

NORTH LINCOLNSHIRE COUNCIL

Statement of policy in relation to unauthorised encampments

Introduction

The Policy Committee of North Lincolnshire Council has considered its policies on unauthorised encampments. Following consultation with various authorities and external bodies, this policy framework has been drawn up to address these issues.

Definitions

Throughout this document the term "traveller" is used to denote persons pursuing a nomadic habit of life, for all or part of the year, irrespective of their race or ethnic origin.

All references to the Director of Corporate Affairs mean the Director of Corporate Affairs acting through the Director's duly authorised officers or agents.

Policy

1. Responsibility for making and implementing decisions in respect of unauthorised encampments (other than those where travellers are resident on their own land, or on land with the landowner's permission) is delegated to the Director of Corporate Affairs.
2. Where Court proceedings are considered appropriate, they will normally be pursued in the County Court. Only in exceptional circumstances will the Council avail itself of the provisions of the Criminal Justice and Public Order Act 1994.
3. The Council will at all times act in a humane and compassionate fashion. The power to evict will be used primarily to reduce nuisance and to afford a higher level of protection to private owners of land. Individual consideration of each case and any special circumstances which may come to light will always be necessary.
4. In making decisions in regard to the eviction or toleration of any particular unauthorised encampment, the Director of Corporate Affairs must balance the relative weight given to the relevant responsibilities which rest with the Council, including those specified in D.o.E. Circulars 1/94 and (where appropriate) 18/94 and in the Human Rights Act 1998.
5. Formal repossession procedures will normally be undertaken where encampments occupy land owned by North Lincolnshire Council, where the encampment, in the opinion of the Director of Corporate Affairs:
 - (a) creates a hazard to road safety or otherwise creates a health or safety hazard; or
 - (b) creates an intolerable nuisance to the general public by reason of its size, location, nature or duration; or

- (c) creates an intolerable impact on the enjoyment, use or habitation of adjoining or nearby property, or interferes with the effective management of that property; or
- (d) causes or is likely to cause damage to the Council's land or property or prejudice its use by the Council's staff, tenants, occupants or, if appropriate members; or
- (e) is too large for its location or is causing unacceptable impact on its environment; or
- (f) would for some other reason be detrimental to the interests of the public if allowed to remain for an extended period.

6. Travellers will not be moved unnecessarily from place to place. Consideration will be given to:

- (a) requests for housing services;
- (b) physical or psychiatric health needs;
- (c) pregnancy or neo-natal care;
- (d) the welfare and education of children including issues relating to the Child Protection Register, statements of special education needs or other factors affecting child development;
- (e) the access of older people or those with a disability to domiciliary services in order to maintain independence;
- (f) consultations from a hospital or primary health care agency.

7. When balancing the above factors, the Director of Corporate Affairs shall have in mind:

- (a) the availability and suitability of sites and accommodation for Gypsies and Travellers provided by the Council and the private sector in the Council's area;
- (b) obligations under legislation regarding highways, public open spaces, the countryside and town and country planning;
- (c) any other relevant considerations.

8. All decisions will be made in accordance with the policy approach set out in points 3 to 7 above and will be subject to review as appropriate.