

RECORD OF OPERATIONAL DECISION

Decision title:	To initiate possession proceedings under the Mobile Homes Act 1983 to secure the eviction of three residents from the Openfields Traveller site at Bromyard
Date of decision:	18 April 2023
Decision maker:	Interim Director of Planning & Regulatory Services
Authority for delegated decision:	Economy and Environment Scheme of Delegation, item 70 (03/08/2022)
Ward:	Bromyard Bringsty
Consultation:	Legal Services, Head of Public Protection and the Licensing & Travellers Service Manager
Decision made:	To apply for termination of pitch agreements
Reasons for decision:	These residents have been found guilty at trial in the Magistrates Court for waste offences on the Openfields site. The residents are therefore in breach of Part 4, Clause 7.16 of the Pitch Agreement “... <i>the occupier must not dump rubbish on the pitch, on the site or on the service road leading to the site.</i> ”
Highlight any associated risks/finance/legal/considerations:	Once the residents are informed of the intended evictions there might be heightened tension and possible criminal damage to Council Property. This could result in repair work having to be carried out, or the site having to be temporarily closed resulting in loss of rental income and disruption to the occupation of other residents. There could also be also further cost implications if the termination of pitch agreements is granted by the court but these residents then refuse to vacate, as bailiffs would be required to secure evictions.
Equality considerations	The decision to prosecute does not discriminate, harass or victimize nor encourage conduct prohibited under the Equality Act 2010. It also does not unfairly impact upon anyone with a relevant protected characteristic as these residents have been continually warned yet have continued to flout such warnings at the expense of the council, due to the waste clearances continually required.
Details of any alternative options considered and rejected:	The residents have been warned repeatedly that they will face eviction proceedings if they do not cease these fly tipping activities, which constitute a breach of their Pitch Agreements.
Details of any declarations of interest made:	None