



Message from the Clerk to Fulford Parish Council:

The Parish Council shares residents' worries about the recent trespass onto its land at Fordlands Road playing field and the subsequent unauthorised encampment.

On Friday 22nd July, immediately upon receiving reports of the trespass onto the field (achieved by breaking the lock on the gate), both the Clerk to the Parish Council and the staff at Fulford Cemetery notified the Police and City of York Council (CoYC) as they are the only authorities able to take action to remove the unauthorised encampment. The Parish Council has no powers of enforcement.

The Neighbourhood Enforcement Team of CoYC commenced legal action on Monday 25th. This was the first opportunity following the arrival of the caravans on the Friday afternoon. CoYC are bound to act lawfully and follow due process in taking any action. The legislation provides:

“Power of local authority to direct unauthorised campers to leave land: Where people are residing in vehicles (including caravans) on land the section 77 of the Criminal Justice and Public Order Act 1994 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. 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 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.”

Whilst the powers of the police have been strengthened under the Police, Crime, Sentencing and Courts Act 2022 which came into force from June 2022, *“it remains the case that the response to unauthorised encampments and to individuals who do not leave land when asked to do so, causing harm in the conditions set out, requires a locally driven multi-agency response, led by local authorities and supported by police.”* The police should also *“ensure that, in accordance with their wider equalities and human rights obligations, proper welfare enquiries are carried out to determine whether there are pressing needs presented by those on unauthorised encampments and that, where necessary, the appropriate agencies (including Local Authorities) are involved as soon as possible.”* Local Authorities, in this case City of York Council must comply with the provisions of section 77 of the Criminal Justice and Public Order Act 1994 set out above and follow due process. The police may have been able to use the strengthened powers if calls were made to 101 with specific reports of instances of anti-social behaviour or other acts of criminality but any evidence of these would need to be judged alongside the other guidance in the 2022 Act before further action could be justified outside of that already underway with the local authority. The Parish Council is not aware if such reports were made to the police by residents.

Unfortunately, the legal process can take longer than an ideal timeframe as factors such as availability of Court hearing dates are outside of the control of the Police, the Parish Council and the City Council. Despite this, on Monday 25th July the CoYC Neighbourhood Enforcement Team began the enforcement action and issued eight 48 Hour Direction to Leave Notices - they also provided the



site with refuse bags for disposal of waste. The 48 Hours of the Direction to Leave Notices expired on Wednesday 27th July.

Officers visited the encampment again on Wednesday 27th July and as only 2 of the caravans had complied with the Direction to Leave Notices, the next step had to be taken and officers applied that day to the Magistrates' Court for a Hearing to obtain an Order of Removal which is the next step in the process. At that point the officers observed that the site was clean and neatly presented. The earliest possible Magistrates' Court Hearing date that could be achieved was for Monday 1st August. At the hearing on 1st August, Magistrates granted the Order, it was immediately served by CoYC officers and the site was vacated within hours.

The Parish Council fully appreciates that an unauthorised encampment of this nature is not welcomed by residents and can be a genuine cause for concern. As the landowner of the field, the Parish Council similarly shares these concerns – your 8 councillors are all Fulford residents too. At its meeting on the evening of 26th July, the Parish Council decided to investigate options to improve the security at the entrance to the field to try to prevent future issues and it was further agreed that this improved security should be installed at the earliest opportunity after the encampment was cleared. Quotes for different options are now being received to get the procurement process underway.

The Parish Council and City Council have acted as expediently as possible within due process and the Parish Council wishes to reassure residents that action is being taken to help deter any future trespass of this nature. The Police in this instance were not required to use the strengthened powers under the new legislation as the site was vacated once the Magistrates' Order of Removal had been granted and served.

I hope this clears up what procedures are available to the various agencies with regard to unauthorised encampments and demonstrates that the process was followed in as timely a manner as was achievable in the circumstances.

Please be aware that the Parish Council Facebook page is set up as a Noticeboard and is only used to provide information. My role as Clerk is part-time and I cannot not regularly monitor Facebook as well as my workload. The best way to raise concerns about any matters with the Parish Council is by email to clerk@fulfordpc.org.uk. Emails are checked on a regular basis but comments, tags or messages through Facebook or Messenger are unlikely to be seen and will therefore go unanswered.

If the Council is informed of issues via email to the Clerk, it can respond and take relevant and timely action with the appropriate agencies as and where necessary.

Rachel Robinson
Clerk & RFO, Fulford Parish Council