

Church Crookham Parish Council – Policy on dealing with illegal 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 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 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. This generally involves a visit to the encampment by the Hampshire County Council Gypsy Liaison Officer (GLO).

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 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 advises 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 of 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 together for the reasons for it should be recorded and reported 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. If the Police decision is to use Sec. 61, they will ask the GLO for a Welfare Report.
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. A welfare report can be requested through an existing Service Level Agreement (SLA) between the relevant Local Authority and Hampshire County Council. There will be a charge for this service.

Note: As a private land owner and not being a Local Authority the Parish Council is not required to carry out Welfare Enquiries however to prevent any future grounds for a Judicial review of the re possession action, a Welfare report may be a consideration. 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 (0770 861706) 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 and Hart District Council litter team 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 774170 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

Princeton Court
Pilgrim Centre
Brickhill Drive
BEDFORD MK41 7PZ

Tel: 01234 340091 Out of Office Hours: Nick Perrin 07796 442242
Claire Wells 07770 861702

Email: admin@constantandco.commpany.co.uk

Web: www.constantandco.com.uk

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.

PCSO Ben Allman: Benjamin.allman@hampshire.pnn.police.uk

CSO Sarah Hyde: sarah.hyde@hampshire.pnn.police.uk

Don Browning (Environmental Health and Housing – HDC): 01252 774288

Don_Browning/Hart@hart.gov.uk

Or Mrs Louise Lyons on 01252 774278 (environmental Health and Housing – HDC)

Waste Services – HDC: 01252 774170

Welfare Checks:

Hampshire County Council Gypsy and Traveller Service:

Gypsy Liaison Officer - Barry Jordan-Davis: – 07736 792918

barry.jordan@hants.gov.uk

Alternative numbers for Hants CC Gypsy & Traveler Service: 0845 603 5638 or 01329 225398

Other legal services:



Joint legal Services HDC/B&DBC: – 01256 844 844

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 (Ian Davison): - 01306 877592