

Unauthorised Encampments Advice to Bradford schools

What is an unauthorised encampment?

An unauthorised encampment is defined as:

- person(s) camping or staying overnight or longer (in vans, trailers or any types of other moveable accommodation),
- on land that these persons do not own or rent, and
- where these persons do not have prior consent or permission to access such land.

Does the council have a duty to move Gypsies/Travellers when they are camped without the school's permission?

From a legal perspective, the Council is only able to take action or evict anyone where there is an unauthorised encampment in community schools as the land is owned by the Council.

As part of the Council estate, community schools can, if they wish to do so, use the services of the Gypsy Liaison Service which would then carry out all necessary legal steps on their behalf. In this instance, community schools would only be charged for court costs and legal fees.

Where schools or academy sponsors lease the land from the Council, it will be the school's responsibility to take action to remove an unauthorised encampment.

In relation to Voluntary Aided, Trust or Free schools that tend to own their land, it is also the school's responsibility to take the necessary actions to evict the encampment.

The Gypsy Liaison Service, part of Bradford Council, will assist all schools or the owner of the land and provide information on how to effectively manage unauthorised encampments and the powers available to landowners to recover possession of their land. However, the Gypsy Liaison Service could not undertake any legal proceeding on behalf of any third party.

What would I do if Gypsies/Travellers come to my land?

You could attempt to agree a leaving date with the Gypsies/Travellers and make it clear that this is actually your land. Ask why they are there, and how long they are hoping to stay. Also you could take proceedings in the County Court under the Civil Procedures Rules 1998 to obtain a Court Order for their eviction as trespassers.

In any case, Bradford Council strongly advises against offering any payment to the group as an incentive to leave.

If an amicable solution is not the preferred route, there is a legal process.

What if I need to reclaim possession of my land using existing legislation?

Land owners can obtain a possession order through the Civil Courts requiring the removal of trespassers from land/property.

Solicitors, appointed by the landowners/lease holders, would most likely advise that possession be sought in the Civil Courts under Part 55 of the Civil Procedure Rules. This procedure will involve:

- Asking trespassers to leave (landowners responsibility)
- Issuing and serving a court summons
- Seeking a possession order in court
- Serving the possession order, and, if necessary
- Executing a warrant for possession with County Court Bailiffs

Usually, once an order is served, Gypsies/Travellers will vacate the site, if they don't you may need to employ bailiffs.

Schools could alternatively engage private bailiffs to remove unauthorised occupiers without a possession order in some cases, but you should take legal advice before pursuing this course of action.

Community schools could seek the support of the Gypsy Liaison Service, if they wish to do so, which would then undertake all necessary proceedings.

What will this cost the school?

In relation to academies, Voluntary Aided, Trust or Free schools, a solicitor appointed by the school would charge their own fees.

Community schools could seek the support of the Gypsy Liaison Service and would only be charged for court costs and legal fees.

In addition to any legal costs, schools may also need to arrange for the clearance of the site and disposal of any rubbish left behind.

What can the Police do?

The duty of the Police is to preserve the peace and prevent crime. Trespass on land itself is not a crime - it is a civil matter. Prevention of trespass and the removal of trespassers are the responsibilities of the landowner and not the Police.

If the landowner fails to take the appropriate action to remove the Gypsies/Travellers, what will the council do?

Some landowners are happy to let small groups stay where good relations are established early and there are no major problems. However, the landowner may be in breach of Planning legislation and the Caravan Sites Act 1960 unless the landowner has already obtained planning permission for a caravan site.

If there is no planning permission the Council may take proceedings against the landowner to require removal of the unauthorised encampment.

Preventing Unauthorised encampments

The likelihood of an unauthorised encampment on school land may be avoided if land and premises are adequately secured.

the school will need to balance the costs of securing its land against the costs associated with legal action to remove an unauthorised encampment which will include legal and court costs, bailiff costs, damage to the land, removal of waste and loss of business. These costs may be quite substantial for each encampment.

Irrespective of the type of school, it is the school's responsibility to protect its land and deal with any problems associated with any authorised encampment.

There are a number of measures that can be taken to reduce such risk:

- Consider installing substantial steel gates with padlock security cowl
- Consider installing substantial height restriction barrier
- Consider installing width restrictors made of substantial posts or large concrete blocks/boulders which would allow cars to pass through but not caravans. However this could limit other service vehicles from accessing the site.
- Consider installing high security retractable lockable bollards
- Consider closing off seldom-used access points or potential access points using semi-permanent features that require specialist equipment to remove such as heavy tree trunks, concrete barriers or earth bunding.
- Consider closing off access points or vulnerable areas by installing fencing, ditches or earth bunding