

Nether Wallop Parish Council

Unauthorised encampment Policy

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 owned or managed land, other than where possible, to inform the landowner.

3. Insurance:

The Council's insurance has cover for legal fees in respect of Trespass. However, in the event of legal action or bailiffs being required, an insurance Claim must be made (and approved for action) by the Insurers before any appointment can be made. This may be subject to several working days delay.

4. 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.

On discovery of an illegal unauthorised encampment the Unauthorised Encampment Process List will be followed. Due to the nature and speed at which actions unfold, liaison with the Full Parish Council is not always possible.

The encampment details are to be communicated to the Clerk and Chairman and an initial visit to the encampment will take place within 12 hours of it being notified.

Unauthorised encampment Process List

1. Assess site once it is known trespassers have arrived and where it is safe to do so. Take records of vehicles there and registration numbers.
2. Advise the following people for information only:
 - a. **Parish Councillors**
 - b. **Football Pitch Marking manager**
 - c. **Village Green Working Group Chairman**
 - d. **Boyce Jeffery at TVBC.** (bjeffery@testvalley.gov.uk)
 - e. **Nicholas Waite** (Gypsy Liaison Officer) HCC (- Nicholas.Waite3@hants.gov.uk or phone 07736 793003 or 01962 846588.) – in case of absence, contact Barry Jordan-Davis, Senior Gypsy Liaison Officer, 07736 792918.
 - f. **Nether Wallop Gate Post facebook page. Post from the Clerk, turning off commenting on the post.**
3. Email Councils insurers (and their legal department) Edward.Harris@ajg.com / Lissa.Harding@ajg.com & Community@ajg.com, advising of a possible claim and requesting AOH contact details.
4. Telephone Council's insurance brokers (Hiscox Policy number: 8187999 - T:01483 407496) and Legal Department to advise details of possible claim. (DAS Legal Expenses Insurance Company Limited 0345 268 9124 / AOH 0117 934 2111.)
5. Request Police (101 ask for Duty Sergeant covering Stockbridge) to escort Clerk to serve a "Notice to Vacate". Each caravan / vehicle / Tent to be visited and served notice. Adults should be spoken to. Notice letter to be put onto each vehicle. IF Police are unable to attend, the Clerk and one other Councillor will only serve notices if safe to do so.
The encampment will be given 2 hours to disband.
6. IF after the required notice time the group have not left the site, the Clerk will liaise with the police, and if the relevant conditions have been complied with, will request action to be taken under [section 61 of the Criminal Justice Act and Public Order Act 1994](#).
7. IF the trespassers still remain, or the Police cannot act as the legislative conditions have not been met, then the Clerk will request the insurers legal team to take over.

Financial implications

The Council has no budget for bailiff services in the event of any unauthorised encampment due to the insurance policy covering legal costs. In the event of a significant delay from the insurers to act, this policy gives delegate authority to the Clerk to spend a maximum of £4,000, in consultation with the Chairman and Vice-Chairman in the event of requiring the services of a bailiff as a matter of urgency.

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