

Dealing with unauthorised encampments

Rights

Many unauthorised encampments are occupied by Gypsies and Travellers, who are recognised racial groups with protection under the Equality Act 2010 and the Public Sector Equality Duty. Public bodies must seek to tackle discrimination, advance equality and foster good relations when working with different racial groups.

The police and ourselves must comply with this legislation in our decision-making process when considering any eviction. This includes an assessment of any education, health and welfare issues. The police and ourselves must assess whether any action is proportionate, lawful, achievable, and necessary; so we have to follow the right processes.

The Law

Unauthorised camping is not a criminal offence. It is a civil offence of trespass, so the ownership of the land determines the powers available to remove the encampment. Our processes are different from those available to private land owners and can take time to implement. Many larger roads such as motorways and dual carriageways are the responsibility of Highways England, rather than ours. This may include verges and nearby floodwater storage ponds (balancing ponds).

Responsibilities

It is the landowner's legal responsibility to evict the occupants of an unauthorised encampment, clear up and repair the site afterwards. We will endeavour to inform private land owners of any unauthorised encampments on their land and advise on the options available to them.

Private landowners

Land owners have the choice of taking legal action through the County Court or Magistrates' Court, or removal under common law.



Under common law, private landowners have the right to use reasonable force to remove occupants of unauthorised encampments. Bailiffs are generally used for this method. This can take less than 24 hours to execute. But it can be expensive, and it does not prevent individuals from returning.

Council powers on our own land

Our first responsibility is to make an initial visit to assess the education, health and welfare needs of the occupants.

If there are no issues requiring a referral and it is necessary and proportionate to evict the group, we apply to our lawyers for a 'notice to leave' (under [Section 77 of the Criminal Justice and Public Order Act 1994](#)) which we serve on the group. This gives the group 24 hours to vacate the site. This notice means that the unauthorised occupants cannot return to that location for three months.

If they do not leave, our lawyers lay a complaint to the Magistrates' Court and apply for a summons. If issued, this is served on the unauthorised occupants at least 24 hours before the court hearing.

We then attend court and request a court order to evict the group. If we are successful, the order is then served on the group, who have 24 hours to leave or face forceful eviction by bailiffs.

The court processes can take around 10 working days from the initial assessment visit.

If the same individuals return to the same site within 3 months, the police can make arrests and seize vehicles, but we cannot legally stop other individuals going onto the site.

Injunctions

In certain circumstances, we can apply to the High Court or County Court for an injunction to prevent certain persons from camping within a specified area or Central Bedfordshire as a whole.

Emergency option

Only the police can use emergency powers, on any land except highways. This power is under [Section 61 of the Criminal Justice and Public Order Act 1994](#) (CJPOA).



For the police to consider using this power, one of the following criteria must be present:

- Six or more vehicles
- Damage to land or property
- Threatening or abusive acts towards the land owner.

The police will then have to consider if the use of this power is necessary and proportionate to the needs and rights of the group.

To report an encampment, please use the form on our [unauthorised encampments webpage](#). Alternatively, call us on 0300 300 8301 during working hours. Otherwise, call Bedfordshire police on 101.

Contact us...

by telephone: 0300 300 8301

by email: customers@centralbedfordshire.gov.uk

on the web: www.centralbedfordshire.gov.uk

Write to Central Bedfordshire Council, Priory House,
Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ