

RYEDALE
DISTRICT
COUNCIL



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Unauthorised Encampments in the Ryedale District

March 2016

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Corporate policy for responding to unauthorised encampments in the Ryedale District.

1.0 Introduction

- 1.1 This policy sets out how the District Council will respond to unauthorised encampments in the District. The Policy seeks to ensure that its approach to responding to unauthorised encampments is consistent, lawful and proportionate.
- 1.2 The policy has been developed within the context of the Government publication "Dealing with Illegal and Unauthorised Encampments. A Summary of Available Powers (2015)".

2.0 What is an unauthorised encampment?

- 2.1 An unauthorised encampment exists when an individual or group of individuals move onto a piece of land they do not own, without the permission or consent of the landowner or occupier of the land. Within the context of this policy, an encampment may consist of caravans and or other vehicles.

3.0 What is the Council's approach?

- 3.1 The Council will act to remove an unauthorised encampment as quickly as is practicably and reasonably possible in accordance with relevant legislation.
- 3.2 Where the Council receives a report of an unauthorised encampment, this should be passed on to the Council's Housing Services team who shall initially log the timing and location of the encampment on its database.
- 3.3 Officers from this team shall check the Council's land records to establish whether they are on Council owned land or private land.
- 3.4 Where the land is not owned by the Council, the relevant land owners (where known) shall be notified and general advice provided. In addition the Police, Community Safety Officers, local Ward Members and the Council's Legal team shall be notified.
- 3.5 Where it is confirmed that the unauthorised encampment is located on Council land, Officers from the Housing Service team shall visit the encampment as soon as is practicably possible (generally the same day) and complete a site inspection and welfare assessment. Generally two Officers will undertake such an assessment.

A copy of a standard inspection/welfare assessment form is included within the protocol. Again the Police, Community Safety Officers, local Ward members and the Council's legal team shall be notified.

- 3.6 Further to the completion of the welfare assessment, Officers will seek to identify any relevant welfare needs of the site occupiers. This welfare assessment should have particular regard to the welfare needs of children, the elderly or other people who may be vulnerable. Where support or welfare needs are identified the Council will try to assist or refer the matter to the relevant agency. Where significant needs are identified the case will be assessed on its own merits and any appropriate occupation period negotiated.
- 3.7 In instances where the location of the unauthorised encampment presents a serious and imminent health and safety risk to either the general public or the trespassers themselves, immediate action shall be taken to secure possession without any prior notice being given.
- 3.8 In the majority of other instances, for example in relation to unauthorised encampments on Public Open Space in residential areas, or encampments on car parks or on parkland, then verbal notice giving 24 hours to leave the site shall generally be issued. Where the trespassers do not move on within 24 hours then legal proceedings shall be commenced.
- 3.9 In other circumstances, where for example the location of the unauthorised encampment has a relatively low impact or where the circumstances of the trespassers themselves require a degree of flexibility, then at the discretion of the relevant Director a grace period of up to a maximum of 14 days may be given. In essence this means that the Council will treat the individuals as 'tolerated trespassers' for this period. If they have not vacated at the end of this period then legal action to gain possession shall be commenced.
- 3.10 Decisions regarding the length of any verbal notice period or decisions to commence legal action to move trespassers on shall be made by the relevant Director (delegated to the relevant service unit manager) and considered in the context of the findings from the site inspection and the outcomes of the welfare needs assessment. The decision shall also be made in consultation with North Yorkshire Police and the Community Safety team. Where a verbal notice is given in any circumstances, full details must be recorded in the PACE book.
- 3.11 Where trespassers do not move on at the end of any given verbal notice period the Council's legal services team shall advise on the most appropriate legal steps to be taken and, where required, draft the notice/direction. The service of any notice shall be done by the Council's Housing Services team and supported as required by the Police/Community Safety team through existing partnership arrangements.

At the end of the notice period, if the trespassers have not moved on, due legal process would normally be followed to seek possession through the Courts.

- 3.12 Unauthorised encampments often generate numerous enquiries from the public, directed both toward Customer Advisors and towards local Ward members. To mitigate against this it will be the responsibility of the Council's Housing Services team to keep both Ward Members and Customer Advisors staff updated with any action being taken with regard to unauthorised encampments.

4.0 Action when a group of Gypsies or Travellers has moved on

- 4.1 The encampment group will be required to clear up the site before leaving. Where a site requires a clean-up this shall be undertaken by the Council's Street Scene team or associated partners. The Council reserves the right to recharge for any costs associated with site clearance. In addition the Council will take any necessary action to secure locations which are subject to serial encampments.