

# Managing Unauthorised Encampments:

## A Joint Protocol between West Midlands Police and City of Wolverhampton Council

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CITY OF  
WOLVERHAMPTON  
COUNCIL



# **Index**

## **1.0 Introduction & Background**

## **2.0 Unauthorised Encampments – The Powers in Summary**

## **3.0 Human Rights Act 1988**

## **4.0 Choosing the most appropriate power**

## **5.0 Welfare Issues**

## **6.0 Unauthorised encampments on Council owned land and the highway**

## **7.0 Unauthorised encampments on private land**

## **8.0 Intelligence Sharing**

## **9.0 Key Contacts**

### **Appendices & Notices:**

- Appendix 1: Code of Conduct
- Appendix 2: Welfare Assessment Form
- Appendix 3: Step by step guide to deal with unauthorised encampments on Council land and the highway
- Notice 1: Landowner direction to leave the site
- Notice 2: Request to West Midlands Police to remove unauthorised encampment from Council owned land
- Police Notice to vacate land - Section 61 of the Criminal Justice and Public Order Act 1994

## 1.0 Introduction and Background

- 1.1 This protocol provides a detailed step by step practical guide to the enforcement powers available to the police, local authorities and other landowners to deal with unauthorised encampments. The use of this revised joint protocol should prove effective in establishing how individual cases will be dealt with and making sure that all parties are clear about their responsibilities and how they will work together.
- 1.2 A protocol between the City of Wolverhampton Council and West Midlands Police (WMP) to manage unauthorised encampments was last agreed in 2008. Since then there has been a number of structural changes within both organisations and also some important legislative changes. The arrangements have therefore been reviewed to ensure the rights and responsibilities of the Traveller and Gypsy community are recognised alongside the concerns of local residents and businesses. The four primary documents that have been utilised during the preparation of this protocol are:
- Home Office 'Guide to effective use of enforcement powers – Unauthorised encampments, 2006
  - DCLG 'Designing Gypsy and Traveller Sites,' 2008
  - Association of Chief Police Officers ( ACPO) Guidance on Unauthorised Encampments, 2011
  - DCLG 'Planning Policy for Traveller Sites' August, 2015
- 1.3 Wolverhampton has experienced regular unauthorised encampments over the past decade. These can cause disruption and conflict locally and can be expensive and time – consuming to clear. Unauthorised encampments cause a problem which requires a range of solutions including the provision of permanent pitches for the Gypsy and Traveller community. Currently there is a 40 pitch permanent site within Wolverhampton. Another area of land on Showell Road has planning permission for a further 17 permanent pitches. This land is currently for sale with a guide price of £395,000 (as of 23 September 2015). There is no Transit Site or recognised Temporary Stopping Place in Wolverhampton or elsewhere in the Black Country or Birmingham.
- 1.4 Notwithstanding the above, part of the solution also lies in swift and effective enforcement. Where problematic encampments are allowed to remain or repeatedly return, community hostility and conflict will be inflamed and a sustainable long term solution will become much harder to achieve.

1.5 Local authorities have an obligation to carry out welfare assessments on unauthorised Travellers to identify any welfare issues that need to be addressed before taking enforcement action against them. Where the Police are taking enforcement action it is good practice for them to liaise with the Council over any welfare issues. It is also good practice for Council staff to be present at any eviction from public land to ensure that any welfare issues that arise at that time can be dealt with appropriately.

## **2.0 Unauthorised Encampments – The Powers in Summary**

### **2.1 Common law powers**

- can only be used by the landowner;
- It is possible for a landowner to request a trespasser to leave private land and to use reasonable force to evict him from the land if he fails to leave of his own accord.
- does not require the involvement of the courts and is enforced by the landowner and / or private bailiffs where necessary;
- does not provide any sanction offence for the return of trespassers onto land.

### **2.2 Part 55 Civil Procedure Rules**

- can only be used by the landowner;
- are used to regain possession of land;
- require civil court procedure;
- possession is enforced by county court bailiffs, where necessary;
- does not provide any sanctions for the return of trespassers onto land.

### **2.3 Sections 77-78 Criminal Justice and Public Order Act 1994**

- can only be used by a local authority;
- can only be used on any land within the local authorities area, irrespective of ownership;
- are used to remove identified individuals from land;
- only require the involvement of the courts when unauthorised groups do not leave when directed to do so;
- possession is enforced by local authority officers or private bailiffs employed by the local authority;
- the return of unauthorised Travellers and / or their vehicles to the location within three months carries criminal sanctions.

### **2.4 Sections 61 Criminal Justice and Public Order Act 1994 (CJPOA)**

- can only be used by the police on any land except the highway;
- are used to remove identified individuals and / or their vehicles from land;
- there must be two or more persons trespassing on the land before the power can be used;
- does not require the involvement of the courts;
- possession is enforced by the police;
- the return of unauthorised groups to the location within three months carries criminal sanctions.
- vehicles and caravans can be seized and removed under section 62 CJPOA with a fee payable for their return.

## 2.5 Section 62A-E Criminal Justice and Public Order Act 1994

- can only be used where an alternative site is available;
- **There are no approved alternative sites in Wolverhampton**
- can only be used by the Police;
- can be used on any land;
- is used to remove identified individuals and / or their vehicles from the land;
- does not require the involvement of the courts;
- possession is enforced by the police;
- the return of unauthorised groups to the local authority area within three months carries criminal sanction.

## 2.6 Anti-Social Behaviour and Police Act 2014

- can be used by the Police and Council
- creates new powers to deal with community protection and makes provision for a Community Protection Notice and Public Space Protection Order
- **Dispersal Powers:**
  - Can only be used by the Police
  - Used when a person is contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and
  - Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder.
  - Use in a specified locality must be authorised by a Police Inspector and can last for up to 48 hours.
- **Civil Injunction:**
  - Purpose is to stop or prevent individuals engaging in anti-social behaviour
  - The test is: on the balance of probabilities is the behaviour likely to cause harassment, alarm or distress or not.
- Issued by the county court and High Court for over 18s and the youth court for under 18s
- Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond reasonable doubt.
- Over 18s: civil contempt of court with unlimited fine or up to two years in prison
- Under 18s : supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.

- Appeals for the over 18s are to the High Court and under 18s can appeal to the Crown Court.

## 2.7 **Highways Act 1980**

- Section 137 states that if a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence.
- Section 149 allows the removal of anything so deposited on a highway as to be a nuisance or danger (the latter scenario does not require a Notice to be served followed by Court Order).

2.8 The powers set out above all have different characteristics and accordingly will be appropriate for different circumstances. The questions set out in sections 4.2 – 4.6 below will help the Council and the Police decide the most appropriate power to use in different circumstances.

### **3.0 Human Rights Act 1998**

3.1 Travellers and Gypsies are a recognised minority group with the same protection under the Equality Act 2010 as the settled community. Consideration will be given to the provisions of the Human Rights Act 1998 when considering action in respect of unauthorised encampments. Particular attention will be given to:

- Article 8(1): Everyone has the right to respect for his / her private and family life, his / her home and correspondence
- Article 8(2): There shall be no interference by a public authority with the exercise of this right except where:
  - It is in accordance with the law, and
  - Is necessary in a democratic society in the interest of:
    - National safety
    - Public Safety
    - The economic wellbeing of the country
    - The prevention of crime and disorder
    - The protection of health and morals
    - The protection of the rights and freedoms of others.
- Article 14: The enjoyment of the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or status.



## 4.0 Choosing the appropriate power

4.1 It is unlawful for Gypsies and Travellers to occupy land they do not own without the landowner's permission. There are locations within Wolverhampton where immediate action to remove them should be taken because the presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or to conduct their business. Below are a few such examples:

4.2 Local amenities are deprived to communities or there is a significant impact on the environment. This could include forming an encampment on any part of a recreation ground, public park, school field, village green or depriving the public use of car parks.

4.3 The fact that other sections of the community are being deprived of the amenities must be evident before action is taken. Local disruption to the economy would include forming an encampment on a shopping centre car park or a retail park or when workers or customers are prevented from gaining normal access.

4.4 There is other significant disruption to the local community or environment. This might include where other behaviour, which is directly related to those present at an encampment, is so significant that a prompt eviction becomes necessary, rather than by other means.

4.5 There is a danger to life. An example of this might be an encampment adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway.

4.6 There is a need to take preventative action. This might include where a group of trespassers have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established site. Similarly, swift action should be taken where the encampment is located on contaminated land or where the encampment is very close to a busy highway, potentially endangering the health and safety of the group and others, or on land of a particular sensitive nature, a Site of Special Scientific Interest (SSSI) for example.

4.7 In the above circumstance, section 61 of the CJPOA is likely to be the most appropriate power, provided that the conditions for its use are met. The police can act immediately without reference to the courts and can direct travellers to leave the site within a matter of hours. Below in 4.8 are said conditions for use of section 61:

- 4.8 If the Senior Police Officer present at the scene reasonably believes that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and:
- (a) that any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his,  
**or**
  - (b) that those persons have between them six or more vehicles on the land, he may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land. Three caravans and three towing vehicles would constitute six vehicles.
- 4.9 When it is believed that the prevailing circumstances of the incursion are covered by 4.2 to 4.6 and immediate action to remove the incursion should be taken, a copy of the **Notice 1** (to the rear of this protocol) will be completed and served on the Travellers. Where possible this will be done in the presence of a Police Officer and a copy will be given to the local Police.
- 4.10 The Code of Conduct will also be distributed as soon as is reasonably practicable and at the same time **Notice 1** is issued.
- 4.11 If the period to evacuate the land stated in **Notice 1** has passed and circumstances 4.2 – 4.6 remain then an authorised officer from the Council will formally request the Police use their powers by completing **Notice 2**. This will be handed to the Senior Police Officer present.
- 4.12 If anti-social behaviour, for example, is focused amongst particular individuals in the group or if a member of the group is ill, it may be appropriate to take action to evict some people but not others. In this case it may be most effective to use powers under section 77-78 CJPOA which focuses on named individuals or vehicles, or to use police powers.

## **5.0 Welfare issues**

- 5.1 Regulatory Services' staff should conduct thorough welfare enquires when a new encampment of Gypsies and Travellers arrives in the area. Where pressing needs for particular services are identified as part of Council enquiries, relevant departments or external agencies should be contacted in order to meet these needs as appropriate.
- 5.2 If necessary, removal of the encampment could be delayed while urgent welfare needs are addressed (unless, as above, the site which the group are using is particularly sensitive or hazardous, in which case they should be asked to relocate to a more appropriate location in the vicinity). Further, it may be possible

to negotiate a date for the encampment to cease, for instance, the Gypsies and Travellers may have stayed in the vicinity for a specific purpose; in order to attend an outpatient's appointment at the local hospital for example.

- 5.3 If the Gypsies and Travellers are cooperative, only wish to stay for a short time and the encampment is not in a sensitive location covered by 4. 2 – 4. 6 it may only be necessary to monitor the situation pending their departure. It may also be appropriate with prior agreement if the incursion is on Council land to provide them with some means of disposing of rubbish and waste in order to minimise clear-up costs when they have left. However, **Notice 1** should be served in every instance of an unauthorised encampment on Council owned land and the Highway which formally requires the trespassing to end. The Code of Conduct will also be circulated around the encampment.
- 5.4 Where any eviction is being carried out staff from Regulatory Services should always try to attend if reasonably practicable to do so as the Council may have obligations to offer assistance to those who have been evicted due to the Councils wider social responsibilities.
- 5.5 If an eviction is being carried out by the Council or its appointed bailiff, the Police should be advised at an early stage so that they can advise and assist in relation to the issue of personal safety and to ensure breaches of the peace do not occur. If the police recommend that the eviction should not proceed for any reason, action should be delayed until an agreed time. Wherever possible, the forthcoming eviction should be discussed with those on the encampment who should be notified of the date and time for the eviction.

## **6.0 Unauthorised encampments on Council owned land and the Highway**

- 6.1 City of Wolverhampton Council will normally be the lead authority where the encampment is on land it owns and the highway. Where a decision has been made to execute eviction the Council will normally use its powers under Part 55 Civil Procedure Rules. However in cases where it is deemed appropriate for the Police to use their powers under Section 61 CJPOA the police will have primacy. The situations where it is deemed appropriate for the Police to lead are covered in section 4.2 – 4.6 of this protocol. This power is not available to remove incursions from the highway. However, powers contained within the Highways Act 1980 may be considered if the encampment is causing an obstruction of the highway. The Council may also consider using Common Law powers in emergency situations.
- 6.2 The authority to implement decisions in respect of unauthorised encampments has been delegated to the Head of Service. In his absence this role would be undertaken by the Licensing Service Manager or Service Lead. Close liaison between the Police and the Council is important and whichever party first becomes aware of an unauthorised encampment should notify the other as soon as is reasonably practicable.

## 7.0 Unauthorised encampments on private land

7.1 The information provided below in section 7.2 will be offered to anyone who suffers from a traveller incursion and seeks help. This information will also be posted on the Council website and supplied to Customer Services. The Code of Conduct will equally apply on private land and WM Police and Regulatory Services will try to assist in distributing this information if called upon.

7.2 Private land owners are responsible for the removal of unauthorised encampments on their land. Being the victim of unauthorised access onto private land can be both a major nuisance as well as a costly experience, particularly in having to clear up any waste that is usually left behind. The site protection measures below will not guarantee unauthorised access, but will make privately owned land less inviting:

- **Mounding:** Mounds and/or ditches make it difficult for a vehicle and trailer/caravan to gain access without risking damage to the vehicles. They can also help in limiting joy-riders vehicles' being abandoned on land. Mounds are generally formed using rubble/subsoil as a base, with a suitable topsoil finish for either grass seeding/planting.
- **Gates:** A strong, robust gate will help deter access. The gate will need to be able to be secured with a toughened padlock. Metal gates/barriers are more desirable than wooden gates.
- **Height Barrier:** Toughened steel padlocks and 'boxing' in the connection will make it more difficult for access to be gained. If this is coupled with a metal field gate it will also help to restrict access for joy-riders etc.
- **Fencing/Barriers:** There are many different types of fencing available. The most robust is steel palisade. Euroguard fencing is also a strong barrier. Wooden close-board fencing generally looks better but is more vulnerable to damage and vandalism. The local Planning Authority should be consulted on this type of fencing before going ahead with construction. A secured height barrier will restrict access to vehicles over 1.8m high and care should always be taken to ensure barriers are secured as intended. Using wooden / metal / concrete posts will deter informal access but will not be sufficient to deter those more intent on gaining access.

### **7.3 FAQ's to deal with incursions on private land**

#### **7.3.1 Travellers are coming onto my property, what can I do to stop them?**

Unfortunately there is little you can do to stop them coming onto your land unless you can obstruct the entry point. Applying the counter measures outlined in 7.2 will help deter future incursions.

#### **7.3.2 The travellers are aggressive and threatening, what can I do?**

It is advisable to contact the Police who will be available to stop any breach of the peace and possibly consider using Section 61 Criminal Justice and Public Order Act 1994 (CJPOA) to evict in the right circumstances.

#### **7.3.3 Who is responsible for getting the travellers removed from my land?**

As the landowner, you are responsible.

#### **7.3.4 What legislation can I use to remove the travellers from my property?**

It is advisable to speak to your solicitor but Common Law/Part 55 Civil Procedures Rules can be utilised.

#### **7.3.5 Where can I get some advice on how to deal with the Travellers?**

Contact the council on 01902 551155.

#### **7.3.6 My business is being affected by the Traveller encampment, what can I do?**

Contact the council on 01902 551155 for advice.

#### **7.3.7 How can the Police help?**

If you would like further information or advice from the Police about Traveller incursions please call 101 - the Police non-emergency number. If you feel threatened or require immediate assistance ring 999.

#### **7.3.8 Can I employ a company to assist in removing the Travellers?**

Please speak to your solicitor about this. You may be able to employ bailiffs to assist you with removing the Travellers.

#### **7.3.9 The travellers have vacated my land but left a lot of mess, whose responsibility is it to get it removed?**

As the landowner you are responsible for the removal of any waste.

#### **7.3.10 Who can remove the waste left by the Travellers?**

Any licensed waste contractor can remove the waste

#### **7.3.11 Are there any authorised gypsy transit sites or temporary stopping places locally?**

There are currently no transit sites or temporary stopping places in Wolverhampton, nor are there any throughout the Black Country region including Birmingham. A shortlist of Council owned plots of land in Wolverhampton were assessed in 2015 but none were considered suitable.

## **8.0 Intelligence Sharing**

- 8.1 By their very nature and choice of lifestyle, Travellers offer significant challenges when it comes to tracking incursions and movements around the region. Notwithstanding this, every effort will be made to share information with neighbouring Local Authorities with whom we already have well established networks and there already exists a regional forum that meets on an ad hoc basis to share information on the existence of unauthorised encampments. Also, the Council routinely shares information with the Police regarding action taken under the Anti – Social Behaviour Crime and Policing Act 2014. The region as a whole saw an increase in the number of incursions during 2015 compared to recent years although the precise reason for this increase is unknown.

## 9.0 KEY CONTACTS

### 9.1 WM Police:

- Chief Inspector Tracey Packham (Neighbourhood Manager) – t.packham@west-midlands.pnn.police.uk 101 x 871 3105
- Sgt 4349 Simon Bott (Neighbourhood Co-ordinator) – s.m.bott@west-midlands.pnn.police.uk 101 x 871 3287
- Sgt Stephanie Reynolds (Neighbourhood Co-ordinator) – s.a.reynolds@west-midlands.pnn.police.uk 101 x 871 3287
- Inspector Corrina Griffiths (Partnerships) Corrina.griffiths@west-midlands.pnn.police.uk 101 x 871 3299

9.2 Use telephone contact and only use email if you know the respective person is on duty. The neighbourhood Manager and co-ordinators manage the Traveller issues during the day across all the City neighbourhoods. The Partnerships Inspector will always have an interest as they line manage the Police ASB Officer. Out of hours and in the absence of neighbourhood officers who aren't always on duty – WV Duty Inspector – mobile 24/7 – 07824 837937. They will always be able to find an available resource dependant on threat and risk.

### 9.3 City of Wolverhampton Council:

- City Direct 01902 551155 to report new issues
- [Customer.services@wolverhampton.gov.uk](mailto:Customer.services@wolverhampton.gov.uk)
- [environmentalhealth@wolverhampton.gov.uk](mailto:environmentalhealth@wolverhampton.gov.uk) : generic email inbox monitored constantly during normal office hours Monday – Friday
- Shaun Walker - Regulatory Services Service lead for Travellers 01902 554548  
[shaun.walker@wolverhampton.gov.uk](mailto:shaun.walker@wolverhampton.gov.uk)

There is no routine weekend cover or OOH service

## Unauthorised Encampments - Appendix 1

### Code of Conduct

To ensure those members of both the settled and travelling communities can live together in a peaceful and unprejudiced way we expect you to comply with this Code of Conduct. We expect you to treat the land you have occupied with respect, and that you respect the rights and freedoms of other people who also wish to use the area. **Behaviour that may result in your eviction from a site includes the following:**

- Staying upon any land designated as a public amenity, such as parks, recreation area, school fields and similar locations.
- Interfering with the rights and freedoms of other members of the public, including interrupting the operation of legitimate businesses.
- Forcing entry to land, by causing damage to any fixture, fittings or landscaping (including planted areas). This includes digging away of earthwork defences which have been placed at the landowner's expense to prevent trespass.
- Causing any other damage to the land itself, or property on it. Particular care should be taken not to cause damage to those features provided as public amenities.
- Driving vehicles along any footpath or other highway not specifically designed for road vehicles. This practice is not only unlawful but is highly dangerous.
- Parking vehicles or caravans on any road, footpath to other highway that causes an obstruction to other people wanting to pass by. This includes parking immediately next to footpaths.
- Dumping or tipping rubbish, waste materials or trade waste such as tree cuttings, rubble etc. It is your responsibility to keep the site clean and tidy. City Direct (01902 555511) can direct you to where you will be able to pay to get rid of trade waste.
- Use of the area as a toilet. You must not deposit or leave human waste openly in public areas.
- Abuse, intimidate or harassment of any person who is lawfully using the area.
- Excessive noise or other forms of anti-social behaviour.
- Animals that are not kept under control or that attack persons lawfully on the land, or nearby.
- Interference with electrical, water or gas supplies. Any person(s) found abstracting electricity, or wasting quantities of water may be subject to criminal proceedings.

These are the same standards of behaviour that are expected of the settled community. West Midlands Police and the City of Wolverhampton are committed to ensuring that all decisions and actions that affect you are balanced; however behaviour that is deemed unacceptable within society will not be tolerated.



**Welfare Assessment Form – Appendix 2**

Location of incursion: .....

Traveller Arrival Date: .....

Date of Officer Welfare Assessment: .....

<b>Name of vehicle description</b>						
<b>State of Pregnancy</b>						
<b>New born and children under one year</b>						
<b>Medical Conditions or illness</b>						
<b>Any other urgent reason to prevent eviction from this location</b>						

### Appendix 3: Step by step guide to deal with unauthorised encampments on Council owned land

1. Receipt of information that an unauthorised encampment has been established in the City
2. Low - key non-confrontational site visit by an officer from Regulatory Services to gather information about the group. Information to include, date of arrival, planned date of departure, size of the group, any permissions given to occupy the land. Officer to provide information about correct waste disposal, provide a small supply of refuse sacks and dog fouling bags. Provide information about the public sanitary conveniences in the area. Carry out initial welfare assessment. There is no Council policy in place to provide porta- loos / showers or skips / wheelie bins.
3. Return to the office to determine who the landowner is. If the owner is CoWC or the incursion is on a public highway the relevant Head of Service needs to be informed. Corporate Landlord is Richard E Jones, Public Realm including highways is Steve Woodward. Also print maps of the site and surrounding area and define the area for a possession order.
4. If the land is in private ownership check Land Registry and ensure the owner is aware of the incursion. Penhamexcel (033 000 20705) offer a range of services to help private landowners deal with traveller incursions.  
[info@penhamexcel.co.uk](mailto:info@penhamexcel.co.uk)  
[www.highcourtenforcementofficers.com](http://www.highcourtenforcementofficers.com)
5. If the private land is an orphan site consider sections 77-78 Criminal Justice and Public Order Act 1994 which can be used on any land within the LA
6. Consult colleagues in Regulatory Services and prepare and modify Notice 1 directing the group to leave the site. Revisit and carry out a further welfare assessment **that is documented**. Distribute the code of conduct sheet and circulate Notice 1 as widely as possible. Display Notice 1 at the entrance to the site. This visit is more formal than the initial visit on day 1 and Police support may be advisable. Give a copy Of Notice 1 to the Senior Police Officer present or send a copy by email to the Police Neighbourhood Coordinators who are: Sgt 4349 Simon Bott (Neighbourhood Co-ordinator) – [s.m.bott@west-midlands.pnn.police.uk](mailto:s.m.bott@west-midlands.pnn.police.uk) 101 x 871 3287 and Sgt Stephanie Reynolds (Neighbourhood Co-ordinator) – [s.a.reynolds@west-midlands.pnn.police.uk](mailto:s.a.reynolds@west-midlands.pnn.police.uk) 101 x 871 3287
7. If the circumstances outlined in 4.1 – 4.6 are prevalent, consider using Notice 2 requesting the Police use section 61. If s 61 is not to be used discuss the case with Legal Services and request that they start the process to take possession.

8. Update the Ward Elected Member for the incursion site, Mandeep Kaur (Environmental Health Duty Manager in Customer Services) and Tim Clark / Baljit Hague if the encampment is likely to be controversial.
9. Officer to attend the County Court in person and obtain a hearing date for the application
10. Officer delivers notification of the Court hearing to each caravan and affix around the site. **Do not affix to any vehicle in a manner that could cause damage.** There must be three clear working days' notice of the Court hearing
11. Contact the bailiff to warn of possible involvement.  
Penhamexcel 033 000 20705 / [info@penhamexcel.co.uk](mailto:info@penhamexcel.co.uk) / [www.highcourtenforcementofficers.com](http://www.highcourtenforcementofficers.com) Use budget code G10788 R4400 and inform Lisa Pardoe
12. Arrange for the police to attend to ensure there is no breach of the peace
13. Arrange with the land owning department for the site to be secured immediately after its repossession.
14. Contact Autobits to have them ready on stand-by to remove vehicles the following day.
15. At the earliest Court hearing date permissible, attend Court and obtain a Possession Order. Whilst at the County Court the Possession Order is converted into a High Court Order, the Order is copied and delivered by hand to the bailiff and each Traveller. The bailiff executes the Order and possession is returned to the CoWC and the site secured.
16. Ensure extensive photographic evidence is attached to the Idox record using the document management system (DMS) prior to any clean- up operation.
17. Land cleaned up and repairs undertaken by the land owning department
18. Inform the Ward Member and other stakeholders that the incursion has gone. Consider informing neighbouring Councils if we have information that the Travellers may be heading to a specific location.
19. Update IDB with relevant information. Speak to Suzanne Hill.

## **Notice 1: Landowner Direction to leave the site**

I am ....., an Authorised Officer of City of Wolverhampton Council who are the legal owners of the land you occupy without permission and on which you trespass.

Wolverhampton City Council requires all occupiers to leave this land within ..... Hours / Days.

To confirm we require no caravan or vehicle to remain on this land after (            time) on (            DATE)

During your occupation please abide by this Code of Conduct and specify any urgent welfare / medical reasons that may prevent certain individuals from leaving by the above deadline.

Delete one of the statements below:

- If you remain here after the above deadline I will formally request the Police consider using their powers under section 61 of the Criminal Justice & Public Order Act 1994 which permits eviction without the involvement of the Courts. (This will only apply under certain circumstances).
- If you remain here after the above deadline I will formally instruct the Council Solicitor to commence proceedings under Part 55 Civil Procedure Rules.

Date of Request:

Location of Unauthorised Encampment:

Time and Date of First and Last Arrivals:

**Please note, if the conduct of anyone occupying this land contravenes the Code of Conduct you may be required to leave the area earlier than that specified on the Notice.**



As a representative of the landowner, we asked the occupant's to vacate the land by:  
(                    time) on (                    date)

This deadline has now past and the impact the unauthorised encampment is having is summarised below [delete as applicable] **Greater detail is given below.**

- Local amenities are deprived to communities or significant impact on the environment.
- There is local disruption to the economy.
- There is other significant disruption to the local community or environment.
- There is a danger to life.
- There is a need to take preventative action.

**Detailed incursion impact assessment to ensure the proposed action to be taken under S61 is proportionate, reasonable, necessary and legal:**

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To expedite the eviction process for the reasons given above I am therefore requesting WM Police to use powers available under Section 61 Criminal Justice and Public Order Act 1994 to execute eviction and direct everyone present to leave the land by before  
(                    time) on (                    date).

Authorised Officer:

Date:

**Notice to vacate land - Section 61 of the Criminal Justice and Public Order Act 1994**

I (*full name*) ..... a ..... (*insert rank - also see note (i)*  
below) of Police in (*specify force*) ..... serving at police station and the  
senior police officer present, am directing you in accordance with section 61 of the  
Criminal Justice and Public Order Act 1994 to leave this land, which is situated at .....  
..... (*specify the location*)

because -

I believe that two or more of you are trespassing on the land; and  
you are present with the common purpose of residing on the land (for any period); and  
reasonable steps have been taken by or on behalf of the occupier of the land to ask you to  
leave.

In addition -

- (a) one or more of you has caused damage to the land or property on the land; and/or
- (b) one or more of you has used threatening, abusive or insulting words or behaviour  
towards the occupier, a member of his family or an employee or agent of his; and/or
- (c) you have between you six or more vehicles on the land.

If you fail to leave the land as soon as reasonably practicable or re-enter the land as a  
trespasser within **three months** of this direction, you commit an offence and render  
yourself liable to arrest without warrant and to prosecution. The maximum penalty (on  
conviction) for failing to comply with these directions is three months imprisonment and/or  
a fine.

On leaving the land you are required to remove any vehicles or other property which you  
have with you on the land. A charge will be levied for vehicles which have to be removed  
by the Police.

Any additional information of relevance (*e.g. charge for removal of vehicles*) .....

Signed ..... Rank .....

Time ..... hours

Date .. / .. / 20. ....