - each Pitch should be of sufficient size to allow for at least 2 caravans

Essential

- v) RECREATIONAL AREAS - **Areas should be available for recreational purposes including childrens play areas.**

- iii) ADDITIONAL FACILITIES

It is recommended (but not a requirement) that the following additional work area/facilities are provided:

- a) Areas should be made available for work purposes.*
- b) Hard standings should be provided for the repair of vehicles.*
- c) Grassed areas should be available for the erection of tents/benders etc.*
- d) Areas separate from the residential element should be made available for the grazing of horses etc.*
- e) Indoor recreational areas to be used for crèches, meeting room etc.*
- f) The provision of electricity supplies to the site for those wishing to use it.*

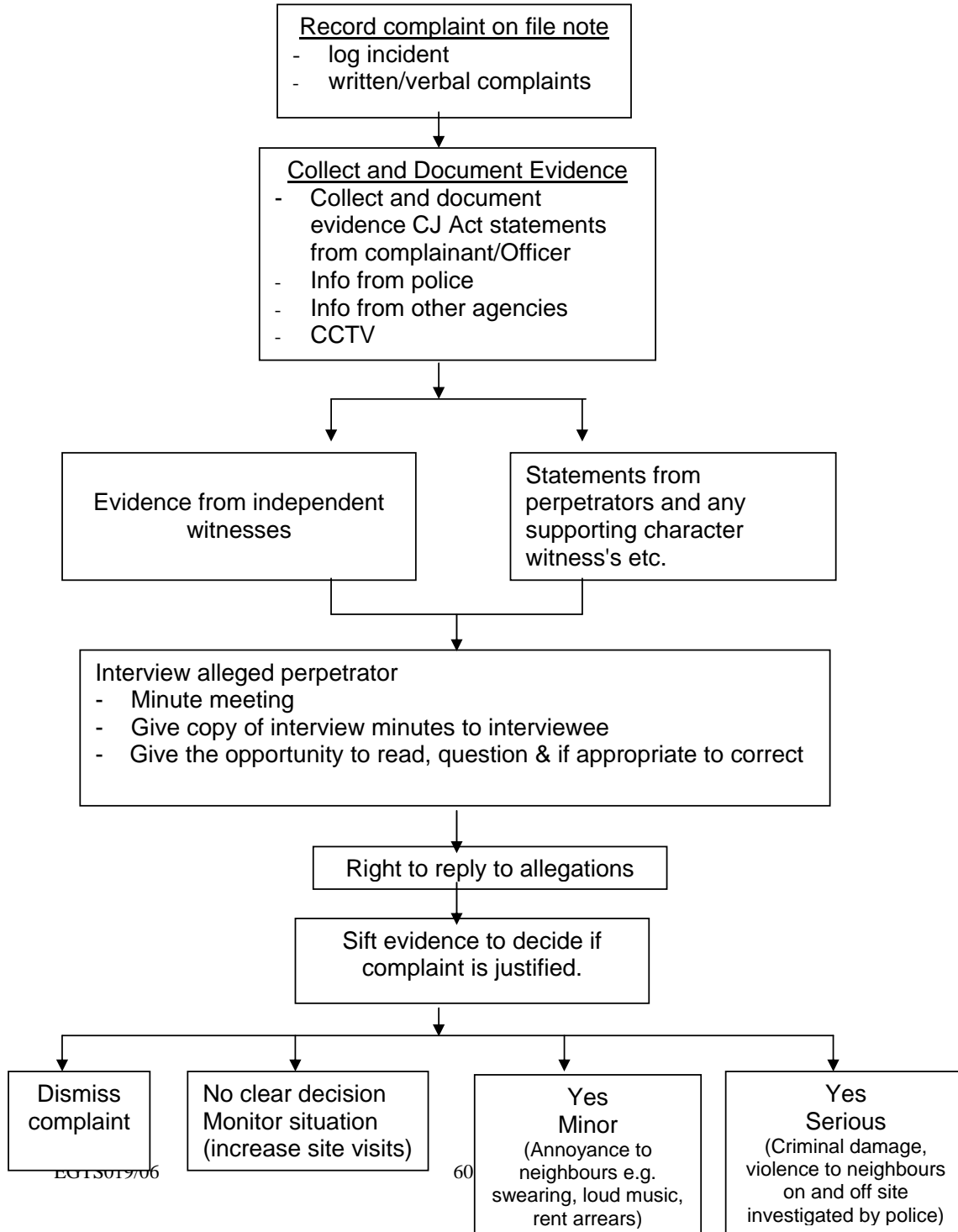
7. HEALTH CARE

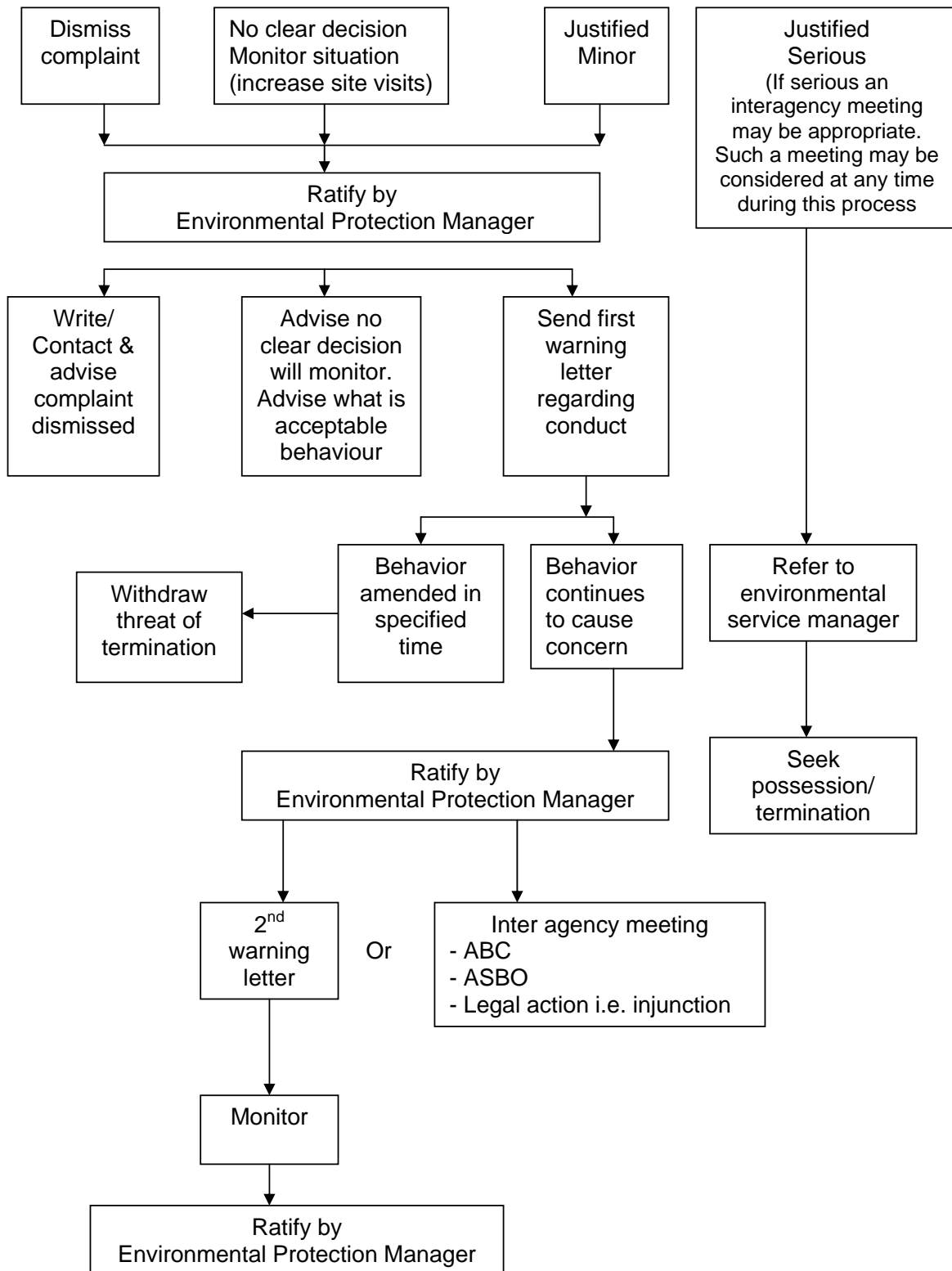
Desirable

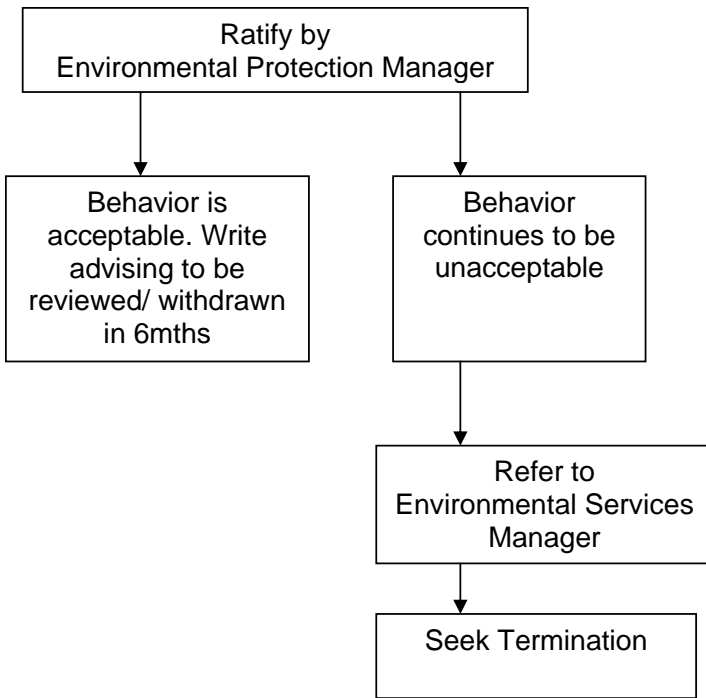
Advice should be given on the availability of local health care, doctors, dentist, chemist etc. A formal agreement with the Health Authority may be required.

PROCESS FOR INVESTIGATING BREACH OF LICENCE

COMPLAINT REGARDING OBSERVED BREACH OF LICENCE







APPEAL PROCESS

