

ROUGH SLEEPING POLICY

Introduction

This policy sets out how Cranbrook Town Council will respond to rough sleeping in the town. In observing this policy, the Council will seek to balance both the needs of rough sleepers and any impacts which rough sleeping can have on the local community.

Background

Some instances of rough sleeping – along with street activity such as begging, drinking or drug-use which is sometimes, but by no means always, associated with it – can cause legitimate public concern about safety and the impact on local communities, alongside concern for the welfare of those involved. The police and other partners are responsible for community safety and tackling crime which may be perpetrated either by or against individuals rough sleeping and – in partnership with local authorities – they play an important role in responding to these concerns.

Whilst Cranbrook Town Council has a responsibility towards a person sleeping rough on Town Council land, it does not have the specific resources nor powers to remove the rough sleeper or provide alternative safe accommodation.

East Devon District Council as housing authority is the local responder to homelessness and is able to provide support. Initial reports of rough sleeping must be referred to **StreetLink** who act on behalf of East Devon District Council. StreetLink will send an alert to the **Housing Options Outreach Team** who will attend the location described to verify and offer support, the team will aim to visit within 48 hours.

The Housing Options Outreach Team consists of four “Navigators” whose role is to engage with the rough sleeper. When a referral is made to StreetLink, the referral will be copied to the Navigators at the same time.

The Housing Options Outreach Team engage with rough sleepers to find accommodation all year round. During winter months a Severe Weather Emergency Protocol is activated following a **red** warning for severe weather or extreme cold and **amber** warnings if there is a specific local condition which would increase the risk to rough sleepers.

When the temperature is forecast for 3 or more consecutive nights at zero or below, a red warning issued for rain, snow or wind or amber warning for specific local conditions East Devon District Council will ensure emergency accommodation is available for the duration of the severe weather for rough sleepers.

Procedure

In the first instance the Town Council will report a rough sleeper in the community to [StreetLink](#). Details of the referral will also be sent to the four Navigators in the Housing Options Outreach Team. This will happen as soon as practicably possible. Any employee or councillor can take the immediate decision to report a rough sleeper to StreetLink and the Navigators..

It is not the responsibility of Council employees and councillors to engage with the rough sleeper nor take any action to move the rough sleeper on.

If there are any concerns about criminal or anti-social behaviour, the matter will be reported to police who will be asked to respond.

In exceptional cases - **and as a last resort** - on the authority of the Clerk in conjunction with the Chair of the Council's Finance and Personnel Committee, the presence of the rough sleeper may also be referred to the Council's retained bailiff. Referral to the bailiff will be where there is associated anti-social behaviour or other instances of associated damage or impacts on residential amenity or where the referral to StreetLink and the Housing Options Outreach Team has failed to resolve the situation.

Thereafter it will be for the bailiff to carry out engagement on behalf of the Town Council. Where necessary the bailiff will serve the requisite notice on the rough sleeper and carry out any required follow up action.

Abandoned Belongings

Within the first 48-hour period following the report to StreetLink, belongings abandoned on Town Council land, including sleeping bags, clothes and other personal possessions will only be removed if they appear obviously abandoned, there is a public health risk, they are causing an obstruction or if the owner tells us they no longer want them.

It must be remembered that abandoned belongings may be contaminated or contain dangerous items such as needles or other sharp items.

Therefore in the majority of cases the removal of belongings will be carried out by East Devon District Council Streetscene Operations on behalf of the Town Council. Streetscene Operations will arrange for any required storage of removed items. Referral to Streetscene Operations will be on the authority of the Clerk. Streetscene Operations will make a charge for this service.

Where belongings are left in the street and are not being cared for – for instance, they are strewn around rather than placed together – or are placed against a bin, they will be treated as litter. Soaked and ruined bedding will also be treated as litter. Removal of such items by Town Council staff will only be undertaken where personal safety is obvious.

Dangerous items such as needles and glass will only be removed by Streetscene Operations and will be removed and disposed of safely.

Removal, Retention and Disposal

Regulations relating to the removal, retention and disposal of personal items left on Council land are contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.

The normal practice will be for any removal, retention and disposal to be carried out by East Devon District Council's Streetscene Operations team under their procedures. Storage will be by East Devon District Council at an East Devon District Council facility.

Where **exceptionally** personal items are removed by Town Council staff the following procedure will apply:

- Notification will be given to both the police and Housing Options Outreach Team of their nature and location.
- Where possible, the Council will also serve written notice on the rough sleeper that the Council requires the person to collect the items by a specified date after which ownership of the items will be vested in the Council and any rights which the person had will be extinguished.
- In normal circumstances the Council will retain the removed items for 30 days and the date specified in the notice served on the rough sleeper will be 30 days from the date of the service.
- Where property is of a perishable nature or to look after it adequately would involve the local authority in unreasonable expense or inconvenience, the Council may sell or otherwise dispose of it at such time and in such manner as it thinks fit. Where any such property is sold or otherwise disposed of, any person to whom the property is transferred will have a good title to it and any proceeds of sale shall become the property of the Town Council after 30 days have expired. If the rough sleeper seeks to recover the items which have been sold within the 30-day period, the proceeds of sale will be passed to them.

Cranbrook Town Council

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