

UNAUTHORISED ENCAMPMENTS POLICY

This Statement of Policy was adopted by the Council (Minute 95/APR/ 2005) to enable the management of unauthorised encampments in an efficient and effective way within the legal framework; enhance the Council's decision-making process providing transparency and directly involving those with an interest; and reflect the human rights of both the settled and travelling community and is compliant with race relations legislation.

Definitions

1. All references in this document to Travellers includes 'Gypsies' or any other persons who have a nomadic lifestyle for all or part of the year. All references to "Director" mean the Director of Development and Environment and those Officers authorised by the Director.

Scope

2. This document provides the framework for decisions that will be made when dealing with unauthorised encampments other than those where the travellers are resident on their own land, or on land with the landowner's permission.

Equality Impact Assessment

3. Gypsies and Irish Travellers are recognised under the Human Rights Act as ethnic minorities against whom discrimination is unlawful. The results of an equality impact assessment carried on the policy have been recorded in accordance with the guidance included within the Corporate Equalities Review and Plan 2003/04.

Responsibility

4. Responsibility for making and implementing decisions in respect of unauthorised encampments is delegated to the Director of Development and Environment who authorises officers to act on his behalf. The Environmental Health Manager will be responsible for co-ordinating action within the Council in relation to unauthorised encampments by:

- (a) responding to reports of encampments and requests for advice or assistance from the residents and businesses in the Borough;
- (b) providing traveller liaison;
- (c) monitoring camps to assess standards of public health and hygiene;
- (d) deciding upon toleration or eviction; and
- (e) keeping affected local ward councillors and residents informed of the status of a camp.

Sharing Information

5. The collection and sharing of information is essential to deal with unauthorised encampments in a positive manner.
6. Officers will seek information by:
 - (a) Asking travellers, when they first arrive in Darlington, to provide details of their health, welfare, education and accommodation needs so that this can be shared with relevant agencies that provide services.
 - (b) Information exchange with other Council departments, adjoining local authorities and other agencies.
 - (c) Consultation with settled communities living close to unauthorised sites.
7. Officers will provide information by:
 - (a) Making the policy available on its web site, and as a hard copy on request.
 - (b) Providing travellers, when they first arrive in Darlington, with face to face contact with officers and written information that includes: a summary of this policy, the Code of Conduct for Caravan Occupiers, details of camp locations that will not be tolerated; the criteria applied when considering the need to evict; a letter requesting that they relocate to an authorised traveller site and details of the location of authorised camps including Honeypot Lane Transit site.
 - (c) Keeping affected local ward councillors and residents informed.
 - (d) Notifying other neighbouring local authorities and Police forces of traveller movements to and from its area.

Site Provision and Land use Planning

8. The Council follows Government guidance for the provision of permanent and transit traveller and Gypsy sites. The Council provides caravan sites for travellers at Honeypot Lane and at Neasham Road with the management and maintenance provided by leaseholders living on site, and who are from the traveller community.
9. Neasham Road is a well-established twenty-pitch site. Each pitch has electricity, water and its own amenity unit containing a WC, shower, sink and

bin store.

10. Honeypot Lane is a well-established site with adjoining pasture. Refurbishment, started in 2004, part-funded by the Council and with the assistance of grants from the ODPM, that will upon completion, early in 2005, result in thirty hard standing pitches with new street lighting, drainage, water and electrical services. Seven pitches are for self-contained static "chalet" caravans and the remaining twenty-three for mobile caravans are provided with new amenity units. Each amenity unit contains a WC, kitchen and shower. The total number of pitches has been reduced and the majority have been enlarged to allow families with more than one caravan (and vehicles) to remain together. The new transit site, completed in October 2004 with the assistance of grants from the ODPM, adjoins the main site and has 10 hard standing pitches each capable of accommodating more than one caravan. Each pitch has electricity and mains water supply. Shared toilet and washing facilities for males, comprises 3 WCs, 3 wash hand basins and a shower; with the same provision for females. A new SureStart building serves the whole site and incorporates a communal room and an office for the specialist health visitor. Car parking and a fenced grass play area for children are adjacent to the building.

Land Protection

11. There are large areas of open recreation land in the ownership of the Council that are easily accessible to caravans and vehicles. A small number of these have been regularly used for many years during the summer months by travellers as unauthorised campsites causing complaints from the residents of nearby houses. The Council will take action, where necessary, to protect land from unauthorised encampment.
12. Barriers to prevent entry of caravans to land at Springfield Park, John Dixon Lane, Alderman Crooks Park, Redhall and McMullen Road/Allington Way were constructed in Autumn 2004 using earth mounds, large rocks and lockable gates.

Working Arrangements and Protocols with Different Agencies

13. The Police have prepared a draft policy and procedures for dealing with unauthorised encampments and publication is expected soon.

Managing Unauthorised Encampments

14. The Council will at all times act in a humane and compassionate fashion. The power to evict from an unauthorised encampment will be used where appropriate, including, but not exclusively, to afford a high level of protection to land and property of owners and occupiers and to reduce nuisance and

anti-social behaviour. Each case will be considered separately and on its merits, taking into account the individual circumstances.

15. In making decisions in regard to the eviction or toleration of any particular unauthorised encampment, the Director will balance the relative weight given to each of the responsibilities which rest with the Council, including those outlined in ODPM "Guidance on Managing Unauthorised Encampments" and Department of Environment Circulars 1/94 and 18/94. Regard will be given to:
 - (a) compliance with "Caravan Occupiers Code of Conduct";
 - (b) examples of unauthorised encampments that will not be tolerated;
 - (c) criteria for eviction;
 - (d) agreements with Police and neighbouring local authorities;
 - (e) legislative requirements.

16. Formal repossession procedures will normally be undertaken where encampments occupy land owned by Darlington Borough Council, or land belonging to others where a request has been made to the Council for assistance in removing an encampment, where in the opinion of the Director it is:
 - (a) an unacceptable hazard to health or safety; or
 - (b) an unacceptable nuisance to the general public by reason of its size, location, nature or duration; or
 - (c) an unacceptable impact on the enjoyment, use or habitation of adjoining or nearby property, or interferes with the effective management of that property; or
 - (d) likely to cause, damage to property; or
 - (e) prejudicing or is likely to prejudice the use of land for its intended purpose or by legitimate tenants or occupants; or
 - (f) too large for its location or is causing unacceptable impact on its environment; or
 - (g) detrimental to the interests of the public, for some other reason, if allowed to remain for an extended period; or
 - (h) the cause of unacceptable levels of crime and/or anti-social behaviour.

When making a decision the Director shall also take into account:

- (a) the health and safety of the occupants of the encampment;
- (b) the availability and suitability of sites and accommodation for travellers provided by the Council, and private sector in the Council's area, and those of adjoining Councils;
- (c) obligations under legislation regarding highways, public open spaces, the countryside and town and country planning;
- (d) any other relevant considerations;

When a decision has been made by the Director to pursue legal proceedings, and to obtain an eviction order, early discussions will take place with the Police to clarify roles and responsibilities including the use of bailiffs, the location that each caravan will be taken to, and the time of eviction.

If a decision to tolerate an unauthorised encampment is being considered then the decision will be dependant upon suitable arrangements having been made for provision of drinking water, toilet facilities and collection of household waste. The traveller will be expected to make the arrangements, or pay the Council to provide these facilities.

The appendices to this policy set out the legal framework and the Council's operational actions to implement this policy.

Arrangements for monitoring and review of the Policy

The Director of Development and Environment has responsibility to keep this policy under review and for monitoring the effectiveness of the policy in practice. In particular any change in legislation, new case law or guidance issued by central government will be taken into account.

An Equality Impact Assessment has been carried out on this policy.