

Full Council Meeting – 27 October 2016

Agenda Item CC1651/16

Illegal Occupation of Land

Introduction

Members will be aware that from time to time there is unauthorised/illegal occupation of council owned land. This is a common issue among local councils and following discussions at the Joint Parish Council meetings it was considered that a contingency plan should be developed to ensure that such occupation of land can be dealt with speedily and effectively.

Discussion Narrative

Accordingly the Clerks from Abbots Langley and Chorleywood agreed to take the matter forward and a meeting was arranged with a firm of solicitors in Watford whose offices are close to Watford County Court through which any proceedings would need to be taken.

Below is an extract of a letter from the Solicitors, Penman Sedgwick, which sets out the basic principles of an arrangement with them and potential costs:

“Thank you very much for coming to see me. It was good to meet with you both and discuss the matter going forward. We agreed that we would take steps to make sure that I had up to date ID from those who would give instructions or each of the Parish councils and any authorities are in place, including any delegated clerks or anyone dealing with it in absentia on your behalf. You would also let me have details of who all contact people were and their deputies, so that if I need to take instructions quickly, I know who is going to be dealing with it and you are also going to let me have the details of the bailiff that you usually use. It would also be helpful if you could let me have details of titles of the properties although I understand that we are holding Deeds for a number of pieces of land.

As you know, I will need to prepare in each case a claim form, Particulars of Claim, application form and a witness statement in support and it would be good if, when I am being given instructions in order to prepare the witness statement setting out the facts which have given rise to the incident, such instructions also include any photos available.

You are also going to let me have details of or a copy of previous proceedings where eviction has taken place in relation to, for example, land at Chorleywood Common under the by-laws. With regard to these, so that you are aware, our generally hourly rates are £295 plus VAT for me plus £260 plus VAT for my assistant solicitors and if any paralegal work needs to be done at £150 plus VAT. The current Court fee to issue a possession claim is £355.00 (County Court) or £528 (High Court). I anticipate that, depending on how things pan out, it will be £2,000 - £3,000 plus VAT plus disbursements to obtain possession. Of course much depends on how many steps we have to take and how many hearings there have to be. I would also expect it to become cheaper once we have done a couple for you and we have more precedents set up on the system. I am happy to review these with you after the first couple and see how things are panning out. We also agreed that it would be helpful if along with any instructions, I could have £500.00 on account which would enable me to deal with the issue fee.”

It should be noted that the solicitors are requesting £500 on account in order to set up the arrangements and at the last Joint Parish Council meeting it was agreed, subject to each Council's approval, that each Parish Council makes a £100 contribution to make up the £500. In the event that an incident occurs the Parish Council affected would be in a position to immediately invoke the legal proceedings using the £500 on account but would then replace the funds.

Recommendation(s)

- That the Council agrees to the provision of £100 towards solicitors costs;
- Delegated authority is given to the Clerk and in his absence, the Administrative Assistant, to initiate any necessary actions that associated with unauthorised/illegal occupation of council owned land.

David Allison
Clerk to the Council
26 September 2016