



## **Little Maplestead Parish Council**

# **Unauthorised Encampment Policy**

**For Review: May 2024**



# Little Maplestead Parish Council

## Unauthorised Encampment Policy

### 1. Introduction

- 1.1** When Travellers move their vehicles and/or caravans onto a piece of land they do not own, without the permission of the landowner, this is called an unauthorised encampment.
- 1.2** An unauthorised encampment is a civil matter of trespass between the landowner and the Travellers, and it is the responsibility of the landowner to deal with.
- 1.3** It is possible that the police will be able to move the Travellers on under Section 61 of the Criminal Justice and Public Order Act 1994 if the Travellers are, amongst other infractions, using threatening behaviour, causing damage or have 6 or more vehicles occupying the site.
- 1.4** The policy of **Little Maplestead Parish Council** is to evict and remove people and vehicles from unauthorised encampments on its land as promptly as practical, the cost of so doing being met by the Council.
- 1.5** Government policy recommends that, before making the decision to take legal action for eviction, the Council first needs to show that it has taken the housing, health, welfare and education needs of the Travellers into consideration. This generally involves a visit to the encampment by Essex County Council's Traveller Liaison Officer (TLO).
- 1.6** **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 unauthorised encampment. Incidents of this nature should be reported to the Police.

### 2. Action Plan

- 2.1** In the event of an unauthorised encampment on land owned by the Parish Council, the following procedure should be initiated:
  - 2.1.1** Upon notification of the encampment the Clerk and/or the Chairman and Vice-Chairman and/or a combination of any two Councillors, depending on availability, should visit the site immediately to:
    - Assess the situation and note the number of vehicles/caravans
    - Note if there has been any criminal damage
    - Report the encampment to the local Police via 101.

2.1.2 If the Clerk and/or the Chairman and Vice-Chairman and/or a combination of any two Councillors are agreed that the unauthorised occupiers should be removed, those agreeing to such action, together with the reasons for it, should report through the Clerk (or directly, if the Clerk is unavailable) to all Councillors in order to seek majority approval for removal.

2.1.3 Following approval being obtained, the following steps should be taken:

- Contact the Essex Police Traveller Liaison Unit (EPTLU) – the TLO is the person to provide the best advice.
- If it is safe to do so, make contact with the leader of the Travellers to find out what their plans are – for example, how long they are intending to stay.
- Politely request that they leave the area. Be prepared to give a good reason – **just because Travellers are not welcome on the land is not good enough reason in itself for them to be evicted.**
- Keep all conversations with the Travellers non-confrontational and ensure that parishioners are advised to do the same.

2.1.4 If no police action is going to be taken under Section 61 of the Criminal Justice and Public Order Act 1994, then the Council will endeavour to take immediate steps to evict the Travellers as soon as possible, all the while taking advice from the police and the TLO:

- Assuming there are no reasons why the Travellers cannot be moved on, the Clerk, or an authorised representative, will contact the Council's lawyers and place instructions for an Eviction Notice to be served for immediate action.
- The Council's lawyers will normally require details of the number of vehicles/persons, the site location and contact details for a representative of the Council with whom they can maintain contact and monitor the situation.
- The Council's lawyers will prepare Eviction Notices to be served 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. The Notices will need to be authorised in Court, so this process may well take between 7-10 days to implement.
- A process for serving the Eviction Notices and actually carrying out the evictions will need to be agreed by the Council, its lawyers, the TLO and the police.

### **3 Intermediate and Follow-up Actions**

- 3.1** Councillors and the Clerk should expect to field many calls/contacts from parishioners/residents during an unauthorised encampment within the Parish. Councillors and the Clerk should therefore be prepared to explain to people the legal situation and the processes that have been instigated. They should also advise parishioners/residents not to engage with or confront the Travellers, or try to take matters into their own hands, as this might exacerbate the situation.
- 3.2** Residents should be reminded that, while the Police have powers to move the travellers on if there are more than 6 caravans or the Travellers are causing criminal damage, this power must be used in a way that balances the human rights of the Travellers with the impact on residents.
- 3.3** If residents have any concerns or wish to report any issues they should be advised to call the police via 101.
- 3.3** The Council's website, Facebook page and any local Whatsapp groups, should be updated regularly with information and progress reports in order to keep parishioners/residents fully informed during the occupation.
- 3.4** The Clerk should keep in touch with the TLO and the Council's lawyers dealing with the eviction, in order to monitor and report progress. The Council should endeavour to maintain a regular dialogue with the Travellers throughout the duration of their occupation.
- 3.5** Once the Travellers have left the site the Council should contact Braintree District Council Operations Manager to request a clear up as soon as practicable.
- 3.7** Immediately following the successful eviction, the Council should carry out a detailed security review of the occupied site to identify and quickly take any necessary actions to enhance the security measures accordingly.

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#### **Contact Numbers:**

**Council Lawyers: TBA**

**Police: 101**

**Essex CC Police Traveller Liaison Unit: 0345 607 624 then Option 3  
or tel: 101 ext 489065  
e-mail: [ectu@essex.gov.uk](mailto:ectu@essex.gov.uk)**

**Braintree District Council Operations Manager: 01376 552 525**