

# Harrietsham Parish Council

## Unauthorised Encampment Policy

### Introduction:

The purpose of this policy is to affirm the Council's commitment to dealing with unauthorised encampment on Parish Council land in a fair, proportionate, and consistent manner and follows a set legal process.

Harrietsham Parish Council acknowledges that the right to choose to lead a nomadic existence is enshrined in law and that it is not the role of a local authority to endorse, disrupt or discourage this lifestyle. However, managing an unauthorised encampment must involve a balance between the rights of the landowner and/or wider community and the rights and welfare needs of those who have established the authorised encampment. Local authorities have a statutory duty to ensure that both sides are fairly represented when it comes to unauthorised encampment on public land.

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. 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.

In this case, the term 'Traveller' is an encompassing term that refers to people who choose to live in a nomadic manner, often referred to as Gypsies and Travellers. There are different groups of Travellers in the UK, including but not limited to Romany Gypsies, Irish Travellers, Scottish Gypsies and Travellers, Welsh Gypsies and Travellers, New Travellers or New Age Travellers, and fairground/circus families.

The policy applies to all members of Harrietsham Parish Council involved in the management of authorised encampments, and agencies acting on the Parish Council's behalf.

Unauthorised encampment occurs when travellers move caravans onto land without the landowner's permission. This is trespass which is a civil matter between the landowner and the travellers. Mostly it falls to the landowner to take steps to remove the unauthorised encampment. Where land is leased it is normally the responsibility of the tenant to remove the encampment.

Where land is privately owned by a company or individual, they may seek help from a solicitor to obtain a Possession Order through the Civil Courts, or they may engage a private bailiff to enforce Common Law rights to remove trespassers. If the traveller's behaviour causes a nuisance or fear and intimidation to people living near to an encampment in certain circumstances the Police can take steps to remove the encampment. All incidents of behaviour of this nature should be reported to the Police immediately.

### 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 or leased to them. The Parish Council does not have the legal power to instruct bailiffs nor apply for a Possession Order through the Courts.

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.
- Ask the landowner to keep the Parish Council informed, so that any affected residents can be reassured, and any necessary information may be shared on the Parish Council website or 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 Harrietsham Parish Council is to ascertain whether there are any health, welfare or child protection considerations in relation to the encampment, this will be in consultation with the Police. In the absence of such considerations the Parish Council will take steps to remove unauthorised encampments 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. The Parish Council will use their approved bailiff services (Quality Bailiffs) for use under this policy where available, if not the Parish Council will use another bailiff of their choice.

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

- Notify the Clerk and/or the Chair. In the event of neither of these not being contactable notify the Vice Chair. If neither the Chair, Vice Chair nor Clerk are contactable notify the RFO or Amenity Manager and other Councillors until three can liaise to authorise further action.
- A member of the Parish Council or member of staff will view the site from a safe distance to confirm that the site is owned by the Parish Council and ascertain, where possible, the number of caravans in the unauthorised encampment. The Council member will assess the potential for nuisance to be caused to neighbouring occupiers.
- If the Clerk/RFO and at least two Parish Councillors are agreed that steps should be taken to remove the unauthorised encampment, the following steps should be taken. Those agreeing to such action should ensure that it is recorded and then reported to the next available Parish Council Meeting.
  - Keep a detailed log of all actions taken and a brief summary of any conversations had, during the process, in case there are court proceedings.
  - Report the encampment to the Police immediately and request they ascertain if there are any health or welfare reasons why the travellers cannot be asked to move, and if not, the Police should ask the occupiers to leave in the first instance. If there are 6 or more caravans, ask that they use Police powers under section 61 of the Criminal Justice and Public Order Act 1994 to require the travellers to move on immediately if there are any reports of criminality.
  - If the Police report no health or welfare issues but take no action or cannot move the travellers under their powers, then the Parish Council will take immediate action to remove the unauthorised encampment as soon as practicable.
  - A representative of the Parish Council either the Clerk/RFO, Chair, Vice Chair or if these are unavailable at least one of three Parish Councillors in agreement, will contact an approved

bailiff service and place instructions for notice to be served for immediate eviction using Common Law Powers.

- Delegated Powers are given for action to be taken immediately, with the quoted expenditure being reported, via email, to all Members of Harrietsham Parish Council (including the RFO) at the earliest possible time.
  - The approved bailiff service will be given the 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 approved bailiff service for a blanket notice to cover all owned/leased land by Harrietsham Parish Council as set out in the Asset Register. This will help safeguard all Parish land should the encampment move from one piece of land to another, as the legal process will have already started for the eviction.
  - It is likely the approved bailiff service will e-mail their Terms and Conditions to the authorising representative. This document needs to be completed if required and emailed back by return without delay for the process to continue and for the approved bailiff service to be able to act as the legal representative of the Parish Council.
  - Following receipt of the signed Terms and Conditions where required, acting as legal representative for the Parish Council the approved bailiff service shall prepare Notices/warrants for Service on the occupiers of the unauthorised encampment, 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 occupiers of the unauthorised encampment by the approved bailiff service on the day of the eviction or at an appropriate number of hours before the deadline.
  - It is likely that the approved bailiff service will require at least one police officer to be present when the Notice is served and at the time of the planned eviction. Actual police numbers required at the eviction is an operational decision for the Police Service. The approved bailiff service will liaise directly with the Police and the Parish Council at regular intervals as necessary to ensure a peaceful removal of the unauthorised encampment.
- Once the time of the eviction is known, the following should be considered:
    - Securing other Parish Council property that may be used as alternative sites if a blanket order has not been given for all Parish Council owned/leased land.
    - Advising the local residents to avoid the area to minimise traffic congestion and to avoid the risk of any conflict which could arise.
    - 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 and, if necessary, liaise with Kent County Council's Highways Department.
    - Parish Council Staff and Councillors may receive a high number of calls and emails from concerned residents concerning any unauthorised encampment in the Parish. Councillors and Council Staff should stay calm and advise residents that the Parish Council procedure will be followed and ask residents not to confront the occupiers of the unauthorised encampment.
    - The Parish Council website and Facebook page should be updated with information 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 Borough Council's Traveller Liaison Officer where necessary.
  - Once the unauthorised encampment has been removed the Parish Council will consider steps necessary to clean the site repair any damages and process any insurance claim, should this be necessary. The Parish Council should also take steps to secure it from any future unauthorised encampment.