



# ILLEGAL & UNAUTHORISED ENCAMPMENT POLICY

Drayton Parish Council

Version 1.1

<b>Approval Date:</b>	Sep 2025	<b>Approval Route:</b>	Council
<b>Review Date:</b>	+ 4 years	<b>Policy Holder:</b>	Playing Fields and Property Committee

## Document Change History

This is version 1.1 of the Illegal & Unauthorised Encampment Policy and it is the responsibility of the Parish Clerk to ensure that new versions are communicated to Council and made available per the adopted Publication Scheme.

It is the responsibility of the reader to familiarise themselves with this version of the document.

This document is subject to revision and is maintained electronically. Electronic copies are version controlled and printed copies are not subject to this control.

## Summary of Changes

Version 1.1 September 2025	
Ref.	Change
Whole document	Internal: Document formatting revised to align with Policy template.
Purpose	Internal: Additional information provided regarding definition of an encampment.
Principles	Internal: New section.
Responsibilities	Internal: New section.
Procedures	Internal: Procedures relocated to separate document. District Guidance: Removed specification that “Eviction and associated costs fall to the local authority”. District Guidance: Removed specification that “BDC Enforcement Officer will engage all necessary authorities and organisations for the commencement of eviction”.

## **Purpose**

An unauthorised encampment is where any person camps on land they do not own. The removal of any encampment on land that is owned, leased or managed by Drayton Parish Council is the responsibility of the Parish Council. The purpose of this policy is to provide guidance and ensure that the Council deals with unauthorised encampments in a fair, proportionate and consistent manner and that legal processes are followed appropriately.

## **Policy Statement**

This policy provides guidance in the event of an unauthorised encampment on Parish Council Land and signposts the associated procedures which should be read in conjunction with this Policy.

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 who have chosen a nomadic way of life and travel the country or local area, stopping for a time and then moving on.

Gypsies and Travellers, together with all groups who have specific culture, language or values, are protected from discrimination by the Equality Act 2010, the Race Relations Act 1976 and the Human Rights Act 1998. It is not unlawful to roam.

## **Scope**

This policy applies to illegal & unauthorised encampments on land owned by the Parish Council including:

- King George V Playing Field
- Longdale Playing Field
- Florence Carter Memorial Park
- Green Lanes

This policy applies to the management of all illegal and unauthorised encampments, including the establishment of a tent, vehicle, or other structure, by a person(s).

This policy covers the management of all unauthorised encampments regardless of who the occupiers may be.

This policy applies to all staff and Councillors involved in the management of unauthorised encampments, and agencies acting on behalf of the Parish Council.

The policy does not apply to illegal & unauthorised encampments on private land. In such cases the Parish Council will not act, other than where possible, to inform the landowner. The matter is for the landowner in conjunction with the police as and when required.

## **Principles**

The Council will:

1. Ensure that the Illegal & Unauthorised Encampment Policy is adhered to.
2. Ensure that the Illegal & Unauthorised Encampment Procedure is adhered to (Parish Council procedure is based on Broadland District Councils 'Guide for Parish Councils Managements of Unauthorised Encampments on Parish Land')
3. Ensure that any decisions taken are proportionate, necessary, evidence based and in alignment with the relevant legislation and Parish Council powers.
4. Ensure that all individuals are treated with dignity and respect and that the welfare needs of occupants are considered.
5. Act swiftly to gather information before seeking advice from the police and Broadland District Council's Community Enforcement Officer.
6. Ensure that accurate records are maintained in regards to occupancy dates, the location and size of the encampment, any complaints or incidents and any actions taken.
7. Ensure that communication with the community is clear, factual and non-inflammatory.

## **Responsibilities**

The Council is responsible for:

- ✓ Approval of this policy and supporting procedures.

The Policy Holder is responsible for:

- ✓ The review of this policy and supporting procedures and recommendations to Council for amendment.
- ✓ Monitoring and maintaining overall compliance with this policy

The Deputy Clerk & Facilities Manager is responsible for:

- ✓ Day to day management of compliance with this policy.
- ✓ Updating this policy and supporting documentation as required.

The Councillors are responsible for:

- ✓ Familiarising themselves with this policy and supporting documentation.

## **Further Information and Supporting Documents**

Illegal & Unauthorised Encampment Procedure

The Illegal and Unauthorised Encampment procedure is a supporting document and should be read in conjunction with the Illegal and Unauthorised Encampment Policy.

Financial Implications

The Parish Council has no budget for bailiff services in the event of any illegal and unauthorised encampment. This policy gives delegated authority to the Clerk to spend a maximum of £3,000, in consultation with the Chairman, in regards to the clean-up and eviction of illegal and unauthorised encampments.

Any expenditure must be communicated to the full Parish Council at the earliest opportunity and ratified at the next Parish Council meeting.

#### Policy Monitoring, Review and Approval

To ensure the Council continues to meet the principles laid out in this policy, the Policy Holder will:

1. Review this policy and supporting documentation every 4 years and in response to relevant changes to legislation and/or government guidance.
2. Review this Policy and supporting documentation as a result of any other relevant significant change or event.
3. Adopt a structured approach to the management of any incidents of illegal and authorised encampment on Parish Council land to ensure that records are maintained in appropriate detail.

## **Introduction**

The Illegal and Unauthorised Encampment procedure is a supporting document and should be read in conjunction with the Illegal and Unauthorised Encampment Policy.

## **Responsibilities**

Due to the nature and speed at which actions unfold, liaison with the full Parish Council will not always be possible. Responsibility for following this procedure resides with the Council Officer on duty at the time that an illegal and unauthorised encampment is reported, with support from the Chairman of the Parish Council.

## **Procedure**

On discovery or notification of an illegal and unauthorised encampment the following process should be adhered to:

- 1. Site Assessment:** Where safe to do so, assess the site of the illegal and unauthorised encampment, noting the number and positioning of units and determine whether the encampment will interfere with use of the facility. It is not recommended that you approach the encampment as this increases the possibility of antagonising a volatile situation.
  
- 2. Notifications:** Contact the following organisations as soon as possible to ensure they are aware of the situation:
  - **Inform the police** providing details following site assessment (number and positioning of units, whether adults, children, elderly, pets etc were observed). Whilst police have additional powers to remove encampments, a threshold of community impact and anti-social behaviour or loss of amenities need to be met.
  - **Inform Broadland District Council and seek advice.** Where safe to do so, delegated officers will arrange, possibly with police, a visit and initiate welfare assessments where relevant. The officers will also provide guidance and options on legal procedures for consideration.

### Contact Details:

Broadland District Council

01603 431133

[Hstandards.bdc@southnorfolkandbroadland.gov.uk](mailto:Hstandards.bdc@southnorfolkandbroadland.gov.uk)

Broadland District Council's Community Enforcement Officer.

Amanda Garnham

01603 430528

[amanda.garnham@southnorfolkandbroadland.gov.uk](mailto:amanda.garnham@southnorfolkandbroadland.gov.uk)

Norfolk Constabulary Beat Manager (Taverham, Drayton, Ringland & Honingham CP)

Brett Peyton

01603 276363

[Brett.Peyton@norfolk.police.uk](mailto:Brett.Peyton@norfolk.police.uk)

- 3. Building Closure:** Where necessary (i.e. where fire routes or grass pitches are impacted), close any Parish Council owned buildings (KGV and/or Longdale Pavilion) and cancel/postpone impacted events and activities, notifying any up-coming hirers of the need to cancel their booking. Ensure that any cancellations/postponements are carefully considered to minimise risk whilst reducing the likelihood of a negative interface between the encampment and the community.
  
- 4. Communication:** Contact the following people to ensure they are aware of the situation.
  - I. Parish Councillors
  - II. Parish Council Employees
  - III. District Councillors
  - IV. Public notification via Parish Council website.

#### Example Correspondence

*The Parish Council wishes to inform you that an encampment has been established at [insert location].*

*Please be assured that the Council is fully aware of the situation and is taking the necessary action in line with the appropriate legal and procedural requirements.*

*We thank you for your patience and understanding while this matter is being addressed.*

*Updates will be provided as soon as further information is available.*

**Powers to Consider**

The following guidance is for information and has been extracted from the Broadland District Councils ‘Guide for Parish Councils Managements of Unauthorised Encampments on Parish Land’. The table below documents powers to consider in the event of illegal unauthorised encampment on Parish Council owned land.

<b>Process</b>	<b>Common Law</b>	<b>S77/S78 Criminal Justice Public Order Act 1994</b>
Legal position	It is established in law that landowners have the right to the peaceful possession of their land and may take reasonable steps to remove trespassers.	Officers with delegated powers at District Councils can issue and serve s77 notices to leave land. Solicitors will need to be employed to apply to magistrates for a s78 order to vacate if the trespassers refuse to leave. The s78 magistrates court order gives officers and bailiffs powers to use reasonable force to remove trespassers and their property.
Basis of process	No need for a solicitor or the booking of a court. Private bailiffs often offer this service. It is not recommended that Parish Councils complete the notice and eviction process themselves, bailiffs are equipped to handle the entire process.	There is a protocol procedure to adhere to if a s77 notice is to be served, this will be discussed in a formal meeting and documented for evidence if a court order is then required to remove trespassers
Application of process (abridged) and guides on timescales.	This process is not dependent upon court availability and there are no fixed notice periods. Private bailiffs may be found online and instructed to handle the entire process on behalf of the Parish Council. In many cases this may lead to eviction with 24-48 hours.	The Protocol procedure has been adhered to and the Authority has agreed to undertake service of the s77 notice, 24-48 hours during council opening hours. If the trespassers have still refused to vacate the land as directed on the notice, District Authority and solicitors will apply to attend magistrates court to obtain a s78 court order, 1-5 working days depending on court and solicitor availability. The Parish Council will be responsible for solicitor and court fees at this stage. If the order is granted and served on the trespassers, they are usually given 24-48 hours to vacate, in which case if they refuse, bailiffs can remove trespassers using the powers of the order. Bailiff costs are the responsibility of the Parish Council.

Subsequent to possession.	Post eviction there is no ongoing protection of the land. An encampment may return immediately forcing the process to repeat. If adopting this approach it is strongly recommended that land owners have arrangements in place for strongly defending the land from trespassers as soon as possession is gained.	There is some afforded protection with a s77 notice, allowing the District Authority to return to magistrates court within 3 months of service to obtain s78 order to vacate the land. Providing the notice was served correctly, it can be used multiple times with the same trespassers on the same land within this 3 month period.
Costs borne by the land owner.	<p>Service of common law notice by private bailiffs. This can be avoided by service by the Parish Council, but this isn't recommended.</p> <p>Bailiff costs, in the event that the encampment does not comply with the notice. Costs will be determined by the size of the encampment and whether towing vehicles need to be employed.</p>	<p>Employment of a solicitor if the trespassers refuse to vacate after s77 service. This will also incur a court cost for the hearing.</p> <p>If the encampment does not comply with the s78 order to vacate, bailiffs will need to be employed by the landowner to enforce the notice.</p>

**Note on costs:** Costs are variable and will depend upon how far either process has to be followed. It can be seen that in the case of common law eviction the stages of the process attracting costs are limited and may result in lower costs in some instances.

**Police Powers:**

Police can use their own powers under s61 of the Criminal Justice and Public Order Act 1994 if certain conditions have been met, and it is discretionary on their part. New powers have been added to this Act following amendments in 2022, making trespassing a criminal offence. However, this is also discretionary and the criteria to meet this consideration is quite significant.

An example of when it could be requested is when a large encampment arrives at a village hall field whereby the occupants have caused criminal damage on site and have made significant threats to anyone trying to access the field, or if a scheduled event for the field has to be postponed and there is a significant loss of use of the field or business.

s61 gives police the powers to direct trespassers on land who have the common purpose of residing there for any period.

This power applies where a senior officer reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following have occurred:

- a) any of the trespassers has caused damage, disruption, or distress or
- b) the trespassers have between them six or more vehicles on the land.

The conditions that can be caught by the power to direct under 61(1) (a) have been broadened under the 2022 Act. These replicate the damage, disruption and distress included in the new offence, but do not need to be 'significant'.

Failure to comply with the direction, by failing to leave the land as soon as reasonably practicable and without reasonable excuse, is an offence.

Speak to your local policing team about their powers if you think the criteria has been met, or speak to the housing standards team who will help with discussions and formulating a plan of action.

### **Additional Information**

- It is likely that the occupied site is a community asset and has been selected by the encampment occupants for this reason. Minimising contact will deny the occupants a platform.
- Home Office [Guide to effective use of enforcement powers](#)
- Existing powers to remove trespassers on land as introduced in the CJPOA and amended by the 2022 Act: [Unauthorised encampments: a summary of available powers \(accessible version\) - GOV.UK \(www.gov.uk\)](#)
- Power to remove trespassers with a common purpose of residing on land: [Police, Crime, Sentencing and Courts Act 2022 \(legislation.gov.uk\)](#)
- In cases where no significant harms have been committed by trespassers, police may decide to take other enforcement action using s61 of the Criminal Justice and Public Order Act 1994, providing the conditions for this are met. [Criminal Justice and Public Order Act 1994 \(legislation.gov.uk\)](#)