

## **Fradley Parish Council** **Illegal and Unauthorised Encampment Policy**

### **Introduction:**

Guidance in the event of an unauthorised encampment on Parish Council land to ensure that the Parish Council deals with unauthorised encampments in a fair, proportionate, and consistent manner and follows a set legal process.

When travellers move their caravans onto a piece of land they do not own, without the permission of the landowner, this is called an illegal/unauthorised encampment. This is a civil matter of trespass between the landowner and the travellers, and it is the responsibility of the landowner to deal with the encampment. If the land is leased, in most cases it is the person leasing the area that is responsible to deal with the encampment dependent on the agreement with the landlord.

If the land is privately owned by a company or individual, advice can be taken from a solicitor about obtaining a Possession Order through the County Court. However, a faster and more common way is to evict travellers using common law by calling in a bailiff.

Sometimes traveller's behaviour can cause a nuisance or fear and intimidation to people living near to an encampment. Incidents of this nature should be reported to the Police.

### **Action Plan – Private Land (not owned by the Parish Council):**

**Unauthorised encampment on private land:** It is exceedingly difficult for the Parish Council to intervene if the encampment is on land not owned by them. The Parish Council does not have the legal power to instruct bailiffs or apply for a Possession Order through the County Court when they are not the landowner or lease.

**In the event of an unauthorised encampments on private land, the following procedure should be initiated:**

- Parish Councillors and Parish Council Staff should not approach the encampment.
- The Parish Council should inform the landowner that they have an encampment and inform the police and Local Authority.
- Ask the landowner to keep the Parish Council informed of progress so that updates can be put on the Parish Council website and Facebook page.
- Securing any Parish Council property/land that may be used as alternative sites in preparation for the encampment being moved.

### **Action Plan – Parish Council Land**

The policy of Fradley Parish Council is to evict unauthorised vehicles as promptly as practical. Due to the nature and speed at which actions unfold, liaison with the Full Parish Council is not always possible. The cost of removal shall be met by the Parish Council and authorised/ratified at the earliest convenience at the next available Parish Council Meeting.

The procedure for removal can be authorised by the Clerk in conjunction with any two Parish Councillors, or three Councillors if the Clerk is unavailable. Parish Councillors and Parish Council Staff should not approach the encampment.

**In the event of an unauthorised encampment on Parish Council Land, the following procedure should be initiated:**

- Notify the Clerk and/or Chair. In the event of either of these not being contactable advise the Vice Chair. If in turn they are not contactable advise other Councillors until three can be found to authorise further action.
- The Clerk and the Chair, or if unavailable the Vice Chair, or if these are unavailable at least two Parish Councillors will view the site from afar to assess the occupation. If possible, try to record the number of caravans and vehicles.
- If the Clerk and at least two Parish Councillors are agreed that the unauthorised occupiers are to be removed, the steps below should be taken. Those agreeing to such action should ensure that it is recorded and then reported to the next available Parish Council Meeting.
- Report the encampment to the Police immediately and request they ask the occupiers to leave in the first instance. It is possible that the police could move the travellers on immediately under Section 61 of the Criminal Justice and Public Order Act 1994 if the travellers are using threatening behaviour, causing damage or have 6 or more vehicles.
- If the Police take no action or cannot move the travellers, then the Parish Council will take immediate action to evict the travellers as soon as possible.
- A representative of the Parish Council either the Clerk, Chair, Vice Chair or if these are unavailable at least one of three Parish Councillors in agreement, will contact a legal representative (bailiff) and place instructions for notice to be served for immediate eviction.
- Delegated Powers are given for action to be taken up to a specified amount of £2,000.00. If the cost is going to be more than £2,000.00, further agreement will be required by email from as many Councillors as may be possible to continue with the action.
- The legal representative (Bailiff) will require details of the number of vehicles/persons, location, and contact details for an authorising representative of the Parish Council, via whom they can maintain contact and monitor the situation.
- The Parish Council will ask the legal representative (bailiff) for a blanket notice to cover all Parish Council owned land in Fradley. This will save time and costs if they move from one piece of Parish Council land to another within the village, as the legal process will have already started for the eviction.
- It is likely the legal representative (bailiff) will e-mail their Terms and Conditions to the authorising representative. This document needs to be completed and emailed back by return without delay for the process to continue.
- Following receipt of the signed Terms and Conditions, the legal representative (bailiff) will prepare Notices for Service on the travellers, advising them of the deadline by which they should move and warning them that they will be evicted if they fail to do so. For a small number of caravans (less than 3) eviction will usually take place within 24 hours, for a larger number of caravans the eviction will usually take place within 48 hours.

- The Notices will be served on the travellers by the legal representatives' (Bailiff) staff on the day of the eviction or at an appropriate number of hours before the deadline.
- It is likely that the legal representative will require at least one police officer to be present at the time of the Notice is being served and at the time of the eviction. Actual police numbers required at the eviction will depend on the scale of the occupation. Liaison between the legal representative (Bailiff), the Parish Council and the Police is essential.
- Once the time of the eviction is known, the following should be considered:
  - Cleaning of the site.
  - Securing other Parish Council property that may be used as alternative sites if a blanket order has not been given for all Parish Council land.
  - Clerk, Councillors, in conjunction with the police to notify local organisations or individuals of the eviction, in time to enable them to secure other likely target sites. This information can be added to the website and Facebook Page to get the message out quickly.
  - In conjunction with the police, consider traffic and pedestrian management in the surrounding area if necessary.
  - There may be a need to close a road or control traffic movements during the eviction period. This will be in liaison with the Police and SCC if necessary.
  - Parish Council Staff and Councillors should expect a lot of calls/emails from concerned residents during any unauthorised encampment in the Parish. Councillors and Council Staff should stay calm and explain to the public the legal process that has been started and advise members of the public not to confront the travellers.
  - The Clerk should update the website and Facebook page with progress reports as appropriate.
  - Members of the public should be advised to call the Police non-emergency 101 number to report any issues or 999 if it's an emergency issue. Contact will be maintained with the local Police and the LDC Traveller Liaison Officer.

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