



# WETHERBY TOWN COUNCIL

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## POLICY AND PROCEDURE FOR UNLAWFUL INCURSIONS ON GREEN SPACES

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#### 1. Introduction

This policy provides guidance and delegated authority in the event of an unauthorised encampment on Town Council owned or managed land to ensure that the Council deals with incidents in a fair, proportionate and consistent manner and follows a set legal process.

#### 2. Scope of Policy

This policy applies to the management of all unauthorised encampments, including the establishment of a tent, vehicle, or other structure, by a person(s), in an area where they have no permission to reside or occupy. 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.

A high proportion of unauthorised encampments are by individuals or groups of people, such as Gypsies and Travellers, who follow or have chosen a nomadic way of life and travel the country and or local area, stopping off for a time and then moving on.

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

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.

Responsibility for following this policy is with the Council employee on duty at the time an unauthorised encampment is reported, usually the Town Clerk, with support from the Mayor of Wetherby and Chair of the Property Committee, however the policy applies to all Staff and Councillors involved in the management of unauthorised encampments, and agencies acting on behalf of the Town Council (this may be a private bailiff).

The Town Council will not act if an encampment is not on Town Council land, other than where possible, to inform the landowner.

### **3. Financial Implications**

The Council has no budget for bailiff services in the event of any unauthorised encampment but does set contingency funding in its annual budget for property maintenance and management.

This policy gives delegated authority to the Clerk to spend a maximum of £3,000, in consultation with the Mayor and Chairman of the Property Committee in the event of requiring the services of a bailiff.

Bailiffs charge approximately £350 to attend site or for the first hour and £150 per hour thereafter. If a tow truck is needed this will also be extra.

All costs are to be communicated to either the Full Council or Property Committee at the earliest opportunity.



#### **4. Operational procedure in respect of eviction of an unauthorised encampment.**

*Due to the nature and speed at which actions unfold, liaison with the full Town Council is not always possible.*

4.1 Where considered safe to do so, conduct an initial site visit within 12 hours of it being notified to the Town Council and establish that an unauthorised and illegal incursion is taking or has taken place on Wetherby Town Council land:

- Take records of vehicles including registration numbers and log an exact location on the site (use What3Words or take photos).
- Try to establish dialogue and ascertain proposed length of stay.
- Request that each trespasser leave the land within 12 hours.

4.2 Liaise with the police (call 101) requesting action to be taken under section 61 of the Criminal Justice Act and Public Order Act 1994.<sup>1</sup>

4.3 Notify and seek advice from Leeds City Council:

- <https://www.leeds.gov.uk/residents/environmental-health/report-an-unauthorised-gypsy-or-traveller-site>
- 0113 378 9237
- [travellerservices@leeds.gov.uk](mailto:travellerservices@leeds.gov.uk)

4.4 If the police are unable to assist, then instruct CEA Limited to act as private bailiffs on behalf of Wetherby Town Council and to use their best endeavours to repossess the land as quickly and economically as possible using sufficient manpower to do so in safety:

- <https://cealimited.co.uk/bailiff-services/>
- 0113 532 8350
- [office@cealimited.co.uk](mailto:office@cealimited.co.uk)

4.5 Advise the following people / groups of the action taken at the earliest opportunity:

- Town Councillors
- Ward Councillors
- Wetherby Ward Officer, West Yorkshire Police – currently P.C. Tom Goringe, [Thomas.Goringe@westyorkshire.pnn.police.uk](mailto:Thomas.Goringe@westyorkshire.pnn.police.uk)
- Neighbouring properties.
- Neighbouring towns.
- Wetherby Town Council facebook page – post and then turn commenting off.

#### **5. Action to be taken after control of site has been regained.**

5.1 Attend to confirm that the incursion has concluded and assess the condition of the site.

5.2 Cordon off areas which present a public health hazard.

5.3 Determine where access was gained to the site and arrange for the site to be temporarily secured.

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<sup>1</sup> [Department or Communities and Local Government, Home Office, Ministry of Justice Dealing with illegal and unauthorised encampments, summary of powers available. March 2015](#)



- 5.4 Arrange for Town Council maintenance staff or grounds maintenance contractors to attend the site as soon as possible and carry out any necessary remedial and cleaning works.
- 5.5 Report incursion, and associated costs, to next available meeting of Full Council or Property Committee.
- 5.6 Review access points to site and other potential, additional security measures to prevent further incursions and prepare report for consideration by Property Committee.

**6. Useful contacts:**

*Farm & Land Services*

Alasdair Downie 07850 235836  
 alasdair\_downie@hotmail.com

Council's grasscutting & tree contractor. Also does general maintenance.

*Pullan Landscape, Construction & Maintenance*

Neil Copley 07754 812200  
 pullanlandscape@yahoo.com

Council's grounds maintenance contractor.

*MHS Countryside Management*

Steve Houston 07803 988987  
 steven.houston@mhscountryside.co.uk

All aspects of grounds maintenance & building works.

