



## **FOUR MARKS PARISH COUNCIL**

### **ILLEGAL & UNAUTHORISED ENCAMPMENTS PROCEDURES POLICY**

#### **Introduction:**

When Travellers move their caravans etc. onto a piece of land they do not own, without the permission of the landowner, this is called an unauthorised encampment. This is a civil matter of trespass between the landowner and the Travellers, and it is the responsibility of the landowner to deal with the encampment.

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.

Anti-Social or Criminal Behaviour - A minority of travellers 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:*

- i. Parish Councillors should **not** approach the encampment;
- ii. Inform the landowner that they have an encampment, inform the police and Hampshire County Council's Gypsy and Traveller Service (GTS) through the HantsDirect switchboard and/or the Liaison Officer (HCC GLO) and/or the Assistant Gypsy Liaison Officer (HCC AGLO)
- iii. Ask to be informed of progress so that updates can be put on the Parish Council website.

*Unauthorised encampment on land **owned and/or leased** by the Parish Council:*

The policy of Four Marks Parish Council (the Council) is to evict unauthorised encampments (caravans and vehicles) as promptly as practical. The cost of removal shall be met by the Council and authorised at the monthly meetings in the normal manner. The procedure for removal can be authorised by the Executive Officer, under Delegated Powers, in conjunction with any two Parish Councillors, or three Councillors if the Executive Officer is unavailable.

Parish Councillors should **not** initially approach the encampment, see procedure below;

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

- i. Notify the Executive Officer and/or Chairman. In the event of either of these not being contactable, advise the Vice Chairman. If in turn the Vice Chairman is not contactable, advise other Councillors until three can be found to authorise further action.

- ii. The Executive Officer and the Chairman, or if unavailable the Vice Chairman, or if not are unavailable at least two Parish Councillors will attend the site to assess the occupation and try to record the number of caravans and vehicles.
- iii. If the Executive Officer or at least two Parish Councillors (or at least three Parish Councillors if the Executive Officer is unavailable) are agreed that the unauthorised occupiers are to be removed, the steps below should be taken. Those agreeing to such action together with the reasons for it should be recorded and reported to the next Parish Council meeting.
- iv. Report the encampment to the Police immediately via 999 or 101 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.
- v. If the Police decision is to use Section 61, they will make their own site welfare enquiries. If the Council is to take its own legal action then the Council will have to carry out its own Welfare enquiries or request for them to be carried out by the GLO/AGLO for which there will be a charge.
- vi. If there is no Police action, then the Council will take immediate action to evict the Travellers as soon as possible but will take advice from the police and the HCC GLO.
- vii. The Council's appointed solicitor will require details of the number of vehicles/persons, location and contact details for an authorising representative of the Council, via whom they can maintain contact and monitor the situation.
- viii. The Notices will be served on the Travellers by the Council's appointed solicitor on the day of the eviction, an appropriate number of hours before the deadline.
- ix. The Council's appointed solicitor 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 the Council's appointed solicitor, the Council and the local Inspector is essential.
- x. Once the time of the eviction is known, the following should be considered:
  - a. Alert a grounds maintenance company and East Hampshire District Council (EHDC) litter team so that any necessary clearing of the site can be undertaken immediately following the eviction.
  - b. Review security on other Council property that may be used as an alternative site.
  - c. The Executive Officer, 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.
  - d. 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.
- xi. The Council's appointed solicitor will, if necessary, arrange for locally hired tow trucks.
- xii. Once the Travellers have left the site the Council should contact EHDC and request a clear up. The Council will be charged for this service.
- xiii. The Council should expect a lot of calls from residents during any unauthorised encampment in the Parish. Councillors and the Executive Officer 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.
- xiv. The Executive Officer should update the website with progress reports, members of the public should be advised to call 101 to report any issues.
- xv. The Executive Officer should keep in touch with the Hampshire Constabulary 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.

**Contact Numbers:**

**POLICE:**

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

**HAMPSHIRE COUNTY COUNCIL:**

HANTSDIRECT Switchboard Tel: 0300 555 1375 (who will email the HCC GTS)

HCC GLO: Nicholas Waite 07736 793003

Email: [Nicholas.Waite3@hants.gov.uk](mailto:Nicholas.Waite3@hants.gov.uk)

**Fly tipping:** 01730 234295

Economy, Transport and Environment

EII West, The Castle, Winchester, Hampshire SO23 8UD

**Website:** <https://www.hants.gov.uk/wasteandrecycling/flytipping>

**Welfare:** To be carried out by the Parish Council either with GLO guidance or via an appointed Bailiff

**EAST HAMPSHIRE DISTRICT COUNCIL**

Environmental Protection Team: Tel: 01730 266551

**SOLICITORS**

Contact Insurance Company in the first instance