



RUSHCLIFFE BOROUGH COUNCIL

CORPORATE POLICY ON DEALING WITH UNAUTHORISED ENCAMPMENTS

1 INTRODUCTION

Traveller is a generic term used to describe groups of people whose lifestyle or culture is rooted in a nomadic way of life. Travellers of Romany origin and Irish Travellers live in Nottinghamshire or use many parts of the county as a traditional stopping place and have done so for hundreds of years.

Unauthorised camping is not a criminal offence; however there are a minority of campers whose behaviour causes real and justified concern.

It is estimated that at any one time there are likely to be 5,000 Gypsy or Traveller trailers on unauthorised sites. In Rushcliffe there are several occurrences of unauthorised encampments every year.

The Council becomes involved with unauthorised encampments as land owners and to support other landowners.

2 AIM OF THE PROCEDURE

This procedure has been produced by RBC Protection and Safety Manager (PSM) in consultation with the NCC Gypsy and Traveller Liaison Officer (GTLO), Nottinghamshire Police, RBC Environment and Licensing Manager (ELM), RBC Community Facilities Manager (CFM) and RBC Development Control (DC).

Roles and Responsibilities:

PSM: Receive service request with incidences of unauthorised encampment. Allocate service request to officer to visit encampment and investigate (obtain details of landowner, number of caravans, vehicles, persons, carry out welfare assessment). Notify other partners below. Notify Executive Management team, Notify Ward Members

and Parish Councils. Provide regular updates during incidence of encampment. Update complainant(s) if applicable. Ensure Uniform database updated.

GTLO: Monitoring of UE on Notts CC land and welfare assessments. Share of information with Police and Protection and safety manager.

NOTTS POLICE: Monitoring of UE sites

ELM: Community safety and anti-social behaviour

CFM: Management of Council owned facilities

DC: Enforcement where appropriate

The aim of this procedure is to ensure that when dealing with unauthorised encampments, the Council follows a consistent and balanced enforcement approach, having particular regard to the rights of land-owners (including the Council itself where applicable), the rights of third parties who may be affected by an unauthorised encampment, and considerations of the needs of Travellers.

3 PROCEDURE

The procedure following a complaint or referral is attached at Appendix 1.

Any complaint or referral in respect of an unauthorised encampment will be investigated in the first instance by the Protection and safety team in Neighbourhoods, where possible, within one working day of receipt. Firstly the ownership of the land will be determined which will determine the action required.

4 ACTION CRITERIA

Circular 18/94 "Gypsy Sites Policy and Unauthorised Camping"

This circular offers guidance on the provisions in sections 77 to 80 of the Criminal Justice and Public Order Act 1994 which affect travellers and unauthorised campers. It states that where travellers are not causing a level of nuisance which cannot be effectively controlled, authorities should consider tolerating their presence on land for short periods.

The particular circumstances of each case will be considered and, in determining what action the Council will take in dealing with an unauthorised encampment, the following issues will be taken into consideration.

- Small groups with no more than a total of 10 vehicles (i.e. including all trailers, cars, lorries, etc) which are parked safely.

- Whether the land which is designated for a specific public purpose or required for any other purpose.
- Maintenance of site i.e. there must be no dumping of rubbish, no bonfires, no fouling, and no damage.
- No intimidating behaviour, dogs and horses to be kept under control.
- No nuisance, anti-social or criminal behaviour.
- The length of stay will be agreed depending on circumstances.
- Re-circulation will not be accepted. Previous unauthorised encampment by the same group in the Rushcliffe area will be a factor in determining action.

Where any of the action criteria are breached or cannot be met, eviction proceedings will be commenced.

5 LEGAL ACTION

Order 24 County Court Rules 1981(incorporated in the Civil Procedures Rules 1998)

The Council can only use this procedure when it owns the land in question. Otherwise the proceedings would have to be brought by the landowner.

Essentially, Order 24 provides an expedited (or “summary”) procedure for a landowner to recover possession of land as against trespassers.

The owner must prove ownership of the land and the fact that permission had not been given for the occupation of the land by the defendants. This is done by the owner (or an appropriate officer of the Council if Council owned land) lodging a witness statement in support of the application for possession. Upon payment of the prescribed fee, the court will issue a summons which has to be served on the defendants in accordance with the relevant Court Rules. There must be at least two days between service of the summons and the hearing date. Once a possession order is granted, the Court’s bailiffs can be used to enforce it.

Criminal Justice and Public Order Act 1994

Section 77 gives local authorities (which includes County and District Councils) powers to serve a Direction requiring unauthorised occupants to leave. If the Direction is contravened, the local authority can apply to a Magistrates’ Court who may make an order requiring the removal of vehicles and property. Anyone who knowingly contravenes an order also commits an offence.

Section 61 of the Act gives the police powers to direct unauthorised occupants to leave land in certain circumstances. The trespassers must have refused to comply with the landowner's request for them to leave the land and damage to the land or property must have been caused or threatening/abusive behaviour has been used or there are six or more vehicles on the land.

6 PRIVATE LANDOWNERS

Where a private landowner approaches the Borough Council for assistance in dealing with an unauthorised encampment the circumstances will be assessed before deciding what action is appropriate. Assistance will be considered depending on location of the encampment and where a very strong public interest is involved.

7 RELEVANT DOCUMENTS

Criminal Justice and Public Order Act 1994

DOE Circ 18/94 (as amended)Gypsy Sites Policy and unauthorised camping.

Managing Unauthorised Camping (A Good Practice Guide) 1998

Managing Unauthorised Camping (A Good Practice Guide) Revision of Chapter 5 2000

Civil Procedures Rules 1998 – Order 24 County Court Rules 1981

Dealing with illegal and unauthorised encampments – DCLG Aug 2012

Nottinghamshire County Council Good Practice Protocol – Managing Unauthorised Encampments on Nottinghamshire County Council Land

APPENDIX 1

PROCEDURE FLOW CHART FOR DEALING WITH UNAUTHORISED ENCAMPMENTS

