



Unauthorised Encampment Policy and Procedure

Approved by The Town Council 8 September 2025 (Minute 132/2025)

This policy sets out the way in which the Town Council will deal with unauthorised encampments with the aim of full compliance with legislation, accuracy, consistency, continuity, fairness and equity.

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1. Introduction

The purpose of this document is to provide a policy to guide Officers and Councillors in deciding how to deal with unauthorised encampments. This policy is also intended to explain to other interested parties the Council's position in relation to unauthorised encampments.

In the event of an unauthorised encampment on Town Council land this Policy will ensure that the Town Council deals with unauthorised encampments in a fair, proportionate, and consistent manner and follows a set legal process.

When trespassers move onto a piece of land they do not own, without the permission of the landowner, this is called an illegal/unauthorised encampment. Illegal encampments can be unsightly, unhygienic and potentially cost the Town Council large sums of money to evict and clean up after the trespassers leave.

This is a civil matter of trespass between the landowner and the trespassers, and it is the responsibility of the landowner to deal with the encampment. If the land is leased, in most cases it is the person leasing the area that is responsible for dealing with the encampment dependent on the agreement with the landlord.

If the land is privately owned by a company or individual, advice can be taken from a solicitor about obtaining a Possession Order through the County Court. However, a faster and more common way is to evict trespassers using common law by calling in a bailiff. Sometimes trespassers behaviour can cause a nuisance or fear and intimidation to people living near to an encampment. Incidents of this nature should be reported to the Police.

For an unauthorised encampment on private land, it is exceedingly difficult for the Town Council to intervene if the encampment is on land not owned by them. The Town Council does not have the legal power to instruct bailiffs or apply for a Possession Order through the County Court when they are not the landowner.

In the event of an unauthorised encampment on private land, the following procedure should be initiated:

- Town Councillors and Council Staff should not approach the encampment.
- The Town Council should inform the landowner (if known) that they have an encampment and inform the Police and Local Authority.
- Ask the landowner to keep the Town Council informed of progress.
- Securing any Town Council property/land that may be used as alternative sites in preparation for the encampment being moved.

2. The Law

2.1 The Human Rights Act 1998

This Act is described as "An Act to give further effect to rights and freedoms guaranteed under the European Convention on Human Rights." Wherever the Human

Rights Act 1998 (which in essence requires any public body to carry out its functions so as to accord with the Convention) applies to a situation which involves an unauthorised encampment, the relevant public authority when dealing with the encampment must comply with the Act.

In considering action to recover land, local authorities may need to take a balanced approach and consider the health and wellbeing of the trespassers. Proportionality will be considered to ensure that there is a balance between the needs of the settled community and the trespassers

2.2 The Race Relations Act 1975 and the Race Relations (Amendment) Act 2000

Under the Race Relations Act, it is unlawful to discriminate against anyone on the grounds of race, colour, nationality (including citizenship), or ethnic or national origin. All racial groups, including gypsies and travellers, are protected from discrimination. The Race Relations (Amendment) Act 2000 placed both a general and specific duty on public authorities bound by the Act.

Under the general duty the requirement is to:

- Eliminate unlawful racial discrimination.
- Promote equality of opportunity.
- Promote good relations between persons of different racial groups.

2.3 Other Equalities Legislation

In 2010, further legislation came into force covering age, gender, disability, religious belief, and sexual orientation. The Equality Act 2010 provides protection against discrimination to these communities from discrimination in various areas, including employment, education, access to goods and services, and housing. This includes both direct discrimination (treating someone less favourably because of their race) and indirect discrimination (policies or practices that disproportionately affect these communities). Section 149 of the Equality Act 2010 imposes a duty on public authorities to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons with protected characteristics (such as race) and those who do not share those characteristics. This means that public authorities must consider the impact of their policies and practices and take steps to address any inequalities.

2.4 Statutory Responsibilities

County or Unitary authorities have statutory duties in so far as provision of education, housing and social services is concerned. Gypsies and travellers, like the settled community, have a right to access health provision. Health Services have a Duty of Care towards gypsies and travellers. The priorities when visiting an encampment are to assess the health needs of gypsies and travellers and to provide access to such services as are appropriate and are required.

2.5 Confidentiality

In dealing with unauthorised encampments, all personal information will be treated as confidential between agencies, in line with normal working practices and procedures. However, it must be remembered that occasionally the public interest and the statutory duties of agencies can override the duty of confidentiality.

In the operation of this guidance, information may be shared between responsible authorities. In addition, information communicated to public authorities may be disclosed to the public under the Freedom of Information Act 2000.

At no time should agencies, employees or members of the gypsy and traveller community be offered anonymity for information they wish to share with the agency, where this cannot be provided in law.

3. Policy and Procedure

Responsibility for making and implementing decisions in respect of unauthorised encampments is delegated to the Town Clerk following consultation with the Mayor and Deputy Mayor. In the event of the Town Clerk not being contactable then any three Councillors from the list of Mayor, Deputy Mayor or Committee Chair may work together to take any required decisions. In the event of the Mayor or Deputy Mayor not being available the Town Clerk will consult with any two available Councillors from the list of Mayor, Deputy Mayor or Committee Chair. The Town Council will, in dealing with unauthorised encampments, act, at all times, in a fair and humane fashion with regard government guidelines for dealing with trespassers. The Town Council will consider the balance between the rights and needs of the trespassers in deciding whether or not unauthorised encampments can be tolerated for a period of time and when and how to instigate procedures to evict.

Instigating procedures to evict will be taken if the Town Clerk feels that this course of action is necessary. Individual consideration will be taken on each case and special circumstances will also be taken into account. Any decision will balance the needs of trespassers with the impact on Town Council services and undue nuisance to neighbours and members of the public, including damage to land and property.

Such circumstances being taken into account will also include the Human Rights Act 1998 and any other good practice guidance from Central Government such as the 'Guide to effective use of enforcement powers' published by the Department for Communities and Local Government (DCLG). Formal repossession procedures will normally be undertaken where encampments occupy land owned by the Town Council and the Town Clerk is of the opinion that the encampment cannot continue because of one or more of the following factors:

- It creates a hazard in health and safety terms for other users;
 - It creates an intolerable nuisance to the general public;
 - It creates an intolerable impact on the enjoyment, use or habitation of adjoining or nearby property or interferes with the effective management of that property;
 - It causes damage or likely to cause damage to the land/property or prejudices the use by the Council's members, officers, staff, tenants, occupants, or the general public; and/or
 - It is too large for the location and is causing an unacceptable impact on the immediate environment.
- Consideration will also be given to the likely cost the council may incur in dealing with returning groups using their previous history on other Town Council owned sites.

3.1 North Petherton Town Council has implemented the following procedures:

- Reports of an unauthorised encampment should be acted on as quickly as possible, and information should be passed on for consultation as rapidly as possible.
- Identify who the owner of the land is and gain evidence of ownership. Then arrange for a visit to the site to be undertaken to establish the exact location and number of occupants on the land. Establish if the land is owned by North Petherton Town Council and gain proof e.g. a map showing the area and the deeds.
- If the owners of the land are the Unitary Council, then report it immediately, with details of the location and the number of occupants.
- Initial details of the encampment need to be reported to the Unitary Council, Police, NHS and Environment Agency.
- Report the encampment to the Police immediately and request they ask the occupiers to leave in the first instance. It is possible that the Police could move the trespassers on immediately under Section 61 of the Criminal Justice and Public Order Act 1994 if the trespassers are using threatening behaviour, causing damage or have 6 or more vehicles. If the Police take no action or cannot move the trespassers, then the Town Council will take immediate action to evict the trespassers as soon as possible.
- A representative of the Town Council either the Town Clerk, or if they are unavailable at least one of three Councillors in agreement, will contact a legal representative (bailiff) and place instructions for notice to be served for immediate eviction.
- The legal representative (bailiff) will require details of the number of vehicles/persons, location, and contact details for an authorising representative of the Town Council, via whom they can maintain contact and monitor the situation.
- The Town Council will ask the legal representative (bailiff) to serve notice and evict under Common Law. This will save time and costs.
- Following official permissions, the legal representative (bailiff) will prepare Notices for Service on the trespassers, 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.

- The Notices will be served on the trespassers by the legal representatives' (bailiff) staff on the day of the eviction or at an appropriate number of hours before the deadline.
- It is likely that the legal representative will require at least one Police Officer to be present at the time of the Notice is being served and at the time of the eviction. Actual Police numbers required at the eviction will depend on the scale of the occupation. Liaison between the legal representative (bailiff), the Town Council and the Police is essential.
- Once the time of the eviction is known, the following should be considered:
 - Cleaning of the site.
 - Securing other Town Council property that may be used as alternative sites.
 - The Town Clerk, (and Town council employees and Councillors working under the co-ordination of the Town Clerk), in conjunction with the Police to notify local organisations or individuals of the eviction, in time to enable them to secure other likely targeted sites.
 - In conjunction with the Police, consider traffic and pedestrian management in the surrounding area if necessary.
 - There may be a need to close a road or control traffic movements during the eviction period. This will be in liaison with the Police and Somerset Council if necessary.
 - Town Council Staff and Town Councillors should expect a number of calls/emails from concerned residents during any unauthorised encampment in North Petherton. Town Councillors and Town Council Staff should stay calm and explain to the public the legal process that has been started and advise members of the public not to confront the trespassers.
 - Town Council Officers should update the website and Facebook page with progress reports as appropriate.
 - Members of the public should be advised to call the Police non emergency 101 number to report any issues or 999 if it's an emergency issue. Contact will be maintained with the local Police.

4. Eviction Proceedings

The Town Council may liaise with the principal authority where it is deemed eviction proceedings are necessary. As Somerset Council is the principal authority it has responsibility for assessing:

- Housing circumstances;
- Health needs; and
- Education and general welfare.

Once a decision to evict an unauthorised encampment has been properly taken, the aims should be to:

- Act quickly and efficiently.
- Use the powers most appropriate to the circumstances. For North Petherton Town Council, evictions can take place under Common Law

- Reduce scope for challenge through the courts by ensuring that welfare considerations have been taken and considered through the eviction notice.

5. Joint Working

The Town Council may liaise with the gypsy and traveller liaison officer of Somerset Council, the Police and other relevant public or voluntary agencies to facilitate better joint working and a better understanding of the problems and any issues related to trespassers generally and incurred expenses.

6. Necessary Expense

In dealing with the trespassers there are likely to be issues of health and safety (environmental, wellbeing or welfare). The Town Clerk is authorised to incur reasonable expense as per the Council Financial Regulations (urgency procedure) in resolving any eviction of trespassers from Town Council property. Such expenses should be advised to Councillors at the earliest possibility and ratified at the first available meeting of the council following such actions.

Annexes

1. Trespasser Incursion Form
2. Dealing with Travellers Guide
3. Example Enforcement Notice
4. Welfare Needs Assessment
5. Bailiff Flow Chart

Annexe 1 Guide to effective use of enforcement powers

(Office of the Deputy Prime Minister 2006)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7837/143582.pdf

DRAFT

Annexe 2 Example Enforcement Notice

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F66279e96d29479e036a7e5f8%2FModel_enforcement_notice.odt&wdOrigin=BROWSELINK

Note 1: Wording for enforcement notices for a material change of use or failure to comply with a condition would need to reflect different types of breaches of control, remedies and time period for enforcement action.

All notices must comply with the requirements of Section 172 and Regulation 4 – Town and Country Planning (Enforcement Notices and Appeals)(England) Regulations 2002 and should attach a copy of the Planning Inspectorate [note on how to make an appeal against an enforcement notice](#).

Note 2: Every copy of the enforcement notice must also be accompanied by an Explanatory Note that complies with Regulation 5 – Town and Country Planning (Enforcement Notices and Appeals)(England) Regulations 2002

Note 3: Regulation 13 – Town and Country Planning General Regulations 1992 requires that notices and envelopes be marked with the words: “Important – This Communication affects your Property”

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: [name of Council]

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at [address of Land], shown edged in [a distinctive colour] on the attached plan.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the erection of [describe the development], in the approximate position marked with a cross on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

[Include the reasons why the local planning authority consider it expedient to issue the notice and all the policies and proposals which are relevant to the decision to issue an enforcement notice]

5. WHAT YOU ARE REQUIRED TO DO

[Explain what steps the local planning authority require to be taken [or what activities are required to cease to remedy the breach]]

6. TIME FOR COMPLIANCE

[Identify the time period after which this notice takes effect]

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on [specific date, not less than 28 clear days after date of issue], unless an appeal is made against it beforehand.

Dated: [date of issue])

Signed: [Council's authorised officer]

On behalf of [Council's name and address]

Nominated Officer [Name of contact officer]

Telephone Number [of Nominated Officer]

Annex

THE RIGHT OF APPEAL

There is a right of appeal for anyone who has an interest in the land to which the enforcement notice relates, or who is a relevant occupier, whether or not they have been served with a copy of the notice. Anyone occupying the land by virtue of a licence is a relevant occupier.

Any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal [link to

<http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>]

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Annexe 3 Welfare Needs Assessment

(The questions to be answered by an adult)

Initials of Officers: _____ Site: _____

The Welfare check is to find out the welfare needs of the person (and their household) being interviewed before North Petherton Town Council takes any action. This is important, as there may be a need to involve other professionals from health or education services to complete a full assessment of their needs. This form will be used as evidence in court that welfare checks have been carried out to the best of Taunton Town Council ability and that any action, we take has taken account of the needs that have been identified.

Name or Family Name	M/F	Age	Advice/ Health Issues including follow up action (note if any advice leaflets given)	Tick
Vehicle / Type			Registration	

Continue on a separate sheet if needed

Do you have a permanent place of residence?	Yes / No	
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Do you want housing in or near North Petherton?	Yes / No	
Ethnicity (if appropriate to ask) (Explain used to identify improvements to service and meeting their needs)		
<p>Data Protection: We may need to share this information with other departments including health, education and other Council services and other local authorities. Do you have any objection? Yes / No</p> <p>I agree that the information provided here is correct, and that by signing this form, I agree that it may be shared with other council departments, other local authorities, and partners</p> <p>Name / Mark of Trespasser _____ Date _____ Name of Officer _____ Date _____</p> <p>I have declined to provide welfare information to the North Petherton Town Council representative</p> <p>Name / Mark of Trespasser _____ Date _____ Name of Officer _____ Date _____</p>		

Any Comments: e.g. welfare matters previously raised / requested

Annexe 4 Common Law Eviction Notice

COMMON LAW EVICTION NOTICE



PERSONAL SERVICE

TO PERSONS UNKNOWN

Land at:

Taunton Green
Taunton
TA2 7BA.

Date: 28th June 2024



IN THE MATTER OF SELF-HELP ACTION AND/OR AN ACTION IN THE TAUNTON COUNTY COURT AND IN THE MATTER OF:

LEGAL NOTICE: WARNING: URGENT READ ALL THE PAGES OF THIS NOTICE. LANDOWNERS HAVE THE RIGHT TO USE THE COMMON LAW RIGHT TO EVICT TRESPASSERS, AS SET OUT IN HALSBURYS LAWS OF ENGLAND (VOLUME 97 (2010) 4TH EDITION)

We act for **Taunton Town Council**, the owners of the land upon which you are trespassing.

This notice is to advise you that you that our Client is intending to exercise its lawful rights to take possession of the **Land at Taunton Green TA2 7BA**. Upon which you are currently trespassing: **INCLUDING THE COMMON LAW RIGHT TO PHYSICALLY REMOVE YOUR VEHICLES, POSSESSIONS FROM THE LAND**. This is in addition to our clients' right to seek an Order for possession and damages in the either the County or High Court of Justice.

WE THEREFORE REQUIRE YOU TO LEAVE THE LAND WITH IMMEDIATE EFFECT.

THE SERVICE OF THIS NOTICE: Is to inform you to leave the land as requested with immediate effect, taking all your vehicles, possessions, and waste with you. If you fail to do so, your vehicles and possessions will be physically removed using reasonable force. Whilst we do not want to use force if we have to we will request Police attendance to ensure that a breach of the peace does not occur. The police are aware of your action by trespassing on this land.

Our client is also entitled to pursue separate proceedings against you forthwith due to your trespass on the land by way of a claim for monetary compensation, as well as other legal action if required.



COMMON LAW EVICTION NOTICE



Also, if any physical damage is caused by the actions of your trespass on this land or damage to our clients' property further action in law will be the result of your actions. Any Judgement obtained for payment or compensation will be enforced by way of seizing your assets which may include your vehicles, personal possession or other valuables as required.

**TO LEAVE EACH UNIT AND TO TAKE ALL ASSOCIATED VEHICLES
ALONG WITH PERSONAL BELONGINGS**

**TAKE NOTICE: THAT UNLESS THE ABOVE VEHICLES TOGETHER WITH
ASSOCIATED VEHICLES ARE NOT REMOVED IN LINE WITH ENFORCEMENT
OFFICERS REQUEST TO LEAVE. THEY MAY BE REMOVED AND SOLD TO
RECOVER THE COSTS. THIS NOTICE IS SET OUT UNDER THE PURSUANT TO
THE TORTS (Interference of Goods Act 1977).**

This notice is a statement of our clients' intention, **NO EXTENSION OF TIME WILL BE
GIVEN OF YOUR ILLEGAL PRESENCE ON OUR CLIENTS' LAND.**

If you are unsure about the legal meaning of this notice you should take independent legal advice after you have vacated the land.

ENFORCEMENT OFFICERS

Taunton Town Council

ON BEHALF OF TAUNTON TOWN COUNCIL



Annexe 5 Bailiff Flow Chart

