

Church Crookham Parish Council – Policy on dealing with unauthorised encampments

Introduction:

When Travellers move their caravans onto a piece of land they do not own, without the permission of the landowner, this is called an unauthorised encampment. This is now a criminal matter in law (28 June 2022 The Police, Crime, Sentencing and Courts Act (2022)) and can be dealt with by the Police as such. However, in reality the matter of trespass will probably still rest with the landowner having to take Civil Action against any Travellers, and it will be the responsibility of the landowner to deal with the encampment.

Advice and guidance should still be obtained from the Police relating to their current Powers on a case-by-case basis.

A criminal offence will be committed under the Act if a person over the age of 18:

- Resides or intends to reside on land or in a vehicle (including a caravan) without consent of the landowner; and
- Fails to leave or remove their property (or re-enter the land) as soon as reasonably practicable when asked; and
- Has caused or is likely to cause significant:
 - Damage to land/property/the environment.
 - Disruption to the use of land/supply of utilities; and
 - Distress via 'offensive conduct' such as threatening words or behaviour.

Reference should also be made to the Criminal Justice & Public Order Act 1994 with regards to section 61(1)(a) of that Act.

It is for the police to decide on proportionate enforcement based on the circumstances and evidence of each case. However, the arrest and vehicle seizure powers can be used when a trespasser residing on land has met the conditions of the offence and has not left the land when asked to do so without reasonable excuse.

If the land is privately owned by a company or individual, the landowner needs to take advice from their solicitor about obtaining a Possession Order through the County Court.

If the land is owned by a Local Authority, it may still apply for a Possession Order through the County Court or evict the Travellers using common law, but Government policy recommends that the organisation must first show that they have taken the housing, health, welfare and education needs of the Travellers into consideration before making the decision to take legal action.

Anti-Social or Criminal Behaviour - A minority of travelers may be involved in behaviour which causes a nuisance or fear and intimidation to people living near to an encampment. Incidents of this nature should be reported to the Police.

Action Plan:

Unauthorised encampment on private land not owned by the Parish Council:

Parish Councillors should not approach the encampment.

1. Inform the landowner that they have an encampment, inform the police and Gypsy Liaison Officer (GLO).
2. Ask to be informed of progress so that updates can be put on the Parish Council website.

Unauthorised encampment on land owned by the Parish Council:

The policy of Church Crookham Parish Council is to evict unauthorised vehicles as promptly as practical. The cost of removal shall be met by the Parish Council and authorised at the monthly meetings in the normal manner. The procedure for removal can be authorised by the Clerk or Deputy Clerk in conjunction with any two Parish Councillors, or three Councillors if the Clerk and Deputy are unavailable.

Parish Councillors should not approach the encampment.

In the event of an unauthorised encampment the following procedure should be initiated.

1. Notify the Clerk and/or Chairman. In the event of either of these not being contactable advise the Deputy Clerk and or Vice Chairman. If in turn they are not contactable advise other Councillors until three can be found to authorise further action
2. The Clerk and the Chairman, or if unavailable their deputies, or if these are unavailable at least two Parish Councillors will attend the site to assess the occupation. Try to record the number of caravans and vehicles.
3. If the Clerk or Deputy Clerk and at least two Parish Councillors (or at least three Parish Councillors if the Clerk and Deputy Clerk are unavailable) are agreed that the unauthorised occupiers are to be removed, the steps below should be taken. Those agreeing to such action should record it and report to the next Parish Council meeting.
4. Report the encampment to the Police immediately via 999 and request they ask the occupiers to leave immediately. It is possible that the police will be able to move the Travellers on immediately under Section 61 of the Criminal Justice and Public Order Act 1994 if the travellers are using threatening behaviour, causing damage or have 6 or more vehicles.
- 5.

6. If there is no Police action, then the Parish Council will take immediate action to evict the travellers as soon as possible but will take advice from the police and the Gypsy Liaison officer as to whether a welfare check is necessary.

Note: With reference to the Human Rights Act consideration must be given to whether the interference with Gypsy / Traveller family life and home is proportionate and justified. . Any particular welfare needs experienced by unauthorised campers are material in reaching a balanced and proportionate decision. The human rights of members of the settled community are also material if any authority fails to curb nuisance from an encampment.

Contact either Hart DC Environmental Health Dept who will carry out welfare checks on behalf of Parish Councils.

Alternatively, Constant and Co will carry out welfare checks on behalf of clients.

Once the welfare checks have been completed and assuming there are no reasons why the Travellers cannot be moved on contact Constant and Co. (01234 340091) out of hours admin@constantandco.com and place instructions for notice to be served for immediate eviction (2 hours from service of notice)

7. Constant & Co will require details of the number of vehicles/persons, location, and contact details for an authorising representative of Church Crookham PC, via whom they can maintain contact and monitor the situation.
8. Constant & Co will e-mail their Terms and Conditions to clerk@churchcrookham.org.uk or another nominated e-mail address. This document needs to be completed and faxed back by return.
9. Following receipt of the signed Terms and Conditions, Constant and Co will prepare Notices for service on the Travellers, advising them of the deadline by which they should move and warning them that they will be evicted if they fail to do so. For a small number of caravans (less than 3) eviction will usually take place within 2 hours, for a larger number of caravans the eviction will usually take place within 24 hours.
10. The Notices will be served on the Travellers by Constant & Co staff on the day of the eviction, an appropriate number of hours before the deadline.
11. Constant and Co will require at least one police officer to be present at the time of the Notices being served and at the time of the eviction. Actual numbers required at the eviction will depend on the scale of the occupation. Liaison between Constant and Co, Church Crookham PC and the local Inspector is essential.
12. Once the time of the eviction is known, the following should be considered:
 - Alert grounds maintenance personnel, Hart District Council litter team and KMC Cleaning so that any necessary clearing of the site can be undertaken immediately following the eviction.



- Secure other PC property that may be used as alternative sites.
- Parish Council Officers, Councillors, in conjunction with the police to notify local organisations or individuals of the eviction in time to enable them to secure other likely target sites.
- Consider traffic and pedestrian management in the surrounding area. There may be a need to close a road or control traffic movements during the eviction period.

13. Constant and Co will, if necessary, arrange for locally hired tow trucks.

14. Once the Travellers have left the site the Parish Council should contact Hart District Council waste services 01252 622122 and request a clear up. The Parish Council will be charged for this service, and it is likely to take a couple of days to complete.

15. The Parish Council should expect a lot of calls from residents during any unauthorised encampment in the Parish. Councillors and the Clerk should stay calm and explain to the public the legal process that has been started and advise members of the public not to confront the Travellers.

16. Clerk should update the website with progress reports, members of the public should be advised to call 101 to report any issues.

17. The Clerk should keep in touch with the Beat officer and the Company dealing with the eviction, there will be pressure from the public to keep chasing the Police to exercise their Powers under Section 61 and get the Travellers moved on quickly. Under this law the Police have powers to move the travellers on if there are more than 6 caravans and criminal damage; however, the Police must use this power in a balanced way. They will try to balance the impact on the residents with the human rights of the Travellers. The police will work with the Community Safety officer from HCC.

Contact Numbers:

CONSTANT & CO

First Floor, Woburn Court

2 Railton Road

Woburn Road Industrial Estate

Kempston, Bedfordshire

MK42 7PN

During office hours (Mon – Fri 07.00 – 16.30) Tel: 01234 340091

Out of Office Hours (06.00 – 20.00 Mon – Sun)

Email: admin@constantandco.com

Web: www.constantandco.com

NOTIFY:

Police:

- Emergencies, including immediate danger to personal well-being or property, call 999 and ask for the police.
- Suspicious behavior, and non-urgent matters for the police can be reported by calling 0845 045 4545 .
- Anti-social behavior, fly-tipping and general nuisance can be reported by calling 101.

Environmental Health (Hart): 01252 774421

Private Sector Housing (responsible for dealing with encampments on Hart DC owned land – available for guidance and advice):

Dan Fullbrook 01252 774249 dan.fullbrook@hart.gov.uk

Chris Read 01252 774231 chris.read@hart.gov.uk

Welfare Checks:

Hampshire County Council Gypsy and Traveller Service:

Primary contact; GLO Nicholas Waite – 07736 793003 – nicholas.waite3@hants.gov.uk

Secondary contact; SGLO Barry Jordan-Davis – 07736 792918 – barry.jordan.davis@hants.gov.uk

Alternative numbers for Hants CC Gypsy & Traveller Service: 0300 555 1375

Other legal services:

Joint legal Services HDC/B&DBC: – 01256 845357

Maria Bundy – Common Law team leader, manager of the legal team who deal with unauthorised encampments. Maria will allocate the matter when informed by Community Safety and is not a first point of contact to report incursions. Maria.bundy@basingstoke.gov.uk

Surrey Hills Solicitors: - 01306 877592

Tracked changes:

October 2020:

From:

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Removal of Action Plan 5: If the Police decision is to use section 61, they will ask the GLO for a welfare report.

Contacts and their details updated.