



Medstead Parish Council

Policy on Dealing with Illegal & Unauthorised Encampments

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 Gypsy Liaison Officer (GLO);
- iii. 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 Medstead 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 in conjunction with any two Parish Councillors, or three Councillors if the Clerk is unavailable.

Parish Councillors and the Parish Clerk should **not** approach the encampment.

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

- i. Notify the Clerk 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 Clerk and the Chairman, or if unavailable the Vice Chairman, or if 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 Clerk and at least two Parish Councillors (or at least three Parish Councillors if the Clerk 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 101 and request they ask the occupiers to leave immediately.
- v. Depending on the nature of the encampment and number of occupiers, it may be 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, for example, causing damage or having 6 or more vehicles, but this is unlikely
- vi. If the Police decision is to use Section 61, they will ask the GLO for a Welfare Report this may also be requested if children form part of the encampment.
- vii. If there is no Police action (i.e. Section 61 is not enacted), 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 GLO.
- viii. A representative may verbally request the occupiers to leave, but this should only be carried out of the advice of and accompanied by the Police.
- ix. If a Possession Order (notice of eviction) is required, this will need to be issued through the County Court. This can be organised by the Council's Solicitors who can then also arrange for a process server to serve the documents on the travellers an appropriate number of hours before the deadline.
- x. The Council's Solicitors will require details of arrival date/time, the number of vehicles/persons including children, location of the encampment and contact details for an authorising representative of Medstead Parish Council, via whom they can maintain contact and monitor the situation.
- xi. At least one police officer must 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 Solicitors, Medstead Parish Council and the local police is essential.
- xii. Once the time of the eviction is known, the following should be considered:
 - a. Alert a grounds maintenance company (and East Hampshire District Council) so that any necessary clearing of the site can be undertaken immediately following the eviction.
 - b. Secure other Parish Council property that may be used as an alternative site.
- xiii. The Solicitors can, if necessary, arrange for locally hired tow trucks.
- xiv. Once the Travellers have left the site, the Parish Council should contact the grounds maintenance company and request a clear up. The Parish Council will be charged for this service.
- xv. The Parish Council should expect a lot of communication 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.
- xvi. The Clerk will update the website with progress reports. Members of the public should be advised to call 101 to report any issues relating to the encampment.

Medstead Parish Council Policy - Illegal and Unauthorised Encampments

Adopted by Council 9th December 2020

Minute ref 20.152(i)

- xvii. The Clerk (or in the absence of the Clerk, the Chairman) should keep in touch with the Hampshire Constabulary beat officer and the Council's Solicitors 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 for many unauthorised encampments Section 61 will not apply. The police 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.

Appendix 1: Contact Numbers

Ms Kate Jackson

SURREY HILLS SOLICITORS LLP

296 High Street

Dorking

Surrey

RH4 1QT

Tel 01306 877592

kate.jackson@surreyhillssolicitors.co.uk

Email enquiries@surreyhillssolicitors.co.uk

Web: www.surreyhillssolicitors.co.uk.

Notify:

Police:

Emergencies, including immediate danger to personal well-being or property, call 999 and ask for the police.

Suspicious behaviour, and non-urgent matters incl. anti-social behaviour, fly-tipping and general nuisance for the police can be reported by calling 101.

Sergeant Neil Johnson Alton Prevention & Neighbourhoods, East Hampshire Area, Hampshire Constabulary, Alton Police Station. Email neil.johnson@hampshire.pnn.police.uk or david2.nops@hampshire.pnn.police.uk

EHDC Environmental Health and Housing www.easthants.gov.uk/environmental-health

Ryan Gulliver

Neighbourhood Quality Manager

East Hampshire District Council

01730 234 167

ryan.gulliver@easthants.gov.uk

Welfare Checks:

Nicholas Waite

Assistant Gypsy Liaison Officer

Estates & Development Services

Hampshire County Council

Room 0.01

Ground Floor

Castle Avenue

Winchester

SO23 8UJ

Tel: 01962 846588

Mobile: 07736 793003

Nicholas.Waite3@hants.gov.uk

Appendix 2: Action Record

Action	Date/ Time Completed by	Comments
Arrival of travellers (setting up of illegal encampment).		Who reported? Location of encampment
Notification of Clerk/ Chair		
Report to Police		Reference no:
Record of any damage to enable entry to site		
Number of vehicles, caravans, adults, children		
Agreement that unauthorised occupiers to be removed (Clerk + 2 councillors, or 3 councillors)		
Police enacting Section 61		YES / NO
Verbal notice to quit served		YES / NO
Completion of Police Witness Statement		
Welfare report (GLO)		Required? YES / NO Police organising YES / NO MPC organising YES / NO
Solicitor contacted		YES / NO
Possession Order being sought?		YES / NO
Eviction Date/Time		
EHDC Contacted		
Grounds Maintenance contacted		
Record of any additional damage to Council Property		