

Report to: **Executive**  
Date: **27 February 2007**  
Report of: **Executive Member for Liveability**  
Subject: **Draft Procedure for Response to Unauthorised Encampments**  
Ward: **All**

## **1. Purpose of Report**

- 1.1 To consider a draft new procedure for responding to unauthorised encampments where they arise in the District.

## **2. Consultation**

- 2.1 The draft procedures have been developed in conjunction with the Director of Community Services, the Councils Asset and Property Manager, Equality and Diversity Manager, Environmental Health and Licensing Manager, Monitoring Officer and the Council's Principal Environmental Health Officer (Licensing).
- 2.2 External consultation has been undertaken with the Durham County Council Travellers Liaison Service, and Durham Constabulary who have endorsed the contents of this report. The County Council are proposing to seek formal approval for the procedures.
- 2.3 On 29<sup>th</sup> January the District Council' Service Delivery Scrutiny Committee considered and endorsed the proposed new procedures.

## **3. Background**

- 3.1 Unauthorised encampments are defined by Government as "encampments of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass." Gypsies and travellers are one group frequently associated with unauthorised encampments.
- 3.2 The shortage of authorised sites, both nationally and locally means that unauthorised encampments occur regularly in the District. The County Council Travellers Liaison Service report 7 encampments in the District during 2005/6, and 10 in the first half of the year 2006/7. Recent encampments include Thornley, Shotton, Murton and Seaham. In some instances the Travellers return on a regular basis to the same area.

- 3.3 There is no specific legislative duty placed on local authorities to deal with unauthorised encampments. It is however good practice, promoted by the Department for Communities and Local Government (e.g. Guidance on Managing Unauthorised Camping, 2006) to have a procedure or strategy in place so that the response can be better coordinated, the needs of both the travelling and settled community are considered, decision making is more clear and consistent, and all parties are better informed.
- 3.4 It is important to draw a distinction between encampments on public and private land. If there is unauthorised camping on private land, any action to deal with it will generally be the responsibility of the landowner. Local Authorities can have a role however in providing support and advice in these situations. If the encampment is on public land, the authority has a legal obligation to undertake welfare assessments prior to the consideration of any action to be taken.
- 3.5 It is difficult to predict just where and when an unauthorised encampment will occur. Many unauthorised encampments are trouble-free and not contentious. In some locations however, there can be considerable concern expressed by the local community particularly relating to anti-social behaviour and environmental damage that can sometimes arise.
- 3.6 There is currently an absence of a procedure in responding to unauthorised encampments. Whilst there is often liaison between the District Council, the County Council Travellers Liaison Service and the Police, decisions for example relating to directions to leave, are typically made as a reactive response to complaints received, a position that is not satisfactory either for the Travellers or the settled community alike. A procedure is therefore required so that action is coordinated in such a way as to support Travellers, whilst at the same time minimise the risk of anti-social behaviour and environmental problems associated with some encampments.

#### **4. Position Statement and Option Appraisal**

- 4.1 The draft procedures are attached in Appendix 1. In summary the procedures help to ensure improved communication, particularly between the Police, District Council and Travellers Liaison Service, allowing each encampment to be treated on a case by case basis that respects any welfare issues that are presented.
- 4.2 The procedures include provision for speedy communication between the Police, District Council and Travellers Liaison when an unauthorised encampment arises. Typically this may take the form of a case conference which will consider the location of the encampment together with any welfare issues that are presented.
- 4.3 For encampments on public land the procedures include a list of sites where the encampments would not normally be permitted. This is to safeguard the interests of both the travelling and the settled community. These sites are as follows:

### **Sites which will normally be unacceptable for encampments**

If the encampment is on one of the following sites:

- A village green or other open area within or close to a residential area
- A school car park or playing fields
- An urban park
- An industrial estate, retail park or market site
- Recreation ground or public playing fields
- Car parks including hospital supermarket or leisure facility car parks
- A Site of Special Scientific Interest or other nature reserve
- The verge of a busy road where fast traffic is a danger to unauthorised campers children
- A derelict area where there would be health and safety concerns
- A highway and is causing an obstruction
- Locations where an active encampment is likely to have an immediate impact on investment potential.

Then, providing the welfare assessment allows, there will be a presumption in favour of a prompt direction to leave. The rationale behind this is that the encampment is more likely to pose health and safety risks to the campers, create greater environmental damage, or the settled community are more likely to be adversely affected by noise or other disturbance associated with the encampment.

- 4.4 If an encampment arrives on the above land, then subject to a welfare assessment confirming that it would not have a deleterious impact, a direction to leave would be issued.
- 4.5 If the encampment was not on the category of sites listed above, then in most circumstances the encampment would be allowed for a period of time, agreed from the case conference, but in any event likely to be less than two weeks. Under these circumstances the Travelling Community would be supported by toilet provision (by Durham County Council) and have their rubbish collected (by the District Council). In return the Travelling community would be expected to adhere to a set of rules which include the following:

### **Code for Travellers on land owned by the District of Easington**

Your temporary stay on this land will depend on co-operation.

- Keep groups small, typically less than 8 caravans
- Space vehicles out, park away from other groups
- Look after the land you park on and don't cause problems for nearby residents
- Use the toilets provided by Travellers Liaison
- Don't dump or burn rubbish, the council will provide bags or bins and collect them.
- Don't collect scrap or other materials on site
- Park vehicles safely and not on land needed for another purpose
- Keep all animals, especially dogs under control and tether horses at all times
- Co-operate fully with those responsible for the land

**Please follow the above advice and in most cases we will not pursue an immediate order for removal.**

4.6 Breach of this code of conduct would normally result in a Direction to Leave.

4.7 The procedures also include improved advice to landowners where the encampments arrive on private land. This will include a pamphlet outlining rights and responsibilities, together with sources for further help and assistance.

## **5. Implications**

### 5.1 *Financial*

There are no financial implications arising from this report, the procedures are intended to make better use of existing resources, for example through more efficient decision making.

### 5.2 *Legal*

Appendix 4 of the Procedures set out the legal context for unauthorised encampments.

### 5.3 *Policy*

The Procedures are consistent with the Councils Equality and Diversity Policy.

### 5.4 *Risk*

The strategy is intended to help ensure a lawful, reasonable, balanced and proportionate response to unauthorised encampments with respect to the needs of both resident communities and Travellers and gypsies.

The absence of agreed procedure places at risk the above principles by increasing the possibility of an inconsistent approach.

## 5.5 *Communications*

Once established the contents of the strategy, will need to be communicated widely and in a format that is easily understood. The County Durham Travellers Liaison Service will assist in communicating its contents to the travelling community.

An important part of these procedures is communicating the decisions made regarding tolerance or direction to leave through to elected members, as well as to the travelling and settled community.

This is not a “soft touch” on travellers as a referred to in some press articles, but rather a more efficient way of responding to unauthorised encampments, for the benefit of the settled Community and Travellers alike.

## 5.6 *Corporate-*

The procedures are consistent with the Councils ambitions for quality services, clean and tidy communities and making the District safe.

## 5.7 *Equality & Diversity*

The Councils Equality and Diversity Officer has been fully involved in the preparation of these procedures, and a Diversity Impact Assessment completed.

Travellers and Gypsies are recognised under the Race Relations Amendment Act (2000) and the Council has obligations to eliminate unlawful discrimination, promote equality of opportunity and good race relations. Racism will not be tolerated, and a high priority will continue to be given by the District Community Safety Partnership to responding to racist incidents and other forms of hate crime.

The County Council Travellers Liaison Service have offered training support to officers and members regarding gypsy and traveller awareness issues and it is proposed that this be taken up, if approved alongside the new procedures being adopted.

## 5.8 *E-Government*

No implications.

## 5.9 *Procurement-*

No implications

## 5.10 *Sustainability*

Overall there are no significant implications. Note should be made however that under the procedures encampments would not normally be permitted on nature reserves.

### 5.11 *Crime & Disorder*

The procedures are intended to reduce the likelihood of anti-social behaviour arising from unauthorised encampments.

### 5.12 *Human Rights*

The Procedures are consistent with the Councils obligations to Human Rights, and the relevance to Human Rights Act 1988 (in particular article 8, the Right to Respect for Private and Family Life) are included in Appendix 4 of the main report.

### 5.13 *Social Inclusion*

The scope of the procedures do not cover social inclusion issues for Travellers, such as access to services, including health and education. The procedure may however form part of a wider Travellers and Gypsies Strategy, currently being considered by the County Council Travellers liaison Service.

## **6. Recommendations**

- 6.1 Executive is recommended to approve the adoption of new procedures for responding to unauthorised encampments in the District.

### **Background documents referred to:**

- (i) Guidance on Managing Unauthorised Camping (Department for Communities and Local Government)

