

THATCHAM TOWN COUNCIL

UNAUTHORISED ENCAMPMENT POLICY



Reference	XXX	Adopted by	Recreation & Amenities Committee
Prepared by	Naomi Mildenhall (Services Manager)	Adopted date	XXXXXXXX
Monitored by	Town Clerk	Minute reference	XXXXXXXX
Monitoring review	Annually	Review date	xxx

Introduction

The purpose of this policy is to better equip Officers and Councillors in deciding how to deal with unauthorised Traveller encampments on Thatcham Town Council owned land. This policy is also to reassure Thatcham residents and other interested parties of the Council's position with regards to unauthorised encampments.

An unauthorised encampment is when an individual or group of individuals move onto a piece of land that they do not own, without the permission of the landowner.

Unauthorised encampments are a matter of civil trespass between the landowner and the individual(s) illegally camped on the land. Private land owners are expected to deal with encampment on their own land.

Many of the unauthorised encampments in our Town are by groups of people, such as Gypsies or Travellers, who follow a nomadic way of life, travelling the country, stopping off for a time, then moving on.

Gypsies and Travellers, together with all groups who have a particular culture, language or values, are protected from discrimination by the Race Relations Act 1976 and the Human Rights Act 1998. It is not illegal to roam, and people cannot be prevented from roaming.

Although, we do not, by law, have to remove individuals or groups who illegally camp on our land, we do try to move all those who have set up an unauthorised encampment as quickly as possible.

Purpose

1. The purpose of this policy is to ensure that the Council deal with unauthorised encampments in a fair and proportionate manner.
2. As a council, we must follow a set legal process to deal with unauthorised encampments.

Scope

3. This policy applies to the management of all unauthorised encampments, including the establishment of a tent, vehicle, or other structure, by a person(s), in an area where they have no permission to reside or occupy. This policy covers the

management of unauthorised encampments regardless of who the occupiers may be. The policy incorporates the council's duties in relation to Traveller communities, outlining how the council will meet its Public Sector Equalities Duty and Human Rights obligations towards these communities.

4. In this case, the term 'Traveller' is an encompassing term that refers to people who choose to live in a nomadic manner, often referred to as Gypsies and Travellers. There are different groups of Travellers in the UK, including but not limited to Romany Gypsies, Irish Travellers, Scottish Gypsies and Travellers, Welsh Gypsies and Travellers, New Travellers or New Age Travellers, and fairground/circus families.

The policy applies to all Thatcham Town Council staff involved in the management of unauthorised encampments, and agencies acting on behalf of Thatcham Town Council.

Legislation

5. Gypsy and Traveller Communities can constitute ethnic minority groups and possess the same rights and obligations as any other groups or individuals in the UK.
6. Thatcham Town Council will fulfil its obligations under the Equality Act (2010) and the Human Rights Act (1998) whenever carrying out its functions, and in particular when making any decisions regarding the management of any unauthorised encampment.
7. The council will exercise its legal powers according to relevant legislation and also any relevant statutory guidance.

Financial implications

8. When dealing with an unauthorised encampment on Council land there will be financial implications for the Council; through manpower hours, dealing with health and safety issues, potentially reinforcing security to sites and such like.
9. Total costs incurred will be reported to the Recreation and Amenities committee at the earliest opportunity for ratification.

Policy Statement

Responsibility for following this policy is with the Council Officer/s on duty at the time an unauthorised encampment is reported. Outside of normal working hours the Town Clerk will coordinate duties.

Due to the nature and speed at which actions unfold, liaison with the Council is not always possible so this policy is therefore in place to ensure that unauthorised encampments can be dealt with in a fair and humane manner balancing the rights and needs of the town and the Travellers themselves.

The Council will consider carefully whether unauthorised encampments can be tolerated for a period of time and when and how to instigate eviction procedures. The Council will consider each occurrence individually and will take into account any special circumstances.

Any decisions made will balance the needs of Travellers with the impact on Council services and undue nuisance to neighbours and members of the public, including damage to land and property.

Associated Documentation:

- Home Office Guide to Dealing with Illegal and Unauthorised Encampments

This Policy will be reviewed annually by Council Officers and every four years by Council, or sooner should circumstances or legislation change.

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