

Unauthorised Encampments: A Guide for Elected Members

An unauthorised encampment arises where people are residing in caravans, tents or similar structures on any land without consent. The encampment may be on Council owned land, a Public Highway or private land. A balance must always be maintained between the rights of those occupying the land and the rights of landowners, those lawfully entitled to use the land and the local community and each incursion will always be considered on its own merits.

Encampments on Council land and Public Highways

Officers will attend the site to determine the precise circumstances and carry out a welfare assessment. In general the Council will only tolerate incursions where there are substantiated welfare needs or other compelling reasons but if no such issues are identified the Travellers will be directed to leave within a prescribed time. If the site is not vacated by this date an application will be made to the County Court for an eviction order. This will then be served and if the site is still occupied an eviction by private bailiffs will be carried out. We do not provide an out of hours "on -call" service so if an encampment is notified outside of normal working hours the initial visit will not take place until the next working day. The process we have to follow is controlled by law and whilst officers try to mediate a rapid vacation of the land, it can take upwards of a working week if we have to go to the court stage. Throughout the process a close working relationship with the Police is essential to maintain order and avoid a possible breach of the peace.

Encampments on private land

Officers will make every effort to contact the landowner to ascertain if the encampment has permission or not and provide advice and guidance as required. The new joint protocol has a section dedicated to incursions on private land and the measure that can be considered to prevent access and this has also been posted on the Council website along with the whole protocol itself. Although the Council and Police will assist wherever possible, the responsibility to take back possession of private land rests with the private landowners. If the land is unregistered or the landowner is uninterested in clearing the incursion the Police or Council do have certain powers to step in and clear the land but this would be a rare occurrence.

Role of Elected Members

Members may be the first point of contact for concerned residents and as such will be involved from the first notification of an encampment in their ward. Information will be given to Members to assist in responding to local concerns and to reassure the public. Members play a major part in the process and officers dealing with the incursion will try to feedback to the Ward Members real - time information as the unauthorised encampment progresses.

The Role of the Police

Wolverhampton Council and West Midlands Police have a joint protocol to deal with unauthorised encampments; however the lead authority for all encampments on Council land and the Public Highway is the local authority. The full protocol can be found on the Council website. The police do have certain powers to seek eviction within 24 hours where an encampment lasting for over 7 days would be intolerable but it is a matter of discretion for the Police whether to exercise their powers or not. Circumstances where the Police are likely to use their eviction powers without using the Courts include:

Local amenities are deprived to communities or there is a significant impact on the environment. This could include forming an encampment on any part of a recreation ground, public park, school field, village green or depriving the public use of car parks.

The fact that other sections of the community are being deprived of the amenities must be evident before action is taken. Local disruption to the economy would include forming an encampment on a shopping centre car park or a retail park or when workers or customers are prevented from gaining normal access.

There is other significant disruption to the local community or environment. This might include where other behaviour, which is directly related to those present at an encampment, is so significant that a prompt eviction becomes necessary, rather than by other means.

There is a danger to life. An example of this might be an encampment adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway.

There is a need to take preventative action. This might include where a group of trespassers have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established site. Similarly, swift action should be taken where the encampment is located on contaminated land or where the encampment is very close to a busy highway.

The Welfare Assessment

Enquiries will be carried out Public Protection officers in relation to the education, health, housing and social needs of each of those encamped. Where issues are identified and substantiated it may be that an encampment is tolerated in order for the issues to be addressed. Where issues are not identified, unsubstantiated or assistance is refused then action will continue in line with the joint local authority/Police protocol. It may be necessary to carry out a number of assessments should circumstances change or additional persons move on to the site.

Equality Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The public sector Equality Duty came into force across Great Britain on 5 April 2011 and it means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. It also requires that public bodies have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity

The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it. Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Irish Travellers are considered to be part of an ethnic group under the Equality Act 2010 and so share the protected characteristic of race. It is important when the Council act to remove an unauthorised encampment the conduct of all involved accords well with the Equality Duty.

Communication

The provision of timely, clear and accurate information is vitally important to maintain the confidence of the local community. The press office will release standard communications throughout the time the site is occupied using traditional methods and social media when it is considered appropriate to do so and will respond to requests for information from the media. Information is now routinely shared between all the local authorities and West Midland Police when a large scale incursion is about to be moved on or when any events are planned in the area that is likely to attract a large number of Travellers.

The Equality Duty to foster good relations between those who share a protected characteristic, e.g. Irish Travellers and the local population that are not Irish Travellers will be observed in all Council communications. Officers will notify all relevant partners

and interested parties that a site has been vacated. A clean- up operation may then be required along with action to secure the site although It may not be possible to secure all sites identified in the City to prevent unauthorised encampments.

Contacts

- City Direct 01902 551155 to report new issues
- Customer.services@wolverhampton.gov.uk
- environmentalhealth@wolverhampton.gov.uk : generic email inbox monitored constantly during normal office hours Monday – Friday
- Shaun Walker – Public Protection Service lead for Travellers 01902 554548
shaun.walker@wolverhampton.gov.uk