

**North Yorkshire Council**  
**Environment Executive Members**

**12 July 2024**

**North Yorkshire Council Unauthorised Encampment Policy**

**Assistant Director of Regulatory Services, Registration, Bereavement,  
Coroners Service**

<b>1.0 PURPOSE OF REPORT</b>
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1.1 To seek approval for the NYC Unauthorised Encampment Policy and Joint Working Protocol.
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**2.0 SUMMARY**

- 2.1 As part of the Environment Department restructure there is a proposal to create a single Environmental Enforcement Team which will undertake a wide range of enforcement actions related to environmental crime. This team will operate under the guidance of an overarching enforcement policy which will be presented for consideration in due course but in advance of that it was deemed necessary to have a single NYC policy to cover the issue of unauthorised encampments due to the high-profile nature of the problems that arise and the high level of Member and local community interest.
- 2.2 The policy has been produced in consultation with relevant departments within NYC, the Police and Gypsy and Traveller groups. It has also been discussed at Management Board and Cabinet.

**3.0 BACKGROUND**

- 3.1 The powers to deal with the problems caused by unauthorised encampments ie trespass are split between the Police, the Local Authority and private landowners. The proposed NYC policy sets out the action that the Council will take when an unauthorised encampment is discovered on either Council or private owned land.
- 3.2 The Unauthorised Encampment Policy (Appendix A) annexes a Joint Working Protocol (Appendix B) with North Yorkshire Police which sets out the respective powers and considerations that each body will take into account in dealing with operational issues and the respective roles of each organisation.

**4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE**

- 4.1 Unauthorised encampments can be an immediate cause for concern within local communities that almost invariably result in local Members being asked for the Council to take action.
- 4.2 The Council has clearly established powers to act in these circumstances and the policy is designed to give clarity over the process and decision making that will take place when an unauthorised encampment arises.

- 4.3 The policy follows government guidance about the expectation for a co-operative multi agency response to these situations and the Joint Working Protocol replicates the guidance issued to the Police in setting out the factors that will be taken into account in determining the appropriate course of action.
- 4.4 In every instance where the Council is notified of an unauthorised encampment Enforcement Officers will undertake a Welfare Assessment and a Community Impact Assessment. These assessments will help to determine the most appropriate course of action and which agency should take the lead.
- 4.5 Whilst much of the focus of the discussion in formulating the policy has been centred upon the travelling community, the policy will be applied in all instances of unauthorised encampments which could include protests or holiday stays. Due to the protected characteristics of many within the Travelling Community this focus has been appropriate but the wider context of the policy should be noted.

## **5.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- 5.1 The policy has been produced in consultation with
- NYC service areas, Public Health, Highways, Community Safety, Legal Services.
  - North Yorkshire Police (NYP)
  - Representatives of Traveller Community groups
    - York Travellers Trust
    - Moving for Change
    - The Traveller Movement

## **6.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 6.1 This policy helps deliver the aims of the Council Plan priorities of Place and Environment in helping to protect our local environment and the data that is gathered from a new harmonised approach across North Yorkshire will help inform the policies delivering priorities related to Health and Wellbeing in reducing health and social inequalities.

## **7.0 ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 Due to the fact that prior to NYC coming into existence there was no unified approach to unauthorised encampments across North Yorkshire this is the first policy designed to harmonise actions and to provide a framework for partnership working with NYP. As such this policy has been developed in consultation from scratch and is being presented as a draft for discussion. There are no alternative options which have been disregarded as part of this process but alternative working practices to the model suggested can be discussed before the policy is finally adopted.

## **8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS**

- 8.1 It is intended that the initial response and actions related to dealing with unauthorised encampments will be the responsibility of the Environmental Enforcement Team and the key external partner will be North Yorkshire Police. There will be clear working relationships with other NYC service areas such as Public Health, Highways and Housing in terms of practical actions and implications arising from welfare assessments and also with Legal Services should formal eviction action prove necessary.

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 The policy itself does not give rise to any additional financial implications however budgets are still being allocated from various service areas from the legacy Districts / Boroughs due

to responsibility for this area being split across a number of different service areas. The costs associated with site clearance and remediation are currently being absorbed by other service budgets within the wider Environment budget (e.g. Parks/Waste) and generally costs are being managed within wider service budgets, so whilst no budget growth, nor savings, are anticipated as a result of this Policy, there will be fluctuations in spend due to the unpredictable nature of the work, which will be managed as far as possible within the wider Environment financial position.

## **10.0 LEGAL IMPLICATIONS**

- 10.1 NYC has legal powers available to it to require people residing in vehicles to leave land which they are occupying without the Council's consent. Legal Services would be consulted and engaged to undertake any action was proposed under the Criminal Justice and Public Order Act 1994 or Local Government Act 222. The Joint Working Protocol sets out the powers available to the Police in dealing with unauthorised occupation of land and they have signed up to the risk-based approach as set out in the draft policy.

## **11.0 EQUALITIES IMPLICATIONS**

- 11.1 Unauthorised encampments may include people regarded as having protected or special characteristics and the equalities impact assessment screening form indicated that a full EIA was required to be carried out.

## **12.0 CLIMATE CHANGE IMPLICATIONS**

- 12.1 The climate change impact assessment form indicated that there was no requirement to undertake a full climate change assessment.

## **13.0 POLICY IMPLICATIONS**

- 13.1 This policy seeks to address an issue that often involves young families and vulnerable people and, as such, links to many other Council service areas. The consultation involved in developing the policy was intended to ensure that the document aligned with the aims and objectives of Public Health, Housing and Community Safety and will need to align with policies such as the Joint Health and Wellbeing Strategy and Rough Sleeper Strategy.

## **14.0 COMMUNITY SAFETY IMPLICATIONS**

- 14.1 The existence of an unauthorised encampment may give rise to community concerns or tensions which may result in a number of community safety related issues arising such as anti-social behaviour or hate crime. The Environmental Enforcement Manager has responsibility for liaising with colleagues in the Community Safety Team for all matters related to environmental enforcement which would include any specific unauthorised encampment incident. It will be the role of the Environmental Enforcement Manager to ensure that the Council's approach is fully joined up and they will also attend any Community Safety Partnership meetings to provide updates or data about unauthorised encampments and NYC actions as and when required.

## **15.0 REASONS FOR RECOMMENDATIONS**

- 15.1 A consistent approach to addressing the issues arising from unauthorised encampments is required across North Yorkshire and the draft policy attached to this report is intended to achieve that objective. In addition, a joint working protocol will clarify roles and responsibilities between NYC and the Police to ensure that there is accountability and communication when dealing with reported incidents.

## **16.0 RECOMMENDATION**

16.1 That the Corporate Director of Environment in consultation with the Executive Member for Managing our Environment approves the NYC Unauthorised Encampment Policy.

### **APPENDICES:**

Appendix A – NYC Unauthorised Encampment Policy

Appendix B – Unauthorised Encampments NYC & NYP Joint Working Procedure

Appendix C – Equality Impact Assessment

Appendix D – Climate Change Impact Assessment

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26 June 2024

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## Unauthorised Encampments Policy

Draft June 2024

### DOCUMENT CONTROL

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Date	Reviewed By	Version	Any Revisions?
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### REVISION HISTORY (only required where changes made)

Date	Revised By	Version	Description of Revision
April 2024	C McKeon	0.5	Final MB version following Public Health Comment
June 2024	C McKeon	0.6	Final Version for Approval

### DOCUMENT REVISION APPROVALS

Version	Approval	Date
0.4	Env Transformation Board	28 Feb 2024
0.5	AD / Director	11 June 2024 Management Board
0.6	AD / Director	12 July Exec Member Meeting

## North Yorkshire Council Corporate Policy

### Responding to Unauthorised Encampments

#### 1.0 Unauthorised Encampment Policy Purpose

- 1.1 An unauthorised encampment arises when an individual or group of individuals move onto a piece of land they do not own without the permission or consent of the landowner or occupier of the land.
- 1.2 This policy sets out how the Council will respond to unauthorised encampments whether on Council land or land in private ownership. Land in private ownership includes land owned or held by Town or Parish Councils. The policy seeks to ensure that its approach to responding to unauthorised encampments is consistent, lawful and proportionate and has been developed within the context of the Government publications, guidance and legislation and in consultation with partners including the Gypsy and Traveller Community.

#### 2.0 Actions to be taken by the Council

- 2.1 The Council will act to remove any unauthorised encampment on its land following a risk-based assessment. The risk will be assessed by way of the Community Impact Assessment included within the Joint Working Procedure attached at Appendix 1 to this policy. Where there is reason to do so the Council will act quickly as is practicably possible in accordance with relevant legislation and guidance.
- 2.2 In all cases the Council will carry out a process of negotiation only progressing through the different enforcement powers if negotiation fails to provide a solution. A negotiated solution would always be sought prior to the commencement of any legal action.
- 2.3 Where the Council receives any report of an unauthorised encampment, this will be passed on to the Environmental Enforcement Team who shall log the timing and location of the encampment and check the Council's land records for ownership. The Police will also be informed of the location and land ownership (where known).
- 2.4 The unauthorised encampment, whether on privately owned or Council land will be visited usually within 1 working day. The approach in all circumstances will be to undertake an initial visit to assess and record any welfare needs of those camped and assess and record any wider community impact. This will be undertaken by way of the Welfare Needs Assessment and the Community Impact Assessment both contained within the Joint Working Protocol attached at Appendix 1. Where appropriate and proportionate to the initial report, and to ensure partners have a single view of the risk, a joint visit with the police is recommended. Based on the findings of the assessments, the Environmental Enforcement Manager will be notified of the Impact Assessment and they will then consider whether it is necessary to notify the Head of Service and local Members.
- 2.5 The purpose of the initial Welfare Needs Assessment and Community Impact Assessment is to establish the intention of the occupants including how long they expect to stay. These recorded assessments help Officers attending assess the level of risk considering such factors as the number of people and vehicles camped, any health needs, or animal welfare issues, the camp location, its proximity to other amenities including public toilets and the likely impact on the wider community and

environment. Where possible a negotiated agreement to leave will be reached and recorded. Based on the level of risk identified as a result of the welfare and impact assessments, the Environment Enforcement Manager will inform the Head of Service and local Members of any intended action of the council, police or landowner.

- 2.6 Where reports of an encampment come into the Council via its out of hours (OoH) arrangements on evenings, weekends or bank holidays, the initial site assessments shall be undertaken the next working day. If the Council OoH service receives reports of anti-social behaviour, damage to property or the environment the caller will be advised to call the police. The call handler will email the relevant information to the relevant team's generic email.
- 2.7 In all instances the Welfare Needs Assessment and Community Impact Assessment shall be regularly reviewed to ensure the council's and police response is appropriate and proportionate to the agreed identified risks.
- 2.8 The Welfare Needs Assessment should have particular regard to the welfare needs of the traveller's children, the elderly or other people who may be vulnerable. Where support or welfare needs are identified the Enforcement Team will try to assist or refer the matter to the relevant Council service or external agency.
- 2.9 The assessment shall also be used to determine what services if any are needed by the travellers including the provision of facilities for the disposal of waste as well as access to water and toilets. Where travellers indicate their length of stay is likely to be several days then the Council shall consider providing portable toilet facilities. The Council believes the provision of such facilities are a basic public and environmental health requirement which outweighs any wider community concerns the public may have around the Council 'enabling' unauthorised encampments.
- 2.10 When on Council or open public land it is the Council's view that a pragmatic and flexible approach shall be taken and that travellers shall be encouraged to move through a process of negotiation. This approach shall be taken where the location of the unauthorised encampment has a relatively low impact or where the circumstances of the trespassers themselves require a degree of flexibility. This means that at the discretion of the relevant Head of Service a grace period may be given prior to the commencement of any formal legal proceedings (e.g. the service of directions notices) being issued. If they have not vacated at the end of an agreed period or the risk level is considered to have increased (e.g., increased reports of anti-social behaviour or evidence of criminal activity associated with the trespassers) then legal action to gain possession shall be commenced.
- 2.11 Where unauthorised encampments occur on land that has a higher impact on the wider community for example on well used Public Open Space or carparks in close proximity in residential areas, or on designated parkland, then verbal notice giving 24 hours to leave the site shall generally be issued. In these instances, the decision on the best course of action shall be made based on the Risk Assessment in consultation with the attending officers (Council and Police), the Council Legal Services and Head of Service. The Head of Service will inform the relevant Assistant Director and Local Members.
- 2.12 When on privately owned land the Council will not initiate any enforcement action. The Council will still carry out the initial Welfare and Community Impact assessments. Officers will engage the landowner and provide relevant information about powers and procedures to enable the landowner to make an informed decision on how they wish to proceed.



### **3.0 Legal Powers**

- 3.1 The Council will use the most appropriate power to regain possession. It has a variety of powers at its disposal. These include the power to seek possession of land under the Civil Procedure Rules Part 55 and injunctions to prohibit trespass under Section 222 of The Local Government Act 1972.
- 3.2 Generally the most appropriate Council power in relation to unauthorised encampments is Section 77 of the Criminal Justice and Public Order Act 1994 (CJPO). Section 77 of that Act gives Local Authorities the power to issue 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.
- 3.3 It is important to note that at the end of any notice or 'direction period' if the travellers have not moved on, then due legal process must be followed to seek possession through the Courts. This process can be lengthy and it is the Council's experience that travellers generally move on without the need to resort to such an approach.
- 3.4 In all instances the Council's decision making must seek to balance the impact of encampment, the rights and needs of the travellers along with the need to avoid commencing unnecessary and abortive legal proceedings. The Welfare Assessments and Community Impact Assessments will be used to inform any such decisions.
- 3.5 In addition to the Council's powers, under certain circumstances, the Police have a discretionary power to take action in accordance with Sections 60C-E, 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 caused or be likely to cause :
- damage to land or property; or
  - used threatening, abusive or insulting words or behaviours or
  - caused disruption
  - have at least one vehicle with them
- 3.6 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.

### **4.0 Communication**

- 4.1 Unauthorised encampments often generate numerous enquiries from the public, directed toward the Council, local Members and police. To mitigate against this, the Environmental Enforcement Team will keep Customer Services, local Members and the police updated with any developments or action being taken regarding the unauthorised encampment(s).

### **5.0 Action when a group of travellers has moved on**

- 5.1 The occupiers of the site will be required to clear up the site before leaving.
- 5.2 Where a public site requires a clean-up, this shall be undertaken by the Council. The Council reserves the right to recharge for any costs associated with site clearance.



- 5.3 Where a site in private ownership requires a clean-up the Council reserves the right to recharge for any costs associated with a request from the landowner for assistance.
- 5.4 The Council will take any necessary action (that can be reasonably taken) to secure locations which are subject to serial encampments.

### 6.0 Monitoring Review

- 6.1 The Council will undertake an annual monitoring review of any unauthorised encampment activity across its localities to identify:
- Numbers of unauthorised encampments across North Yorkshire, their locations and types
  - Details of all enforcement and welfare actions taken
  - Risk assessment levels
  - Feedback from unauthorised encampments, communities and partners
- 6.2 The data gathered from the review will allow us to:
- Make improvements to policy and practice where required
  - Identify action required to secure sensitive locations or those subject to serial encampment.
  - Identify areas with the highest / lowest impacts on local communities
  - Inform other policy and practice such as public health, health and care provision, homelessness and rough sleeping practice and community safety planning

### 7.0 Equality Impact Assessment

- 7.1 We recognise that unauthorised encampments may include populations regarded as protected or having special characteristics. This predominantly includes Travellers communities and those experiencing homelessness. We have completed a full equality impact assessment to understand such impact and to influence the development of this policy and working procedures. EIAs will be considered as part of the annual monitoring review.

## Appendices

Appendix 1 Unauthorised Encampments NYC & NYP Joint Working Procedure

Web Links to Best Practice and Guides

[good practice guidance understanding the welfare impact of the pcsc act - july 2022.pdf \(basw.co.uk\)](#)

<b>Unauthorised Encampments NYC &amp; NYP Joint Working Procedure</b>			
<b>Functional Area</b>	<b>North Yorkshire (excluding the City of York)</b>		
<b>Procedure Title:</b>	<b>Unauthorised Encampment NYC &amp; NYP Joint Working Procedure</b>		
<b>Responsibility</b>	<b>Environmental Enforcement Manager; and NYP Area Inspector</b>		
<b>Version</b>	<b>No</b>	<b>Date</b>	<b>Author</b>
	<b>V.4</b>	<b>25/06/24</b>	<b>Callum McKeon</b>

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## 1.0 **Background**

The Government's ambition that the police and councils should work together to tackle unauthorised encampments was first made clear in March 2015. In a joint ministerial letter to Council Leaders, Police and Crime Commissioners and Police Chief Constable in England available [here](#) the Government made it clear that it expects Local Councils and Police Forces to work together to deal with unauthorised encampments and using a range of powers that are available.

The letter is clear in that the response to unauthorised encampments requires a locally driven, multi-agency response supported by Local Authorities and the Police. The 2022 [Unauthorised encampments: Police, Crime, Sentencing and Courts Act 2022](#) fact sheet explains how the strengthened police's powers will help tackle those unauthorised encampments which cause damage, disruption or distress.

Current Government advice is clear that public bodies should take the appropriate, action when an individual or a group of individuals with vehicles, move onto a piece of land not owned by them, and they do so with the intention of residing on that land - without the permission of the landowner. When an unauthorised encampment occurs, the police and the council, in deciding whether or not to take action should consider:

- a) the harm that such developments can cause to local amenities and the local environment,
- b) the potential interference with the peaceful enjoyment of neighbouring property,
- c) the need to maintain public order and safety and protect health – for example, by deterring fly-tipping and criminal damage,
- d) any harm to good community relations,
- e) that the state may enforce laws to control the use of an individual's property where that is in accordance with the general public interest.

This joint protocol seeks to ensure that unauthorised encampments are dealt with in a fair, consistent and proportionate manner having regard to all interested parties.


## 2.0 **Reporting an Unauthorised Encampment and Initial Response**

- 2.1 It is vital that any reports are dealt with and responded to swiftly to stop unauthorised encampments starting in the first place. Any report of an unauthorised encampment together with all available details must be passed without delay to Environmental Enforcement Team.
- 2.2 Initial reports made to North Yorkshire Police should be recorded and resourced appropriately. Early intervention on any given site is preferable to allow for a proportionate response to be made. Section 60 and 61 of the Criminal Justice and Public Order Act 1994 police powers should be considered on every occasion and the decision whether or not to execute these powers will be fully documented.
- 2.3 On receipt of a notification that an unauthorised encampment has been established the site will be visited by NYC and NYP, where possible jointly, as soon as practicable to establish whether they are occupying the land with or without the owner's consent. The occupation of land with the owner's consent is outside of the scope of this protocol. Where land is being occupied without the owner's consent reasonable efforts should be made to encourage the occupiers to leave the site.

- 2.4 In order to aid decision making and promote consistency the Officer(s) visiting the site will complete a:
- Community Impact Assessment (appendix 2)
  - Encampment Site Assessment (appendix 3)
  - Welfare Assessment (appendix 4)

**3.0 Action**

- 3.1 Where it is not possible to persuade the unauthorised encampment to move on voluntarily then a decision will be made as to what will be the most proportionate course of action to take in each case, the options available are:
- Work with the landowner to help them use their common law rights; It is not the council's policy to use its power to remove from private land
  - NYP to act using the Power of the Police to direct unauthorised campers to leave land (Criminal Justice and Public Order Act 1994, sections 60C-E, 61 and 62).
  - NYC to act using the power under the Criminal Justice and Public Order Act 1994, sections 77 and 78.
  - Take no action and monitor.
- 3.2 A summary of powers is included at appendix 1.  
The decision on what action is proportionate, if any will be under constant review, based on a community impact risk assessment (appendix 2) and the risk category below having regards to the considerations listed above and agreed between NYC and NYP.

Risk Categories		
Score	Category	Action
>18	A	 Urgent Action     No Action
12 - 18	B	
9 - 12	C	
7 - 9	D	
5 - 6	E	

- 3.4 Prior to taking any action a needs assessment (appendix 3) will be completed. Any special needs or reasons to delay enforcement action will be considered based on the information recorded on the form.
- 3.5 In all cases, particularly where formal action has been taken, NYC will work with the landowner to encourage them to take all reasonable steps to secure their land to minimise the risks of unauthorised encampments becoming established in the future. If the landowner does not take all reasonable steps to secure their land against illegal occupation this will be taken into account when deciding whether any further enforcement action is taken should illegal encampments recur.

**4.0 Useful Contacts**

- 4.1 Horton Housing Association (Gateway Services; traveller site management)  
Andy Kirk, Head of Service – North Yorkshire  
Tel: 07584015736  
Email: [Andy.Kirk@hortonhousing.co.uk](mailto:Andy.Kirk@hortonhousing.co.uk)

**Summary of Powers****Private Land Owners**

Either:

1. Serve a Common Law Notice  
Prior to serving a common law notice the landowner must request that the trespassers leave the land. In practice this will be a discussion to agree when trespassers will leave the land, if agreement cannot be reached or agreement is reached but not adhered to a landowner can serve a common law notice. The common law notice must specify when the trespassers are required to leave, once that date has passed the landowner or their agent can use reasonable force to remove the trespassers. Some things to be aware of:
  - Once the notice has expired private bailiffs can be instructed without further notice.
  - Individuals can return to land.
  - Only reasonable force can be used, excessive force can result in a claim.

or

2. Apply to the Courts for a possession order under Part 55 of the Civil Procedure Rules (CPR) to remove the trespassers.

[Civil Procedure Rules Part 55](#) allows any landowner to apply to the County Court to gain possession of your land back from individuals who have set up an unauthorised encampment. Notice must be served at least 2 days clear of the hearing in the case of land in a prescribed format which must demonstrate compliance with the CPR and Practice Directions. If the Court is satisfied that procedures have been followed and that the claimant is the landowner, they normally issue the order. If the land is not vacated within the specified period, then a warrant must be sought before bailiffs can be appointed by the court. Some things to be aware of:

- Should the possession order be ignored, it can take time to get an appointment with a court bailiff to execute the warrant.

**Local Authority Powers**

NYC can use [section 77 of the Criminal Justice and Public Order Act 1994](#) which gives local authorities power to give a direction to leave the land. The power applies only to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the occupier. It is an offence to fail to comply with such a direction. If the direction is not complied with, the local authority can apply to a magistrates' court for an order requiring the removal of vehicles and any occupants from the land (section 78).

In addition to the above NYC have various powers including under The Town and Country Planning Act 1990, pre-emptive injunctions and local bylaws under Section 235 of the Local Government Act 1972. These powers do not really deal with unauthorised encampments as they happen, but they could be explored further to put in place preventative measures should that be desirable. Action under the Town and Country Planning Act 1996 will not normally be appropriate unless landowner has given consent, any action is likely to be against the landowner.

## **Police Powers**

The Criminal Justice and Public Order Act 1994 (CJPO Act) sets out the main police powers to respond to unauthorised encampments.

Part 4 of the Police, Crime, Sentencing and Courts Act (PCSC Act) significantly amended the CJPO Act and expanded the powers that police have in relation to unauthorised encampments.

The amended powers came into force for England and Wales on 28 June 2022.

### **Policing those residing on land without consent in or with a vehicle:**

Section 60C-E of the CJPO Act provides a criminal offence for “residing on land without consent in or with a vehicle”. For the offence to apply the trespasser must have at least one vehicle with them. The trespasser’s residence or conduct on the land must also have caused (or be likely to cause) significant damage, disruption, destruction, or distress.

The landowner, someone representing the landowner, or the police can ask those who have met the criteria of this offence to leave the land. If the individual(s) trespassing fails to leave “as soon as reasonably practicable” after being requested to, the police can arrest them. The police can also seize and remove vehicles from those suspected of this offence.

### **Directing trespassers in unauthorised encampments to leave land:**

Section 61 of the CJPO Act enables senior officers to direct those in an unauthorised encampment to leave land if they are in an encampment that consists of six or more vehicles; any member of the encampment has “caused damage, disruption or distress”; or their encampment is on (or partly on) a highway.

Section 62A of the CJPO Act also allows a senior officer to direct those in an unauthorised encampment consisting of at least one vehicle and caravan to leave land if the local authority can provide a suitable pitch for the caravans elsewhere within the area.

Failure to comply with a police direction to leave is an offence. It is also an offence to return to land within twelve months of being directed to leave by the police.

The police can also, under section 62 and 62C of the CJPO Act, seize vehicles from those that they have directed to leave if the individual(s) have failed to remove their vehicles or have attempted to re-enter the land as a trespasser within the prohibited 12-month period.

### **The operational use of police powers:**

Local authorities are the lead agency for responding to unauthorised encampments (with support from the police) and have their own set of powers for this.

Guidance issued by the National Police Chief’s Council (NPCC) with operational advice for the police (PDF link below) says that “the mere presence of a group unauthorised encampment without any aggravating factors should not normally create an expectation that police will use eviction powers.”



The NPOC has also issued an operational guidance document around the powers outlined above, which has been approved by their Diversity, Equality, and Inclusion committee. The guidance covers the options that can be considered by forces, together with a decision-making framework to ensure the needs of all parties involved are recognised and balanced.

**These documents should be considered alongside this Joint Working Procedure (JWP) if there is any doubt between Officers NYC or NYP attend in respect of the level of risk and the approach (appropriate and proportionate)**

[Operational advice trespassing on land without consent \(unauthorised encampments.pdf\)](#)



**NYC / NYP Unauthorised Encampment Community Impact Assessment**

Site Address (use 'what3words' when possible):		Ref:	
1. Harm to the Local Environment or Amenity			
Consider the general state of the site (litter, waste etc) proximity to environmentally sensitive sites or features (SSSI's, water courses, sports pitches, community facilities)		Low (1)	
		Med (3)	
		High (5)	
2. Potential Interference with Neighbours			
Consider proximity and sensitivity of neighbours (residential, hospital, schools etc likely to be high) together with the numbers affected.		Low (1)	
		Med (3)	
		High (5)	
3. The impact on Public Order, Safety and Health			
Consider reports to NYC or NYP, for example fly tipping, ASB Criminal damage.		Low (1)	
		Med (3)	
		High (5)	
4. Impact on the Community and Community Relations			
Consider concerns raised by communities, residents, parish council's councillors.		Low (1)	
		Med (3)	
		High (5)	
5. Impact on Landowner and attitude of Landowner (if applicable)			
		Low (1)	
		Med (3)	
		High (5)	
		<b>Total:</b>	
Score:	5 – 8 (Low risk) No action	8 – 12 (Medium Risk) Action likely	>12 (High Risk) Action highly likely
Notes and any Relevant Considerations not included above			
NYC Attending Officer(s)		Date & Time:	
NYP Attending Officer(s)		Date & Time:	

**NOTES ON SCORE:**

**Low risk – Consider eviction after a reasonable time, say 2 weeks.**

**Medium risk – Formal action likely to be initiated at earliest possible opportunity by LA**

**High Risk – Formal action likely to be emergency measures either Police or LA depending on severity.**

**Unauthorised Encampment Site Assessment**

**Appendix B**

Officer(s): (print and sign)		Date:	
Site Address (use 'what3words' when possible):		Ref:	
Landowner:			
No of caravans / households / units		Plot number on Plan (see attached plan)	
Arrival date:		Planned departure date:	
Damage			
General observations about the condition of the site			

**NYC / NYP Unauthorised Encampment Pitch Assessment**  
**Complete a Pitch assessment for each unit and vehicle on site**

Plot No:	Vehicle make / model / registration:	Caravan make / model:	
Occupier details: How many persons?			
Name(s):	Home Address(s):	Age / DOB	
Needs identified?	Circle Yes or No	If Yes details and action taken:	
Prepared to relocate to authorised site?	Circle Yes or No	Is pitch available	Circle Yes or No

Complete a Pitch assessment for each unit and vehicle on site:

Plot No:	Vehicle make / model / registration:	Caravan make / model:	
Occupier details: How many persons?			
Name(s):	Home Address(s):	Age / DOB	
Needs identified?	Circle Yes or No	If Yes details and action taken:	
Prepared to relocate to authorised site?	Circle Yes or No	Is pitch available	Circle Yes or No

Plot No:	Vehicle make / model / registration:	Caravan make / model:	
Occupier details: How many persons?			
Name(s):	Home Address(s):	Age / DOB	
Needs identified?	Circle Yes or No	If Yes details and action taken:	
Prepared to relocate to authorised site?	Circle Yes or No	Is pitch available	Circle Yes or No

**Appendix B**

Plot No:	Vehicle make / model / registration:	Caravan make / model:	
Occupier details: How many persons?			
Name(s):		Home Address(s):	Age / DOB
Needs identified?	Circle Yes or No	If Yes details and action taken:	
Prepared to relocate to authorised site?	Circle Yes or No	Is pitch available	Circle Yes or No



Please complete a separate form per family unit occupying site

**1. Date reported and Location of Unauthorised Encampment (UE)**

Date UE reported	
CRM Ref (To be provided by call centre)	
Address (as provided by contact centre)	
What3words (when on site)	

**2. Visiting Officer(s) conducting welfare needs assessment**

Date of Welfare assessment	
Time of Visit	
NYC Officer Name (s)	Post
Names of any other officers attending including NYP and other partners	

**3. Vehicle(s) and trailers**

Vehicle type	Reg	Trailer and type

**4. Family information**

NAME	D.O.B Or Age	Relation ship	Adult Contact details contact	Ethnicity? Gypsy/Roma/ Traveller/Other	Consent for information to be shared for health and wellbeing?

**5. Are the occupants already known to NYC / another local authority?**

If **Yes** complete below:

LA	Name of Occupant	Date	Reason and Outcome

**6. Health concerns** (including pregnancies and recent childbirth)

(complete on additional sheets if required)

Name	Health Concern	Name of GP / Hospital	Date of Last visit	Date of Next visit

**7. Social care needs** (include any disability and/or care or support for carers)

(Complete on additional sheets if required)

Name	Social Care Concern	Is the person receiving support from social care?	If YES which Local Authority	Date of most recent care/carers assessment

**8. Education: Request for children to have access to education**

(Complete on additional sheets if required)

Childs Name	D.O.B and Age	Parents' names	Date Enrolled	Date last attended	Home or School based?

**9. Any other needs or information requested by the occupants (e.g. Housing / dental)**

Name	Service need or information requested	Consent given to contact agency

**10. Environmental and public Health and H&S**

Bin bags provided for general waste?	
Portaloos offered and accepted?	
Gas cylinders adequately secured?	
Any other advice offered or Occupiers requested?	

**11. Consent to share information given by Adult/Parent or Guardian**

Name of person giving consent	information to be shared with (list all relevant)	Name of person information to be shared about (if different to the person giving consent)

**12. UE site information and expectations**

Occupiers stated length of stay	
Occupiers reason stated for being at this location	
Other Factors of note	

**13. Welfare assessment findings shared with the following (with consent of Occupiers):**

Organisation	Name of receiver	Email of receiver	Name of Sender

**14. Recommended revisit for welfare assessment review (if required)**

Recommended review date	
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All information was provided by the occupants of the unauthorised encampment and is considered correct at the time it was given.

It is the responsibility of those receiving the information to action any requests for assistance as detailed, sent with consent of the occupiers documented above.



**Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics**  
(Form updated October 2023)

North Yorkshire Council  
Unauthorised Encampment Policy

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email [communications@northyorks.gov.uk](mailto:communications@northyorks.gov.uk).

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔



**Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.**

Name of Directorate and Service Area	Environment
Lead Officer and contact details	Drew Fussey Environmental Enforcement Manager <a href="mailto:Drew.fussey@northyorks.gov.uk">Drew.fussey@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	
How will you pay due regard? e.g. working group, individual officer	See below, section 4.
When did the due regard process start?	June 2023

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

Unauthorised encampments can be a matter of concern for local communities, and they often bring an immediate pressure for action on the part of Members and senior managers.

This policy proposes a practical approach to dealing with such situations that will be applied consistently by the Regulatory Services Enforcement Team across the whole of the NY geography.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

Due to the fact that prior to NYC coming into existence there was no unified approach to unauthorised encampments across North Yorkshire this is the first policy designed to harmonise actions and to provide a framework for partnership working with NYP.

Adopting this policy aims to mitigate the risk of discrimination as currently there are different procedures across the former legacy District and Borough Councils.

The policy also sets out a joint working procedure that will guide the working relationship between NYC and North Yorkshire Police when dealing with such situations. The adoption of an Unauthorised Encampment (UE) Policy for North Yorkshire Council (NYC) that ensures a consistent, proportionate, and risk-based approach to managing a UE.

### **Section 3. What will change? What will be different for customers and/or staff?**

It is intended that the initial response and actions related to dealing with unauthorised encampments will be the responsibility of the Environmental Enforcement Team and the key external partner will be North Yorkshire Police. There will be clear working relationships with other NYC service areas such as Public Health, Highways and Housing in terms of practical actions and implications arising from welfare assessments and also with Legal Services should formal eviction action prove necessary.

The actions that may be taken could range from the presence being tolerated for a period of time through to a negotiated departure or formal eviction action. In all cases the Enforcement Team will seek to strike a balance between any local community concerns that are being expressed and the genuine health and wellbeing of the occupants.

This policy helps deliver the aims of the Council Plan priorities of Place and Environment in helping to protect our local environment and the data that is gathered from a new harmonised approach across North Yorkshire will help inform the policies delivering priorities related to Health and Wellbeing in reducing health and social inequalities.

### **Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

In developing the draft policy consultation has taken place with :

- NYC service areas, Public Health, Highways, Community Safety, Legal Services.
- North Yorkshire Police
- Representatives of Traveller Community groups
- York Travellers Trust
- Moving for Change
- The Traveller Movement

### **Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

The policy itself does not give rise to any additional financial implications however budgets are still being allocated from various service areas from the legacy Districts / Boroughs due to responsibility for this area being split across a number of different service areas. Once the full review of budgets is complete, a further report will be brought forward setting out the financial implications for the service.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age	x			
Disability		x		If those illegally encamped engage with Officers on the welfare assessment any need can be identified, and the relevant service informed of the individuals' requirement(s)
Sex	x			
Race	x			
Gender reassignment	x			
Sexual orientation	x			
Religion or belief	x			
Pregnancy or maternity		X		If those illegally encamped engage with Officers on the welfare assessment any need can be identified, and the relevant service informed of the individuals' requirement(s)
Marriage or civil partnership	X			

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?		X		Both the settled communities and those illegally camped will be able to have a clear understanding of the council's policy and procedures in place to manage the UE.
have a low income?	X			
are carers (unpaid family or friend)?		X		If those illegally encamped engage with Officers on the welfare assessment any need can be identified, and the relevant service informed of the individuals' requirement(s)
are from the Armed Forces Community	X			

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	All of North Yorkshire will be impacted by the policy and procedures.
<b>If you have ticked one or more areas, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	
See above.	

<p><b>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics?</b> (e.g. older women or young gay men) <b>State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</b></p> <p><b>YES</b> – The vast majority of UEs will be people from the travelling community which includes: Romany Gypsies, Irish Travellers, Scottish Gypsies and Travellers, Welsh Gypsies and Travellers, New Travellers or New Age Travellers, bargees and other people living in boats and fairground and circus families, known as travelling showmen. Within this protected group there are also many individuals that will also have other protected characteristics such as a recognised disability.</p> <p>Due to the nature of those who chose to illegally camp, the individuals involved rarely provide any personal information that can be used to provide reliable information that could be used by the Council or others to enable any meaningful analysis.</p> <p>The proposed policy, joint working procedure and welfare assessment has been drafted based on the latest guidance and best practice and where those illegally camped engage will help mitigate any discrimination or disadvantage and will give a basis for information that could be used to inform future policy and practice. This policy and procedure(s) provide an opportunity to promote health, education and general wellbeing.</p> <p>Therefore, as a result of implementing this policy it is considered that no protected characteristics are adversely impacted.</p>
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<b>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	<b>X</b>
<b>2. Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
<b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)	

Principal Regulatory Solicitor Rachel Braithwaite reviewed the policy making a few minor alterations. The email received is embedded below:



unauthorised  
encampment policy N

**Section 11. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

The Council will undertake an annual review of any UE activity to identify:

- Number, location and type of UE
- Risk assessment levels
- welfare actions taken
- Enforcement action

Feedback on processes and practice from:

- Those illegally camped
- Local communities
- Council Services
- Partners

From this review we will be able to:

- Make any improvements to policy and practice where required with the minimum of a multiagency annual review.
- Identify actions required to reduce the likelihood and impact of UEs with consideration to sensitive or serial UE locations.
- Identify areas with lowest impact on local communities.
- Inform other policy and practice such as public health, health and care provision, homelessness and rough sleeping practice and community safety.

Based on the information collated above the policy will be reviewed every 3 years.

**Section 12. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Review UE enforcement activity	Environmental Enforcement Manager	Annual	Quarterly	Report by Exception to HoS for Regulatory Services.
Review of Policy	Environmental Enforcement Manager	3 years from commencement		Review of enforcement activity. Early review if monitoring identifies a requirement to do so.

**Section 13. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

We recognise that unauthorised encampment may include populations regarded as a protected or special characteristics. This predominantly includes Travellers communities and those experiencing homelessness. We have completed a full equality impact assessment to understand such impact and to influence the development of this policy and working procedures. EIAs will be considered as part of the annual performance and practice review.

**Section 14. Sign off section**

This full EIA was completed by:

**Name:** Drew Fussey

**Job title:** Environmental Enforcement Manager

**Directorate:** Environment

**Signature:**

**Completion date:** 29/4/24

**Authorised by relevant Assistant Director (signature):**

**Date:**

**Initial Climate Change Impact Assessment (Form created August 2021)**

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process. If you have any additional queries, which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

<b>Title of proposal</b>	<b>Regulatory Services Unauthorised Encampment Policy</b>
<b>Brief description of proposal</b>	<p>Adopt an Unauthorised Encampment (UE) Policy for North Yorkshire Council (NYC) that ensures a consistent, risk based approach to managing a UE.</p> <p>Operational staff will generally work within their existing areas to implement the policy, however there will be occasions when staff will be expected to travel to ensure the implementation of the policy is consistent across North Yorkshire. This will be managed to minimise any environmental impact. The policy does NOT give rise to new or additional work and travelling.</p>
<b>Directorate</b>	Environment
<b>Service area</b>	Regulatory Services
<b>Lead officer</b>	Dean Richardson, Head of Regulatory Services
<b>Names and roles of other people involved in carrying out the impact assessment</b>	Drew Fussey, Environmental Enforcement Manager

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.



Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

<b>Decision (Please tick one option)</b>	Full CCIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full CCIA:	<input type="checkbox"/>
<b>Reason for decision</b>	No significant impact.			
<b>Signed (Assistant Director or equivalent)</b>				
<b>Date</b>	24 April 2024			