**Policy on dealing with unauthorised encampments**

The Unauthorised Encampment Policy was adopted by Full Council at its Meeting held on 1 October 2019.

Introduction:

An unauthorised encampment is a group of people with vehicles, such as Travellers, who are entering and staying on land without the landowner’s consent. Unauthorised camping is not a criminal offence. But entering land without the landowner’s permission is trespass, and land owners and local authorities have the right to repossess their property using the law.

If the land is privately owned by a company or individual, the landowner needs to take advice from their solicitor about obtaining a Possession Order through the County Court.

If the land is owned by a Local Authority, it may still apply for a Possession Order through the County Court or evict the Travellers using common law but the Council has to follow the proper legal process, and must comply with the Human Rights Act 1998. Government policy recommends that the organisation must first show that they have taken the housing, health, welfare and education needs of the Travellers into consideration before making the decision to take legal action. [This may involve a visit to the encampment by the relevant County Council Officer].

Anti-Social or Criminal Behaviour - A minority of travellers may be involved in behaviour which causes 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:

**Unauthorised encampment on private land not owned by the Parish Council:**

Parish Councillors should not approach the encampment

1. Inform the landowner that they have an encampment, inform the police and Bucks County Council.

2. Ask to be informed of progress so that updates can be put on the Parish Council website.

**Unauthorised encampment on land owned by the Parish Council:**

The policy of Hazlemere Parish Council is to evict unauthorised vehicles as promptly as practical. The cost of removal will need to be met by the Parish Council and authorised at the monthly meetings in the normal manner. 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 should not approach the encampment.

In the event of an unauthorised encampment the following procedure should be initiated.

1. Notify the Clerk and/or Chairman. In the event of either of these not being contactable advise the Vice Chairman and other Councillors until three can be found to authorise further action

2. The Clerk and the Chairman, or if unavailable at least two Parish Councillors will attend the site to assess the occupation. Try to record the number of caravans and vehicles.

3. If the Clerk and at least two Parish Councillors (or at least three Parish Councillors if the Clerk is unavailable) are agreed that the unauthorised occupiers are to be removed, the steps below should be taken. Those agreeing to such action together for the reasons for it should be recorded and reported to the next Parish Council meeting.

4. Report the encampment to the District Council immediately. Go to www. Buckscc.gov.uk/reportue or call 1296 395000. If there is evidence of anti-social behaviour or of a crime having been committed inform the Police by calling 101.

5. The Clerk or Parish Councillors should also ensure that all other Parish property is appropriately secured, and alert other landowners in the vicinity to enable them to secure other likely target sites.

**Arranging for eviction**

6. It is possible that the police will be able to move the Travellers on immediately under Section 61 of the Criminal Justice and Public Order Act 1994 if there is a significant impact to the local community or to other users of the land, an impact on the land, a significant increase in local crime directly attributable to the encampment or a risk to life.

7. If there is no Police action, then the Parish Council will take immediate action to evict the travellers as soon as possible but will take advice from the police and the District Council as to whether a welfare check is necessary. Assuming there are no reasons why the Travellers cannot be moved on the Parish Council will liaise with the District Council to place legal instructions for notice to be served for immediate eviction. This may require instructing solicitors. Whoever is acting for the Parish Council 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.

8. Once solicitors are instructed, they 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. It is likely that at least one police officer will be required to be present at the time of the Notices being served and at the time of the eviction. Actual numbers required at the eviction will depend on the scale of the occupation. Liaison between the Parish Council, its legal advisers, the District Council and the local Police Inspector is essential.

* 1. 9. Once the time of the eviction is known, the following should be considered:
	2. • Secure quotations for any necessary clearing of the site so that this can be undertaken immediately following the eviction. The Parish Council will be charged for this service and it is likely to take a couple of days to complete.
	3. • The Clerk and/or Parish Councillors, in conjunction with the police to notify local organisations or individuals of the eviction in time
	4. • Consider traffic and pedestrian management in the surrounding area. There may be a need to close a road or control traffic movements during the eviction period.
	5. • Check whether any insurance policy will cover any of the costs of eviction and clear-up.

**Liaising with the public**

10. The Parish Council should expect a lot of calls from residents during any unauthorised encampment in the Parish. Councillors and the Clerk 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.

11. The Clerk should update the website with progress reports, members of the public should be advised to call 101 to report any issues

12. The Clerk should keep in touch with the Beat officer and the Company dealing with the eviction, there will be pressure from the public to keep chasing the Police to exercise their Powers under Section 61 and get the Travellers moved on quickly. Under this law the Police have powers to move the travellers on if certain conditions are met; however, the Police must use this power in a balanced way. They will try to balance the impact on the residents with the human rights of the Travellers. The police will work with the District Council.

13. Once the Travellers have left, The Clerk and Councillors must close the site to the public until a clean-up has taken place, taking into account the Council’s duty of care to residents.

**After the event**

14. The Clerk and Councillors will want to consider any lessons learnt, and whether any further preventive action is necessary.

Contact Numbers:

NOTIFY:

Bucks County Council: [www.buckscc.gov.uk/reportue](http://www.buckscc.gov.uk/reportue) or call 01296 395000

Police:

* Emergencies, including immediate danger to personal well-being or property, call 999 and ask for the police.
* Suspicious behaviour, and non-urgent matters for the police can be reported by calling 0845 045 4545 .
* Anti-social behaviour, fly-tipping and general nuisance can be reported by calling 101.
* **To be reviewed October 2022**
* **Reviewed October 2019**