

Report to: Confident Places Scrutiny Committee

Date of Meeting(s): Wednesday, 18 January 2017

Subject: Procedure for Managing Unauthorised Encampments

Report of: Director - Economy and Environment

Contact Officer: Paul Barton

Cabinet Portfolio Holder and area: Councillor K Anderson B.A. (Hons), MCIH Environment

Summary: This report seeks the approval for the adoption of a corporate policy and procedure for responding to unauthorised encampments on land owned by Wigan Council. Where the land is not owned by the Council the relevant land owner (where known) shall be notified and general advice provided as required.

Link to Corporate Priorities:

Confident Places

- An attractive, accessible and lively borough, with a prosperous economy as the location of choice for investment.

Confident People

- Protecting vulnerable groups and enhancing self-reliance, improving life opportunities and independence for everyone to start well, live well and age well;
- Particularly for those most dependent on public services.

Confident Council

- Your Council has re-focused its reduced resources towards early intervention and prevention to achieve more for less – integrating public services around whole

life issues to build self-reliance and maximising community assets.

Wards Affected:

All

Recommendation(s):

That the proposed policy and procedure for the managing unauthorised encampments as outlined in this report is fully supported and adopted by the Council

Implications:

*What are the **financial** implications?*

There is no existing budget for responding to unauthorised encampments, any costs associated with managing such encampments shall continue to be absorbed by the relevant directorate.

*What are the **legal** implications?*

The policy includes legal provisions the Council may adopt to remove unauthorised encampments from Council

*What are the **staffing** implications?*

This policy relies on the use of existing staffing resources within the Council teams to take the lead in dealing with unauthorised encampments on Council land.

*What are the **property** implications in terms of reduction, addition or change to the council's asset base or its occupation?*

n/a

Risks:

- Reputational risks to the Council if it does not deal with unauthorised encampments in a consistent way and in line with relevant legislation.
- Risk that we fail in our duty of care to provide appropriate welfare support to members of the Gypsy & Traveller community.
- Risk of potential conflicts with local residential communities.
- Risk of damage to land and property.

Has the Acting Assistant Director - Legal (Interim Monitoring Officer) (Brendan Whitworth) confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the Director Resources and Contracts (Deputy Chief Executive)(Paul McKeivitt) confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

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| <i>What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):</i> | Not to have an Unauthorised Encampment Policy would result in such encampments being unchallenged by the Council and an absence of Council support for a minority group who are often excluded from receiving public services. |
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| <i>Is this a Key Decision and, if so, under which definition?</i> | <p>Yes</p> <p>significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority.</p> <p>The Key decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed, i.e. before 30/01/2017, unless exempt from call-in.</p> <p>This item is included on the Forward Plan.</p> |
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There are no background papers for this report

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| Directorate Sign-off: | |
| | Karl Battersby, Director Economy and Environment |
| Date: | 15 December 2016 |

Please list any appendices:-

| Appendix number or letter | Description |
|----------------------------------|---|
| Appendix A | Wigan Borough Council Procedure for managing Unauthorised Encampments |
| Appendix B | Frequently Asked Questions - Managing Unauthorised Encampments (contained within the above document) |
| Appendix C | Unauthorised encampments - Communications Strategy |

1. Executive Summary

- a. This report seeks the approval for the adoption of a corporate policy and procedure for responding to unauthorised encampments on land owned by Wigan Council. Where the land is not owned by the Council the relevant land owner (where known) shall be notified and general advice provided as required.
- b. Having a clear policy and procedure for responding to unauthorised encampments will help ensure that the Council adopts a consistent and proportionate response. It shall also ensure that the Council acts lawfully and that the needs of the Council and those of the community are balanced with the rights of the individuals concerned.
- c. It is therefore recommended that the proposed policy is adopted and implemented.

2. Background

- a. Unauthorised encampments occur on Council land for a variety of reasons. This is due to the traditional nomadic lifestyle of Gypsies and Travellers, because of the seasonal transit of these groups at around the time of the Appleby Fair and in some instances they are actively undertaking work for our residents such as landscape gardening, tarmacking and window installation.
- b. The number of such encampments has increased in the borough over the last 12 to 18 months; they generally cause concern to nearby residents and are often costly for the Council to deal with, both in terms of staffing resources and potential clean-up costs.
- c. Historically the task of tackling these encampments has fallen between various departments of the Council. The Council has very much relied on the expertise of one or two officers to deal with this issue. Whilst this approach has been generally effective it is not seen as sustainable in the long term and a more formalised and corporate approach is now required.
- d. The Council does not currently have an agreed policy or procedure in respect of how it responds to these encampments. A policy is however needed in order to ensure that: -
 - Officers, Members and the community more generally have clarity in terms of the actions that the Council can take and under what circumstances
 - Action to tackle unauthorised encampments is undertaken promptly and effectively

- The Council adopts a proportionate and justified response to tackling unauthorised encampments and avoids the cost of unnecessary or legal action to gain possession of occupied land
- The Council engages effectively with key stakeholders, particularly Ward Members, residents and the Police
- The need to take possession action promptly is balanced with the rights (and potential welfare needs) of the individuals concerned

3. Consultation

- a. A group of officers from Property, Greenspaces, Planning, Legal, PR & Comms, Civil Contingencies, Ethnic Minority Service, Wigan and Leigh Homes, Customer, Inspiring Healthy Lifestyles and Greater Manchester Police have worked jointly to produce this policy in order that a clear and consistent approach can be taken to deal with the issue of unauthorised encampments.
- b. Officers considered this proposed policy within the context of the Government publications. *Dealing with Illegal and Unauthorised encampments a Summary of Available Powers (2015)* together with *The Association of Chief Police Officers Guidance on Unauthorised Encampments 2011* “
- c. The principles of this policy are in line with those already adopted across other local authorities.

4. Assessment

- a. A copy of the proposed policy/procedure can be found in the **Appendix A** to this report.
- b. The proposed policy contains the following key points: -
 - Nominated Officers have now been identified and will now take the lead in dealing with unauthorised encampments on Council land
 - All unauthorised encampments shall be moved on as quickly as is practicably possible
 - In all cases a proportionate approach shall be taken with respect of the use of legal proceedings to secure possession. In order to avoid unnecessary legal costs or abortive proceedings a negotiated solution would generally be sought prior to the commencement of any legal action
 - The period given prior to the commencement of eviction proceedings will generally be between 24 hours however this period may be extended depending on the location, the impact of the

encampment, the circumstances and the stated intentions of the trespassers themselves

- Where an encampment presents an immediate health and safety risk to either the public or the trespassers themselves **immediate** possession shall be sought
 - In the majority of other cases, for example in relation to unauthorised encampments on public open space located within a residential area, parkland or carparks, possession action would generally be sought by the Council within **24 hours**
 - In other instances, where for example the location of the unauthorised encampment has a relatively low impact or where the circumstances of the trespassers themselves require flexibility, then at the discretion of the Director of Economy and Environment a “grace period” maybe given before possession action is taken
 - As part of its procedures, the Council will seek to identify and appropriately meet any relevant welfare needs through a standardised ‘welfare assessment’. This welfare assessment is required both to help inform the Council’s decision regarding the use of enforcement powers and where required to signpost to other relevant agencies
- c. The Council has a variety of powers at its disposal to regain possession of its land. This includes powers to seek injunctions to prohibit trespass under *Section 222 of The Local Government Act 1972, Anti-Social Behaviour, Crime and Policy Act 2014* as well as the power to seek possession of land under the *Civil Procedure Rules Part 55*.
- d. Generally the most appropriate power in relation to unauthorised encampments is *Sections 61, 62 and 77 of the Criminal Justice and Public Order Act 1994*. Section 77 of that Act gives Local Authorities the power to give a *direction to leave* land to people residing in vehicles, including caravans on land on which they are residing without the Council’s consent. Failure to comply with such a direction means the local authority can apply to the magistrate’s court for an order requiring the removal of vehicles and occupants.
- e. In addition under certain circumstances, the Police have a discretionary power to take action in accordance with Sections 61 and 62 of the same Act. This gives the Police powers to direct trespassers to leave and remove any property or vehicles where the landowners has given a direction for the trespassers to leave and they have failed to do so. Trespassers must also have either: -
- damaged land or property; or
 - used threatening, abusive or insulting words or behaviours or

- have six or more vehicles
- f. Under these sections of the Act, failure to comply with the direction by leaving the land as soon as is reasonably practicable is an offence however the Police response will take into account issues of behaviour, the impact on the relevant land owner and settled community, each case is considered on its own merits.
 - g. Decisions regarding the length of any verbal notice period or decisions to commence legal action to move trespassers on shall be made by the Director of Economy and Environment (delegated to the relevant officer) and considered in the context of the findings from the site inspection and the outcomes of the welfare needs assessment.
 - h. Where trespassers do not move on at the end of any given verbal notice period the Council will take appropriate action including the use of private bailiffs to repossess its land.
 - i. It is acknowledged that any unauthorised encampment often generates numerous enquiries from the public, directed both toward the Council's Call Centre and local Ward Members. To mitigate against this it will be the responsibility of the nominated officer to keep both local ward members and Customer updated regarding the actions being taken to manage the situation.
 - j. In order to support the wider communications attached to this issue a communications plan has been produced, attached at **Appendix C**. In addition a web page will be developed which will have the ability to provide timely updates on the status of current encampments. Other information available on the web page will include a section on frequently asked questions; a sample copy is attached at **Appendix B**.
 - k. The policy covers instances of unauthorised encampments on Council owned land however many encampments occur on land that is not owned by the Council. In these instances the Council shall advise the relevant landowner and provide advice and assistance as required. It is the responsibility of that land owner to take any necessary action they deem to be necessary to recover possession of their land.

5. Equalities and Diversity

- a. People with the protected characteristic of race, specifically Romany gypsies and Irish travellers are likely to be impacted by this policy and procedure. The policy seeks to balance their rights with the needs of the Council and the wider community.

- b. Through the use of this policy outcomes for these groups should improve more generally through the use of welfare assessments. In addition the identification of clear officer roles and responsibilities should enable a quicker and more consistent response and reduce the risk of tension between gypsies and travellers and the settled community.

6. Staffing and Financial Issues

- a. There is no existing budget for responding to unauthorised encampments, any costs associated with managing such encampments is absorbed by the relevant directorate.
- b. During the past 12 months the Council has deal with 25 unauthorised encampments at a total cost of approximately £65,000 of which £30,000 related to target hardening measures, which have proved a very successful in deterring repeat visits. Typically the average cost of dealing with an individual encampment is £1385.
- c. This policy relies on the use of existing staffing resources within the Council teams to take the lead in dealing with unauthorised encampments on Council land.

7. Recommendation

- a. Having a clear policy and procedure for responding to unauthorised encampments will help ensure that the Council adopts a consistent and proportionate response. It shall also ensure that the Council acts lawfully and that the needs of the Council and community are balanced with the rights of the individuals concerned.
- b. It is therefore recommended that the proposed policy is adopted and implemented.

Paul Barton
Assistant Director – Environmental Services



APPENDIX A

**Wigan Borough Council
Procedure for managing Unauthorised Encampments**

DECEMBER 2016

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Aim

This procedure has been developed in order:

- To put forward the Council's position in relation to unauthorised encampments within the Borough.
- To clarify working arrangements surrounding unauthorised encampments including the role of the Authorities included.
- To increase awareness of the responsibilities and constraints upon the powers of the Authorities.
- To ensure that unauthorised encampments are addressed swiftly and effectively.
- To prevent further unauthorised encampment within the Borough.
- To ensure that welfare issues arising as a result of unauthorised encampments are dealt with appropriately.
- To ensure that the correct method of enforcement is used in order to make enforcement action quicker and more cost effective.
- To be able to plan ahead to minimise problems and to avoid the need to deal with unauthorised encampments on a crisis basis.
- To ensure that the needs and legitimate expectations of Gypsies and Travellers, Landowners and the settled community are considered.
- To put a framework in place within which clear consistent and appropriate decisions can be made on unauthorised encampments with minimum disruption, whilst recognising the requirements to balance the needs of a range of interested parties.
- To ensure that the procedure reflects human rights of both the settled community and travelling communities and to comply with race relations legislation as set out in the background to this procedure.
- To prevent anti-social behaviour and to take effective enforcement action against any perpetrators.

This procedure has been drawn up taking into account guidance provided by the Government in Dealing with illegal and unauthorised encampments: A summary of available powers published in March 2015 by the Department for Communities and Local Government. Reference has also been made to the

Association of Chief Police Officer's Guidance on Unauthorised Encampments published in 2011.

It is recognised that this a sensitive subject and that it is important that everyone be treated with respect, giving consideration to the variety of ethnic and racial origins, different lifestyles, needs and welfare issues. It also recognises the rights of the settled community within the Borough.

Decisions to evict or not must be balanced and must be compliant with the terms of the Human Rights Act demonstrating legality, necessity and proportionality together with the principles of Common Humanity.

The Council will consult and work in partnership with all agencies. Each unauthorised encampment will be looked at on its own merits.

This procedure will be reviewed and monitored by the Assistant Director – Legal Services, to ensure that it is useful in practice when dealing with unauthorised encampments and also to ensure that any legislative changes are incorporated.

Upon review if the policy is not working effectively changes will be made in order to address any issues.

Background

There is no specific legislative duty placed on Councils to deal with unauthorised encampments by Gypsies and Travellers. The powers available are optional and varied and are set out in detail at pages 9 to 13 of this guidance.

There are however various matters that must be taken into account when Councils are managing unauthorised encampments.

Equality Act

The Equality Act makes it unlawful to treat someone less favourably because of a range of protected characteristics. These protected characteristics include race, nationality or ethnic or natural origins. The following of a nomadic lifestyle is lawful and is a culture recognised and protected through legislation.

Policies for managing unauthorised camping are likely to affect Gypsies and Travellers significantly.

When evicting and enforcing authorities must act in a way which complies with their duties under the Equality Act and have minimum negative impact on the Gypsies and Travellers involved.

Human Rights

The Human Rights Act 1998 incorporates European Convention on Human Rights into domestic legislation. The main relevant rights that the Council must consider when dealing with members of an unauthorised encampment are as follows:

Article 8 of the Human Rights Act 1998: Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Case law has established that, while neither eviction action against trespassers nor planning enforcement is incompatible with HRA, either could potentially breach Article 8 rights if not properly used. Authorities, and other public bodies covered by the HRA, must be able to demonstrate that all eviction and enforcement decisions are 'proportionate' in weighing individual harm (in the loss of 'home' for the Gypsy or Traveller) against the wider public interest. Potential challenge under the HRA means that all decision-making

must be fully recorded and evidenced to withstand scrutiny.

First Protocol, Article 1: Protection of property

Every natural and legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

This Article might be seen as protecting the settled community's right to quiet enjoyment of their possessions, which might be threatened by nuisance, noise or anti-social behavior from a problematic unauthorized encampment. This should be one of the considerations to be borne in mind by local authorities and police when considering eviction action. To date there is no relevant case law.

First Protocol, Article 2: Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Education of Gypsy/Traveller children is often raised in cases dealing with eviction proceedings, and particularly with planning enforcement actions against unauthorized development. In such cases the question resolves itself to one of the balance between the individual harm to Gypsy/Traveller children's educational needs and the public interest harm in allowing unauthorised development to persist. To date there is no specific case law on arguments relying on this Article in this context.

Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property birth or other status.

While Article 14 rights are potentially engaged in any action concerning Gypsies and Travellers (as ethnic groups and national minorities), the Article can only be successfully argued if another Article is found to be breached. Where a claim under any Article is rejected, it follows that any claim under Article 14 also falls.

Welfare Checks/Service Provision for Gypsies and Travellers

Gypsies and Travellers are entitled to access health, housing, education and welfare services in the same way as members of the settled community.

There is specific recognition to the needs of Traveller children in accessing education under the provisions of the Education Act 1996.

Developments in case law beginning with R V Wealden District Council ex parte Wales has continually confirmed the Courts expectations that welfare enquiries will be made and used by Councils as part of their decision making process with regards to eviction.

Housing/Site Provision

The Housing Act 2004 placed a duty on Councils to develop and implement strategies to address the needs of Gypsy and Traveller Communities.

Within the Borough there are two authorised sites. One situated at Bickershaw Lane, Bickershaw and is managed by Wigan and Leigh Homes. The day to day management of the site is the responsibility of a resident warden employed and supported by Wigan and Leigh Homes. The second is situated at Little Lane, Goose Green and is privately owned.

In April 2006 Councils were required to undertake an assessment of the accommodation needs of Gypsies and Travellers within each district. This was a statutory duty imposed under Section 225 of the Housing Act 2004.

An assessment carried out by the ten Greater Manchester Authorities between March and December 2007 indicated that there was a need for an additional 381 pitches within Greater Manchester.

On average the Borough has approximately 25 unauthorised encampments a year. These vary in size from single family groups to groups of up to 40 caravans.

Enforcement Powers Available for Dealing with Unauthorised Encampments

There are various powers available when dealing with enforcement of unauthorised encampments. They are detailed as follows:

1. Common Law Powers (Tort of Trespass) – Used by Private Land Owners

All private land owners can use their common law powers to recover land. This allows the person in possession of the land to evict an individual from their land, to seek damages from that individual and may also seek an injunction to prevent the trespass from reoccurring.

If the trespasser has entered the land peaceably they are entitled to a request to leave the land prior to being forcibly removed. If however a trespasser has entered the land with force and violence they can be removed without a request to leave having been given.

The eviction of the trespasser can be made by the land owner or a private bailiff who can use no more than reasonable force to remove the trespasser. Use of excessive force could give rise to a claim against the land owner by the trespasser.

Where a land owner is considering using this power they should inform the police in order that the police can be present to prevent any breach of the peace that might occur. If the police advise that they feel it is inappropriate to attempt eviction, eviction should be delayed until such time that the police believe it is safe.

The Local Authority should not use common law powers as government guidance states that Local Authorities should not take enforcement action which does not make reference to the court. There is no reference to the court under common law rules and there are similar statutory provisions in Part 55 Civil Procedure Rules which should be used as an alternative.

2. Part 55 Civil Procedure Rules – Used by Private Land Owner or Local Authorities

Part 55 of the Civil Procedure Rules allow any land owner to regain possession of their land.

The first step is for the land owner to ask the trespasser to leave the land. If they refuse to do so or ask to be allowed to remain on the land for a period that the land owner feels unacceptable the land owner can then begin action against the unauthorised campers through the County Court.

If the eviction is required urgently the court should be put on notice as soon as possible. The relevant documentation is completed and submitted to the court manager along with any relevant evidence. A hearing date will then be arranged.

The court will then provide the land owner with a Notice of hearing to serve on the unauthorised campers. If it is not possible to identify any individuals the Notice can be issued to “persons unknown”. The Court rules state that the unauthorised campers must be given 2 clear days’ notice of the hearing.

At the hearing evidence will be put before the judge and the judge will have to be satisfied that the unauthorised campers have been dealt with appropriately before granting a possession order. The Order will then be served on the unauthorised campers.

In most cases the unauthorised campers will leave the site within 24 hours of the Order for possession being served upon them. If they fail to do so then it will be necessary to apply to the Court for a warrant for possession of land. The Council will then work with the County Court Bailiff who will carry out the eviction.

After the eviction has taken place the land owner should sign a warrant of possession to acknowledge that the land has been regained.

This is the usual course of action taken by the Council because:

- occupants of unauthorised encampment change frequently. It is more effective to use this provision, which relates to the land itself rather than the power available under Section 77 CJPOA1994 (see below) which requires individuals or vehicles on the encampment to be identified.
- a Judge can affirm the decision to evict based on the available evidence.
- it is a relatively quick procedure. Possession of the land can be obtained on average within seven days. The process will take longer if a warrant proves necessary.

3. Sections 77-78 Criminal Justice and Public Order Act 1994 – Used by Local Authorities

Section 77 Criminal Justice and Public Order Act 1994 gives local authorities the power to direct individuals to remove their vehicles and belongings from land which is occupied without the consent of the land owner. This power can be used by local authorities whether the land is owned by the local authority or any other public or private landowner.

Initially a Direction will be drawn up by the Council which instructs the unauthorised campers to leave by a particular date and time. The Direction should identify either individuals or vehicles on the unauthorised encampment.

The Direction should then be served by handing it to one of the individuals or by being affixed prominently to one of the vehicles.

If the campers fail to move and/or remove any of their vehicles and other property by the specified date or return to the same location within three months they will be committing a criminal offence and a prosecution may be brought against them.

In practice however it is probably more effective for local authorities to use the powers available under Section 78 Criminal Justice and Public Order Act 1994. This allows the Council to advise the Magistrates Court that there has been a contravention of a Direction under Section 77 and if the court is satisfied they may grant an Order for Removal of Persons and Vehicles.

Once granted the Order should be served on the unauthorised campers as soon as possible. Twenty four hours must elapse between the serving of the Order and any action to remove the unauthorised campers and their vehicles from the land. Police should be present during the removal to ensure that no breach of the peace takes place.

These powers are likely to be used by the Council where:

- The land is owned by the Council or any other Land Owner authorises the Local Authority to use them.
- The owner of the land on which the encampment is situated cannot be identified and the land is not owned by the Council, the Council may use these powers regardless as to who owns the land.
- It is appropriate to evict some but not all of the unauthorised campers, for example where one of them is ill or heavily pregnant. Or alternatively where certain members of the group are involved in anti-social behaviour yet the rest of the group could be allowed for a period of time.
- The group of travellers or gypsies involved keep returning to a specific location as this provision prevents them from returning to that area for three months.

4. Sections 61-62 Criminal Justice and Public Order Act 1994 – Used by Police

The Powers under this and the following section will be used where behaviour or conduct is considered to be inappropriate, or where the impact of an encampment on others is deemed unacceptable. The Police response will take into account issues of behaviour in combination with the impact on the

landowner and settled community rather than simply because encampments are present at a specific location. Each case is considered on its individual merits.

The Police are required to follow the guidance issued by the Association of Chief Police Officers that can be found at Appendix 13. Under Section 61 CJPOA1994 the police can direct unauthorised campers to leave land without reference to the courts. This power is used where a landowner has asked unauthorised campers to leave land by a certain date and they have failed to do so, and any of the three following conditions have also been met:

1. the unauthorised campers have caused damage to the land or property on the land;
2. they have used threatening, abusive or insulting words or behaviour to the occupier, a member of their family or employee or agent;
3. there are six or more vehicles on the land.

The initial step is for the land owner to request the help of the police a senior police officer will then consider whether it is appropriate to use the power based on the following factors:

- whether there are any other activities on the encampment, such as serious breaches of the peace, disorder, criminal activity or anti-social behaviour which would necessitate police involvement under their wider powers;
- given the impact of the unauthorised encampment on the environment and the local settled community, is it reasonable and proportionate to use police powers;
- whether action by the police is legally sustainable;
- whether sufficient resources are available.

If a decision is made to use these powers a uniformed officer will attend the unauthorised encampment and direct the unauthorised campers to leave by a certain time, he/she will also provide them with a copy of the legislation.

If the unauthorised campers fail to leave by the specified time or if they return to that location within three months of the direction, they are committing a criminal offence and may be prosecuted. Furthermore if a direction under section 61 is contravened the police can use their powers under Section 62 CJPOA1994 to seize and remove vehicles from the land.

This power should be considered where:

- Speed is important, for example where the presence of the encampment is seriously disrupting the ability of the settled community

to make use of facilities or to conduct their business. This will probably apply to land such as schools during term time and urban parks. This power would be the most appropriate provided all the conditions for its use are met. The police can act without reference to the court and can direct the travellers to leave within a couple of hours. This would be most effective if there is land available within the borough which is deemed as a more acceptable unauthorised site.

- There are serious problems on the site such as anti-social behaviour, public order and criminal activity.
- The group of travellers or gypsies involved keep returning to a specific location as this provision prevents them from returning to that area for three months.

5. Section 62 A-E Criminal Justice and Public Order Act 1994 – Used by Police

Where a pitch is available on a caravan site within the authority that is managed by a local authority, social landlord or other person or body as specified by the secretary of state Section 62 A CJPOA1994 allows the police to direct unauthorised campers to remove themselves and their vehicles and property from the land which they are on to the available caravan site.

This power can only be used where the following conditions are met:

- at least two persons are trespassing;
- the trespassers have between them at least one vehicle on the land;
- the trespassers are present on the land with the common purpose of residing there for any period;
- it appears that the trespassers have one or more caravans in their possession and that there is a suitable pitch on a caravan site as stated above for every caravan in their possession;
- the occupier of the land has asked the police to remove the trespassers from the land.

In the unauthorised campers do not leave the land or return within a period of three months they will be committing an offence and the police may use powers under Section 62B to arrest and detain them. Section 62C provides the police with powers to seize and remove vehicles on the land.

This power should be considered where:

- There is/are a suitable pitch(es) available on the Local Authority's caravan site.

6. Anti-Social behaviour, Crime and Policing Act 2014

This act enables a Local Authority to make a Public Spaces Protection Order if it is satisfied on reasonable grounds that 2 conditions are met;

- a) The activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality; and it is likely that activities will be carried on in a public place within at area and that they will have such an effect.
- b) The effect or likely effect, of the activities is, or is likely to be of a persistent or continuing nature, such as to make the activities unreasonable and therefore justifies the restriction imposed by the notice.

A PSPO identifies the public place and prohibits specified things being done to the restricted area and/or require specific things to be done by persons carrying on specified activities in the area.

A PSPO may not have effect for more than 3 years and the Authority must consult with the Chief Officer of Police before issuing an Order. Failure to comply with the Order is an offence.

Other Issues Arising in Respect of Unauthorised Encampments

1. Dealing with Anti-social/Criminal Behaviour on Unauthorised Encampments

As stated previously in this policy encampments must adhere to a certain standard of behaviour while they are within the Borough. If a member or members of the unauthorised encampment engage in anti-social/criminal activities it will not be allowed.

It will be the decision of the nominated Director/Assistant Director whether to exclude the individual responsible for the behaviour from the encampment or where the behaviour is more wide spread whether it is necessary to evict the whole encampment.

Dealing with any criminal behaviour by the unauthorised encampment will be the responsibility of the police in accordance with their policies and procedures. Other enforcement agencies may become involved such as trading standards if the police detect a crime that is not within their remit. Reporting any such crimes to the relevant authority will be the responsibility of the police. Where the police feel that action is justified they will take appropriate action and will not be deterred from taking action against travellers and gypsies on grounds of expediency.

Where anti-social behaviour issues arise both the Council and the Police will work together in considering the use of Anti-Social Behaviour Orders (ASBO's) and/or Acceptable Behaviour Contracts (ABC's).

ASBO's can be applied for at the same time as the Local Authority attend court to apply for an order to remove travellers from land either at the Magistrates Court or the County Court.

2. Keeping People Informed throughout the process

Unauthorised Encampments can be a sensitive issue within the Borough and it is therefore important to keep people informed. Communications and publicity arrangements are an important element when managing unauthorised encampments.

It is important to ensure that all agencies/departments, Gypsies and Travellers, elected members and members of the settled community are kept informed about what is happening and what can be expected to happen with encampments within the borough.

The Council has a Frequently asked Questions page on its website. This gives details of all unauthorised encampments of which the Council is aware. It is regularly updated. A copy of the Frequently Asked Questions can be found at Appendix T10.

The webpage also gives details of how to report any unauthorised encampment and contact numbers.

There is also information on the page for private landowners and contact numbers if they need advice or assistance.

Gypsies and Travellers will be provided with a code of conduct which contains details on who to contact should they have any queries. This can be found at Appendix T6.

Most encampments will be of concern to the settled community and businesses within the area. The Single Point of Contact for the Council (SPOC) will brief elected members for the area in which the encampment is situated in order that the members can pass information onto their constituents. In addition contact email addresses should be taken from any complainants in order that they can be emailed directly by the SPOC where appropriate.

Where the encampment is large or high profile it may be necessary to regularly brief the local media in addition to taking the steps above. The SPOC will liaise with the Council's Media team to provide the regular updates in order to demonstrate that the authorities are taking a proactive approach.

The aim in providing such information is that by providing as much information as possible upfront and keeping people informed should keep the number of calls from complainants to a minimum. Also by being proactive the scope for rumour and misinformation should be reduced. It will also provide opportunity to manage the information released and keep negative media coverage to a minimum in turn reducing inter-community tension.

The Local Authority's Procedure for dealing with Unauthorised Encampments

The procedure comprises of 5 stages as follows:

Stage 1 – Identification of Land Ownership;

Stage 2 – Action by the Council – Welfare;

Stage 3 – Action by the Council – Decision Making;

Stage 4 – Action by the Council – Enforcement; and

Stage 5 – Action by the Council – Site Clean-up.

The stages are simplified in a flowchart at **Appendix T1** of this document and the approximate time scales at **Appendix T2**.

STAGE 1 – IDENTIFICATION OF LAND OWNERSHIP

The relevant course of action will be determined depending on whether the land is privately owned land or land owned by the Council. Another factor which may need to be considered is what action should be taken where the land is owned by the Gypsies or Travellers themselves. The SPOC will liaise with the appropriate departments to determine Land Ownership.

Privately owned land

The Council will not take action to evict where there is an unauthorised encampment on privately owned land. It will be the responsibility of the land owner to arrange for evictions, where necessary with the support of the police.

The Council will notify the landowner of the encampment where they are not already aware and will give advice on how to effectively manage the unauthorised encampment and the powers available to recover possession of the land. In order to formulate a consistent approach to advice a hand out to be issued to landowners is contained at Appendix T4.

If the landowner has given the encampment permission to use the land and the encampment are not causing disruption to the settled community the matter should be referred to the Local Authority's Planning Department to look at taking enforcement action for an unauthorised development.

Where the owner does not take action to recover the land or the land owner cannot be found and the encampment is causing serious disruption or a nuisance to the settled community action should be taken by the authorities following the procedure for if the land was Council owned land. Initially by proceeding to stage 2 of this procedure.

Land owned by Gypsies or Travellers (Unauthorised Developments)

Where Gypsies and Travellers (or anyone else) buy land and develop it as a caravan site without planning consent, any enforcement action must be taken through the planning system.

Enforcement in this regard will be a matter for the Council Planning Department in accordance with their enforcement policy.

Local Authority Owned Land

Where the land is identified as land which is owned by the Council the SPOC will consider whether or not it is appropriate to use an external service to remove the travellers. Factors to be taken into consideration are the location of the site and the level of disruption caused.

If it is decided to use an external service the SPOC will make the necessary arrangements.

If it is decided not to use an external service then proceed to Stage 2.

STAGE 2 – ACTION BY THE COUNCIL – WELFARE

The SPOC will be responsible for managing this stage of the procedure and will monitor progress and report back to the nominated officer accordingly.

As soon as it is agreed that the Council will take action a representative from the Council will attend the site to carry out an initial welfare assessment (**Appendix T3**) identifying relevant welfare issues (**Appendix T5**) and will also ensure that members of the encampment are issued with code of conduct (**Appendix T6**) This person will also distribute refuse sacks to be used by members of the encampment in order that the duties regarding refuse under the code of conduct can be adhered to. This person will have regard to the Council's risk assessment. This person will then report back to the SPOC who will then contact the relevant person should any welfare issues have been identified.

If any welfare concerns are raised welfare support will be provided by the following:

| <u>Potential Issue</u> | <u>Who should provide support</u> |
|--|--|
| Education | Ethnic Minority Achievement Service |
| Homelessness | Strategic Housing Service |
| Health | NHS - Health Outreach and Inclusion Public Health – Health Protection & Civil Contingencies |
| Animal Welfare - dogs, cats etc - horses - livestock | RSPCA RSPCA or - World Horse Welfare Public Protection |
| Child Care | Contact Centre |
| Adult Care | Contact Centre |

Full contact details of the above services/agencies are at **Appendix T8**

Where possible welfare support should be provided within 2 working days.

STAGE 3 – ACTION BY THE COUNCIL – DECISION MAKING

A decision will be made by a Director or Assistant Director on the best course of action. The decision should be recorded using the Checklist at **Appendix T7**.

If serious or urgent welfare issues need addressing the removal of the encampment should be delayed where possible unless the site is particularly hazardous or sensitive, in which case the unauthorised campers should be asked to relocate to a more appropriate location in the vicinity.

Once any welfare issues have been addressed the Director or Assistant Director in discussion with Elected Members will need to make a decision on whether to enforce or allow the campers to stay until the welfare issues are resolved. This decision will be based on a number of factors including, type of land, number of campers, behaviour of campers and the effect that the encampment is having on the settled community within the vicinity of the site.

Generally the following should be considered:

Is it possible to allow the encampment for any length of time? For example where the encampment is not causing a nuisance, is not in a populated area and not causing any disruption to the settled community. If so it may be possible to come to an agreement with the campers to allow them for a certain period of time on their agreement to leave by a certain date and adhere to certain behavioural conditions which are set out in the code of conduct.

Where an encampment cannot be allowed to remain eviction action may have to be taken:

As stated on pages 9 to 13 of this guidance there are various methods of enforcement action available to remove unauthorised campers. Although many encampments can be dealt with through negotiation there will be times when eviction is the only option. The Government believe that local authorities should always follow a route which requires a court order and this should be taken into consideration by the authorities when making any decisions. Different cases will require different courses of action and when making its decision the Council should take into account the factors and guidance notes set out on pages 9 to 13 of this guidance. In the majority of cases the Council will use the services of the external service.

STAGE 4 – ACTION BY THE COUNCIL - ENFORCEMENT

Once the decision to evict has taken place the procedure taken to secure eviction will differ depending on the decided course of action.

The most likely course of action to be taken by the Council will be by private Bailiffs or through the County Court.

Step by step approach – Civil Procedure Rule 55 County Court

NOTE: These steps will only be taken once the Council has carried out its initial welfare assessments and the Director/Assistant Director has approved this course of action.

- Legal Services will draw up the relevant documentation which includes a witness statement detailing the action taken by the Enforcement Officer.
- Legal Services will attend Court, usually accompanied by the Enforcement Officer to issue the papers and obtain a hearing date.
- The Enforcement Officer will arrange for service of the Notice of Hearing and accompanying documentation.
- If the unauthorised campers fail to leave the site Legal Services will attend Court with the Enforcement Officer to obtain an Order for possession.
- The Enforcement Officer will serve the Order for possession.
- If the unauthorised campers fail to leave the site Legal Services will apply for a warrant for possession of land.
- The Enforcement Officer will work with the County Court/Bailiffs who will carry out the eviction.

STAGE 5 – ACTION BY THE COUNCIL – SITE CLEANUP

Although the Council provides unauthorised encampments with refuse sacks and arranges collection there will still be some circumstances where cleaning up will be required.

The Council's Environmental Management Service should be notified by The Enforcement Officer as soon as the unauthorised encampment has left the site.

The Council will then attend as soon as reasonably practicable.

Preventing Further Unauthorised encamping

1. Injunctions/ Anti-Social Behaviour Orders – may be used to prevent gypsies and Travellers from returning to an area where they have caused problems in the past or are taking up unauthorised camping throughout the Borough.
2. Site protection measures – could be further considered in locations where they are vulnerable to unauthorised encamping. Some measures are listed below and are is not an exhaustive list:-

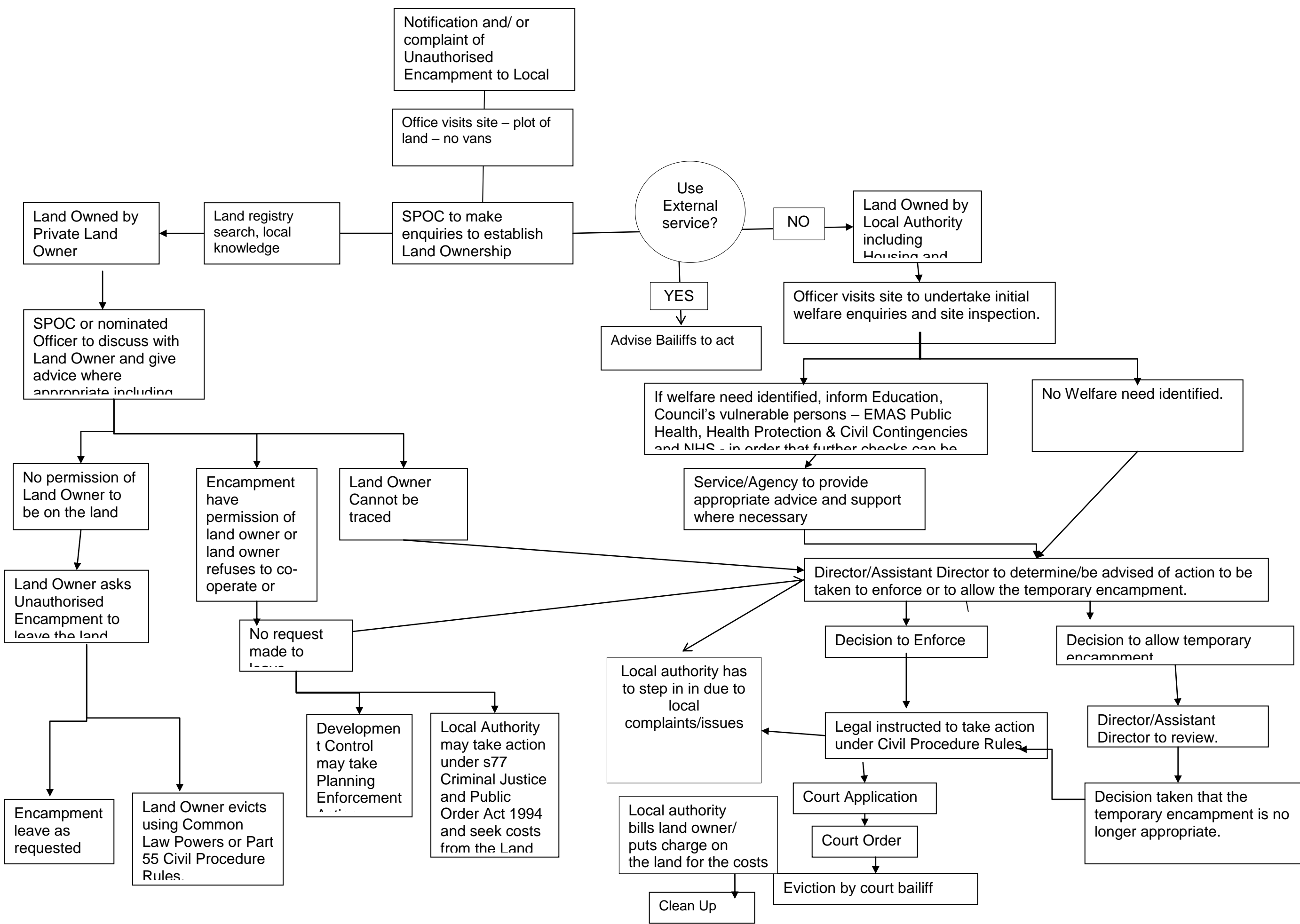
- a. Substantive steel gate with anti-tamper locks
 - b. Substantial height barriers
 - c. Width restrictions (that allow cars to pass but not caravans) installed with substantial posts or large concrete blocks/ boulders
 - d. Fencing/ ditching
 - e. Closing off seldom used accesses – under highways act if there are more commodious routes available etc
 - f. CCTV surveillance to be installed on particularly vulnerable sites and or officer patrols to be carried out in the local authority area to ensure sites are secure and any follow up steps to make sites secure is undertaken.
3. Referral to the Police – where trespass has taken place upon Council owned land and security fencing/ locks/ any type of security measure has been breached by way of removal or cutting should be referred to the Police who will make a decision whether to further investigate a crime based upon, and balancing, the following principles:
- being victim focussed;
 - protecting the public; and
 - making the most effective use of GMP resources.

Appendices

- Appendix T1 – Flowchart
- Appendix T2 – Time chart
- Appendix T3 – Welfare Check Form
- Appendix T4 – Information Sheet
- Appendix T5 – Site Inspection Form
- Appendix T6 – Code of Conduct
- Appendix T7 – Site Checklist and Decision Form
- Appendix T8 – Contact List
- Appendix T9 – Definitions
- Appendix T10 – Frequently Asked Questions
- Appendix T11 – APCO Guidance

Form T1 – Flow Chart

Detailed over the page is a simplified flowchart of the procedure/ steps to be taken on receipt or notification of an unauthorised encampment.



T2 – Time Chart

1. Identification of Land Ownership will be undertaken immediately following notification and/ or complaint of Unauthorised encampment to Local Authority
2. Where land is privately owned dialogue will ensue with private landowner and either private landowner will take necessary action or discuss assistance required from Local Authority and arrangement agreed.
3. Where land owned by Local Authority the following time periods apply (response times may vary):-
 - a. Day 1 – Health and welfare assessment to be undertaken and reported back to SPOC as to whether or not any reasons why unauthorised encampment to be allowed
 - b. If no reason to allow unauthorised encampment the matter will be referred to the external service or proceedings will be commenced in the County Court
 - c. Day 4 –
 - i. Hearing at County Court (if travellers still remain on land) for Order of possession
 - ii. Order then served upon unauthorised encampment giving 24 hours to leave the site.
 - d. Day 5 – If travellers remain on land application made for warrant for possession of land.

Form T4 – Handout – Advice re Travellers

Unauthorised Encampments on Privately owned land

Does the Council have a duty to move travellers when they are camped without the landowner's permission?

The Council has no specific legislative duty to move travellers from land which is not Council owned. It is the responsibility of the land owner to do so.

If Travellers are on my land without permission what should I do?

There are powers available to private landowners under common law and under Part 55 Civil Procedure Rules to enable you to be able to remove the travellers from your land. Advice should be sought from your own solicitor as to the best course of action. Landowners may also contact Legal Services on 01942 828105 or 01942 828090 for advice. A guidance note on the court procedure is available on request.

You should also contact the Council to put them on notice that there is an unauthorised encampment within the Borough. Please use the Council's website 'report it' facility or telephone 01942 489141, 01942 489142 or 01942 828399.

What could I do to deter travellers from camping on my land?

There are a number of preventative measures to prevent travellers from gaining access to your land as follows:

- Make earth barriers.
- Plough the land so that vehicles sink in.
- Reduce access width and/or headroom with the use of barriers.
- Place locked gates across the entrance.

You may need to consult your solicitors or insurers prior to making such changes.

Do the police have a duty to help private landowners in the eviction process?

The police have a duty to preserve peace and prevent crime. This applies to the community as a whole including travellers. Trespass on land alone is therefore not a matter for the police.

You should however inform the police that the encampment has arrived within the Borough in order that they are aware. Also if the travellers have caused damage to your property or have used threatening or abusive behaviour towards you, a member of your family or an employee or agent the police may be able to assist under Section 61 Criminal Justice and Public Order Act 1994.

There are certain factors that will need to be taken into consideration which can only be determined by a senior police officer. Each case will be considered on its own merits. The Senior Police Officer must have regard to guidance issued by the Association of Chief Police Officers.

Code of Conduct for Travellers on Unauthorised Campsites

To ensure those members of both the settled and travelling communities can live together in a peaceful and unprejudiced way we expect you to comply with this Code of Conduct. We expect you to treat the land you have occupied with respect, and that you respect the rights and freedoms of other people who also wish to use the area.

Behaviour that may result in you eviction from a site includes the following:

- Camping upon any land designated as a public amenity, such as parks, recreation areas, school fields and similar locations (not an exhaustive list).
- Interfering with the rights and freedoms of other members of the public, including interrupting the operation of legitimate businesses.
- Forcing entry to land, by causing damage to any fixtures, fittings or landscaping (including planted areas). This includes digging away of earthwork defences, which have been placed at landowner's expense to prevent trespass.
- Causing any other damage to the land itself, or property on it. Particular care should be taken not to cause damage to those features provided as public amenities.
- Driving vehicles along any footpath, or other highway not specifically designed for road vehicles. This practice is not only unlawful but is also highly dangerous.
- Parking vehicles or caravans on any road, footpath or other highway that causes an obstruction to other people wanting to pass by. This includes parking immediately next to footpaths.
- Dumping or tipping rubbish, waste materials or trade waste such as tree cuttings, rubble, etc. It is your responsibility to keep the site clean and tidy. Council Traveller Council Officers can direct you to Civic Amenity Sites (Council tips) where you will be able to pay to dispose of trade waste.
- Use the area as a toilet. You must not deposit or leave human waste openly in public areas.
- Abuse, intimidation or harassment of any person who is lawfully using the area.
- Excessive noise or other forms of anti-social behaviour.
- Animals that are not kept under control or that attack persons lawfully on the land, or nearby.
- Interference with electrical, water or gas supplies. Any person(s) found abstracting electricity, or wasting quantities of water may be subject of criminal proceedings.

These codes are the same standards of behaviour that are expected of the settled community. The police are committed to ensuring that all policing issues that affect you are balanced; however behaviour that is deemed unacceptable within society will not be tolerated.

Please note that if you are considering moving to another unauthorised location, be aware that encampments on certain land will not be allowed and eviction will be sought immediately. Such sites include school grounds, playgrounds, public car parks, industrial estates/leisure centres and polluted land.

USEFUL CONTACTS

LEGAL ADVICE

If you need general legal advice please contact the Citizens Advice Bureau on 0300 3301153/01942 489933.

HOUSING

Some Gypsy/Traveller families have expressed an interest in moving in to Local Authority Housing. Wigan and Leigh Homes can offer support in relation to affordable housing. For further details please contact Wigan and Leigh Homes on 01942 489005.

EDUCATION

If you want help with your children's' education please contact Ethnic Minority Achievement Service on 01942 404087.

SOCIAL WELFARE

Should you have any worries about aspects of your welfare or your children or relatives welfare please contact

Children and Young People's Team: Office hours – 01942 828300. Mon-Fri 5pm to 8pm; Sat 8.45am to 1pm – 01942 828777; Mon-Fri 8pm to 8.45am; Sat 1pm to Mon 8.45am – 0161 834 2436.

Adult Care Services: 01942 828777.

HEALTH

If you want advice on any health issues there is a 24 hour NHS helpline you can call on 0845 4647.

T8 – Contacts List

| Officer | Role | Contact No. |
|--|--|--|
| | Single Point of Contact (SPOC) for Wigan Council to log and disseminate actions following notification/ complaint of an unauthorised encampment | Tel:- 01942 489141 01942 489142 Email:- |
| Contact Centre | Appointed contact centre for the Council to take details of all complaints to communicate to the appropriate department, and in relation to unauthorised encampments to the appointed SPOC | Tel:- 01942 404364 Website: www.wigan.gov.uk/Reportit |
| Central Watch Station | Out of hours contact - Appointed contact centre for the Council to take details of all complaints to communicate to the appropriate officers, and in relation to unauthorised encampments | Tel:- 01942 404040 |
| Greater Manchester Police | In case of all emergencies. | Tel:- 01942 485586 or 999 in case of emergency or 101 for a non-emergency incident |
| Greater Manchester Fire and Rescue Service | In case of fire and rescue situations. | Tel:- 999 in case of emergency or 0161 909 8626 for other enquiries website:- www.manchesterfire.gov.uk |
| NHS Health Outreach and Inclusion | For medical health support. | Tel:-999 in case of serious injury or illness or 0845 4647 |
| RSPCA | For incidents relating to neglect or cruelty towards animals. | 0300 123 4999 |

| | | |
|---------------------------|---|---|
| Adult & Childcare | For any immediate adult and child welfare concerns. | <p>Children and Young People – Office hours: 01942 828300 Mon-Fri 5pm to 8pm; Sat 8.45am to 1pm – 01942 828777. Mon-Fri 8pm to 8.45am; Sat 1pm to Mon 8.45am – 0161 834 2436</p> <p>Adults:- 01942 828777</p> |
| World Horse Welfare | For concerns about welfare of horses | 01253 766983 |
| Public Protection Officer | Concerns about livestock | 01942 489337 |

Definitions

‘Authorities’

Greater Manchester Police and Wigan Borough Council.

‘Local Authority’

Wigan Borough Council

‘Police’

Greater Manchester Police

‘Unauthorised Encampment(s)’

Trespassing by Gypsy’s and/or Travellers on land which they do not own nor have a legal right to occupy. .

‘Gypsies and Travellers’

Persons with a cultural tradition of nomadism or of living in a caravan and all other persons of a nomadic habit of life, whatever their race or origin

‘Enforcement’

Taking legal steps to remove Unauthorised Encampments from land.

‘SPOC’

Single Point of Contact for the Council in relation to unauthorised encampments

APPENDIX B

Frequently Asked Questions



What we will do

Log the report or call

Aim to visit the site within 4 hours of receiving a report in order to ascertain the number of caravans involved and to plot the exact location.

Should the unauthorised encampment be on land that is under the ownership of Wigan Council we will work within our legal framework to address the situation.

In the majority of cases we utilise a specialised provider to liaise with members of any unauthorised encampments this usually results in the unauthorised encampment vacating the site within a 2 to 3 day period.

In a small number of cases the Council will need to take into consideration specific issues relating to health and wellbeing etc in such cases this will result in extended stay periods.

Once the site is vacated, we will ensure that any waste material is removed as soon as possible.

Please note - private landowners are responsible for the removal of waste from land under their control.

What the Police will do

All incidents of criminal activities should be reported directly to the Police.

The Police will only intervene in the removal of unauthorised encampments in exceptional circumstances such as issues of major public order offences.

Unauthorised encampments - frequently asked questions

The Council recognises and accepts the rights of travellers/gypsies and also those people on whose land unauthorised camping takes place.

Gypsies and travellers are protected from discrimination by the Equality Act 2010 and the Human Rights Act 1998, together with all ethnic groups who have a particular culture, language or values.

These FAQ explain how the Council and other official agencies will work to try to balance the rights of all those involved.

Why do gypsies/travellers pursue a travelling lifestyle?

There is a past history and tradition for some people to live in caravans or move around the country. However, encamping on someone's land without their consent is unlawful and in certain circumstances, it is not just a breach of civil law, but also criminal law.

Does the Council or Police have a duty to move gypsies/travellers when they are camped without the landowner's permission?

No.

The powers given to local authorities and the police are discretionary and can only be used when certain conditions exist. Failure to comply with both civil and criminal procedures would render the Council and Police liable to successful challenge in the Courts.

What about trespass?

The duty of the Police is to preserve the peace and prevent crime. Trespass on land itself is not a crime - it is a civil matter. Prevention of trespass is the responsibility of the landowner, not the Council nor the Police.

What about criminal activity associated with some authorised encampments?

Most gypsies and travellers are law-abiding citizens. The Police will deal with crime committed by gypsies/travellers when there is a complaint and evidence to support it, just as they would when committed by anyone else.

When can the Police move them on?

The Police may activate their powers under section 61 of the Criminal Justice and Public Order Act 1994 to require gypsies/travellers to leave.

The Police are able to activate these powers where they are satisfied that two or more people are trespassing on the land, and the landowner has taken reasonable steps to make them leave (and they have failed to do so). In addition, one of the following also has to apply:

- damage has been caused to the land or property, or
- threatening / abusive / insulting behaviour has been used against the occupier, his family or agent, or
- the trespassers have six or more vehicles.

Any enforcement of section 61 requires considerable resourcing and consideration has to be given to having sufficient police officers available etc, which may in itself take some time to arrange.

When can the Council move them on?

If gypsies/travellers are camped on Council land, the Council can recover possession of their land if their land is occupied without their consent.

If the gypsies/travellers are on Council land and are causing problems they will be moved on as soon as is possible and reasonable. The Council will consider each case on its merits. In all cases the site is visited and every effort made to make sure that the gypsies/travellers keep the site tidy and do not cause public health problems.

If they are on private land, it is usually the landowner's responsibility.

Can the Council remove gypsies/travellers from their land immediately?

No, the Council must:

- show that the Gypsies/Travellers are on the land without consent
- make enquiries regarding the general health, welfare and children's education
- ensure that the Human Rights Acts 1998 has been fully complied with
- establish ownership of land.

How long will it take for the gypsies/travellers to be removed?

This will depend upon the circumstances of each individual case. The Council will need to take account of the issues outlined above however in normal cases we look to serve notice within 24 hours of notification and would expect them to move on within a further 48 hours.

What can I do if unauthorised encampments occur on my land?

Firstly talk to them to see if a leaving date can be agreed.

If you are not willing to tolerate the encampment any longer, you or your solicitor can go to a County Court and obtain an Order granting you possession of your land.

Do we have any authorised sites in the Borough?

Yes.

One site is situated at Bickershaw, Bickershaw Lane, Wigan; this site is managed by Wigan and Leigh homes. There is also a privately owned site at Little Lane, Goose Green Wigan.

Who do I complain to about unauthorised encampments?

The Council's Contact Centre is the first point of contact for complaints about unauthorised encampments. Instances occurring on Council owned land will be directed to the service responsible for its management who will investigate the complaint and instigate action as appropriate.

Unauthorised encampments Communications strategy



December 2016

Background

This document supports Wigan Council's procedure for managing unauthorised encampments and sets out how communications will support the procedure.

Unauthorised encampments can be a sensitive issue in the borough and can generate a high number of enquiries from elected members and members of the public, putting a strain on resources and staff. If not dealt with appropriately and swiftly they can also generate negative media coverage for the council.

It is important that all stakeholders are kept informed about what is happening and what can be expected to happen with encampments in the borough.

The strategy is to take a more proactive approach to communicating with residents when the council and its partners are dealing with an unauthorised encampment.

In 2015 Wigan Council was criticised for using language in a Facebook post advising residents to avoid a public park where there was an unauthorised encampment.

It is important that appropriate language is used when communicating with stakeholders about an encampment to avoid this.

This document shows the activity involved, along with budget details, objectives, and stakeholders.

Objectives

The objectives of this plan are to:

- Increase the number of residents using the council's Good Trader Scheme
- Improve the way residents can report an encampment to the council
- See a reduction in the number of enquiries to the contact centre and planning team when there is an encampment in the borough
- Mitigate negative media coverage of the council and its partners when there is an encampment in the borough.

Key messages

It has been agreed that Wigan Council will use a more proactive approach with external communications

- If you're looking for a reliable trader use the council's Good Trader Scheme and not doorstep traders.
- The council has a new policy to act swiftly and efficiently when dealing with an unauthorised encampment.

Audiences

A members briefing session will be planned with elected members to ensure they know the process and what to expect when there are travellers in the borough.

Other stakeholders who may need to be kept regularly informed:

- Residents
- Cabinet member, chief executive and director
- Wigan Council staff
- Greater Manchester Police
- Local and regional media
- Local businesses
- Other partner agencies

Budget

There is no formal budget for the communications.

Activity plan

External Website

A dedicated webpage will be set up on Wigan Council's website which residents can be signposted to when there is an unauthorised encampment in the borough.

There will be FAQs on the webpage and will be regularly updated with information about the latest encampment to keep residents fully informed.

There will also be information for private landowners and contact numbers if they need advice of assistance.

Internal

Elected members

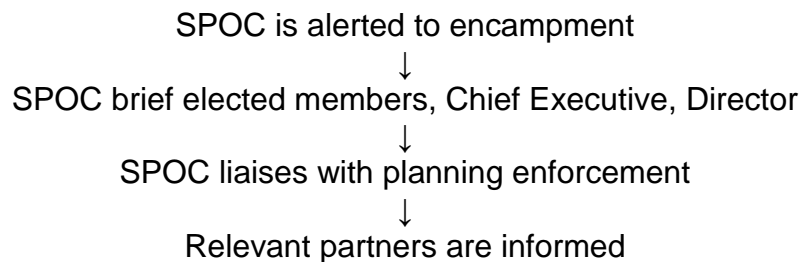
As set out in the unauthorised encampment procedure, the Single Point of Contact for the Council (SPOC) will brief elected members for the area in which the encampment is situated in order that the members can pass information onto their constituents.

In addition, contact email addresses should be taken from any complainants in order that they can be emailed directly by the SPOC where appropriate.

Wigan Council staff

A script will be agreed for contact centre staff to follow when the council becomes aware of an encampment so they can keep residents fully informed. This will reduce calls being put through to the planning enforcement team and improve the reputation of the council.

Internal communications protocol



Planning enforcement officers are alerted to encampment and begin process
↓
Planning enforcement alert Public Relations team - pr@wigan.gov.uk / Web team - webteam@wigan.gov.uk / Customer Contact Centre via (include best contact)

Monitoring and evaluation

Monitoring and evaluation systems will be put in place to ensure that each of the project's objectives are regularly checked to ensure they are on track to be met.

At the end of the project, an overall evaluation report for the project will be completed.

| Objective | Monitoring method | Evaluation method |
|--|---------------------------------|---|
| Increase the number of residents using the Good Trader Scheme | Good Trader Scheme stats | Ratings of traders/ number of traders signed up to scheme/ Number of encampments in a one-year period |
| Improve the way residents can report an encampment to the council | Website views | Number of calls to planning team/ feedback from officers on call |
| Reduction in number of enquiries to the council when we have reports of an authorised encampment | Number of calls | Number of calls to contact centre/ number of views on council webpage |
| Mitigate negative media coverage | Media and social media coverage | Coverage marked as positive, negative or factual |