

# Southampton City Council

## Managing Unauthorised Encampments Policy



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<b>Managing Unauthorised Encampments Policy</b>			
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<b>Contact</b>	mitch.sanders@southampton.gov.uk	<b>Effective date</b>	TBC

## Purpose

1. The purpose of this policy is to affirm the council's commitment to dealing with unauthorised encampments in a fair and proportionate manner, taking into account the needs of Travellers, as well as the needs of the settled residents of Southampton.
2. Southampton City Council acknowledges that the right to choose to lead a nomadic existence is enshrined in law and that it is not the role of a local authority to endorse, disrupt or discourage this lifestyle. However, managing unauthorised encampment must involve a balance between the rights of the landowner and/or wider community and the rights and welfare needs of those who have established the unauthorised encampment. Local authorities have a statutory duty to ensure that both sides are fairly represented when it comes to unauthorised encampment on public land.

## 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.
5. The policy applies to all Southampton City Council staff involved in the management of authorised encampments, and agencies acting on behalf of Southampton City Council.

## Legislation

6. 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.
7. Southampton City 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.
8. Southampton City Council will have due regard to its **Public Sector Equality Duty**, which includes compliance with the general duty to eliminate discrimination, advance equality of opportunity and foster good relations.
9. The council will exercise its legal powers according to relevant legislation and also any relevant statutory guidance. The Council will also take into account other relevant guidance such as the Department for Communities and Local Government (DCLG) guidance on [Dealing with illegal and unauthorised encampments](#).

## POLICY STATEMENT

10. In respect of unauthorised encampments, the council strives to balance the interests of local residents and the Travelling population and every unauthorised encampment will be considered on its individual circumstances.
11. Southampton City Council provides an authorised fixed site with a total of 14 residential pitches for Travellers at Kanes Hill. Any applications for further permanent sites will be considered in accordance with the relevant Local Plan policies.
12. On receiving an initial notification of an unauthorised encampment, Southampton City Council will:
  - a. Establish if encampment is unauthorised and if action has already been taken.
  - b. Establish if the land is owned by Southampton City Council, privately owned or leased, and the identity or manager of the land where appropriate.
  - c. Contact any relevant stakeholders to notify them of the unauthorised encampment, including Hampshire Constabulary and the relevant owner or manager of the land.

## Unauthorised encampments on council land

13. In cases where the unauthorised encampment is on council owned land, Southampton City Council will visit the site of the unauthorised encampment, as soon as possible following notification of the encampment, to undertake a welfare check.
14. The welfare check will take into consideration:
  - a. The health, welfare and housing needs of any individuals on site.
  - b. The educational needs of any children on site.
  - c. Whether any individuals on site are vulnerable or disabled.
  - d. What facilities are available to individuals occupying the encampment on the site (such as refuse, water and toilet facilities).
  - e. Whether there are any risks associated with the encampment such as traffic hazards, proximity to sensitive sites, antisocial behaviour issues.
15. The welfare check will consider the individual needs of the residents of the encampment, including whether there is any reason why the encampment cannot immediately move. Information obtained during this visit may be shared with other council services or relevant authorities, where there is a legal basis to do so, to support the welfare needs of individuals at the site.
16. Subject to any specific considerations being taken into account following the initial Welfare Check, the council may serve notice on individuals occupying the site to move. If the site is not vacated within the period set out in the notice, the council may take legal action to evict individuals occupying the site.
17. In exceptional circumstances, the council may implement a 'decision to tolerate' for a limited period of time, based on needs identified by the Welfare Check.
18. A decision to take legal action to evict individuals occupying the site will only be taken by the relevant Authorising Officer, as set out in the council's [Officer Scheme of Delegation](#), in line with council policies.

## Unauthorised encampments on private land

19. It is the responsibility of the private landowner to take action to remove trespassers and to deal with any environmental risk or nuisance relating to unauthorised encampments on private land. The landowner is responsible for meeting the costs of any action taken.
20. Upon notification of an encampment on private land, the Southampton City Council will liaise with the landlord (if identified), including seeking permission to enter the land to undertake welfare checks as above where necessary.
21. If a safeguarding concern is identified, Southampton City Council may take remedial action to limit or remove the concern. This action may be taken with relevant partners, and may be taken outside of the process set out above in relation to welfare checks, regardless of the landowner's permission to enter the site.
22. In some circumstances, the council may consider taking action to deal with any items or substances deposited on land which are causing harm or nuisance to public health or the environment. In these cases the council will always seek the encampment landowner's permission and cooperation, and will seek to recover all costs.

## Rapid eviction

23. Any unauthorised encampment reported to Southampton City Council will be considered on its own merits against criteria such as health and safety considerations for the unauthorised campers, traffic hazard, public health risks, serious environmental damage, and genuine nuisance to neighbours and proximity to other sensitive land-uses.
24. If any significant risk is identified (including risks to the individuals occupying the unauthorised encampment, local residents or otherwise), Southampton City Council will report the site to Hampshire Constabulary.
25. Southampton City Council advises members of public and staff to report instances of anti-social behaviour to the police non-emergency number 101.

## Governance

26. Enforcement activity in relation to the management of unauthorised encampments will be undertaken in line with Southampton City Council's Enforcement Policy.
27. This policy will be reviewed when there is any significant change in legislation or other circumstances that affect its effectiveness and validity.

[END]