



**Protocol  
for  
Managing  
Unauthorised  
Encampments**

October 2014

## **1. Introduction**

1.1 This Protocol outlines Brentwood Borough Council's approach to dealing with unauthorised encampments which occur on public or private land within the Borough. An unauthorised encampment occurs where persons move onto land which they do not own or have permission to enter with an intention to reside either on a temporary or permanent basis and includes camping in tents, caravans and other moveable accommodation or vehicles.

## **2. Principles**

2.1 The Council has adopted a coordinated partnership approach to managing unauthorised encampments which is based on the following:

- The protocol is commenced immediately when an unauthorised encampment is identified or reported and this is co-ordinated by Environmental Health or Planning in conjunction with Legal Services, reporting to the Head of Paid Service (Chief Executive), Gold Command and Lead Members.
- All illegal unauthorised encampments will be treated fairly and openly in accordance with our duties and protocol procedures regardless of who the groups or individuals illegally encamping are.
- From the powers available to us, we will work with the Police to determine and utilise the quickest and most appropriate method of dealing with any illegal unauthorised encampments. This will be determined by the nature and conditions of each case.
- The Council will always liaise with the Police who do have more immediate powers available if the circumstances are correct and where they choose to exercise them.
- The Council is duty bound to undertake a welfare check, this will be undertaken as part of a site visit assessment.
- This protocol will be carried out in accordance/compliance with the public authority duties and legal requirements set out in the Human Rights Act 1998 and Equality Act 2010
- Liaison with the Essex Countywide Traveller Unit (ECTU) will automatically take place as and where appropriate.
- The legal process is outside the Council's control and is dependent on the availability of Court dates and Bailiffs where appropriate.
- The Council will consider other potential sites that the occupiers may move to or be directed to, any security/property concerns, plans for future cleanup and security of the site once the site has been vacated.
- Communication will take place with key officers (including the Head of Paid Service (Chief Executive), Head of Legal Services, Gold Command, Heads of Borough Health, Safety and Localism and Head of Planning), the Lead Members for all parties, Ward Councillors for the area where the

encampment has occurred and through our Communications team to Press, Media and local residents.

- Gypsies and Travellers are protected by the law from racial discrimination.
- The Borough accepts that the Gypsies and Travellers community have their own needs; however it will adopt a robust approach to managing unauthorised encampments.

### 3. Protocol process

- 3.1 The flowchart shown on p.5 will be used to form the main procedure for dealing with unauthorised encampments. There are a number of possible actions and powers available (see Appendix 1 for a summary); in each case the most appropriate method will be determined depending on the circumstances, including the site location, ownership of the land and other factors.
- 3.2 Due to practicalities including the availability of the Magistrates' Court office out of hours it will generally be preferred to initiate a s.77 Direction, particularly if an encampment occurs outside normal business hours, (e.g. at weekends or Bank Holidays) as the issue of a direction can be undertaken (following welfare assessments) without Court access.
- 3.3 As a result of the legal processes involved and the time that the encampment occurs there will be different timescales but the following indicate the likely minimum times for action taken by the Council:

<b>s.77 Direction to leave land</b>	<b>Day</b>	<b>Part 55 Possession Order</b>	<b>Day</b>
Initial site visit	1	Initial site visit	1
Issue of direction to leave (24hrs)	1	Prepare court documents	1
Expiry – occupiers still on land	2	Attend Court – get hearing date	1-2
Apply to Court for hearing (24 hrs after expiry of direction)	3	Serve summons on site (min. 2 days before hearing)	1-2
Magistrate's Court hearing	4-5	County Court hearing	4-5

NB Weekends will extend the times shown above due to Court closures

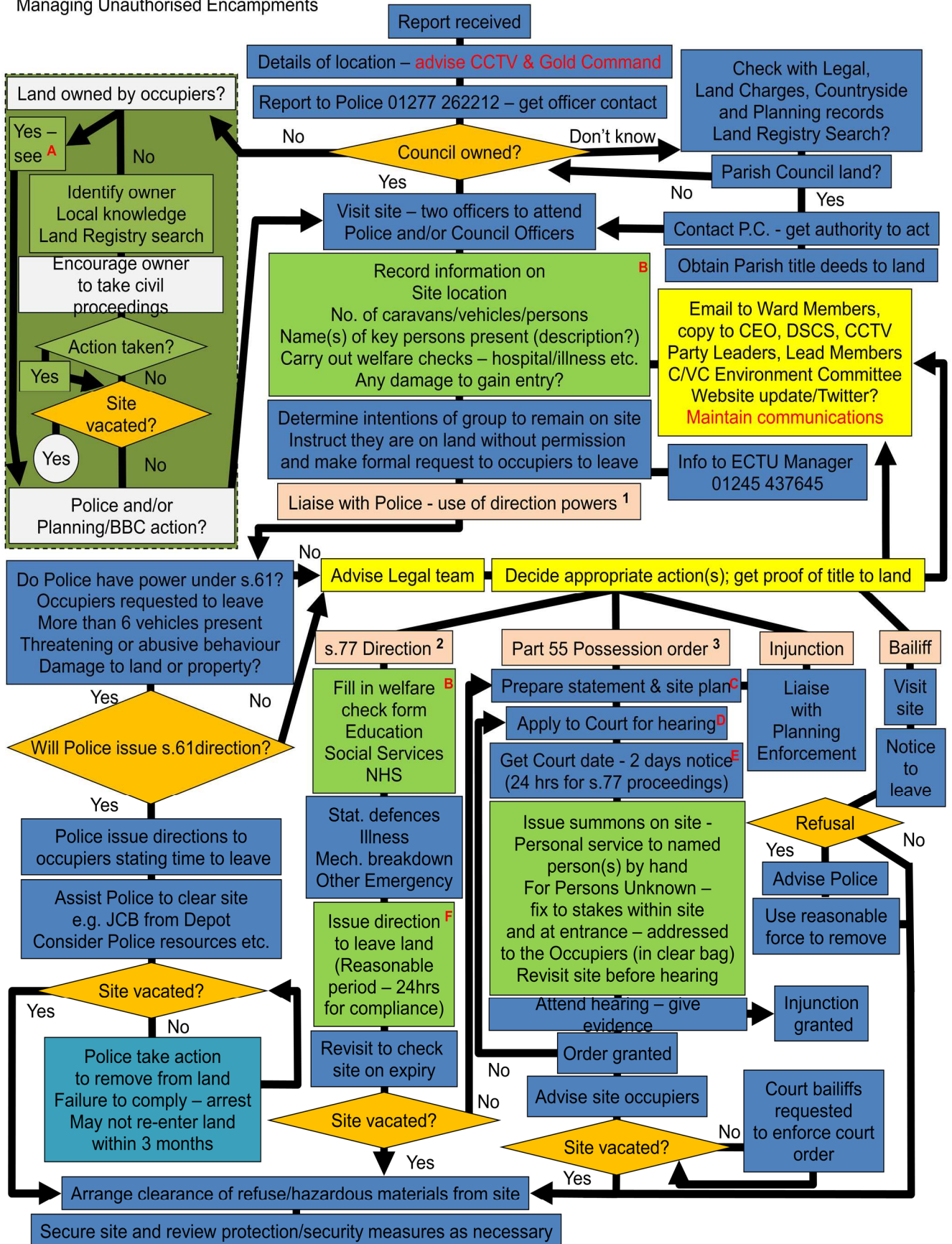
- 3.4 Following the Court hearing if the site has not been vacated it may be necessary to apply to the Court Bailiffs to enforce the order against the occupiers although this is rare. It is likely that this could take a further 1-2 weeks dependent on the Bailiffs availability.

### 4. Communications

- 4.1 Communications will be maintained with all appropriate parties throughout the unauthorised encampment. The Council's Gold Command will be involved with key communications with the Police, Members, Press and public together with officers dealing with the encampment.
- 4.2 Information relating to the details of the actions being taken should be advised to the following:

- Head of Paid Service (Chief Executive)
- Monitoring Officer and Directors
- Gold Command
- Communications officers
- Lead Members of all parties
- Ward Members for the area of the encampment
- Council website
- Legal Services

Managing Unauthorised Encampments



1 s.61 Criminal Justice and Public Order Act 1994  
 2 S.77 Criminal Justice and Public Order Act 1994  
 3 Civil Procedure Rules 1998 Part 55

A - Guidance note: Gypsies & Travellers on land they own  
 B - Travellers Welfare Questionnaire  
 C - Statement of Witness  
 D - Particulars of Claim for Possession & Defence Form  
 E - Claim Form for Possession  
 F - s.77 Notice of Direction to Leave Land

**Appendix 1 – Summary of powers available to Local Authorities and the Police to deal with unauthorised encampments**  
 (Reproduced from Dealing with illegal and unauthorised encampments - A summary of available powers Department for Communities & Local Government August 2013)

Local Authority Powers	
Power	When can the power be applied?
<b>Temporary Stop Notice</b>	<p><b>Section 171E of the Town and Country Planning Act 1990</b> stops any activity that breaches planning control for a period of 28 days. This allows the local planning authority time to decide whether further enforcement action, such as issuing an enforcement notice, possibly with a stop notice, should be taken. Penalty for non-compliance is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment (<b>section 171G</b>).</p> <p>A temporary stop notice differs from a stop notice (see below) in that it does not have to wait for an enforcement notice to be issued and the effect of the temporary stop notice is immediate.</p> <p>The Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005 were revoked on 4 May 2013. The revocation removes a previous restriction on the use of Temporary Stop Notices; this allows Local Planning Authorities to decide if enforcement action against a caravan, used as a main residence, is necessary and proportionate in the circumstances.</p>
<b>Injunctions to protect land from unauthorised encampments</b>	<p>If a local site is particularly vulnerable and intelligence suggests it is going to be targeted for unauthorised camping, causing disruption to others going about their day-to-day lives, local authorities could consider applying to the courts for a pre-emptive injunction preventing unauthorised camping (and/or protests) in a defined geographical area.</p> <p>The local authority will be required to point to an underlying claim on which the injunction application is based. The following are examples of possible bases:</p> <ol style="list-style-type: none"> <li>1. the relief from trespass or public nuisance;</li> <li>2. the prevention of obstruction of the highway (see “Public Highway” section);</li> <li>3. the prevention of a breach of planning control (<b>section 187B, Town and Country Planning Act 1990</b>); and</li> <li>4. the prevention of environmental damage.</li> </ol>
<b>Licensing of caravan sites</b>	<p><b>The Caravan and Control of Development Act 1960</b> prohibits the use of land as a caravan site unless the occupier holds a site licence issued by the local authority. A caravan site includes anywhere a caravan (including mobile or 'park' home) is situated and occupied for human habitation including touring sites and single sites. However, it does not include sites where caravans are kept for storage only (driveways, retailers, storage parks) or where a caravan is used as additional accommodation for an existing dwelling. Violation of licensing terms brings a £100 fine for a first offence, and a £250 fine for any subsequent offence.</p>

<p><b>Tent site licence</b></p>	<p><b>Section 269 of the Public Health Act 1936</b> gives the local authority powers to control the use of movable dwellings and to license the use of land as a site for such as a dwelling. If the land is to be used for more than 28 days in total in any calendar year, planning permission must be obtained. A site which is used for more than 42 days consecutively or 60 days in total in any consecutive 12 months, must have a site licence for the area concerned. The local authority may also decide to license tented areas on existing sites which operate within the 28 day planning allowance period. Violation of licensing terms brings a £2 fine per day.</p>
<p><b>Possession Orders</b></p>	<p>A possession order under <b>Part 55 of the Civil Procedure Rules</b> can be obtained by both local authorities and private landowners who require the removal of trespassers from property including land. The claim must be issued in a County Court which has jurisdiction over the affected land/property. A claim can be issued in the High Court in exceptional circumstances where there is a risk of public disturbance and harm to persons or property that requires immediate determination. Local authorities should also be prepared to advise private landowners about their rights to recover land from trespassers through the courts or using common law powers. It is also possible that local authorities may be called upon to assist other Government bodies such as the Highways Agency.</p> <p>The “ordinary” possession order may be used regardless of whether the property is a building or open land, and regardless of the type of squatter or trespasser. The landlord may combine the application for the possession order with suing the squatter for damages and/or an occupation rent for the period of squatting as well as the court fees. A possession order may be secured quickly against trespassers (a minimum of 2 days’ notice before a hearing can take place if the property is non-residential, or 5 days for residential property), but not as quickly as an interim possession order, and is not backed up by criminal sanctions, unlike the interim possession order (see below).</p>

<p><b>Interim Possession Order</b></p>	<p>If trespassers have occupied premises (rather than open land), a local authority or private landowner could also consider applying (under <b>Section III of Civil Procedure Rules Part 55</b>) for an interim possession order, an accelerated process for regaining possession of property. Once the court has granted such an order and it has been served, trespassers who fail to leave within 24 hours of service of the order or return to the premises within the currency of the order are guilty of an offence under <b>section 76 of the Criminal Justice and Public Order Act 1994</b>.</p> <p>The interim possession order has the obvious advantages of speed and being backed up by the criminal law. It is, however, not a final order, and there is a return date at which the court will decide whether to make the order final. If the court decides that the interim order was not justified, the landlord may have to pay damages. The interim possession order is also more restricted in that it may only be used where the property is or includes a building, not open land, and may not be used where the landlord also wishes to claim damages and/or an occupation rent.</p>
<p><b>Local Byelaws</b></p>	<p><b>Section 235 of the Local Government Act 1972</b> enables the local district council or London borough council to make byelaws for the good rule and governance of the whole or any part of the district or borough and for the suppression and prevention of nuisances. Such byelaws include noise in streets and other public places, urinating in a public place etc.</p> <p><b>Section 150 (2) of the Police Reform and Social Responsibility Act 2011</b> enables local authorities to attach powers of seizure and retention of any property (which could include tents and sleeping equipment) in connection with any breach of a byelaw made under <b>section 235</b> and enables the courts to order forfeiture of any such property on conviction for contravention of any byelaw. Local authorities could use this byelaw as a pre-emptive tool to prohibit encampments, if the local authority considers it has an area at risk of encampment protest. This will save having to go through costly injunctions after any encampments have been set up. Local authorities should consider this option as part of their local risk assessment and mitigation plan; as such a byelaw would still be required to go through the normal processes for amending or introducing new byelaws. Westminster City Council has already introduced such a byelaw, which came into force for a specified area around Parliament Square on 30 March 2012.</p>
<p><b>Power of local authority to direct unauthorised campers to leave land</b></p>	<p>Where people are residing in vehicles (including caravans) on land the <b>section 77 of the Criminal Justice and Public Order Act 1994</b> gives local authorities in England and Wales power to give a direction to leave the land. The power applies only to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the occupier.</p> <p>It is an offence to fail to comply with such a direction. If the direction is not complied with, the local authority can apply to a magistrates' court for an order requiring the removal of vehicles</p>



	<p>and any occupants from the land (section 78). Responsibility for eviction lies with the local authority. Officers or agents of the local authority may use reasonable force to evict. It is usually recommended that the police attend such evictions in order to prevent a breach of the peace. Please note this power does not apply to other campers i.e. those sleeping under canvas.</p>
<p><b>Planning contravention notice</b></p>	<p>Section 171C of the Town and Country Planning Act 1990 provides the power to serve a planning contravention notice. This may be used where it appears that there may have been a breach of planning control and the local planning authority require information about the activities on the land or to find out more about the nature of the recipient's interest in the land. A notice can therefore be used to invite its recipient to respond constructively to the local planning authority about how any suspected breach of planning control may be satisfactorily remedied.</p> <p>These notices enable local planning authorities to take action quickly following complaints and may be sufficient to reach a solution to the problem without taking any further formal action. Penalty for non-compliance is a maximum £1,000 on summary conviction (section 171D). A second conviction for continuing non-compliance can be penalised by a daily fine. A false or misleading response to a planning contravention notice (either deliberately or recklessly) is subject to a maximum fine of £5,000.</p>
<p><b>Enforcement Notice and Retrospective Planning</b></p>	<p>Section 172 of the Town and Country Planning Act 1990 is the power to issue an enforcement notice, requiring steps to be taken to remedy the breach of planning control within a given period. The steps can include demolition and restoration of a site or alterations to a building. There is a right of appeal to the Secretary of State against an enforcement notice (section 174). If the notice is upheld, the penalty for failure to comply is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment (section 179).</p> <p>An enforcement notice should be written in plain English and should enable every person who receives a copy to know – exactly what, in the local planning authority's view, constitutes the breach of planning control; and what steps the local planning authority require to be taken, or what activities are required to cease to remedy the breach.</p> <p>If an enforcement notice has been issued, the local planning authority may decline to determine a retrospective planning application for development that would grant planning permission for any of the matters specified in the enforcement notice (section 70C of the Town and Country Planning Act 1990 as inserted by section 123 of the Localism Act 2011).</p>
<p><b>Stop Notice</b></p>	<p>Section 183 of the Town and Country Planning Act 1990 This has the effect of quickly stopping any activity which contravenes planning control guidelines and where there are special reasons which justify doing this: for example to prevent further environmental damage or to stop the construction of an unauthorised building. A stop notice may only be served with or after an enforcement notice relating to the same activity.</p>

	Penalty for non-compliance is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment ( <b>section 187</b> ).
<b>Breach of Condition Notice</b>	<b>Section 187A of the Town and Country Planning Act 1990</b> enables a breach of condition noticed to be served where there is a failure to comply with any condition or limitation imposed on a grant of planning permission. Penalty for non-compliance is a fine of up to £2,500 on summary conviction.
<b>Powers of entry onto land</b>	<b>Sections 196A, 196B and 196C of the Town and Country Planning Act 1990</b> provides powers of entry for authorised officers of the local planning authority for them to obtain information required for enforcement purposes. This may be without a warrant at any reasonable hour (with 24 hours' notice for a dwelling house), or with a warrant if access has been or is expected to be refused, or it is an emergency. Wilful obstruction of an authorised person is an offence: penalty is a fine of up to £1,000 on summary conviction.

<b>Police Powers</b>	
<b>Power</b>	<b>When can the power be applied?</b>
<b>Power of the Police to direct unauthorised campers to leave land</b>	<p>Should trespassers refuse to adhere to a request to leave the land, <b>sections 61- 62 of Criminal Justice and Public Order Act 1994</b> gives the police discretionary powers to direct trespassers to leave and remove any property or vehicles they have with them. 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:</p> <ol style="list-style-type: none"> <li>1. that any of the trespassers have caused damage to land or property;</li> <li>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</li> <li>3. that the trespassers have between them six or more vehicles on the land.</li> </ol> <p>Failure to comply with the direction by leaving the land as soon as reasonably practicable is an offence. Similarly it is an offence for a trespasser who has left the land in compliance with an order to re-enter it as a trespasser within three months of the direction being given.</p>
<b>Police Powers to direct trespassers to an alternative site</b>	<p>Police have powers under <b>sections 62 A-E of Criminal Justice and Public Order Act 1994</b> to direct both trespassers and travellers to leave land and remove any vehicle and property from the land where there is a suitable pitch available on a caravan site elsewhere in the local authority area.</p>
<b>Offence of squatting in a residential building</b>	<p>The offence of squatting in a residential building, which comes into force on 1 September 2012, was created by section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The offence will be committed where a person is in any residential building as a trespasser, having entered as a trespasser, knows or ought to know he or she is a trespasser, and is living in the building or intends to live there for any period.</p> <p>Although the new offence does not cover squatting in non-residential buildings or on land, squatters who have broken into those premises, removed items or caused damage might be guilty of other offences such as criminal damage or burglary and should be reported to the police.</p>

## Appendix 2 – Welfare Questionnaire

### Welfare Questionnaire

**Date and Time:**

.....

**Who Present:**

.....

**Location:**

1. How long would you expect to stay?

[ ] days

Other – specify: \_\_\_\_\_

2. Why have you chosen this area?

Work [ ]

Family [ ]

Health [ ]

Other – specify: \_\_\_\_\_

3. Have you used or do you intend you use:

Hospitals [ ]

GPs [ ]

Clinics [ ]

Schools [ ]

Leisure Facilities [ ]

Other – specify: \_\_\_\_\_

Is any one pregnant / ill and requires medical attention?

If YES, please provide details: \_\_\_\_\_

4. Do you have any children?

Yes [ ]

No [ ]

If so, how many?

Gender and Ages:

5. Do they have education?

On the road [ ]

In school [ ]

**ETHNICITY**

6. How would you define your ethnic origin?

English

Irish

Romany

Gypsies

Irish Travellers

New Age

Other – specify: \_\_\_\_\_

7. What is your marital status?

Single

Married

Widowed

Divorced/Separated

8. Age Group:

20 – 29

30 – 39

40 – 49

50 – 65

66 – 85

9. Gender:

Male

Female

Any other comments:

10. Names of occupiers (may not give) or numbers of adults and children occupying land.

11. Details of Vehicles / Caravans (Registration numbers, unique identifying features)

12. OFFICERS NAME:

DATE:

TIME INFORMED:

## Appendix 3 – Sample documents

### Particulars of claim for possession (trespassers)

In the  
Basildon County Court  
Brentwood Borough Council

Claim No.

Claimant

Defendant(s)

1. The claimant has a right to possession of:

which is occupied by the defendant(s) who entered or (has)(have) remained on the land without the claimant's consent or licence.

2. The defendant(s) (has)(have) never been a tenant or sub-tenant of the land.
3. The land mentioned at paragraph 1 does (not) include residential property.
4. The claimant's interest in the land (or the basis of the claimant's right to claim possession) is  
*Give details:*

The Claimant is the freehold owner of the land

5. The circumstances in which the land has been occupied are  
*Give details:*



# Claim form for possession of property

In the  
Basildon County Court

Claim No.

**Claimant**

*(name(s) and address(es))*

Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex  
CM1 5BA Y



**Defendant(s)**

*(name(s) and address(es))*

The claimant is claiming possession of:

which (includes) (does not include) residential property. Full particulars of the claim are attached.  
(The claimant is also making a claim for money).

This claim will be heard on: \_\_\_\_\_ 20 \_\_\_\_\_ at \_\_\_\_\_ am/pm

at Basildon County Court  
The Gore  
Basildon Essex SS14 2BU

**At the hearing**

- The court will consider whether or not you must leave the property and, if so, when.
- It will take into account information the claimant provides and any you provide.

**What you should do**

- Get help and advice immediately from a solicitor or an advice agency.
- Help yourself and the court by filling in the defence form and coming to the hearing to make sure the court knows all the facts.

Defendant's name and address for service

Court fee	£
Solicitor's costs	£
Total amount	£

Issue date	
------------	--

## Sections 77-78 Criminal Justice and Public Order Act

30. **Section 77** of the CJPOA gives local authorities the power to direct individuals to remove their vehicles and belongings and to leave highway land, or any land occupied without the consent of the landowner, whether owned by the local authority itself or by any other public or private landowner.
31. Before commencing any action to evict an unauthorised encampment, local authorities have an obligation to carry out welfare assessments of the unauthorised campers. This may necessitate the involvement of local NHS bodies, where health issues are apparent.
32. Local authorities may then draw up a Direction which instructs the unauthorised campers to leave on a particular date and time. This document is approved and signed by an authorised signatory of the local authority (usually a solicitor or legal executive employed by the authority). It also identifies either individuals or vehicles on the unauthorised encampment.
33. The Direction is then served on the unauthorised campers by a local authority officer (the document must be given directly to one of the named unauthorised campers or affixed prominently to one of the vehicles).
34. If the campers have failed to move and/or remove any vehicles and other property by the date specified in the Direction, or return to the same location within three months of the date of the Direction, they are then committing a criminal offence and may be arrested by the police. If a prosecution is successful they may then be given a custodial sentence of up to three months, or be liable to a fine of up to £1,000.
35. In practice however, it can be more effective for local authorities to pursue unauthorised campers who have contravened a direction under Section 77 by using their powers under **Section 78** of the CJPOA. This allows local authorities to advise the Magistrates' Court of the contravention and, if the court is satisfied, then they may grant an Order for Removal of Persons and Vehicles.
36. In the first instance, the Listing Clerk at the Magistrates' Court should be contacted in order to obtain a date for a court hearing, which is required before the Order can be issued.  
  
Depending on the location of the encampment, the local authority may ask the court to expedite the process so that the unauthorised campers can be moved quickly.
37. The appropriate local authority officer then attends the Application Court to make an application for a summons, which can be issued immediately. This summons requires the person(s) in charge of the caravan(s) to appear before a court hearing to answer the complaint.
38. The summons is then served on the unauthorised campers by the appropriate local authority officer or by a process server contracted to perform this service for the local authority.
39. A hearing in the Magistrates' Court is set for later in the day on which the summons is served, or on the following working day. A solicitor must appear at the hearing on behalf of the local authority. Good practice indicates that, where possible, the same solicitor should be used in all court proceedings relating to unauthorised camping by Gypsies and Travellers so that they have a good working knowledge of the legislation. The solicitor should be provided with all of the necessary court documents as well as any relevant background information (the findings of welfare enquiries for example). The solicitor will request that the magistrate grants an Order for Removal of Vehicles and Persons.



40. If the unauthorised campers attend the hearing and contest the eviction, the case may be adjourned in order to allow time to hear all the evidence. However, if the magistrate is satisfied that the correct procedures have been followed, the Order will be granted immediately in normal circumstances.
41. Once granted, the Order should be served on the unauthorised campers as soon as possible by a local authority officer or process server, as above.
42. Twenty-four hours must be allowed to elapse between serving the Order and any action to remove the unauthorised campers. At any point thereafter, the local authority (or private bailiffs employed on their behalf) may remove the unauthorised campers and their vehicles from the land. As with any eviction, police should be present to ensure that no breach of the peace takes place.

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994  
SECTION 77  
NOTICE OF DIRECTION  
TO LEAVE LAND AND TO REMOVE VEHICLE(S) AND OTHER PROPERTY

To:

**The Occupiers**

At:

**TAKE NOTICE** that it appears to Brentwood Borough Council (“the Council”) being the local authority, that you are for the time being residing in a vehicle or vehicles within an area on (un) occupied land at:

Without the consent of the owner within the district of the said Council

in accordance with powers under section 77(1) of the Criminal Justice and Public Order Act 1994 you are required to leave this land within **24 hours of this notice being served**, you shall remove all unauthorised occupiers and vehicle(s) and other property including:

Vehicle, colour, make model and registration

Signed:

Date:

Name: .....

.....

Authorised to sign on behalf of Brentwood Borough Council

Town Hall Ingrave Road Brentwood Essex CM15 8AY

*This copy to be read and then given to the occupier of the land or, if unoccupied, left in a prominent position on a vehicle*

### GUIDANCE FOR THOSE RECEIVING THIS NOTICE

*(This guidance does not form part of this Notice, but it is for the guidance of those served with the notice).*

#### **Dealing with this Notice**

Section 77 of the CJPOA gives local authorities the power to direct individuals to remove their vehicles and belongings and to leave highway land, or any land occupied without the consent of the landowner, whether owned by the local authority itself or by any other public or private landowner.

Section 77 CJPOA 1994 states that if it appears to a Local Authority that travellers are residing on: land forming part of the highway; any other unoccupied land; or any occupied land without the consent of the occupier, the authority may give a direction by Notice that those persons leave the land and remove the vehicles and other property they have with them on that land.

The Notice under Section 77 must be in writing and Local Authorities should make their best efforts to serve that Notice on those present at the site. Where a Notice is fixed in a prominent place to a vehicle, it shall be treated as duly served on the occupants of the vehicle. The Local Authority should also take reasonably practicable steps to display the Notice on the land in a position and manner such that it is likely to be seen by any person camping on the land.

If you do not comply with the Section 77 Notice, the Local Authority can apply to the Magistrates' Court for a Court Order authorising the Local Authority to enter upon the land to remove Persons and Vehicles.

If the land is both owned and occupied by the Local Authority (being occupied includes open land with no third party occupier). The council may enforce the Court Order immediately. If the Local Authority either does not own or occupy the relevant land, it must give the owner/occupier at least 24 hours notice of the Authority's intention to enter the land, unless after reasonable enquiries the authority is unable to ascertain the owner/occupier's name and address.

#### **Offences**

If the campers have failed to move and/or remove any vehicles and other property by the date specified in the Direction, or return to the same location within three months of the date of the Direction, they are then committing a criminal offence and may be arrested by the police. If a prosecution is successful they may then be given a custodial sentence of up to three months, or be liable to a fine of up to £1,000.

#### **Contact Details**

**Brentwood Borough Council**

**Town Hall Ingrave Road Brentwood CM15 8AY**

Phone: 01277 312500

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994  
SECTION 77  
NOTICE OF DIRECTION  
TO LEAVE LAND AND TO REMOVE VEHICLE(S) AND OTHER PROPERTY

To:

**The Occupiers**

At:

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Vehicle, colour, make model and registration

Signed:

Date:

Name: .....

.....

Authorised to sign on behalf Brentwood Borough Council

Town Hall Ingrave Road Brentwood Essex CM15 8AY

*This copy to be retained by Authorised Officer*

**Brentwood Borough Council**

Certificate of Service or Authentication

C J Act 1967, S.9; M C Act 1980, Ss 5A(3)(a) & 5(B):  
M C Rules 1981 r. 70

This certificate is true to the best of my knowledge and belief and I make it knowing, that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything I know to be false or do not believe to be true.

I, ....  
of Brentwood Borough Council Town Hall Ingrave Road  
Brentwood CM15 8AYD, hereby certify that this is a true copy  
of a letter / notice / other. Sent to / served upon: **Occupiers** of  
, **on**..... at \_\_: \_\_h, by post / delivering it  
by hand / to the above person / to the address / leaving it with  
.....

Signed.....Date.....

## Appendix 4 – Code for Unauthorised Encampments in Essex (ECTU)

### The Code for Unauthorised Encampments in Essex

Providing guidance to all parties involved in unauthorised encampments on public land (landowners, residents, occupiers of sites, members, and enforcement agencies) regarding the criteria that will be considered by the Essex Countywide Traveller Unit for unauthorised encampments.

Subject to the satisfactory assessment of the following factors, the Essex Countywide Traveller Unit, representing partner Essex authorities will not normally pursue immediate action subject to an agreed departure date, and continued compliance with the code.

1. **The number of caravans involved.** The maximum number normally acceptable will be 3 caravans in any one group although larger groups *may* be permissible in locations remote from residential or commercial premises.
2. **Damage.** No damage shall be caused to any property, fences, trees etc. on that or adjacent land during access and encampment.
3. **Previous recorded encampments.** The behaviour and compliance (or non compliance) with the code on previous recorded encampments involving the group or individuals within the group.
4. **Impact on the land and surrounding property.** The occupation of any land shall not have a serious detrimental effect on the amenities of, or otherwise cause nuisance to, the occupants/users of the land and of any adjacent property.
5. **Occupation of local authority or other partner authority land.** The occupation of local authority or other partner authority land shall not impede its necessary operational use or, insofar as parkland or other public open space is concerned, shall not detract from its amenity value.
6. **The distance between groups.** The minimum distance between unauthorised encampments shall normally be half a mile
7. **Behaviour.** Behaviour towards other members of the public and surrounding properties shall be acceptable i.e. no intimidation especially involving actual violence or the use of abusive or insulting language, no excessive noise or any other forms of anti-social behaviour.
8. **Access to the land/encampment.** The landowner / representatives, or Local Authority officer must not be prevented in accessing the encampment (*not* individual homes/vehicles).
9. **Tipping/Rubbish.** There shall be no dumping or inappropriate disposal of household, human or trade waste on the encampment, or on adjacent land, nor any stockpiling of materials.
10. **Fires.** No fires shall be lit on any land other than for cooking or washing purposes.
11. **Site Safety.** Vehicles shall be parked, and any animals kept, in such a manner as to ensure the safety of the site users and cause no inconvenience to or affect the safety of users of the land and adjacent or nearest highway. Appropriate fire distances to be maintained between caravans
12. **Departure.** Once the agreed period of occupation has elapsed, the site must be vacated and the distance moved must be at least two miles from the site occupied. Re-occupation of the same site must not take place within three months

