

**DECISION OF:** COUNCILLOR JAMES CLAYTON. THE CABINET MEMBER FOR SAFETY IN THE COMMUNITY

**WITH ADVICE FROM:** THE DIRECTOR OF ADULT SOCIAL SERVICES AND HOUSING

DECISION NO: **25/26** ASSH058

**SUBJECT:** UNAUTHORISED ENCAMPMENT POLICY

**KEY DECISION:** YES, MORE THAN TWO WARDS IMPACTED

**REASON:**

The current policy has been in place since 2008. Although there have been no significant changes in terms of the legislation used by the council it was felt important to update the policy as some information was dated.

This included:

- Removal of out date contacts
- Improve language and formatting to ensure it is more accessible
- Legislation available to the police has been updated

**BACKGROUND:**

This policy covers unauthorised encampments by any person or group residing in vehicles on public land where the council has not given permission.

The travelling community can experience difficulties finding an authorised place to stop and may set up an encampment on someone's land without consent, including green space, car parks, highway verges and laybys.

The aim of this policy is to address the need for an effective approach to the management of unauthorised encampments on North Somerset land. The council must balance the needs of Traveller communities with those of settled communities. It aims to clarify the internal working arrangements around unauthorised encampments across North Somerset Council departments and services so that any future unauthorised encampments can be managed successfully, swiftly and with minimal disruption to any community.

This policy is reliant on a collaborative approach between the council, our partners, and communities.

This policy outlines our duties and powers, and our decision-making framework. It includes best practice from other areas and builds on our own experience to ensure our process is fair, legal, equitable and ensures community cohesion is safeguarded.

**DECISION:**

Agree revised policy.

## **REASONS:**

Gypsy and Travellers are recognised as an ethnic group and this policy recognises their cultural heritage and strives to find a balance between their right to a lifestyle and the impact that an unauthorised encampment can have on the local community. Unauthorised encampments have the potential to generate a great deal of distress to settled communities and the policy recognises that tensions can occur because of this. However it is important welfare checks are carried out and the situation is well managed to avoid this tension to escalate. Updating and publishing the policy to address this could be seen as a positive step. The Policy attempts to strike the balance between meeting the reasonable needs of all groups and recognised race.

## **OPTIONS CONSIDERED:**

To retain the current policy isn't a viable option as it is outdated and refers to obsolete protocols and language.

## **FINANCIAL IMPLICATIONS:**

None

### **Costs**

None

### **Funding**

None

## **LEGAL POWERS AND IMPLICATIONS**

The main powers for councils to remove encampments are:

- i) Removal of Unauthorised Campers – Criminal Justice & Public Order Act 1994, sections 77-78
- ii) Possession Claim – Civil Procedure Rules, Part 55
- iii) Common Law - Land Owners Right to Remove Trespassers

## **CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

None

## **WARD MEMBER ENGAGEMENT**

Quarterly Ward Member Meetings  
Cllr James Clayton briefings

## **CONSULTATION**

Quarterly Ward Member Meetings  
Corporate Gypsy and Traveller Meetings  
Strategy and Governance Board  
Avon and Somerset Constabulary

## **PROCUREMENT**

If this is a procurement over £5000 has the mandatory pre-procurement engagement form been sent to procurement? No

**RISK MANAGEMENT**

Given this is a policy refresh risks are low.

**EQUALITY IMPLICATIONS**

Have you undertaken an Equality Impact Assessment? Yes

**CORPORATE IMPLICATIONS**

The legislation and procedure have not changed therefore the impact is no different from what is has been since originally adopted in 2008. The policy is now easier to read and will be available on our website to ensure transparency which will benefit our customers.

**APPENDICES**

Appendix 1 - Adult Social Services and Housing Unauthorised Encampment Policy  
Appendix 2 - EIA

**BACKGROUND PAPERS**

<https://n-somerset.gov.uk/my-services/community-safety-crime/unauthorised-encampments>

SIGNATORIES:

DECISION MAKER(S):

Signed: ..... Cabinet Member for Safety in the Community

Date: .....

WITH ADVICE FROM:

Signed: .....Director of Adult Social Services and Housing  
Housing

Date: .....