

Title of Policy: Illegal & Unauthorised encampment policy	Adopted 19.10.2020 Reviewed 18th April 2022
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Summary of Revisions Made	Version	Date
Recommended to the Full Parish Council for adoption	1.00	
Adopted by Full Parish Council	1.00	

1. Rationale or background to policy:

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

2. Policy Statement:

This policy applies to the management of all unauthorised encampments, including the establishment of a tent, vehicle, or other structure, by a person(s), in an area where they have no permission to reside or occupy. This policy covers the management of all unauthorised encampments regardless of who the occupiers may be. The policy incorporates the council's duties in relation to Traveller communities, outlining how the council will meet its Public Sector Equalities Duty and Human Rights obligations towards these communities

A high proportion of unauthorised encampments are by individuals or groups of people, such as Gypsies and Travellers, who follow or have chosen a nomadic way of life and travel, the country and or local area, stopping off for a time, and then moving on.

Gypsies and Travellers, together with all groups who have a specific culture, language or values, are protected from discrimination by the Race Relations Act 1976 and the Human Rights Act 1998. It is not unlawful to roam.

This policy gives guidance in the event of an unauthorised encampment on Parish Council land including the policy on eviction and the procedures to follow.

The policy applies to all Staff and Councillors involved in the management of unauthorised encampments, and agencies acting on behalf of the Parish Council.

The Parish Council will not act if an encampment is not on Parish Council land, other than where possible, to inform the landowner.

3. Procedures:

Responsibility for following this policy is with the Council employee on duty at the time an unauthorised encampment is reported with support from the Chair of the Parish Council and Chair of the Recreation Committee.

On discovery of an illegal unauthorised encampment: -

- 1) The encampment details are to be communicated to those person detailed on the Unauthorised encampment contact/Process List on page 4 of this document
- 2) An initial visit to the encampment will take place within 12 hours of it being notified to the Parish Office by the Parish Council.
- 3) Where considered safe to do so. details will be noted of all Trailers (Caravans), and vehicles on the area, and will log an exact location. The Clerk will try to establish dialogue and ascertain proposed length of stay.

Due to the nature and speed at which actions unfold, liaison with the Full Parish Council is not always possible.

Operation Procedure in respect of eviction of an unauthorised encampment

- 1) The Clerk will liaise with the police requesting action to be taken under section 61 of the Criminal Justice Act and Public Order Act 1994¹
- 2) If the police are not able to assist, the Clerk will issue written notice requesting the unauthorised persons to leave by a specified date and time. The Clerk will request the police to be present when the notice is served. Sample letter on page
- 3) . If serving a letter proves to be unsuccessful, the use of a private bailiff is our only option.

Unauthorised encampment contact/Process List

1. Assess site once we know they have arrived, where safe to do so. Take records of vehicles there and registration numbers.
2. Notify and seek advice from Staffordshire Moorlands District Council Traveller Liaison Officer.
3. Advise the following people
 - a. **Parish Councillors**
 - b. **E-mail District Councillors**
 - c. **Police** – 101 ask for Duty Sergeant covering Forsbrook
 - d. **Community Safety** – SMDC
 - e. **Communications** – Update Parish FB and turn the facility for comments off
 - f. **Blythe and Forsbrook the place we live Residents page – Post by the Clerk, turning off commenting on the post.**
4. If the police are unable to act, the Clerk will need to create a notice to be served – (must visit the site and travel in two's) and ask the Police to attend.

¹ Department of Communities and Local Government, Home Office, Ministry of Justice
Dealing with illegal and unauthorised encampments, summary of powers available. March 2015

The encampment will be given 12 hours to disband.

5. Each caravan / vehicle / Tent to be visited, served notice and adults spoken to. Notice letter to be put onto each vehicle. See page 6 for sample notice.
6. Obtain quotes from Bailiff to enforce served notice if the group does not disband.

Financial implications

The Council has no budget for bailiff services in the event of any unauthorised encampment. This policy gives delegate authority to the Clerk to spend a maximum of £3,000, in consultation with the Chairman in the event of requiring having the services of a bailiff.

Bailiffs charge approx. £675 for the first hour and £225 per hour thereafter. If they need a tow truck this will also be extra.

Costs to be communicated to the Full Parish Council at the earliest opportunity and ratified at the next Parish Council meeting.

NOTICE TO QUIT

Land at:

On behalf of Forsbrook Common Parish Council, **I HEREBY GIVE YOU NOTICE**, that you are occupying the above land illegally without permission, licence or consent of **Forsbrook Common Parish Council**.

I therefore direct you to leave the above land and remove any vehicles and/or other property

you may have with you on the land

I have to inform you that unless the land is vacated by you, your vehicles, caravans, animals and other property by 9am on **xxxxxxxxxx** appropriate action will be taken to secure and enforce your removal.

Should this enforcement action be necessary you will be held responsible for all costs of your removal and transportation and the **Forsbrook Parish Council** may take proceedings against you for the recovery of these costs.

Forsbrook Parish Council will be entitled to take such action because you have failed to respond to a request to leave the land on which you are currently trespassing.

DATED this 15th day of September 2020

**Dawn Plant
Parish Clerk**