

**Ashfield District Council**  
**Unauthorised Encampment Protocol (Feb 2020)**

**1. About this Protocol**

This Protocol sets out Ashfield District Council's approach to dealing with any illegal unauthorised encampment. That is, any persons who trespass on land owned by someone else (public or private) with an intention to reside, either on a temporary or permanent basis.

An unauthorised encampment occurs where any person camps (in vans, trailers or any other moveable accommodation) or moves on to land that they do not own and where they do not have permission to reside. This includes, but is not limited to traveller sites, protest camps and squatter sites.

**2. Principles**

The Council has adopted a coordinated partnership approach to managing unauthorised encampments which is based on the following:

- The protocol is commenced immediately when an unauthorised encampment is identified/reported and this is co-ordinated by Private Sector Enforcement Team.
- All illegal unauthorised encampments will be treated fairly and openly in accordance with our duties and protocol procedures regardless of who the groups or individuals illegally encamping are.
- From the powers available to us, we will work with the Police to determine and utilise the quickest and most appropriate method of dealing with any illegal unauthorised encampments. This will be determined by the nature and conditions of each case.
- The Council will always liaise with the Police who do have more immediate powers available if circumstances are exceptional and where they choose to exercise them.
- The Council is duty bound to undertake a welfare check, this will be undertaken as part of a site visit assessment.

- The Council will continually engage with the encampment to negotiate their move on, this will continue alongside legal action to recover possession.
- This protocol will be carried out in accordance/compliance with the public authority duties and legal requirements set out in the Human Rights Act 1998 and Equality Act 2010.
- The legal process is outside the Council's control and is dependent on the availability of Bailiffs and Court dates.
- The Council will consider other potential sites that the travellers may move to or be directed to, any security/property concerns, plans for future clean up and security of the site once travellers have left.
- Communication will take place with key officers/partner agencies/residents/Councillors/the media etc.
- Gypsies and Travellers are protected by the law from unlawful discrimination.
- The District accepts that the Gypsies and Travellers community have their own needs; however it will adopt a robust approach to managing unauthorised encampments.
- For clarity the default position of Ashfield District Council is to use its powers under the Criminal Justice and Public Order Act 1994, this being the most expedient means of vacation if the encampment is on ADC land and unauthorised.

### **3. The Protocol Process**

There are a number of legislative powers available to local authorities and the Police to tackle unauthorised encampments, these are detailed in the Government publication 'Dealing with illegal and unauthorised encampments'.

The remainder of this section will detail the default procedure for the Council. That said, each encampment will be considered on a case by case basis and changes to the procedure will be considered as appropriate. Changes to the default procedure will be agreed and approved by the Director of Housing & Assets.

- **Establish the ownership of the land**

New encampments will be reported to the Private Sector Enforcement (PSE) Team who will work with Legal Services to determine the ownership of the land.

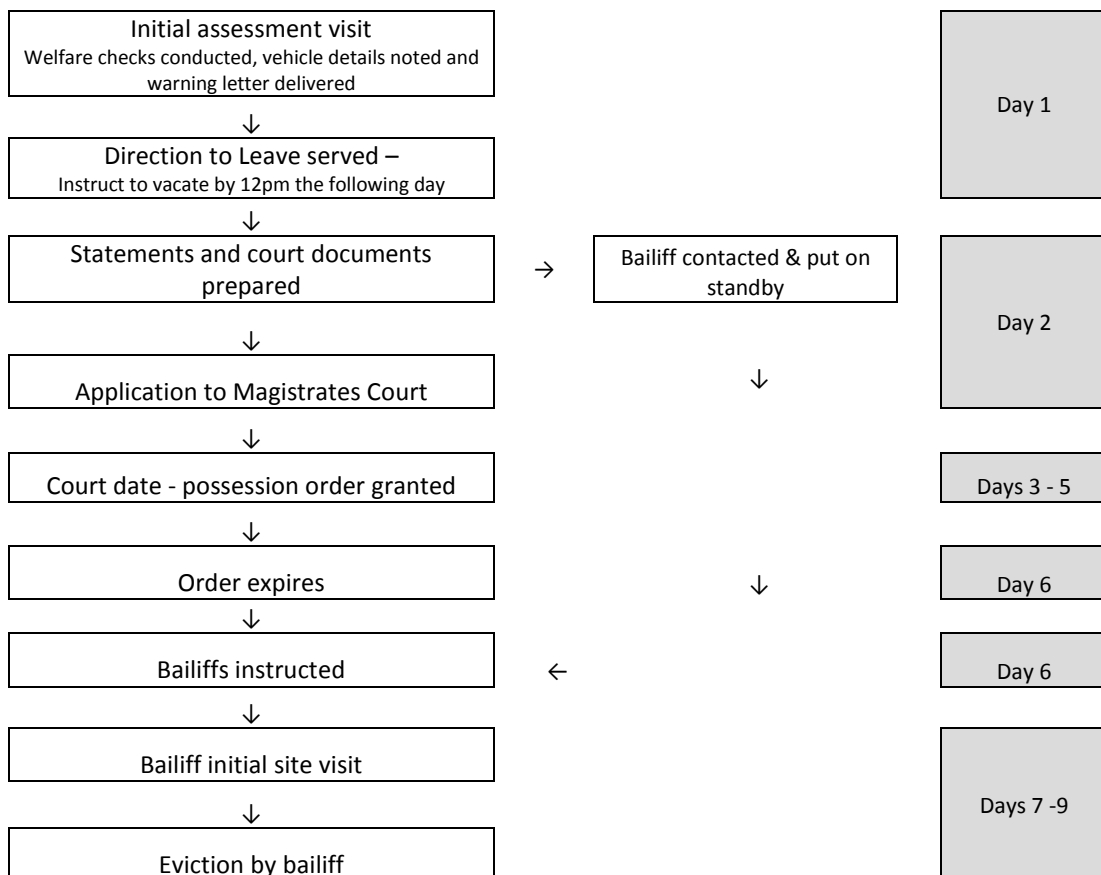
- **Unauthorised encampment on private land**

The PSE Team will make contact with the landowner as soon as ownership is established, this will normally be on day 1. Advice and support will be provided to assist the landowner to recover possession of their land. It is the responsibility of the landowner to take appropriate action and to determine the timescale for recovery.

The PSE Team will conduct a site visit to undertake welfare checks. If welfare or safeguarding issues are identified appropriate support and assistance will be provided. (If the land is owned by Nottinghamshire County Council they will undertake the checks themselves)

- **Unauthorised encampment on Council land**

A summary of the steps that will be taken to recover possession of the land and approximate working day timescales associated with this is provided below.



An initial assessment visit will be conducted as soon as possible on the first working day. The purpose of this will be to;

- Establish a positive working relationship with the encampment
- Understand their plans and negotiate their move-on
- Conduct mandatory welfare checks of all occupiers
- Advise about standards expected whilst resident on Council owned land
- Take vehicle and registration number details
- Hand deliver a warning letter (appendix 1) advising the occupants they are trespassing on ADC land and informing them of the process the council intends to follow to recover possession of the land.

Time allowing, on day 1 a Direction to Leave will be served. The Direction requires vehicles to vacate the land. If it is not complied with proceedings can be pursued via the Magistrates Court under s77/78 of the Criminal Justice and Public Order Act 1994.

The Direction will require all vehicles to leave by 12noon the following day. This will enable officers to check the site and to instigate court proceedings if the encampment remains.

Upon failure to comply with the Direction an application will be made to the Magistrates Court. The intention will be to seek the earliest possible Court date. Typically, because of the need to process the request, serve summons, etc, it will be 2-3 working days from application to Court date.

Upon expiry of the order requiring the vehicles to leave the Council will instruct bailiffs to evict the vehicles. The bailiff will conduct an initial site assessment visit before returning to evict the vehicles.

In exceptional circumstances the default process may not be appropriate and a different approach may be necessary. Such circumstances include:

- The encampment is on land considered to be an essential community facility where its presence will cause considerable local disruption. Typically this will include well used public parks, hired sports pitches, etc.

Appropriate approach: With the prior approval of the Director of Housing and Assets, after the initial warning letter has been served common law bailiffs will be instructed to remove the encampment

Bailiffs have common law powers to remove encampments using reasonable force.

- Additional vehicles join the encampment after the Direction to Leave has been served.

Appropriate approach: Where additional vehicles have joined the encampment following the serving of the original Direction to Leave or there is strong evidence to suggest vehicles will be joining civil action through the County Court will be considered. Legal action will relate to all vehicles on ADC land. No additional Direction to Leave notices will be required. The County Court process is slightly longer, meaning a short delay in securing vacant possession of the land.

If problems on site escalate it may be considered appropriate for the Police to instigate action under sections 61- 62 of Criminal Justice and Public Order Act 1994. This would normally be in exceptional circumstances, when there is evidence of threatening, abusive or intimidating behaviour. In such circumstances the PSE Team will liaise directly with Police colleagues.

**Alongside legal action the PSE Team will continue to negotiate with the occupiers. Experience has shown that most encampments do move before being evicted.**

### **Welfare needs**

The Council is obliged to conduct welfare checks on all occupants.

As part of the checks we must consider pregnancy, ill health, educational needs, child and adult protection and animal welfare. The PSE Team will conduct the checks and will co-ordinate any referrals, signposting or appointments needed.

The Council will not delay the serving of notices but enforcement action through the Court may be put on temporary hold if there are urgent welfare issues that need to be addressed before occupants are moved on. Any delay will be kept to a minimum and will be discussed and agreed with the Director of Housing & Assets.

### **Management of the encampment (Council owned land)**

Whilst action is ongoing to move the encampment on it is important that site is managed effectively.

The PSE Team will maintain regular daily visits in order to deal with issues that occur, to address welfare issues, to advise the occupants of our enforcement action and to continue to negotiate their move on.

The Waste and Environment Team will conduct daily site visits, providing refuse materials and removing waste and rubbish.

Police and Community Protection Teams will receive daily updates and will conduct regular patrols. The frequency and visibility of these will be determined and agreed on a case by case basis and will be based upon the number and nature of reported incidents, including anti-social behaviour (both by and against occupants) and alleged criminal activity.

A 'What we expect from you while you are here' leaflet (appendix 2) will be given to each household so they understand the expectations of the Council.

When the encampment moves the PSE team will ensure there is a coordinated response from officers and other relevant agencies so the site is tidied, secured and returned back to its normal use. Photographs of the vacated land will be taken prior to clean-up commencing. Consideration will also be given to any additional measures that can be taken to secure the site against a future encampment.

### **Out of hours reporting**

If the encampment arrives at the weekend or overnight the Council's out of hours' operative will take details and email the PSE Team and the Waste and Environment inbox. They will also advise the on-call Community protection Officer.

Monitoring will be conducted and the Waste and Environment Team will commence daily visits but the formal process to recover possession will not commence until the start of the working week.

## **Communications**

Unauthorised encampments create a great deal of media interest. It is important that Councillors and residents are regularly informed of any actions / progress which are on-going.

Likewise, it is important that there is effective internal communication to ensure officers understand and are able to respond to the circumstances in a prompt manner.

The principles of the Protocol must be applied in relation to all communication with illegal site/land occupants. In particular, Gypsies and Travellers are protected by law from racial discrimination. No personal information obtained from welfare checks or subsequent visits will be disclosed.

### **Day 1 – notification of unauthorised encampment**

- An email will be sent to the Leader, the Deputy(s) other Cabinet Members, Ward Member(s), the CEO and Director of Housing and Assets to notify them of the encampment.
- Email sent key officers/partner agencies (as per agreed list) to notify them of the encampment and to
- Email sent to Leader, Deputy and Ward Member post initial assessment visit.
- Message added to website (Unauthorised encampment pages) to advise residents we are aware of the encampment and we are taking appropriate steps to deal with it.

### **Day 2 onwards**

- Daily email to Leader, Deputy(s) other Cabinet Members and Ward Member to advise them of any issues and action being taken
- Ad-hoc email to Leader and Deputy(s) to advise of any emerging information or intelligence.

- On sites where residents have reported issues or made a number of complaints a letter (appendix 2) will be posted to properties in the immediate vicinity of the encampment to advise residents that the Council is aware of the encampment and that action is being taken to resolve the issue. The letter will encourage residents to contact the Council if they are experiencing any issues. The content of the letter will reflect if the land is Council owned and we are taking enforcement action or if is privately owned.

The Council will maintain a Question and Answer Section on its website relating to unauthorised encampments.



# WARNING

To Whom It May Concern Being Any Person Occupying

**Any Part Of:**

444 Nowhere Street adjacent to the Leisure Centre, Sutton in Ashfield,  
Nottinghamshire NG17 xxxx

**The land is owned by:**

Ashfield District Council of the Council Offices, Urban Road, Kirkby in Ashfield,  
NG17

1. That your occupancy of such land is without consent of the said owners and as such is unlawful.
2. You are requested to remove yourself and all your belongings from the said land forthwith.

Dated: .....

Signed .....

Designation :

## Appendix 2 – What we expect from you

### Unauthorised Encampments WHAT WE EXPECT FROM YOU WHILE YOU ARE HERE

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#### YOU MUST

- Put all rubbish in the red bags provided.
- Keep numbers of trailers and vehicles to a minimum.
- Use toilets if provided and advise us on the number listed below if they need emptying.
- Be cooperative with our staff and other agencies.
- Keep the site in the condition you found it.
- Keep your animals under control.

#### YOU MUST NOT

- Leave any waste on the site or break other rules about fly tipping.
- To limit all noise on site at all times.
- Damage any of the facilities provided.
- Be aggressive, rude or unhelpful to our staff or other agencies.
- Damage this site.

We may use monitoring methods to ensure that the land you have stopped on is clean and tidy and that you are not breaking any laws. If you have any information about anyone else bring waste onto this site or you have any trouble with people being rude or racist towards you please contact us on 01623 457345.

## Appendix 3 – Letter to residents (Council land)



To all local residents

Contact: **insert**  
Direct Line: **insert**  
Email:  
Our Ref:  
Your Ref:

Date: **Insert date**

Dear Sir/Madam

### Unauthorised Encampment – **INSERT LOCATION**

I write to advise you that the Council is aware of the unauthorised encampment on INSERT LOCATION and is taking appropriate action to move the occupants on as soon as possible.

This process is not instant, it can take a number of days to bring to a conclusion as there are legal steps we have to follow. For more information please visit our website [www.ashfield.gov.uk/INSERT](http://www.ashfield.gov.uk/INSERT).

If you do experience problems relating to the encampment please report them to us on tel 01623 457345

Yours sincerely

Phil Warrington  
Service Manager – Strategic Housing & Lettings

