**Swillington Village Council**

**Unauthorised Encampments Policy on Swillington Village Council owned Land**

Introduction

This Policy aims to provide guidance in the event of an unauthorised encampment on Village Council owned land to ensure that it is dealt with in a fair and consistent manner that follows legislation.

The Government defines unauthorised encampments as “encampments of caravans and /or other vehicles on land without the landowner or occupiers consent and constituting trespass.”

Process

When the Village Council is made aware of an unauthorised encampment a note should be made of the time, date and means of access. A note of the number of caravans and vehicles on the site should also be noted. The next step is to notify Leeds City Council and the Police.

The procedure for removal can be authorised by the Chair and Clerk in conjunction with any two Village Councillors.

 Councillors and Council Staff should not approach the encampment.

The Council will use their approved bailiff services for use under this policy where available.

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

1. Notify the Clerk and/or the Chair and Vice-Chair.
2. Members of the Council (Chair, Vice, or other councillors) will view the site from a safe distance to confirm that the site is owned by the Council and ascertain, where possible, the number of caravans in the unauthorised encampment.
3. The Council members will assess the potential for nuisance to be caused to neighbouring occupiers.
4. The Clerk should be notified and the Councillor’s involved should discuss and agree what action should be taken.
5. Report the encampment to the Police immediately and request they ascertain if there are any health or welfare reasons why the persons causing the trespass cannot be asked to move, and if not, the Police should ask the occupiers to leave in the first instance. If there are six 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.
6. If the Police report no health or welfare issues but take no action or cannot move these persons under their powers, then the Village Council will take immediate action to remove the unauthorised encampment as soon as practicable.
7. A representative of the Village Council either the Clerk, Chair, Vice Chair or if these are unavailable at least one of three Councillors in agreement, will contact an approved bailiff service and place instructions for notice to be served for immediate eviction using Common Law Powers.
8. Delegated Powers should be in place for any action to be taken up to a specified amount of £2,500.00 excluding VAT. If the cost is going to be more than £2,500.00, further agreement will be required from Councillors.
9. 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 Village Council, via whom they can maintain contact and monitor the situation.
10. The Council will ask the approved bailiff service for a blanket notice to cover all owned/leased land by Swillington Village Council as set out in the Land Asset Register. This will help safeguard all Swillington Village owned land should the encampment move from one piece of land to another, as the legal process will have already started for the eviction.
11. It is likely the approved bailiff service will e-mail their Terms and Conditions to the authorising representative on the Village Council. 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 function as the legal representative of the Village Council.
12. Following receipt of the signed Terms and Conditions where required, acting as legal representative for the 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.
13. 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.
14. 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 consult directly with the Police and the Village Council at regular intervals as necessary to ensure a peaceful removal of the unauthorised encampment.
15. Once the time of the eviction is known, the following should be considered,
16. Securing other Council property that may be used as alternative sites if a blanket order has not been given for all Council owned/leased land.
17. Use of Social Media to alert other local councils.
18. Advising residents if it is felt necessary.
19. Clerk, Councillors, in conjunction with the police to notify local organisations or individuals of the eviction, in time to enable them to secure other target sites.
20. Village Council Staff and Councillors may receive a high number of calls and emails from concerned residents concerning any unauthorised encampment in the Village. Councillors and Council Staff should stay calm and advise residents that the Council procedure will be followed and ask residents not to confront the occupiers of the unauthorised encampment.
21. Once the unauthorised encampment has been removed the Village Council will consider steps necessary to clean the site repair any damages and process any insurance claim, should this be necessary.
22. The Village Council should also take steps to secure it from any future unauthorised encampment.
23. All agreements from this process should be documented and reported to the next available Village Council Meeting.

Swillington Village Council March 2022