

**SWAFFHAM TOWN COUNCIL**

**INTRODUCTION**

The purpose of this policy and procedure is to better equip Officers and Councillors in deciding how to deal with unauthorised Traveller encampments on Swaffham Town Council owned, leased or managed land.

This policy is also to reassure Swaffham’s residents and other interested parties of the Council’s position with regards to unauthorised encampments.

**DEFINITION**

An unauthorised encampment occurs when two or more people trespass on privately owned land with the intention of residing there with no permission of the land owner.

**POLICY**

Responsibility following this policy is with the Council Officer/s on duty at the time an unauthorised encampment is reported. Due to the nature and speed at which action unfold, liaison with the Council is not always possible so this policy is therefore in place to ensure that unauthorised encampments can be dealt with in a fair and humane manner balancing the rights and needs of the town and the Travellers themselves.

**COUNCIL POWERS**

The Council Officer/s (on behalf of the Council) will consider carefully whether unauthorised encampments can be tolerated for a period of time and when and how to instigate eviction procedures. Each occurrence will be considered individually, and any special circumstances will be taken into account.

Any decisions made will balance the needs of Travellers with the impact on Council services and undue nuisance to neighbours and members of the public, including damage to land and property.

Attached at Appendix A is the Traveller Incursion Form, which will provide Council Officers a step by step guide of what to do in the situation where an unauthorised encampment occurs.

Attached at Appendix B is a Traveller Incursion Form, which will provide Councillors a step by step guide of what to do in the situation where the Council Offices are closed, and an unauthorised encampment occurs.

**POLICE POWERS**

Norfolk Police will visit all sites reported to them, but trespass is a civil offence and not a criminal offence. Prevention of trespass and the removal of trespassers are the responsibilities of the landowner and not the Police.

The Police have powers to move Travellers off land where criminal activity by them can be established but this has to be proven. The police also have discretionary powers under section 61 – 62 of the Criminal Justice and Public Order Act 1994 to direct trespassers to leave and remove any property or vehicles they have with them where group behaviour goes against the Act.

The power applies where the senior police 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:

1. That any of the trespassers have caused damage to land or property;
2. That any of the trespassers have used threatening abusive or insulting words or behaviour towards the occupier, a member of the occupier's family or an employee or agent of the occupier; or
3. That the trespassers have between them six or more vehicles on the land.

The mere fact of an encampment without any aggravating factors will not normally enable Police to use this power. At the request of the Divisional Duty Inspector, the Police Superintendent will assess whether or not an eviction notice can be served on the Travellers by the Police. In order to do so, there must be an evidenced and severe impact on the local community i.e. nuisance caused to residents, community events inhibited, resident's health and safety put at risk.

The police are bound by the Human Rights Act and may be constrained to avoid using Section 61 of the Criminal Justice and Public Order Act 1994 in circumstances where it would preclude welfare considerations from being applied by the civil courts.

The most efficient way for this impact to be proven is through each individual case of nuisance and criminal behaviour or damage being reported to the Police on their non-emergency number of 101.

### **FORMAL REPOSSESSION PROCEDURE**

Where the Police Superintendent is not able to grant an eviction notice, the Council as the landowner may seek to serve notice to evict the Travellers.

In order to serve notice the Council must also have completed the necessary welfare assessment of the travellers before eviction proceedings are sought.

The Council Officer/s (on behalf of the Council) shall have the discretion to assess whether any Council representative can safely visit the unauthorised encampment, usually accompanied by a member of the Police or a registered Bailiff.

Such discretion shall extend to sanctioning expenditure (within a limited budget annually of up to £5,000), to be used for the purpose of serving notice, eviction, cleaning up the site and securing the site; also, on preventative measures to minimise repetitive unauthorised encampments.

The Council Officer/s shall at the earliest opportunity report to the next full Council meeting and keep Councillors informed by e-mail.

### **JOINT WORKING WITH OTHER AUTHORITIES**

Norfolk County Council, Breckland District Council and Norfolk Police will all work closely with Swaffham Town Council where there is an unauthorised encampment on Council land. Norfolk Gypsy & Traveller Liaison Group's Unauthorised encampment protocol is attached at Appendix C. This document gives a good understanding of the overall process to be followed by each authority, the powers each has and considerations to be made.

### **FINANCIAL IMPLICATIONS**

When dealing with an unauthorised encampment on Council land there will be financial implications for the Council. Up to a limit of £5,000 annually, Council Officers (Town Clerk/Deputy Clerk) may put in place necessary measures and deal with the incursion as urgently as this situation demands. To also have the discretion to allocate the appropriate manpower hours, to deal with health and safety issues, potentially reinforcing security to sites and such like. As part of the post-incursion review, the total costs incurred will be calculated and reported to the Council for ratification.