

NEW POLICY

Illegal encampment policy

1. Rationale for policy

To ensure that Diss Town Council deals with unauthorised encampments on land it owns in a fair, proportionate manner following a set legal process.

2. Policy Statement:

- 2.1 This policy applies to the management of all unauthorised encampments, including the establishment of a tent, vehicle, caravan or other structure, by a person(s), in an area where they have no permission to reside or occupy.
- 2.2 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.
- 2.3 This policy gives guidance in the event of an unauthorised encampment on Town Council land including the policy on eviction and the procedures to follow.
- 2.4 The policy applies to all staff and councillors involved in the management of unauthorised encampments, and agencies acting on behalf of the Town Council.
- 2.5 The Council will not act if an encampment is not on their land, other than where possible, to inform the landowner.

3. Procedure

- 3.1 Responsibility for following this policy is with the Clerk or Officer on duty at the time an unauthorised encampment is reported with support from the Leader of the Council or the Chair of the Facilities committee.
- 3.2 On discovery of an illegal unauthorised encampment: -
 - a) The encampment details are to be communicated to those persons detailed on the Unauthorised encampment contact / Process List at the end of this document.
 - b) The Clerk or Officer on duty as detailed in 3.1 along with another colleague or member will visit the encampment within 12 hours of it being notified to the Town Council.
 - c) Where considered safe to do so, details will be noted of all trailers (caravans), and vehicles on the area, and the exact location will be logged. The Clerk or Officer on duty will try to establish dialogue and ascertain proposed length of stay.
 - d) The Clerk / Leader of the Council will inform the local Police Inspector of the encampment.

- e) If the illegal encampment is by gypsy / traveller community, the Clerk or Officer on duty will inform the Gypsy / Traveller Engagement Officer at South Norfolk Council.
- 3.3 Due to the nature and speed at which actions unfold, liaison with full council is not always possible, however they will be updated as soon as practicable by the clerk.

4. Unauthorised encampment - Procedure

Stage 1

- a) Assess site of unauthorised encampment, where safe to do so.
- b) Take vehicle make and registration numbers.
- c) If on the Park, consider whether the toilets should remain open
- d) Notify and seek advice from the Community Enforcement Officer at South Norfolk Council, email mark.siddall@broadland.gov.uk or phone 01508 533701.
- e) Advise the Clerks, Councillors and Maintenance Manager.
- f) Email district councillors.
- g) Clerk will liaise with Police requesting action to be taken under section 61 of the Criminal Justice Act and Public Order Act 1994. Email SNTdiss@norfolk.pnn.police.uk, and Laura.symonds@norfolk.pnn.police.uk.

The encampment will be given 12 hours to disband. If not disbanded within 12 hours, Stage 2 will be implemented.

Stage 2

- a) Each caravan / vehicle / tent to be visited by Clerk or Officer on duty and another member of staff. Notice will be served to all vehicles and a copy of the notice will be given to all adults explaining the notice. Notice letter to be put onto each vehicle.
- b) The Clerk or Officer on duty will issue written notice requesting the unauthorised persons to leave by a specified date and time. The legislation to remove the encampment will be Part 55 of the Civil Procedures Rules.
- c) The Clerk will request the police to be present when the notice is served. A sample of the notice letter is on page 4. If serving a letter proves to be unsuccessful, legal proceedings will follow.

5. Financial implications

- 5.1 Solicitors charge in the region of £400 per day and bailiffs charge approximately £675 for the first hour and £225 per hour thereafter.
- 5.2 The Clerk will use his/her authority to spend in accordance with Financial Regulations clauses 4.1 and 4.5 in the event of requiring services to remove the encampment.

REF: CIVIL PROCEDURE RULES - PART 55

To whom it May Concern

Address:

You or your vehicles do not have permission to be on this land and are trespassing.

Diss Town Council hereby gives you notice that if you or your vehicles are still on any part of this land after the following date and time.

Date:

Time:

Diss Town Council will commence legal action to remove you, your vehicles, and your property from this land. In the event of further action being necessary, the council will seek to recover from you, the cost of the action including the cost of removing any property, rubbish or other material left on this land.

Miss Sarah Richards
Town Clerk