

Whaddon Parish Council

Policy on Unauthorised Encampments

Adopted:

Reviewed:

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1. Purpose

This policy sets out how Whaddon Parish Council will respond to unauthorised encampments on land owned by the Parish Council and explains the Council's role where encampments occur on land owned by other organisations or individuals.

The Council aims to:

- Protect Parish Council land and property.
 - Ensure any response is lawful, proportionate and consistent.
 - Safeguard the welfare of all individuals involved.
 - Keep residents appropriately informed.
 - Work cooperatively with the Police and relevant local authorities.
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2. Scope

This policy applies to:

- Parish Councillors.
- The Parish Clerk.
- Contractors acting on behalf of the Council.

It applies to all land owned or managed by Whaddon Parish Council.

3. Legal Position

An unauthorised encampment occurs when people occupy land without the permission of the landowner.

Unauthorised encampments are generally a civil matter between the landowner and those occupying the land. Responsibility for taking legal action usually rests with the landowner.

Where criminal offences, anti-social behaviour, criminal damage, threatening behaviour or public disorder occur, these should be reported to Cambridgeshire Police. The Police have powers under relevant legislation, including the Criminal Justice and Public Order Act 1994 and the Police, Crime, Sentencing and Courts Act 2022, where the statutory conditions are met.

4. Roles and Responsibilities

Parish Councillors

Councillors should:

- Avoid entering or approaching an encampment.
- Notify the Parish Clerk as soon as possible.
- Avoid confrontation or direct discussion with occupiers.

Parish Clerk

The Clerk will:

- Notify the appropriate authorities.
 - Liaise with the Police and South Cambridgeshire District Council
 - Obtain legal advice where required.
 - Coordinate the Council's response.
 - Keep Members informed.
 - Arrange for updates to be published where appropriate.
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5. Encampments on Private Land

Where an encampment is on privately owned land, responsibility rests with the landowner.

The Parish Council may notify the landowner if appropriate and signpost them to relevant advice but has no legal authority to remove occupiers from private land.

6. Encampments on Land Owned by Other Public Authorities

Where an encampment is located on land owned by another public authority, responsibility rests with that authority.

The Parish Council may notify the relevant authority and provide information where requested but will not direct or manage the response.

7. Encampments on Land Owned by Whaddon Parish Council

Council Policy

Whaddon Parish Council will seek the lawful removal of unauthorised encampments from its land as soon as reasonably practicable, taking account of legal requirements, welfare considerations and operational advice from the Police and Buckinghamshire Council.

Any enforcement action will be undertaken through appropriate legal processes.

Initial Response

When an unauthorised encampment is identified, the Clerk will:

- Notify Cambridgeshire Police.
- Notify SCDC Council where appropriate.
- Seek advice regarding any required welfare assessment.
- Arrange for the site to be inspected from a safe distance.
- Record the approximate number of caravans, vehicles and any obvious concerns.

Councillors should not enter the encampment or attempt to negotiate directly with occupiers.

Welfare Considerations

Before enforcement action is taken, the Council will consider any welfare issues identified by the relevant authorities.

This may include consideration of:

- Health needs.
- Safeguarding concerns.
- Children.
- Older people.
- Disabilities.
- Other vulnerable individuals.

The Council recognises its duties under the Equality Act 2010 and the Human Rights Act 1998.

Legal Action

Where appropriate, the Clerk, acting under delegated authority, may instruct the Council's solicitor or appointed enforcement contractor to commence possession proceedings or other lawful enforcement action.

8. Welfare Considerations

The Council recognises that unauthorised encampments can involve individuals with protected characteristics or welfare needs.

The Council will ensure that any action taken is lawful, proportionate and compliant with:

- Equality Act 2010.
 - Human Rights Act 1998.
 - Relevant Government guidance.
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9. Delegated Authority

To enable a prompt response, the Parish Clerk, in consultation with the Chair and Vice-Chair (or, if either is unavailable, two Parish Councillors), is authorised to:

- Obtain legal advice.
- Instruct solicitors.
- Appoint enforcement contractors.
- Incur reasonable expenditure necessary to protect Council property.

Any action taken under delegated authority shall be reported to the next meeting of the Parish Council.

10. Authorisation

This Policy was adopted by **Whaddon Parish Council** on:

Date: _____

Minute Reference: _____

Signed:

Chair, Whaddon Parish Council