

## **COUNCIL – 21 NOVEMBER 2017**

### **QUESTIONS FROM COUNCILLORS**

#### **QUESTION FROM COUNCILLOR J LEGRYS TO COUNCILLOR A V SMITH**

“I have been asked on a number of occasions recently why NWLDC do not use the Council’s bylaws to control unauthorised incursions and overnight camping within its car parks. Many people feel that the use of the bylaws would provide a cheaper and a speedier solution to long-term incursion on council owned land. Bylaws are available for immediate action by NWLDC enforcement staff. Instead recent incursions have shown that a considerable amount of time is required to move unauthorised overnight camping by using more drawn out processes. People are angry that they have been fined if they overstay or park inappropriately within the car parks, but others appear to get away with no fine or retribution. It may be that UK law requires a specific statutory process to remove long-term incursion from council owned land”.

#### **RESPONSE FROM COUNCILLOR A V SMITH**

“The Council’s car parks are governed by the Car Parking Orders under the Traffic Management Act 2004 and Road Traffic Regulation Act 1984. There are no Bylaws in place.

Whilst the Car Parking order contains provisions in relation to the removal of vehicles, those provisions only relate to vehicles as defined in the order, namely mechanically propelled vehicles up to a maximum weight of 3500kg. A caravan that is unhitched from the towing vehicle is not deemed to be a vehicle and a PCN cannot be issued to it for any contraventions of the Car Park Order.

As a public authority the Council has statutory duties under the Equality Act 2010 and the Human Rights Act 1998 and when a number of vehicles with Caravans arrive and are occupied this is deemed an illegal encampment. Before an eviction can be considered the Council has a statutory duty to assess the health, welfare and social needs of the occupants.

In order to successfully manage illegal encampments within the District the Council is a party to the Multi Agency Traveller Unit (MATU), which is a specialist unit comprising travellers liaison officers, health workers and the police who conduct the appropriate enquiries on behalf of the Council and are authorised to use their powers to evict those residing in illegal encampments”.