

# CAMBOURNE PARISH COUNCIL

District of South Cambridgeshire

Council Meeting 5<sup>th</sup> September 2017

## Unlawful Encampment

On the evening of Thursday 17<sup>th</sup> August 2017 approximately 30 travellers moved on to the sports pitches by removing a section of fence. The Parish Chairman, in consultation with the Parish Clerk and acting Deputy Parish Clerk, approached enforcement agents, Bryan Lecloche Ltd, to act on behalf of the Parish Council to carry out the necessary steps to ensure the expedient removal of the travellers. The Parish Clerk informed the Council's insurers of the incident in case of any claims against our insurance policy. The following people were contacted for support during the eviction process; Cambridgeshire Police – in particular, Inspector Jane Drury and South Cambs District Council.

Due to the actions of the enforcement agents, the Parish Chairman and the Parish Council office staff, the process was well managed with the travellers fully vacating the site by 2pm on Monday August 2017.

The District Council had dropped off a quantity of black bags that the travellers used to carry out a litter pick, which left the site in a fairly clean condition with a limited amount of cleaning carried out by the Parish Grounds team and operatives from South Cambs District Council.

Remedial works carried out once the travellers had left are as follows:

- A general litter pick of the pitches taking approximately 2 hours due to the size of the area (after the fireworks it normally takes 3 – 4 hours to litter pick the same area)
- The amazon flail mower was run over the pitches to pick up straw etc where the horses had been grazing.
- Two members of the Grounds team cleared up some faeces that had been missed by the District Council operatives.
- The pitches were rolled to level up where there had been vehicular movements, horses grazing and where someone had made a hand brake turn.
- The verti drain was then taken over the whole of pitches which has taken almost a week. (Normally this would not be done until later in the autumn).
- Unfortunately, while mowing the pitches the triple mower hit a bolt which will mean that the blades will need re-grinding.
- In addition to the pitch works the Grounds staff repaired the fence and put piles of soil at the entrances as a temporary measure to restrict access.

Future measures to restrict access to the pitches and Great Cambourne cricket wicket have been agreed between the Parish Clerk and Head Groundsman, taking into account advice from SDC. These will include fixed and removable bollards and additional planting to reduce gaps to stop access but still enable the Grounds staff to gain access for maintenance works.

John Vickery  
Parish Clerk  
It is:

**RECOMMENDED** that the Parish Chairman and Parish Clerk's action in appointing Bryan Lecloche ltd to carry out the enforcement action be confirmed. Note, Bryan Lecloche ltd were approached by the Parish Council as they had recently acted for the County Council and MCA on similar enforcement actions locally. No other agents were contacted due to the emergency nature of the situation and the need to act quickly.

# AGENDA ITEM No. 12.

## Gypsy and Traveller encampment on your land - options

The first step is for you to decide whether the encampment will be tolerated. If you want the Gypsies or Travellers to leave we advise you to follow the steps below. This sets out the procedure using common law which in most cases will be the quickest and most appropriate method.

To effectively move Gypsies and Travellers on you will need to use a suitably qualified and experienced Enforcement Agent who will take care of the processes for you.

### Enforcement Agents we have used in the past are:

Bryan Lecoche Ltd

01234 824570 or 07803 402160 (24 hours)

[www.bryanlecoche.co.uk](http://www.bryanlecoche.co.uk) (<http://www.bryanlecoche.co.uk>)

### Steps to evict an encampment using Common Law

**Step one:** Appoint a suitably qualified Enforcement Agent. If you choose not to you will need to carry out the process yourself.

**Step two:** The Enforcement Agent will make a request for the Gypsies or Travellers to leave the land. This is normally done by service a written Notice on them. There is no statutory requirement to give them a minimum or maximum period of time in which to leave, but 24 hours would normally be appropriate. The Notice should also identify the name of the landowner, the boundaries of the land (including a map if possible) and contact details for the Enforcement Agents who would normally deal with the preparation and service of the Notice. The Notice should also set out consequences of failing to leave the land – i.e. that trespassers and vehicles and caravans may be forcibly removed. It should be handed to an adult on the site. If there is no adult present it should be fixed in visible and prominent positions around the site.

**Step Three:** Once the Notice has expired the Enforcement Agents will either request that you inform them whether or not it has been complied with or they will return to the land to check whether the Gypsies or Travellers have left. If they have not moved on the Enforcement Agents may use reasonable and proportionate force to evict them from the land if they still fail to leave voluntarily. The Enforcement Agents and landowner can request the police to attend the eviction if it is likely that a breach of the peace might occur, but the police will not actively assist with the eviction or commit resources to it. It may be the case that the trespassers have allegedly committed criminal offences or been responsible for unsociable behaviour which should be reported to the police and may provide them with sufficient cause to use their own powers. This is covered below.

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In all cases where legal action is being considered it is recommended that you seek suitably qualified legal advice.

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## **Additional support for Parish Councils**

### **Clean up:**

We will help parish councils clear up public land they are responsible for, such as a recreation ground, village green or playing field, after an illegal encampment moves on. This may involve collecting bagged litter or helping with litter picking. We will also provide parish councils with details for specialist cleaning contractors if they are needed.

### **Legal advice:**

Further legal advice can also be given by The National Association of Local Councils. This service is available to parish councils who subscribe.

## **Alternative option for the eviction of an illegal encampment**

In some cases it may be more appropriate to move on an illegal encampment through formal court proceedings by obtaining a possession order. This is known as Possession Proceedings Under Section 55 - eviction by writ of possession. This method is generally used when it is unlikely the group will be compliant and/or the number of trespassers is higher.

Court Orders including High Court Writs of Possession can also be used against trespassers. Having obtained an Order for Possession in the County Court you can wait for the County Court bailiffs to execute it or if you transfer it up to the High Court it can be fast tracked by way of a Writ of Possession. The process is not as fast as the Common Law and will require a solicitor to deal with the application to the County Court for the initial Possession Order.

Obtaining a Writ after that point can be very quick and it may be possible to have a Writ issued on the day that the Order itself is granted. Once the Writ is issued, it can normally be enforced immediately. Dependent on the number of trespassers and the extent to which they are 'entrenched' upon the land, it may be necessary to carry out a risk assessment to identify the situation, aims, specific risks, actions and key contacts in relation to the eviction. If the police are likely to be in attendance, the risk assessment will generally form part of the briefing process.

One of the benefits of carrying out evictions under a Writ of Possession is that the police are obligated to assist with enforcement. This duty is contained within Paragraph 5, Schedule 7 of The Courts Act (2003) which states that:

"It is the duty of every constable, at the request of:

(a) An enforcement officer, or (b) a person acting under the officer's authority to assist the officer or that person in the execution of a writ or warrant.

Section 10 of the Criminal Law Act (1977) also makes it an offence to obstruct an Enforcement Officer in the execution of a High Court Writ."

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It should be noted that the police will not always have resource available to attend at short notice and it may be necessary to work to their timeframes. Issuing possession proceedings and enforcing with a Writ also provides a court sanction for the eviction, which can help to improve public perception with regard to the legitimacy of the process.

To find out about Gypsy and Traveller illegal encampment advice, read our [webpage](#). We also provide information regarding who else has the power to move on [illegal encampments](#).

### **Contact Details**

[duty.housing@scambs.gov.uk](mailto:duty.housing@scambs.gov.uk)

03450 450 051

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## Gypsy and Traveller illegal encampment advice

It is the responsibility of the landowner to protect their land. If an unauthorised encampment occurs then only the landowner has the legal authority to deal with any problems associated with it.

If your land is secure then the likelihood of an unauthorised encampment occurring on it is reduced. Businesses and landowners should balance the cost of securing their property with the costs associated with:

- legal action if trespass occurs
- the use of Enforcement Agents (known as bailiffs)
- damage to the land
- removal of waste left behind
- loss of business due to obstruction
- Not being able to use the land during an encampment
- health and safety concerns
- the effects on neighbouring businesses and residents. These costs could be substantial for each encampment

Measures to prevent an unauthorised encampment could include:

- substantial steel gate with anti-tamper padlock
- substantial height barrier to restrict caravans
- width restriction
- high security retractable bollards or concrete blocks
- the use of fencing, ditching and bunding (earth mounds)

Please contact our planning department if you want to consider any of these options as planning permission may be needed.

We also provide [step by step options](#) for landowners in the event of an illegal encampment on your land.

You find out who else has the power to move on illegal encampments by reading our [webpage](#).

### Contact Details

[enforcement@scambs.gov.uk](mailto:enforcement@scambs.gov.uk)

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