

KESGRAVE TOWN COUNCIL

Unauthorised Encampment Policy

1. Introduction

This policy sets out how Kesgrave Town Council will respond to unauthorised encampments on land owned by the Town Council. It is intended to support a lawful, fair, proportionate and consistent response, balancing the rights and needs of the Kesgrave community, and those occupying the encampment.

Gypsies, Roma and Travellers are protected from discrimination by the Equality Act 2010 and the Human Rights Act 1998. A nomadic way of life is not unlawful, and each encampment must be considered on its own facts before any enforcement decision is made.

Council will act promptly where necessary to protect Town Council owned land, community safety, amenities and public access, while ensuring that welfare, equality and human rights considerations are taken into account.

2. Scope and Definition

An unauthorised encampment is where any person camps; in vehicles, caravans or other moveable accommodation, on land they do not own and where they do not have the permission of the landowner to remain.

The term is not specific to any ethnicity or community. This policy applies to any unauthorised encampment on land owned by Kesgrave Town Council.

Unauthorised encampments may raise concerns relating to public safety, access, waste, environmental health, damage to land or facilities, and the use of public spaces such as play areas, open spaces, sports grounds and car parks.

Trespass is generally a civil matter between the landowner and those occupying the land. The responsibility for deciding what action to take rests with the landowner, subject to the relevant legal process and any applicable statutory duties.

Where the land is privately owned, the owner should seek their own legal advice. Kesgrave Town Council cannot instruct enforcement action or apply for possession where it is not the landowner.

Where the land is owned by another local authority, they will be responsible for considering the appropriate response. The Town Council may provide information or support to partner agencies where appropriate.

3. Procedure for Encampments on Kesgrave Town Council Land

Where an unauthorised encampment is identified on land owned by Kesgrave Town Council, Council may take steps to recover possession of the land. Any action must be lawful, proportionate and informed by relevant welfare, equality and human rights considerations.

All camping on Council land is prohibited unless expressly authorised by Council. Council will normally seek to resolve an unauthorised encampment as quickly as possible, subject to legal requirements and the circumstances of the case.

3.1 Initial Assessment and Notifications

Councillors, and representatives of Council must not approach the encampment. An initial assessment should be made from a safe distance, recording:

- the location,
- approximate number of caravans and vehicles,
- take photographs and video if appropriate and safe to do so,
- note any immediate risks,
- and any visible impact on public access or Council property.

Suffolk Police should be notified in the first instance using 101, or 999 in an emergency and request attendance and advice.

The Norfolk and Suffolk Gypsy, Roma and Traveller Service should be contacted at NSGRTS@norfolk.gov.uk NSGRT will, depending on availability, offer support and advice and what relevant bodies/authorities to contact.

East Suffolk Council and Suffolk County Council should also be notified, as they may be able to assist with removal via their Section 77 & 78 powers. This assistance will depend on the circumstances and is not guaranteed.

The Town Clerk will inform all Town Councillors at the earliest appropriate opportunity using Councillor email addresses. The Chair (or Vice Chair) of Council will be contacted by telephone by the Clerk (or appropriate Officer).

3.2 Engagement of Enforcement Agents/Bailiffs

Where the Town Clerk (or appropriate Officer), in consultation with the Chair (or Vice Chair) of Council, determines that enforcement action is necessary, suitably qualified enforcement agents/bailiffs may be instructed by telephone or email to attend the site and serve the appropriate notice.

On arrival, enforcement agents/bailiffs should confirm to the occupiers that they are on Town Council land without permission and explain the action required to leave the site. Any contact must be professional, proportionate and mindful of welfare, equality and human rights considerations.

Upon instruction the enforcement agents/bailiffs will serve an eviction notice, which will specify the timeframe for vacating the site and should be accompanied by, or informed by, appropriate welfare checks.

The occupiers should be asked to keep the site clean, avoid damage to Town Council land or facilities, maintain safe access, and remove all waste when leaving.

The Town Clerk (or appropriate Officer) will maintain contact with the enforcement agents/bailiffs, Suffolk Police, and other relevant partner agencies while the encampment remains on site.

If the encampment does not leave within the specified timeframe, enforcement agents/bailiffs may be instructed to re-attend and take further lawful action to forcibly remove the vehicles and recover possession of the land.

3.3 Decision to Remove

Kesgrave Town Council's policy is to seek removal of unauthorised encampments from Council land as promptly as possible, where removal is lawful, proportionate and necessary. The Town Clerk (or appropriate Officer) is authorised to coordinate the Council's operational response.

The Town Council will maintain a reserve of £10,000 for costs associated with unauthorised encampments. The Town Clerk (or appropriate Officer), with the agreement of the Chair (or Vice Chair) of Council, is authorised to access this reserve for urgent action, including enforcement support, bailiff costs, legal costs where required, and site clearance or reinstatement works.

The decision to remove the encampment will then be recorded and reported at the next scheduled full Town Council meeting.

3.4 Communications with Residents and Councillors

Any enquiries or contact received by Councillors from residents should be redirected to the Town Clerk, so that information can be coordinated and responses remain clear and consistent.

Residents will be reassured that the Council is following the necessary procedures and working with relevant agencies as appropriate.

Members of the public should be advised if applicable to report any crime, anti-social behaviour or immediate risk to Suffolk Police using 101, or 999 in an emergency.

4. After Removal

Once the encampment has vacated the site, or a departure time is known, the Town Clerk will coordinate any necessary follow-up action.

This may include arranging site clearance, using the Council's Estate Operative Team where appropriate, and liaising with East Suffolk Services Ltd where external clearance support is required.

The site should be reviewed to identify any damage, waste, reinstatement requirements or further measures needed to reduce the risk of the encampment returning.

Where appropriate, the Town Clerk may liaise with Suffolk Police and notify relevant landowners, neighbouring councils or partner agencies of the departure time so that potential target sites can be monitored or secured.

5. Suffolk Police

The police have powers to respond to unauthorised encampments where the relevant legal thresholds are met, including powers under the Criminal Justice and Public Order Act 1994 and legislation introduced by the Police, Crime, Sentencing and Courts Act 2022.

Police decisions will depend on the facts of each case, including any evidence of damage, disruption, distress, threatening behaviour, criminality, public safety risk, or other aggravating factors.

Before exercising relevant powers, the police will normally consider the circumstances of the encampment, any welfare issues, equality rights and the proportionality of enforcement action.

The police may consult the landowner, local authorities and other relevant agencies to gather information and determine the most appropriate response.

Where the statutory criteria are met, police may consider using powers to direct trespassers to leave land and remove vehicles or property. These powers are for the police to assess and exercise, based on the circumstances and evidence available.

6. Procedure for Encampments on Private Land

Kesgrave Town Council is not responsible for taking enforcement action in relation to unauthorised encampments on land that is not owned by the Town Council.

Where appropriate, and in the interests of the local community, the Town Council may report the matter to the Norfolk and Suffolk Gypsy, Roma and Traveller Service, Suffolk Police or the relevant landowner or authority so that the appropriate organisation can consider the response.

Adopted.....21 September 2026

Review..... September 2028 (or sooner if legislation or guidance changes)