Guidance on managing anti-social behaviour related to Gypsies and Travellers
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Guidance on managing anti-social behaviour related to Gypsies and Travellers
Section 1

Introduction

1.1 The Government’s policies on Gypsies and Travellers are set within a framework of rights and responsibilities in which everyone’s rights must be equally respected and equal standards of behaviour are expected from all. Creating and sustaining strong communities in this way is at the heart of the Government’s commitment to social justice and a fairer society.

1.2 This Guidance has been produced to support local authorities, the police and other agencies and to encourage consistency amongst agencies in their approach to tackling anti-social behaviour associated with Gypsies and Travellers- whether they are the victims or the perpetrators – and sets out the powers and tools available and how they may be used.

1.3 The guidance includes advice on dealing with:

- various aspects of anti-social behaviour
- policing and prevention
- fly tipping and waste management issues
- noise nuisance
- straying livestock.

1.4 Anti-social behaviour can blight people’s lives and damage communities. It must be dealt with wherever it arises. The public – whether part of the settled or travelling community – rightly expects to live free from intimidation and harassment.

1.5 Although – as with the settled population – only a small minority of Gypsies and Travellers behave anti-socially, the mobile nature of some in this community can present particular challenges in dealing with problems.

1.6 This guidance should be used in conjunction with a number of other guidance documents as detailed below:

Guide to effective use of enforcement powers Part 1:
Unauthorised encampments

Guide to effective use of enforcement powers Part 2:
Unauthorised development of caravan sites
1.7 These provide advice on effective use of enforcement powers that local authorities, the police and private landowners have to deal with unauthorised encampments, where Gypsies and Travellers camp on land which they do not own and with unauthorised developments, where Gypsies and Travellers own the land, but do not have planning permission to develop it as a caravan site.

**Designing Gypsy and Traveller Sites – Good Practice Guide**

**Gypsy and Traveller Site Management – Good Practice Guide**

1.8 These guides provide advice to local authorities and registered social landlords on the factors that should be considered in the design of new sites, and refurbishment of existing sites; and taking a positive, realistic and practical approach to site management. Where there is a risk of anti-social behaviour arising on site, the advice in the design and management guidance may help in resolving any potential problems before they reach a point at which action becomes necessary.

1.9 The Association of Chief Police Officers (ACPO) Guidance on Unauthorised Encampments can also be viewed in conjunction with this guide, particularly where consideration is being given to using police powers to move people on from a particular location. Anti-social behaviour, particularly where a pattern of such behaviour has been established, is one of the factors to be considered in using these powers.
Section 2

Tackling anti-social behaviour

2.1 Action against anti-social behaviour may be particularly difficult where problems are being caused by short-term unauthorised encampments. This guidance emphasises the importance of taking effective enforcement action and offers advice on preventative measures so that the risk of anti-social behaviour can be reduced in the first instance. It provides links to sources of further information from across government and other agencies and to sources of information on Gypsy and Traveller culture and practices.

2.2 Tackling anti-social behaviour effectively, particularly persistent offenders, depends on strong, local partnerships that have the expertise to address complex problems within their own communities. In order for the powers outlined in this Guide to be used most effectively, they must be supported by a co-ordinated strategy for approaching Gypsy and Traveller issues. In particular:

- Local authorities need to regard issues affecting Gypsies and Travellers as a corporate responsibility and ensure that they have a co-ordinated approach across the different parts of the authority that need to address the issues: including housing, planning, education, health, social services, and environmental health/protection.

- There needs to be good co-operation between local authorities and other agencies such as the police, the Environment Agency and others, supported where appropriate by agreed protocols for joint working so that appropriate action can be taken to address or prevent anti-social behaviour and also criminal behaviour when the line between the two is crossed, such as in cases of hate crime, untaxed vehicles, fly tipping and unlicensed waste carriage. Those who tackle the issues at operational level need to have sufficient authority delegated to them to be able to make decisions and to act accordingly. This is especially important where officers operate outside normal office hours.
There should be a commitment on the part of agencies to apply the same approach to Gypsies and Travellers as they would to the settled population; in terms of evidence gathering, prosecution where appropriate and payment of fines. For example, in addressing vehicle crime such as abandoned and untaxed vehicles, multi-agency approaches – with teams comprising police, local authority wardens, and DVLA wheel clamping and removal contractors have been successful in removing offending vehicles and facilitating prosecutions across the board.

Gypsies and Travellers should also benefit from measures designed to protect the wider community, such as the use of ASBOs against people behaving anti-socially, or the enforcement of rules concerning residence – particularly on local authority run sites.

2.3 Anti-social behaviour can include a variety of behaviours covering a whole range of unacceptable activity that can blight the quality of community life. Anti-social behaviour doesn’t just make life unpleasant, it can hold back the regeneration of disadvantaged areas and create an environment where more serious crime can take hold. Tools are available to local authorities, the police and other agencies to address problem behaviour and criminality in various areas and these must be applied fairly to all.

2.4 It is clearly in the interests of both the Gypsy and Traveller and settled communities to deal effectively with the small number of instances where anti-social behaviour does take place. Authorities can also take steps to minimise the risk of anti-social behaviour occurring in the first place. An example of this would be in authorities making effective provision for dealing with known seasonal movement of Gypsies and Travellers. During the summer in particular, large groups of travellers will travel to attend horse fairs and other cultural events. Authorities can minimise the risk of unauthorised encampments on the routes of those events and the potential anti-social behaviour associated with this seasonal movement by providing authorised temporary stopping places and by having in place joint agency protocols to ensure that travellers are made aware of the conduct expected of them while they are present and are provided with hire facilities such as portable toilets and waste disposal.

2.5 As in any case of unauthorised encampment, local authorities, police and other agencies have the enforcement powers to address the issues associated with large numbers of travellers moving to or gathering in one place and should use those powers promptly and effectively. However, where there is knowledge of seasonal patterns of movement, provision of strategically placed basic facilities is likely to reduce the possibility of anti-social behaviour occurring.
2.6 Dealing with anti-social behaviour where it is already entrenched can be expensive and time consuming and, where it is taking place on established sites, can potentially threaten their future viability.

2.7 It is also important that Gypsies and Travellers are confident that they can turn to the police to support them where they are victims of anti-social behaviour or crime, including hate crime. Building confidence in the police amongst Gypsy and Traveller communities is a core area of work for the ACPO Gypsy and Traveller Working Group, with its own dedicated programme and owner.

2.8 In using formal procedures to tackle incidents of anti-social behaviour, the following tools for addressing such problems may be appropriate.

Acceptable Behaviour Contracts (ABCs)

- ABC’s are non-legally binding written contracts between one or more local agency and an individual, outlining what the person responsible for the anti-social behaviour should or should not do.

- The terms of contracts should reflect the behaviour to be addressed and not be too extensive, and there should be a balance between general and specific conditions. The contract will also set out the possible consequences of breaking the agreement, which may include the imposition of an Anti-Social Behaviour Order (ASBO).

- ABCs are usually led by a local authority, the police, registered social landlords and youth offending teams and, although ABCs are often used with children and young people, they can equally be used to address unacceptable behaviour by adults.

- ABCs can be cited in court as evidence in ASBO applications or in eviction or possession proceedings.

On a site these may be used to stop families or individuals from behaving in a way that distresses or endangers other site residents, such as vandalising site facilities.

Injunctions for anti-social behaviour

- Injunctions are civil orders obtained from the county court which can control and remedy anti-social behaviour. An injunction made by the court can compel any adult over the age of 18 to do something or to refrain from engaging in a particular action or behaviour.
• Injunctions could be applied to address unacceptable behaviour by unauthorised campers if they frequent a particular area or to control behaviour by anti-social neighbours on Gypsy and Traveller sites.

• If injunctions are breached they are dealt with by way of civil proceedings and, if proven, the court can impose a fine or commit a defendant to prison.

**Anti-Social Behaviour Orders (ASBOs)**

• ASBOs are civil orders which protect the public from behaviour that causes, or is likely to cause, harassment, alarm or distress. They can be imposed on anyone that has displayed anti-social behaviour in the last six months.

• ASBOs can be imposed for a fixed period from a minimum of two years to an unlimited maximum, or until a further order is made. They are intended to be used as tools to curb anti-social behaviour, rather than punish the offender.

• An ASBO can be applied to any defined area within England and Wales – this could potentially be the whole of England and Wales if certain conditions are met. The power to make an order over a wide area is for use where there is reason to believe that the person concerned may move or has already moved. An order covering a wider area could address the problem of the minority of Gypsies and Travellers who persistently engage in anti-social behaviour around the country.

• Any evidence of the itinerent nature of the defendant’s lifestyle, of the likelihood of the individual moving to another area, or of wide geographical spread of offending behaviour should be submitted with the application file. The applicant does not have to prove that anti-social behaviour will occur elsewhere, only that it is likely to.

• The more serious the behaviour, the greater the likelihood that the court will grant a geographically wide order. Orders that seek to operate in the whole of England and Wales will not be granted without evidence that that is the actual or potential geographical extent of the problem.

• Breach of an ASBO is a criminal offence and on conviction perpetrators can be given a custodial sentence. Interim orders can also be made at initial court hearings which provide immediate protection for the community until a full hearing is held.
2.9 Anti-Social Behaviour Orders have been successfully used to curb unacceptable behaviour by groups of unauthorised campers, and are in common use as a way of addressing problems caused by nuisance neighbours and to improve neighbourhoods. An example of how one local authority, in partnership with other agencies, has successfully used an ASBO to deal with persistent problem behaviour by a group of unauthorised campers regularly resorting to their district is below:

2.10 After gathering extensive evidence, Ryedale District Council, North Yorkshire County Council and North Yorkshire Police jointly approached the court, requesting that they issue an Anti-Social Behaviour Order against members of family X, a group of nomadic Gypsies and Travellers who, for a considerable period of time, had been acting anti-socially to the detriment of the local community in a rural part of Ryedale District. The ASBO, which was granted by the court, prohibited family X from:

- stopping as they passed through a defined part of the district other than to obtain fuel from a petrol station
- remaining on any land for a period of more than 21 days without the express permission of the landowner (this applies to the whole of England and Wales)
- returning to within 1500 metres of anywhere where they have previously stopped within one year
- allowing animals under their ownership to stray onto private land or the highway
- destroying fencing, gateposts and so on to use as fuel or damaging them to gain access to private land.

2.11 Members of the local community likely to be affected by anti-social behaviour perpetrated by the family were provided with details of the terms of the Order, and were encouraged to report any breaches of the Order that they observed to the district’s anti-social behaviour enforcement officer, or the local police, who are also closely monitoring the family’s movements and behaviour.

2.12 Several minor or unintended breaches of the ASBO did occur. On each occasion, family X were visited and reminded of the terms of the Order. Major breaches of the ASBO were immediately referred to the courts. Although the ASBO has been breached on several occasions, it has led to an overall improvement in the behaviour of family X and therefore in the lives of others in the area. Family X understand that breaches may lead to a custodial sentence being imposed upon them, and have improved their behaviour as a result of this.
2.13 Particular points to note when considering the use of an ASBO are:

- The terms of the ASBO should be clearly explained to the recipients so that they understand what the ASBO prohibits them from doing – the ASBO should target particular problem behaviour or behaviours. The serious consequences of a material breach of the ASBO should be emphasised.

- Where an ASBO is sought against a group or individual where problem behaviour has been taking place for years, the application of the ASBO may not, on its own, curb the behaviour. Therefore close monitoring will be required in order to ensure that those behaviours are modified or minimised.

- It is also essential that a joint agreement is in place between all parties to an ASBO. In particular, where the conduct of those against whom an ASBO has been made is likely to bring them into contact with the police, local officers should be aware of the terms of the ASBO and be clear on what constitutes a material breach. The police service may also be well-placed to monitor compliance with the terms of the Order.

- The local community should also be engaged in the process as soon as possible, so that all those who could potentially be affected by the anti-social behaviour are aware of its existence and its terms. They should also be provided with details of someone who can be contacted when breaches are observed. Where the ASBO concerns unauthorised campers, local residents and businesses should be advised and be invited to keep logs of any behaviour that breaches the terms of the order. Such witness logs will be admissible in court where court action is pursued as a consequence of a serious and material breach of the ASBO.

- When minor, technical or unintended breaches occur, the recipients of the ASBO should be reminded of the terms of the order, and reminded of what action will follow if there is a more serious breach. If minor or inadvertent breaches are pursued through the courts this risks devaluing the ASBO. It is therefore imperative that where clear material breaches of the order take place these are vigorously pursued by strong enforcement action.

2.14 The Government is in the process of strengthening the measures available to tackle the harmful impact of anti-social behaviour. New measures to be introduced will include:

- better support for victims of anti-social behaviour including help from the Victim Support’s Witness Service for all victims who take a stand in the magistrates courts

- driving up prosecutions when ASBOs are breached
Community agreements

2.15 Community agreements are designed for use where there is conflict or unrest within a community. They are settlements reached between the residents of a community to resolve disputes, which are put in writing and each household or individual has a copy. The agreement, which is aimed at tackling the issues that affect people’s quality of life, is based on the wishes of the majority and clearly states how those involved would like life to be within their community.

2.16 The process of drawing up the agreement is facilitated by independent and impartial mediators who make private and confidential visits to each person.

2.17 The agreement contains only what individuals have asked for; the referring agency has no input. The agreement can serve to build or renew community spirit and a pride in the community, as individuals no longer feel they are alone in their worries or concerns. This might ideally be used on a Gypsy and Traveller site where anti-social behaviour is taking place but where it is considered that procedures which address the concerns of all site residents would be most beneficial.

Guidance on policing

2.18 The ACPO guidance on unauthorised encampments contains a number of practical actions that forces should take in dealing with any people who trespass on land owned by another with an intention to reside. – ranging from undertaking an assessment of the impact of the location of the encampment; discussing with those present what constitutes unacceptable behaviour and considering joint working with local authorities to establish joint agency protocols.

2.19 The guidance also encourages incorporation of the six recommendations for the police contained in the former Commission for Racial Equality inquiry Common Ground stating that police services should:

- include Gypsies and Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations
• target individual Gypsies and Travellers suspected of anti-social behaviour and crime on public, private and unauthorised sites, and not whole communities, and work with people from these groups and local authorities to develop preventative measures

• treat Gypsies and Travellers, both when they are victims and suspects, as members of the local community, and in ways that strengthen their trust and confidence in the force

• provide training for all relevant officers on Gypsies’ and Travellers’ service needs, so that officers are able to do their jobs more effectively, and promote good relations between all groups in the community they serve

• review formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices, and to ensure that the procedures promote race equality and good race relations.

2.20 In terms of addressing those groups who behave anti-socially in more than one area, the ACPO Guidance on Unauthorised Encampments sets out how police powers under Section 61 or 62 of the Criminal Justice and Public Order Act 1994 can be used as a preventative measure where a group of trespassers have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established unauthorised site.

2.21 Our guidance on the management of Gypsy and Traveller sites provides advice on the procedures that should be put in place to moderate behaviour on sites. These may prevent situations developing to a point where it becomes necessary to use the measures listed in this section of the Guide. Practical examples from the Gypsy and Traveller Site Management Good Practice Guide include:

• provision of an Agreement to Occupy the pitch clearly stating what forms of behaviour and activity are not permitted on-site

• residents regularly being reminded of conduct expected and ways in which to report anti-social behaviour in confidence

• agreements being in place to record incidents of illegal activities and anti-social behaviour and to liaise with appropriate authority.

Criminal offences

2.22 In addition, some types of anti-social behaviour may also be considered to be a criminal offence. For example, the issue of running untaxed vehicles and vehicle abandonment. Applying a multi-agency approach to enforcement against this activity is referred to earlier.
Further information on the use of anti-social behaviour orders

2.23 Several websites are available which offer in-depth advice and guidance on the use of ASBOs and other tools, including information for practitioners on correct legal procedure. These can be found at the following links:

**Crime Reduction**
www.crimereduction.gov.uk/asbos/asbos9.htm
www.asb.homeoffice.gov.uk

**The Home Office**
ASB tools and powers guidance:
www.asb.homeoffice.gov.uk/article.aspx?id=10088

**Association of Chief Police officers Guidance on Unauthorised Encampments**
www.acpo.police.uk

**Communities and Local Government**
CLG guidance documents on unauthorised development, unauthorised encampments, site design and site management:
www.communities.gov.uk/publications/housing/unauthorisedsites
www.communities.gov.uk/publications/housing/guideeffective
www.communities.gov.uk/publications/housing/sitemanagementguide
www.communities.gov.uk/publications/housing/designinggypsysites

**Legal Services Commission:**

**Her Majesty’s Court Service:**
www.hmcs.gov.uk [and then keying in ‘Anti-social behaviour order’ in the search box]
Section 3

Fly Tipping

Preventing and minimising fly-tipping

3.1 The Government’s good practice guidance on site design provides valuable information on factors that should be considered when developing a new Gypsy and Traveller site to ensure that its location and design encourage well-organised and legal waste disposal and discourage fly-tipping in the first instance. It may also be appropriate to consider implementing some of these measures to reduce fly-tipping when refurbishment is being considered.

3.2 Local authorities have also reported that robust site management arrangements can help to reduce any fly-tipping. The Gypsy and Traveller Site Management Good Practice Guide provides advice for site managers in effectively managing waste collection and recycling. It also provides advice on dealing with scrap and storage.

3.3 Some local authorities also provide waste disposal facilities, for a fee, to unauthorised developments and unauthorised encampments to help ensure that problems associated with such encampments are not compounded by incidents of fly-tipping.

3.4 Where anyone observes incidents of fly-tipping they should contact either their local authority’s environmental health department, or the Environment Agency’s hotline on 0800 807060, with details of the date and time that the fly-tipping took place, a description of what was fly-tipped, what happened and also what vehicles were present, and a description of those involved where possible. It is important for incidents of fly-tipping to be reported quickly, to ensure that the local authority or the Environment Agency can take remedial action swiftly. This will reduce the amount of opportunistic fly-tipping in the location by others which sometimes occurs where fly-tipped material is allowed to remain.

3.5 Local authorities should also take the opportunity to advise residents in their area of legitimate methods of disposing of their waste, for instance by providing the locations of authorised waste disposal sites and details of registered waste carriers in their area. Guidance should emphasise that householders should check that anybody taking away their waste – apart from their local authority – is registered with the Environment Agency to carry
waste. If they are approached and asked whether they require waste to be disposed of, and they cannot verify that the person is a registered waste carrier, they should refuse that person’s services and contact their local authority’s environmental health department.

3.6 In those areas that are vulnerable to fly-tipping, such as derelict industrial sites and other marginal land, local authorities should consider methods of educating residents and businesses through leaflet drops, newspaper advertisements or similar means. Residents should be alerted to the possibility that if they allow household, garden or trade waste to be removed by an unknown person who is not registered as a waste carrier it is possible that the waste will simply be fly-tipped locally. They should also be reminded that if waste found on a fly-tip is traced back to them, they can be liable for a fine of up to £5000.

Powers for dealing with fly-tipping

3.7 The Environmental Protection Act 1990 (as amended by the Anti-Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005) provides the main powers to deal with fly-tipping and can be used by local authorities, the Environment Agency and the Police. These powers require the involvement of the Magistrates Court or the Crown Court. The main offence of fly-tipping under Section 33 of the Act carries the power to impose custodial sentences and/or fines, and also allows for the seizure of vehicles and the recovery of costs from fly-tippers.

3.8 Powers contained in the Town and Country Planning Act 1990 can also be used by local planning authorities, and provide for notices to be given to landowners to remedy land i.e. to restore land to its original condition. These powers also carry the power to impose fines for non-compliance with notices issued under the Act.

Legitimising the carrying and disposal of waste

3.9 Gypsies and Travellers are sometimes involved in business activities such as waste collection, building work or hard landscaping that generates waste. As with anyone involved in these business activities, if they are not registered as waste carriers with the Environment Agency, and do not have agreements in place with local waste disposal facilities, there is a risk that waste generated as part of their activities may be fly-tipped. Powers to deal with offences under the Control of Pollution (Amendment) Act allow enforcement authorities to prosecute, issue a fixed penalty notice or seize the vehicle of anyone who carries controlled waste as part of a business or with a view to profit without
registering with the Environment Agency as a waste carrier. Powers are also available to the Environment Agency or a waste collection authority under section 34 of the Environment Protection Act 1990 to take action against those who assist with unlawful waste disposal by giving waste to an unlicensed carrier to dispose of, or allowing their land to be the site of fly tipping.

3.10 In order to reduce the potential for fly-tipping, and the cost of legal action associated with pursuing fly-tippers through the courts, local authorities should take positive steps to ensure that Gypsies and Travellers resorting to or residing in their area know how to dispose of waste responsibly. For example, on their first visit to an unauthorised encampment, if the local authority establishes that the Gypsies and Travellers are involved in work that generates waste, they should provide the unauthorised campers with information on the locations of waste disposal facilities in the area. Gypsies and Travellers whose main business activities involve waste carrying, both those on authorised and unauthorised sites, should also be encouraged to apply for a waste carrier’s licence. A correspondence address is required to communicate with any individual who is applying for a waste carriers licence; however this does not necessarily have to be the person’s fixed abode. If a nomadic Gypsy or Traveller can make arrangements to use a particular address for correspondence, they can apply for a licence.

Legislation for dealing with waste carrying offences

3.11 The Control of Pollution (Amendment) Act 1989 sets out the requirement for waste carriers to be registered with the Environment Agency. It supports the powers in the Environmental Protection Act 1990 and can be used by local authorities, the Environment Agency and the Police. The powers in the 1989 Act require the involvement of the Magistrates Court and allow for the search and seizure of vehicles, and give authorities the power to request production of registration documents.

3.12 The enforcing authority currently needs to obtain a magistrates warrant to seize a vehicle on suspicion of involvement in waste offences. This requirement is scheduled to be removed in new regulations to commence in April 2010 to allow enforcement authorities more freedom to exercise their powers. The revised regulations will allow a vehicle to be seized without a magistrates warrant by either the Environment Agency or a waste collection authority on suspicion of various waste offences (a breach of the duty of care, carrying controlled waste when not registered as a waste carrier, fly tipping and operating an illegal waste operation).
Further information on the legislation for dealing with fly-tipping

3.13 Comprehensive guidance, and detailed information on the available legislation, can be found on the following websites:

**The Department for Food and Rural Affairs**
www.defra.gov.uk/environment/localenv/flytipping/index.htm

**The Environment Agency**
www.environment-agency.gov.uk/subjects/waste/?lang=_e
The Environment Agency’s waste carrier registration database can also be accessed online at: www2.environment-agency.gov.uk/epr

**ENCAMS (Keep Britain Tidy campaign)**
www.encams.org/publications/index.asp

3.14 Details of registered waste carriers can also be obtained by calling: 08708 506 506
Section 4

Noise and other statutory nuisance

4.1 Noise pollution can be a particular issue on Gypsy and Traveller sites because of the low levels of insulation from sound offered by caravans. Excessive noise, particularly at night, can be a considerable nuisance to immediate neighbours on sites. In addition, where excessive noise comes from Gypsy and Traveller sites, it can create or increase tension with the settled community, and fuel bad relations. Excessive noise can be a statutory nuisance, and this guidance sets out the process which local authorities should follow when dealing with complaints about noise nuisance. It also sets out the powers available to individuals to deal with noise from neighbours.

4.2 Sources of noise nuisance are numerous within the wider community and most local authorities will have well developed arrangements for dealing with it which can potentially be applied to incidents involving Gypsies and Travellers where necessary.

Powers for dealing with noise nuisance

4.3 Powers contained in the Environmental Protection Act 1990 can be used by local authorities to serve an abatement notice where a statutory noise nuisance is identified. Further, with the agreement of a magistrates court, it also allows for the seizure of equipment and the imposition of fines.

4.4 The Noise Act 1996 (as amended by the Clean Neighbourhoods and Environment Act 2005) deals with excessive noise taking place at night, and enables local authorities to defer serving a noise abatement notice in order to seek alternative solutions. In addition, with the agreement of the magistrates court, equipment may be seized and fixed penalty notices imposed.

Mediation

4.5 In some cases, it may be that a simple request could result in a resolution of noise problems. Where this has failed, it may, in some circumstances be appropriate to use mediation to deal with noise nuisance. Mediation can be quicker, cheaper and more effective than the use of statutory powers. It allows people to be heard and, in some circumstances, it may be the case that a
simple apology by the noise maker to the affected party is all that is required to resolve the issue. Mediation is also less intimidating than legal proceedings, where a witness may be asked to give evidence in court. It can also give the complainant a sense of ownership of an agreement to reduce noise, as all the parties have agreed to it.

4.6 Although local authorities have a duty to serve an abatement notice once satisfied that a statutory nuisance exists or is likely to occur or recur, section 80(2A) of the Environmental Protection Act 1990 enables a local authority to defer serving an abatement notice for up to seven days to take such other steps as it thinks appropriate for the purpose of persuading a noise maker to prohibit or restrict the nuisance, which may include mediation. Because mediation can take place quickly, soon after the problem has been identified, it can prevent problems escalating to a point where relationships between neighbours are damaged. Introducing legal proceedings can exacerbate a situation which polarises parties and drives them further apart. Mediation is also useful in tackling problems that are not amenable to legal remedy and where the noise complaint is symptomatic of wider issues between neighbours.

4.7 Where noise is a frequent issue in the local community, local authorities should examine opportunities to raise awareness of these issues and the remedies available. This could involve promoting information on the local authority's noise service on their website, producing leaflets and posters, or getting involved in campaigns and other events.

4.8 Where noise nuisance is part of wider anti-social behaviour by a group it may be appropriate to consider using an Anti-Social Behaviour Order which includes specific references to the noise issues, in order to moderate the group's behaviour.

4.9 It should be noted that in many circumstances where a complaint is made about excessive noise, it may not be difficult for the alleged noisemaker to identify the complainant, and if formal proceedings are pursued it may not be possible for the identity of the complainant to be withheld. Complainants should therefore be advised of this possibility early on in the course of the investigation.

4.10 In terms of the planning aspects of Gypsy and Traveller sites, where a site is being established, local planning authorities or planning inspectors considering a planning appeal may note noise issues when considering the proposal. If planning permission for a site is granted, the inspector may consider it appropriate to impose conditions which stipulate appropriate planting or the installation of earth bunds in order to mitigate noise, particularly where sites
are in close proximity to roads or railways, or where noise emanating from the site could potentially constitute a nuisance to surrounding residents.

4.11 Other statutory nuisance potentially emanating from Gypsy and Traveller sites might include smoke, fumes or gases emitted from premises and animals kept in a manner that might be prejudicial to health.

4.12 Again, where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, an abatement notice can be served. Where there is a failure to comply with the notice a person may be liable to a fine.

Further Information on dealing with noise nuisance

4.13 Comprehensive guidance on dealing with noise nuisance, including best practice, can be found on the following websites:

The Department for Food and Rural Affairs
www.defra.gov.uk/environment/noise/index.htm

Together
www.together.gov.uk/category.asp?c=124

The Chartered Institute of Environmental Health
www.cieh.org/knowledge/environmental_protection/noise

The Noise Abatement Society
www.noiseabatementsociety.com/tcms/home

Environmental Protection UK
www.environmental-protection.org.uk/
Section 5

Straying livestock

5.1 The settled community can be adversely affected by the way in which livestock, particularly horses, are handled by Gypsies and Travellers on a small number of sites. Legislation is available which provides the police and local authorities with powers to deal with this issue.

Powers to deal with straying livestock

5.2 Powers contained in the Animals Act 1971 can be used by any landowner (including local authorities, government agencies and so on) where animals are allowed to stray onto their land. The legislation allows for the recovery of costs associated with damage done to the land and costs incurred in stabling animals and so on to be recovered from the owner of the animals.

5.3 Where ownership of straying animals cannot be established after fourteen days, livestock may be sold unless court actions are pending for their return. It is imperative therefore that the police are advised within 48 hours of animals straying to provide them with sufficient time to make enquiries to establish ownership.

5.4 The Highways Act 1980 provides powers to the police to recover the cost of moving straying animals from the highway and the cost of the subsequent tending of those animals from their owner. Any owner that allows animals to stray onto the highway is guilty of an offence. If the owner subsequently moves the animals from the place where they are being kept pending their return without due process, they are also guilty of an offence.

5.5 The Animal Welfare Act 2006 makes it an offence for a person to cause suffering to an animal by an act of his or a failure to act. If the welfare of straying livestock is an issue it may be possible to use this legislation to remove animals in order to alleviate suffering.
5.6 Some local authorities that experience straying livestock on a regular basis run “swoop and impound” operations, in order to control the movement of straying livestock, particularly horses that are allowed to run wild. This allows them to identify owners and take appropriate action to remedy problems that stray livestock are causing. This also provides an opportunity for an appointed veterinary surgeon to implant microchips in the animals so that, if their owner retrieves them, they can be readily identified if they are impounded again at a later date. Animals can also be examined at this stage to determine whether they have been mistreated, and where this is the case, whether it would be appropriate to take action against the owners under the Animal Welfare Act 2006.

5.7 Where ‘swoop and impound’ operations are in place, in order for these to have an effect on the future behaviour of owners in the long term, the appropriate sanctions as set out in the legislation must be imposed on the person who is allowing their livestock to stray. If owners know that they will be fined and/or made to pay a fee before collecting their animals, or if they know that the animals will be sold or destroyed if they do not collect them, they will be more disposed to keep their animals under control in future. If owners are allowed to retrieve animals without penalty they are unlikely to modify their behaviour.

5.8 In areas where straying livestock are an issue, and the local authority is considering the provision of a new Gypsy and Traveller site, they may wish to note the advice given in Section 4 of the “Designing Gypsy and Traveller Sites Good practice Guide” which provides advice on the inclusion of space for livestock on sites. The guidance encourages that where there is demand for space for animals and where the site provider is satisfied that it may be reasonable and practicable to include this, a grazing area for horses and ponies could be provided.

Further information on legislation dealing with straying horses

5.9 Further information on the legislation that deals with straying horses, is available from the following.

**The Department for Food and Rural Affairs**

www.defra.gov.uk/animalh/animindx.htm

5.10 Specific guidance on the new horse passport regulations can be found at the following:

www.defra.gov.uk/animalh/tracing/horses/horses_q&a.htm