



Managing Unauthorised Encampments Policy

Purpose

1. The purpose of this policy is to affirm the council's commitment to dealing with unauthorised encampments in a fair and proportionate manner, taking into account the needs of Travellers, as well as the needs of the settled residents of Headley
2. Headley Parish Council acknowledges that the right to choose to lead a nomadic existence is enshrined in law and that it is not the role of a local authority to endorse, disrupt or discourage this lifestyle. However, managing unauthorised encampment must involve a balance between the rights of the landowner and/or wider community and the rights and welfare needs of those who have established the unauthorised encampment. Local authorities have a statutory duty to ensure that both sides are fairly represented when it comes to unauthorised encampment on public land.

Scope

3. This policy applies to the management of all unauthorised encampments, including the establishment of a tent, vehicle, or other structure, by a person(s), in an area where they have no permission to reside or occupy. This policy covers the management of unauthorised encampments regardless of who the occupiers may be. The policy incorporates the council's duties in relation to Traveller communities, outlining how the council will meet its Public Sector Equalities Duty and Human Rights obligations towards these communities.
4. In this case, the term 'Traveller' is an encompassing term that refers to people who choose to live in a nomadic manner, often referred to as Gypsies and Travellers. There are different groups of Travellers in the UK, including but not limited to Romany Gypsies, Irish Travellers, Scottish Gypsies and Travellers, Welsh Gypsies and Travellers, New Travellers or New Age Travellers, and fairground/circus families.
5. The policy applies to all Headley Parish Council staff involved in the management of authorised encampments, and agencies acting on behalf of Headley Parish Council.

Legislation

6. Gypsy and Traveller Communities can constitute ethnic minority groups and possess the same rights and obligations as any other groups or individuals in the UK.
7. Headley Parish Council will fulfil its obligations under the Equality Act (2010) and the Human Rights Act (1998) whenever carrying out its functions, and in particular when making any decisions regarding the management of any unauthorised encampment.

8. Headley Parish Council will have due regard to its Public Sector Equality Duty, which includes compliance with the general duty to eliminate discrimination, advance equality of opportunity and foster good relations.
9. The council will exercise its legal powers according to relevant legislation and also any relevant Statutory guidance. The Council will also take into account other relevant guidance such as the Department for Communities and Local Government (DCLG) guidance on Dealing with illegal and unauthorised encampments.

Policy Statement

10. In respect of unauthorised encampments, the council strives to balance the interests of local residents and the Travelling population and every unauthorised encampment will be considered on its individual circumstances.
11. On receiving an initial notification of an unauthorised encampment, Headley Parish Council will:
 - a. Establish if encampment is unauthorised and if action has already been taken.
 - b. Establish if the land is owned by Headley Parish Council, privately owned or leased, and the identity or manager of the land where appropriate.
 - c. Contact any relevant stakeholders to notify them of the unauthorised encampment, including Hampshire Constabulary and the relevant owner or manager of the land.

Unauthorised encampments on council land

12. In cases where the unauthorised encampment is on council controlled land, Headley Parish Council will visit the site of the unauthorised encampment, as soon as possible following notification of the encampment, to undertake a welfare check.
13. The welfare check will take into consideration:
 - a. The health, welfare and housing needs of any individuals on site.
 - b. The educational needs of any children on site.
 - c. Whether any individuals on site are vulnerable or disabled.
 - d. What facilities are available to individuals occupying the encampment on the site (such as refuse, water and toilet facilities).
 - e. Whether there are any risks associated with the encampment such as traffic hazards, proximity to sensitive sites, antisocial behaviour issues.
14. The welfare check will consider the individual needs of the residents of the encampment, including whether there is any reason why the encampment cannot immediately move. Information obtained during this visit may be shared with other relevant authorities, where there is a legal basis to do so, to support the welfare needs of individuals at the site.

15. Subject to any specific considerations being taken into account following the initial Welfare Check, the council may serve notice on individuals occupying the site to move. If the site is not vacated within the period set out in the notice, the council may take legal action to evict individuals occupying the site.
16. In exceptional circumstances, the council may implement a 'decision to tolerate' for a limited period of time, based on needs identified by the Welfare Check.
17. A decision to take legal action to evict individuals occupying the site will only be taken by the Clerk & Executive Officer in discussion with the Chairman and Vice-Chairman.

Unauthorised encampments on private land

18. It is the responsibility of the private landowner to take action to remove trespassers and to deal with any environmental risk or nuisance relating to unauthorised encampments on private land. The landowner is responsible for meeting the costs of any action taken.

Rapid eviction

19. Any unauthorised encampment reported to Headley Parish Council will be considered on its own merits against criteria such as health and safety considerations for the unauthorised campers, traffic hazard, public health risks, serious environmental damage, and genuine nuisance to neighbours and proximity to other sensitive land-uses.
20. If any significant risk is identified (including risks to the individuals occupying the unauthorised encampment, local residents or otherwise), Headley Parish Council will report the site to Hampshire Constabulary.
21. Headley Parish Council advises members of public and staff to report instances of antisocial behaviour to the police non-emergency number 101.

Governance

22. This policy will be reviewed when there is any significant change in legislation or other circumstances that affect its effectiveness and validity.

Process for removing unauthorised encampments

1. Report to Police on 101 quoting Op Quebec.
2. Report to Barry Jordan-Davis barry.jordan.davis@hants.gov.uk and Nicholas Waite Nicholas.Waite3@hants.gov.uk – Traveller & Gypsy Liaison Officers at HCC. They are very helpful and Knowledgeable.
3. Contact the District Council – Community Safety Team.
4. You may want to inform the insurance company in case you need to make a claim. You may end up with an expensive clean up bills for example.

5. Contact surrounding Parish/Town Councils, so that they can make sure their land is as secure as possible.
6. Keep a detailed log of all actions taken and brief summary of any conversations had, you may need this if you have to attend court.
7. As the landowner you have an obligation to carry out a Welfare Assessment as detailed above.
8. As you are carrying out the Welfare Assessment ask them how long they intend to stay. You also need to record all of the vehicle's details on site and the number of caravans. Can all be recorded on the Welfare Assessment form. Give them bin bags so that they can collect their waste and offer to dispose of it for them if they leave it in one place (it may help them be tidier)

You now have different options:

- a) Ask the Police to issue a Sec. 61 Notice and leave it to them to deal with.
- b) Issue a Sec. 77 Notice.
- c) Call in the Bailiffs

Sec.77 Notice this can be issued by the landowner requesting that they vacate the site by a specified time. This must be served in the presence of a Police Officer.

If they do not leave by the specified time, then you will need to go to Court to ask for a hearing. A date will then be set for a hearing when the Trespassers will be summoned to attend. They normally don't attend. You will need to attend to collect the Sec.78 Notice that tells them to move on. You will then need to serve this on them again in the presence of Police.

Bailiffs Bailiffs can attend the site. They carry out a risk assessment and serve them notice under Common Law Eviction. This gives them a set time to leave by. If they do not leave the land in that time the Bailiffs can return to evict them from the site.

9. Once they have left the site make it as secure as possible and start the process of tidying up.
10. Inform HCC, District Council, Police and other Parish/Town Councils that they have moved on.