



CABINET – 2 APRIL 2003

PROPOSED POLICY ON EVICTION OF GYPSIES AND TRAVELLERS FROM COUNCIL OWNED LAND

1. INTRODUCTION

- 1.1 The purpose of this report is to inform Members of the position in respect of the unlawful encampment of gypsies and travellers and all people who live in movable structures and are camped without permission (hereafter referred to as 'travellers') on Council owned land and to suggest adoption of a policy and other measures which will streamline the Council's approach in dealing with such unlawful encampments.
- 1.2 It is important that the Council has a policy on dealing with travellers at a time when litigation, including legal challenges, are common place. It is considered that having such a policy, whilst not a guarantee against Court challenges, will put the Council in a stronger position if called upon to defend its actions with regard to the eviction of travellers.
- 1.3 It is also important for any policy to respect not only the rights of the settled community but the rights of travellers who are a recognised group under Race Relations legislation. Other authorities within Hampshire have either adopted a policy or are in the process of doing so.
- 1.4 Members will need to be aware that the Government is currently giving consideration as to whether to impose more onerous obligations on local authorities to provide sites for travellers evicted from land. A County wide group of local authority officers and members (the Joint Authorities Gypsy and Travellers Panel) is also looking at this particular issue. Their concern is that travellers evicted from one local authority's area simply become a problem for the neighbouring local authority when they move on and hence, an endless chain of evictions ensue. Therefore, the Group is currently considering how to address this problem. Should the Council's legal obligations change as a result of legislation or if proposals come forward from the County wide group, a further report will be brought before members.

2. BACKGROUND

- 2.1 Members will be aware that from time to time travellers unlawfully camp on Council owned land. During the summer of 2002 frequent unlawful encampments occurred throughout the New Forest on both District and Parish/Town Council land and on land owned by private individuals. Concerns have been raised by the public and some members of the Council about the problems generated by unauthorised encampments. Local residents have complained of criminal acts, nuisance and general anti-social behaviour.

- 2.2 Local authorities (including Parish and Town Councils as well as other land owners) have the right to go to Court to seek possession of their land when it is unlawfully occupied.

3. THE LAW AND STEPS TO BE FOLLOWED TO SECURE REPOSSESSION

- 3.1 Where unlawful encampments occur on land, owners have the power to instigate legal action to remove travellers through the County Court, on the basis of unlawful trespass. Alternatively, action may be taken through the Magistrates' Court (see further below).
- 3.2 Initially a decision must be made as to whether it is appropriate to evict the travellers. At this stage, the group's specific welfare needs must also be considered. As a matter of law, issues such as the general health and welfare of the group including any child's educational needs must be addressed.
- 3.3 Negotiation with the group should also take place to establish the group's intentions in an attempt to agree a mutually agreeable date for the group to leave the land voluntarily. This step is part of well established good practice.
- 3.4 If a mutually agreeable date for moving on cannot be agreed, a further assessment must be made as to the degree to which the encampment is interfering with the lawful rights of others. There are several factors which should be taken into account when making this assessment, for example, location of the encampment, its proximity to residential areas, the effect on local amenities such as car parks and recreational areas. Other facts to consider include the level of nuisance caused (if any) and whether it is manageable.
- 3.5 In addition, when considering whether to seek possession of Council owned land, regard should be given to Government Guidance and Circulars dealing with the issues raised by unlawful encampments. Whilst these publications are not legally binding, it is likely that the Council would be in some difficulty if it were challenged about a decision to evict if it were found that such guidance had been ignored.
- 3.6 Furthermore, as a public authority, the Council must be ever mindful of the rights and freedoms provided under the European Convention on Human Rights, both to travellers and the settled community. Travellers are also protected from discrimination by the Race Relations Act 1976 (as amended) together with other ethnic groups.
- 3.7 The criteria used by the Council in making decisions in respect of the eviction of travellers should be applied consistently and be recorded. The Government suggests that the criteria or "policy" adopted by a local authority should be clearly set out and widely available. The "policy" should make clear the circumstances in which travellers may be permitted to stay before eviction proceedings are commenced. Many authorities within Hampshire have adopted a Code devised by Hampshire County Council (HCC) which is attached to the draft Policy set out in Appendix 1 hereto. This Code reflects the law and good practice.
- 3.8 If the travellers will not move on by negotiation and legal proceedings become necessary, then the Council may take action to recover possession of its land in one of two ways:-

3.8.1 County Court

The Council may issue a claim for possession in the County Court. If possession is granted and the travellers do not move voluntarily, then Bailiffs are instructed to evict the group. The process of eviction is not instantaneous and the length of time between the Order being granted and eviction depends on the commitments of the Bailiff service at any given time.

3.8.2 Magistrates' Court

An alternative way of securing possession is via the Magistrates' Court. This allows the Council to serve an Order on persons unlawfully camped requesting that they leave the land. If they fail to comply then the Magistrates may issue an Order for their removal. This enables the Council to remove the group from the land if it fails to comply with the Court Order. It is an offence not to comply with such an Order or to return to the land within three months. However, in practical terms prosecutions would be difficult and this is the experience of other local authorities.

4. THE WAY FORWARD

- 4.1 At present, unlawful encampments on Council owned land are dealt with initially by officers within the Directorate responsible for the management of the land, who in turn inform the Legal Section of the Council. The next step is for officers responsible for the land to visit the site. At this stage, it is important that investigations as to the camp's circumstances take place including humanitarian, health and welfare assessments made. In the past the Council has requested HCC's Gypsy Liaison Officer (GLO) to visit the land and report back to the Council in this regard. The GLO's involvement is considered vital as that officer has considerable experience with the travelling community and is usually very persuasive in obtaining an agreement for vacation of the site that is acceptable to both parties.
- 4.2 Up until the present time, the Council has been relying essentially on the GLO's goodwill in assisting the Council in investigating the circumstances of the camp. Due to the increase in traveller incursion generally on land owned by local authorities within Hampshire, this informal and "free" service unfortunately cannot continue. Therefore, should members agree, it is proposed that the GLO's assistance should always be sought. Although there are likely to be costs involved in utilising the GLO's time, it is considered that such costs can be met from Directorates' existing budgets.
- 4.3 In practice, the GLO will investigate all the circumstances surrounding the unauthorised encampment and will report back to the Council. It will then be up to authorised officers of the Council to balance all the information and decide whether eviction is justified.
- 4.4 It is important therefore, that the Council's own officers responsible for the management of the land that is unlawfully occupied, are authorised to take decisions that possession proceedings against the travellers should be instigated. Recommendations are contained at the end of the report covering this issue.

- 4.5 Due to the fact that traveller incursion impacts on many bodies, recent meetings have been taking place between NFDC, Hampshire Constabulary, the Forestry Commission and Totton Town Council (which had a particular problem during the Summer of 2002). What has evolved from these meetings is a clear agreement that the most effective way of dealing with the problems of unlawful encampments is for the various bodies to work together to avoid the situation of merely moving problems from one area to another.
- 4.6 There is no doubt that unlawful traveller incursion on land can be of great concern to the general public. It is therefore important for the public to be aware of how the Council will deal with unlawful encampments on its land. HCC have devised a leaflet for members of the public concerned about travellers, which is at Annex 2 to the draft Policy at Appendix 1 to this report. It is intended that such leaflets will be sent out to any member of the public who makes an enquiry. This step will undoubtedly lead to better communication which hopefully will reduce the need for anyone to complain about the Council's actions.
- 4.7 It is important that the Council has a formal policy laying down how decisions will be made when dealing with travellers. By having such a policy, the Council will be making clear how they will deal with travellers and the decisions which may follow. A suggested policy, taking on board the relevant law and Government guidance is at Appendix 1 to this report. Procedural Guidance notes for officers are also attached to the proposed policy.

5. CONCLUSIONS

- 5.1 It is important that the Council has a clearly defined policy which reflects current law and good practice in respect of unlawful encampments. Once adopted, it is important that the policy is adhered to in the interests of both travellers and the settled community. However any policy must be flexible to reflect any change in the law or recognised good practice.

6. FINANCIAL IMPLICATIONS

- 6.1 There are currently costs involved when evicting unlawful travellers from Council owned land including officers' time and Court fees. These will continue but can be met from existing budgets. However, the "free" service involving the GLO which HCC has provided in the past cannot continue and there will be a modest increase in costs incurred as a result of formalising the arrangements of utilising the GLO. However, these costs are not expected to be so great that they too cannot be met from within existing budgets.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 It is important that steps are taken to reduce any injury or damage caused to property or the environment as a result of unlawful encampments, whilst having regard to the rights of travellers. The adoption of the suggested policy which clearly sets out how the Council will deal with unauthorised encampments will help to ensure that travellers, where necessary, will be removed from land where environmental damage is being caused.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 In some circumstances, allowing travellers to remain on Council land could cause an increase in crime and disorder. Whilst criminal activity should be dealt with directly by the police, the Council, by seeking repossession of its land in line with the law and good practice, should lessen the chance of criminal behaviour escalating, if there is evidence of such a problem.

9. PORFOLIO HOLDER'S COMMENTS

- 9.1 The Environment Porfolio Holder has endorsed the proposed policy.

10. RECOMMENDATIONS

- 10.1 That the Cabinet:

10.1.1 agree to the adoption of the policy at Appendix 1;

10.1.2 agree to utilise the County Council's Gypsy Liaison Officer to investigate the circumstances of the unauthorised encampment and report back to the Council.

10.1.3 authorise those officers of the Council responsible for managing the land that becomes unlawfully occupied by travellers (or such other officers so authorised in writing by the Chief Executive or any Director) to take decisions (having consulted HCC's Gypsy Liaison Officer) on behalf of the Council as to whether possession proceedings or other legal proceedings be instigated to secure repossession of the land.

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Background Papers:

Published documents:
Hampshire Local Authorities/
Hampshire Constabulary
Guidelines for dealing with
Unauthorised Encampments

NEW FOREST DISTRICT COUNCIL

POLICY

ON UNAUTHORISED ENCAMPMENTS

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1. INTRODUCTION

The Council recognises that unauthorised gypsy and traveller encampments can lead to concerns and friction between the settled community, travellers, and landowners. This policy aims to help resolve these problems. It reflects the law, and Government guidelines on good practice.

This policy covers all people who live in movable structures and are camped without permission on Council land.

The Council will take the lead role in all such cases.

The Council accepts that the balance between the needs of a nomadic people, and the concerns of the settled community, is a sensitive one. In all cases the Council will seek to produce a workable solution, based on its statutory responsibilities, common sense and established good practice.

Co-operation from all those concerned – local people, businesses, the police, and the travellers themselves - are also important to enable acceptable solutions to be found.

2. DISCRIMINATION AND HUMAN RIGHTS

Gypsies and travellers are recognized minority ethnic communities under Race Relations law. It is unlawful to discriminate against them by virtue of their ethnic group. The Council will avoid the possibility of discrimination or inequality in its treatment of travellers.

The Council will also have regard to the Human Rights Act 1998. Under this Act, all elements of society, including the settled community affected by unauthorized encampments, have rights and reasonable expectations of behaviour. The Council will seek to balance the respective rights of the parties, and to act proportionately.

3. UNAUTHORISED ENCAMPMENTS – THE COUNCIL'S APPROACH

The Council will resort to legal remedies when necessary. This includes where the parties cannot resolve the matter within a timescale that is reasonable in the circumstances.

The Council will follow, and take into account the information obtained under paragraphs (a) to (g) below before it decides whether to resort to legal remedies.

(a) Initial Action

The Council will act promptly when it learns of an unauthorised encampment. An officer will visit the site as soon as possible. He or she will follow the initial paragraphs of the Procedural Guidance Notes for

Officers (Annex 1 to this policy). A Gypsy Liaison Officer will then be asked to visit the site.

(b) Negotiation and toleration

In the first instance the Council will, if possible, seek to negotiate with the travellers. However, this does not mean the Council will allow unauthorised encampments to remain for longer than reasonably necessary.

There are circumstances in which the Council is likely to tolerate unauthorised encampments for limited periods. These circumstances will arise when gypsies and travellers adhere to certain basic rules as follows:

- Occupants of the site must respect the environment, the surrounding property and the reasonable expectations of the local settled community,
- The size of the group should be appropriate to the location.
- No dumping of trade waste.
- The occupants of the site will be accountable of their behaviour towards the local community and each other.
- Animals such as dogs, goats and horses must be kept under control at all times.
- All human waste on-site must be dealt with in a safe and hygienic manner.
- Continuous occupation of the same site by consecutive groups is not acceptable.
- A definite date of departure once agreed with officers will be adhered to.

These points are summarised in the “Guidance Notes” and “Code of Practice for Gypsies and Travellers in Hampshire”. This document (attached at Annex 3 to this Policy) is produced by Hampshire County Council and is based on Government guidelines. The Gypsy Liaison Officer will provide a copy of the document to the travellers on his or her first visit to the site. Any deliberate breach of the conditions listed above may result in the immediate eviction of those encamped.

(c) Welfare Needs

The Council's officers, or the Gypsy Liaison Officer, will record information about the health, welfare, and educational needs of the travellers. This will include:

The make-up of the group
Whether there are children, and if so their educational needs
Whether there are pregnant women
Any health problems
Environmental health issues such as water and sanitation
The reasons for the group's presence on the site, and their plans or intentions for its occupation.

The Council will take these issues into account when it decides whether to resort to legal remedies.

(d) Protecting the Environment

The Council will take specific account of the impact on the environment of the unauthorised encampment, bearing in mind that much land in the District falls within the New Forest Heritage Area and/or has some other special designation.

(e) Other Travellers' Sites

The Council has no legal duty to provide sites for gypsies and travellers. Other authorities maintain a limited number of sites in Hampshire, and a number of gypsy families live on their own privately owned sites. The availability of other authorised campsites may be relevant when deciding whether it is appropriate to take legal action.

(f) Role of the Police

The police have powers under the Criminal Justice and Public Order Act 1994 to deal with trespass by travellers. Where, exceptionally, it becomes necessary the police will assist the Council in resolving particularly difficult situations.

Any alleged criminal activity by travellers should be reported direct to the police, who will take what action they deem appropriate.

(g) Public Concerns and the Rights of the Settled Community

The Council recognises that an unexpected incursion of travellers can cause concern to the settled community. An assessment will be made as to the degree to which the encampment is interfering with the lawful rights of others. Factors such as the location of the encampment, its proximity to residential areas, the effect on local amenities such as car parks and recreational areas and whether any nuisance, damage or criminal behaviour is being caused will be taken into account in reaching any decision to secure repossession of the land.

A member of the public who enquires about an incursion will be given a copy of the County Council's information leaflet "Travellers and the Law in Hampshire" (Annex 2 to this policy).

4. LEGAL ACTION

After the prescribed investigations as to the camp's circumstances and the humanitarian, health and welfare implications of the occupants of the site have been investigated, all material facts regarding the occupation will be forwarded to the Council's 'relevant officer' (i.e. the officer responsible for the management of the land that is unlawfully occupied or another duly authorised officer). This officer will decide on the Council's further actions. They will balance all available information and ensure that the Council's actions are proportional to the unauthorised occupation. Having done so, they may decide there is no reasonable justification for the travellers failing to move on and that legal proceedings should be instigated to secure possession of the land.

In this event, the Council's Legal Services will take the necessary legal action to remove the encampment.

Normal practice will be to use civil remedies to reclaim possession of the land available through the County Court.

Other remedies, such as planning enforcement procedures, service of abatement notices, and removal of vehicles under byelaws, may be available and the Council will use these if it believes them to be appropriate.

In all cases officers will follow the appropriate paragraphs in the attached Procedural Guidance Notes for Officers (Annex 1 to this policy), unless circumstances necessitate more immediate action. Any proposed departure from the procedure must be discussed with the Council's Legal Services.

PROCEDURAL GUIDANCE NOTES FOR OFFICERS DEALING WITH UNAUTHORISED ENCAMPMENTS

1. As soon as possible after being notified of an unauthorised encampment the 'relevant officer' will make an initial visit to the site in an attempt to establish the intentions of the group and to 'open' lines of communication. The 'relevant officer' will be an officer who has management responsibility for the land in question. This could include officers responsible for housing, leisure, estates land and car parks. The relevant officer should always be accompanied on site by another officer. That officer will be nominated by the relevant officer and will depend on who is available at any given time. (In the event the relevant officer is not available, another senior officer should obtain the written authorisation from the Chief Executive or a Director to act and take all necessary decisions under the Council's policy).
2. On the initial visit the relevant officer will assess conditions on the site and leave bin bags with the group for the disposal of waste. He will also consider, with assistance and advice from Environmental Health Officers, whether other facilities are necessary such as, perhaps skips. The cost of providing such facilities must be weighed up against the cost of cleaning the site when the encampment leaves. Experience has shown that in some cases travellers are prepared to use such facilities if they are provided.
3. The relevant officer will contact legal services as soon as is practicable after becoming aware of the encampment. The relevant officer will then contact all interested parties, as far as is possible, including the local police, dog warden services, environmental health and anyone else who seems appropriate to him/her and give them notice of the encampment. It is very important to keep people informed about the situation – this reduces the level of fear and anxiety amongst the local community that can be experienced when a group of travellers suddenly arrives in the area.
4. The relevant officer will also attempt to identify other sites in the locality vulnerable to unauthorised occupation and secure them accordingly in an effort to avoid further unlawful encampments. The Gypsy Liaison Officer can advise on preventative and defensive measures.
5. Legal Services will contact HCC's Gypsy Liaison Officer (GLO) to ask that officer to visit the site and report back to the relevant officer on the circumstances of the unauthorised encampment as well as providing any humanitarian, health and welfare information. The GLO will give his opinion as to how long he believes the encampment is likely to remain on the land. He will hand out copies of the 'Code' (Annex 2). The GLO may ask the relevant officer to involve other agencies such as traveller

organisations, local GP, education services, Social Services. The GLO or the relevant officer will record any initial observations such as:-

- group's intentions for leaving the site, and where they intend to go next,
- approximate size of encampment
- means of entry into site including details of any damage caused
- any nuisance being caused such as fly tipping, noise, or uncontrolled animals
- any criminal activities
- the normal use of the site and whether occupation of the site by the encampment is detrimental to the settled community in the area and any other interested parties such as regular visitors to the site e.g. sports playing fields. If so, in what respect.

6. The GLO will relay all relevant information to the relevant officer. The relevant officer (or duly authorised officer) dealing with the matter will take into account the observations of the GLO, the factors that have to be considered under the Council's policy and legal advice, and will decide whether:

- (a) to issue immediate proceedings for possession or other legal proceedings, or
- (b) in the circumstances, to delay such a decision,

having due regard to any welfare needs and human rights of the travellers and the settled community and the need to ensure that any action being taken is proportionate in the circumstances.

7. In the event that a decision is made to delay the issue of possession proceedings, the travellers will be advised of the period they are allowed to remain on the land and expectations of behaviour during the period. This will be discussed with the travellers by the relevant officer or GLO and will include matters such as a prohibition on the dumping of waste and the size of the group being relative to the site in issue.

8. If eviction is or becomes necessary, the Council's solicitors will consider the appropriate legislation/powers to use. These include:-

- Criminal Justice and Public Order Act 1994 (Magistrates Court)
- Civil remedies for possession in the High or County Courts
- Environmental Protection Act 1990 (Abatement Notices)
- Removal of vehicles under local byelaws relating to parking and car parks.

NB: In practical terms many of these powers are inappropriate to use in such situations due to the delay involved or Human Rights considerations.

In most circumstances, civil remedies for possession in the County Court will be the most appropriate legal remedy.

9. Solicitors will prepare and issue the relevant proceedings.
10. The relevant officer will then stake the papers and notice of hearing on the site of the encampment. Two stakes must be placed on the land and the papers displayed in a plastic wallet. One set must be affixed to a board staked in the ground at the entrance to the premises or to the entrance itself, if appropriate. The other must be placed at a prominent location on the site. The relevant officer (or another duly authorised officer) should also hand copies of the papers to as many of the occupants of the site as possible.
11. If an Order for possession is granted, the bailiffs will be instructed to effect eviction. However, in the meantime, the relevant officer must stake a copy of the Order on the site. The group may leave of their own free will once they are aware of the Court Order.
12. The legal officer dealing with the matter will report to the relevant officer the date that the bailiffs will effect eviction. The relevant officer will then arrange to meet the bailiffs on the site on the appropriate date and time. Additionally the relevant officer will advise the Police of the planned eviction and request their attendance. It will obviously be a matter for the Police in each and every case to decide whether their attendance is necessary and appropriate. He/she will also arrange for the appropriate means of removal of vehicles to be available should that prove necessary. **This is extremely important as the bailiffs cannot effect eviction without the relevant officer or someone nominated to attend on his/her behalf.**
13. The relevant officer will arrange for clear up and re-securing of the site, if applicable.

Q Can the Court refuse to grant the Council an order to move Gypsies/Travellers on?

A Yes. If there is an unavoidable reason for Gypsies/Travellers to stay on the site, or if the Court believes that the Council has failed to make adequate enquiries regarding the general health and welfare of the Gypsies/Travellers. The Council must try to find out this information before going to Court.

Q What can the Police do?

A The Police will visit sites reported to them. In certain circumstances (eg, where Gypsies/Travellers have six or more vehicles), officers may use powers under Section 61 of the Criminal Justice and Public Order Act 1994. These powers will only be used in situations of serious criminality or public disorder not capable of being addressed by normal legislation and in which the trespassory occupation of the land is a relevant factor.

The Police are bound by the Human Rights Act and may be constrained to avoid using Section 61 in circumstances where it would preclude welfare considerations from being applied by the civil courts.

The duty of the Police is to preserve the peace and prevent crime. Trespass on land by itself is not a criminal offence. Prevention of Trespass and the removal of trespassers are the responsibility of the landowner and not the Police. The Police will investigate all criminal and Public Order offences.

USEFUL CONTACTS

Hampshire County Council:

Gypsy Liaison Officer - George Summers

Tel01962 847315

Fax01962 866093

e-mailgeorge.summers@hants.gov.uk

The Education Welfare Officer -

Marian Ranaghan Tel 023 8081 2113

Travellers' Teacher Advisor -

Jill May..... Tel 023 9249 8200

Basingstoke & Deane Borough Council ..01256 844844

East Hampshire District Council.....01730 266551

Eastleigh Borough Council.....023 8062 2308

Fareham Borough Council.....01329 236100

Gosport Borough Council.....023 9258 4242

Hart District Council01252 622122

Havant Borough Council.....023 9244 6217

New Forest District Council.....023 8028 5165

Portsmouth City Council.....023 9283 2461

Rushmoor Borough Council01252 516222

Southampton City Council.....023 8083 3650

Test Valley Borough Council01264 364144

Winchester City Council01962 840222

Police:

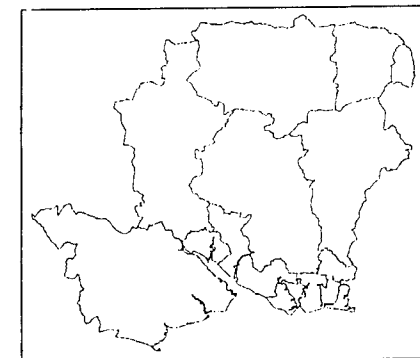
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..... Tel 0845 0454545

AN INFORMATION LEAFLET

TRAVELLERS AND THE LAW

IN HAMPSHIRE



Property Business & Regulatory Services

First published February 2002

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Hampshire
County Council

INTRODUCTION

There are a number of groups of people who travel the country, staying for various periods in different areas for family reasons and to earn a living. In most cases, it has been their way of life for generations.

Gypsies are protected from discrimination by the Race Relations Act 1976 and the Human Rights Act 1998, together with all ethnic groups who have a particular culture, language or values.

The aim of this leaflet is to set out how the Council and other official agencies will work to try to balance the rights of all those involved.

Q Why do Gypsies/Travellers pursue a travelling lifestyle?

A Their way of life means that they travel the country, staying for various periods of time in different locations

Q Does the Council have a duty to move Gypsies/Travellers when they are camped on local authority land without permission?

A If Gypsies/Travellers are camped on Council land, the Council may evict them. The Government has advised that, when Gypsies/Travellers are not causing a problem, the site may be tolerated for a limited period.

Q Does the Council have a duty to move Gypsy/Travellers when they are camped on private land?

A No, if they are on private land it is the owner's responsibility.

Q If Gypsies/Travellers camp on private land, what can the landowner do?

- A
- i) Talk to them to see if a leaving date can be agreed.
 - ii) Take proceedings in the County Court under the Civil Procedure Rules to obtain a Court Order for their eviction. There must be a minimum of two clear days between service of documents and the Court Hearing.

Q What if the landowner decides to let them stay on the land temporarily?

- A Unless the landowner has already obtained planning permission for a caravan site or is a farmer and the Gypsies/Travellers are helping with fruit-picking etc, the landowner could be in breach of Planning Acts and the Acts dealing with the licensing of caravan sites. You may wish to seek further advice from Hampshire County Council Gypsy & Traveller Service on 01962 847315

Q If the landowner fails to take appropriate action to remove the Gypsies/Travellers, what will the Council do?

- A If the landowner is in breach of any planning or licence requirements, the District Council may take proceedings against the landowner to require removal of the illegal encampment.

Q I have seen Gypsies/Travellers camping on the side of the road and sometimes on parks or other Council-owned land, what can the Council do in these cases?

- A If the Gypsies/Travellers are causing problems they will be moved on as soon as is possible and reasonable. The County Council will consider each case on its merits. In all cases the site is visited and every effort made to ensure that the Gypsies/Travellers keep the site tidy and do not cause public health or noise problems. This sometimes means that refuse collection facilities may be provided for this purpose.

Q Can the Council remove Gypsies/Travellers from their land immediately?

- A No, before action is taken, the Council must:
- Show that the Gypsies/Travellers are on the land without consent;
 - Make enquiries regarding general health, welfare, children's education;
 - Ensure that the Human Rights Act 1998 has been fully complied with;
 - Follow a set procedure in terms of proving ownership of land and details of the illegal encampment that will enable them to successfully obtain the necessary authority from the courts to order the Gypsies/Travellers to leave the site.

Q How long will it take for the Gypsies/Travellers to be removed?

- A This will depend upon the circumstances of each individual case. The Council will need to take account of the issues outlined above as well as how soon they can obtain a Court Hearing date.

HEALTH

Should you have any medical or dental problems, you should be able to see any local GP or dentist, even if you are not registered. In the event of an emergency, report directly to the nearest Accident & Emergency department of the local hospital.

Hampshire Health Authority.....01962 853361

EDUCATION

Should you have any queries regarding the education of your children in Hampshire speak to one of the following:

The Education Welfare Officer:

Marian Ranaghan023 8081 2113

Travellers' Teacher Advisor:

Jill May.....023 9249 8200

YOUR OWN SITE / PLANNING ISSUES

If you own a piece of land or consider you may be able to buy or lease land for use as a caravan site, planning permission will be required.

Before purchasing land, discuss your ideas with the Local Council's Planning Department.

Names of Planning Consultants can be obtained from:

The Royal Town Planning Institute.....020 7636 9107

A Helpline is available through:

Acert.....01279 418666

COUNCIL-OWNED GYPSY CARAVAN SITES

The County Council has four permanent Gypsy caravan sites and Southampton City Council has one Gypsy caravan site.

For information on site provision contact:

Hampshire County Council01962 847315

Southampton City Council023 8083 3650

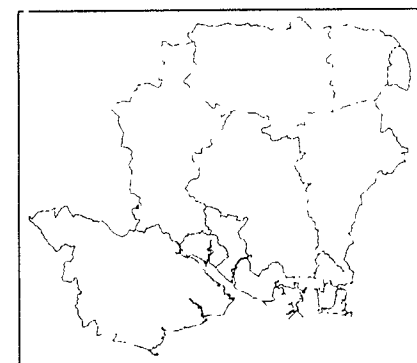
HUMAN RIGHTS ACT 1998

Gypsies and Travellers in the UK along with all other people have rights under Civil law and statutes. Gypsies and travellers are protected from discrimination by the Race Relations Act 1998, together with all ethnic groups. All elements of society including the settled community affected by unauthorised encampments have rights and reasonable expectations of behaviour and the local authority and police will balance everyone's human rights and act proportionally in all cases of unauthorised camping.

REFUSE COLLECTION

Please contact the Environmental Health Department of the Local Authority in whose area you are staying. Larger items need to be disposed of at Civic Amenity Sites.

GUIDANCE NOTES AND CODE OF PRACTICE FOR GYPSIES AND TRAVELLERS IN HAMPSHIRE



Property Business & Regulatory Services

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Hampshire
County Council

THE CODE FOR TRAVELLERS IN HAMPSHIRE

- 1 This Code has been drawn up by the local Authorities in Hampshire and the Police to deal with encampments on Council land, including highway land.
- 2 The Code sets out the expectations placed on the Travelling community and indicates how the local authority will manage unauthorised encampments.
- 3 Any stay on Council-owned land will be time-limited and dependant on the reasonable behaviour and co-operation of all parties involved.
- 4 Failure to comply with the Code will result in action being taken by the local authority or the Police to move the Travellers as quickly as possible.

WHAT THE CODE MEANS

- 1 The code applies to all encampments on Council land by Gypsies & Travellers who have a nomadic lifestyle for all or part of the year.
- 2 The Council has a duty to manage its land-holdings effectively and its actions to secure vacant possession of its land will depend on you complying with the following:
 - Look after the land you park on and don't cause problems for neighbours.
 - Do not engage in acts of vandalism or criminal damage
 - Do not create a hazard to road safety or health & safety.
 - Keep groups small, park vehicles safely and keep all animals under control.
 - Don't dump or burn rubbish.
 - Ask the local Council for black plastic bags which they will then collect on a regular basis.
 - Do not threaten or intimidate Local Authority Officers, other agencies or members of the public.
 - The same area of land is not to be re-occupied within a three-month period
 - When you move, it must be at least two-mile radius from the centre of the site occupied
- 3 The above applies to unauthorised encampments where criminal activity is not involved. Where there is evidence of such activity, Police will act swiftly.
- 4 The Local Authority will give appropriate consideration to your welfare and social needs.

THE CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

The Police and Local Authorities have strong powers to enforce the removal of unauthorised encampments. The possible penalties for not moving on when directed to can be severe, ranging from vehicles being impounded, to fines or even arrest. If vehicles are towed away, the owner can be charged with the cost of removing them and storing or disposing of them. Evictions can also be undertaken by the Local Authority obtaining a Possession Order from the High Court

MOVING ON

When you leave a site either by your own choice or if you are required to move, please leave the site as you found it. The state in which you leave the site will be taken into account if you attempt to camp on a new site.

GYPSY & TRAVELLER LIAISON OFFICERS

The County Council's Officers are based at The Castle, Winchester:
George Summers Tel 01962 847315
Richard Hulks Tel 01962 846694
Should you need any advice on matters arising from encampments on Council land, please contact them direct.

For Police queries contact Hampshire & Isle of Wight Police Control on 0845 045 045