

# **Bracknell Forest Borough Council**

## **Statement of Policy in Relation to Unlawful Encampments**

This policy sets out the approach that will be taken should there be an unlawful encampment including those by Gypsies.

### **Definitions**

All references to travellers include “Gypsies” and Irish travellers.

All references to the Director means the Director of Environment, Culture and Communities or his officers acting through the Director’s delegated authority’.

### **Statement**

- 1 Responsibility for making and implementing decisions in respect of trespass is delegated to the Director of Environment, Culture and Communities.
- 2 This document is intended to provide a policy framework to guide officers in deciding how to deal with trespass by travellers and is to be read in conjunction with the Bracknell Police Area and Bracknell Forest Borough Council Unauthorised Encampment Protocol.
- 3 The Council will at all times act in a humane and compassionate fashion. Every case and any special circumstances which may manifest themselves will always be considered in their own right. In making decisions with regard to eviction or toleration of any particular unauthorised encampment, the Director will balance the relative weight given to each of the responsibilities which rest with the Council, including those outlined in the Department of the Environment Circulars and take account of other guidance issued by Government.
- 4 Formal repossession procedures will normally be undertaken where trespassers occupy land owned by Bracknell Forest Borough Council; on land where a particular landowner requests the assistance of the Council; and the Director considers that it is appropriate under the circumstances to act on land where the owner cannot be identified; or where the trespass in the opinion of the Director will:
  - (a) create a hazard to road safety or otherwise create a health and safety hazard;
  - (b) create an intolerable nuisance to the general public by reason of its size, location, nature or duration;
  - (c) create an intolerable impact on the enjoyment, use or habitation of adjoining or nearby property, or interfere with the effective management of that property;
  - (d) cause, or is likely to cause, damage to the Council's land or property, including the dumping of waste of any nature or prejudice its use by staff, tenants, occupants or, if appropriate members;
  - (e) be too large for its location or is causing unacceptable impact on the environment;

- (f) for some other reason be detrimental to the interests of the public if permitted to remain for an extended period.
- 5 Travellers will not be moved unnecessarily from place to place. Consideration will be given to:
  - (a) Individual requests for housing services;
  - (b) Individual physical or psychiatric health needs;
  - (c) Individual pregnancy or neo-natal care;
  - (d) Individual cases of welfare and education of children including issues relating to the Child Protection Register, individual statements of special education needs or other factors affecting child development;
  - (e) Individual access of older people, or those with disability, to domiciliary services in order to maintain independence;
  - (f) Individual consultations from hospital or primary health care.
- 6 When balancing the above factors, the Director will have in mind:
  - (a) Obligations under legislation regarding highways, public open spaces, the countryside and town and country planning;
  - (b) Any other relevant considerations.
  - (c) The Council's duties under the Equalities Act 2010.
- 7 All decisions will be made in accordance with the policy approach set out in points 3 to 6 above and will be subject to review as appropriate.

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