

Longhorsley Parish Council

Gypsy, Roma and Travellers

Unauthorised Encampment Strategy

Longhorsley Parish Council is responsible for dealing with unauthorised Gypsy Roma and Traveller encampments on land owned by the Council.

The travelling community can experience difficulties finding an authorised place to stop, and may set up an encampment on someone's land without consent, including green space, highway verges and lay-bys. This is a breach of civil law and, in certain circumstances, may be a breach of criminal law.

The aim of this policy is to address the need for an effective approach to the management of unauthorised Gypsy Roma and Traveller encampments on Longhorsley Parish Council land, whilst ensuring that the rights of the local settled community and the Gypsy Roma and Traveller communities are balanced.

In addition to this it aims to clarify the internal working arrangements around Unauthorised Encampments so that any future Unauthorised Encampments can be managed successfully, swiftly and without detriment to any community.

This policy is reliant on a collaborative approach between the council, our partners, and communities.

1.0 Introduction

This policy outlines our duties and powers. It builds on our own experience to ensure our process is fair, legal, equitable and ensures community cohesion is safeguarded.

2.0 Aims of the policy

This policy aims to set out how Longhorsley Parish Council will respond to Unauthorised Encampments on Council owned land. The policy seeks to ensure that its approach to responding to Unauthorised Encampments is consistent, lawful and proportionate.

This document is clear - managing Unauthorised Encampments must involve a balance between the rights of the landowner and/or wider community and the rights and welfare needs of those who have established the unauthorised encampment.

3.0 National and local context

Gypsies Roma and Travellers have been part of our community for hundreds of years. This includes those who travel regularly or families living in bricks and mortar housing.

Government guidance says that where Unauthorised Encampments are not causing problems; they can be negotiated for a short time. There will also be places where Unauthorised Encampments occur, which are generally unsuitable for The Gypsy Roma and Traveller community, as they do not contain the appropriate facilities, e.g., water, waste disposal facilities, pitch security and general safety measures. The lack of facilities can lead to unsanitary and dangerous conditions.

Unauthorised Encampments can cause concern for nearby communities, businesses in the vicinity and the statutory agencies that have to respond to concerns e.g., the Police.

4.0 Statutory duties of the council

Local authorities have a duty, under the Equality Act 2010, to promote good race relations, equality of opportunity and community cohesion in all of their policies and practices. This duty covers all racial groups, including Gypsies Roma and Travellers who are covered by the protected characteristics.

5.0 Legal powers to remove occupants from unauthorised land

5.1 Government policy requires that a court hearing is almost invariably required before evicting Unauthorised Encampments. This means that a timescale between 14 days and 6 weeks (from arrival to eviction) is likely, depending upon the route chosen.

5.2 There are a number of powers available to **Northumberland County Council** to deal with Unauthorised Encampments on **their** land, operated through the Gypsy, Roma and Travellers Liaison Officer:

- S77 Notice – requires travellers to leave within a specified time period (immediate, hours or days). The notice must be served on each caravan present
- If this doesn't work, he can apply to the Magistrates Court for a summons to be issued to each caravan. The Travellers have a right to present their case to the Magistrates and need 24hours notice of the court date.
- If they do not attend the case will be heard without them
- A Social, Health and Welfare assessment of the situation must be prepared
- S78 Notice – issued by the Court to be served on each caravan stating that they must move on within 24hours.
- If they don't move on an Enforcement Notice will be issued stating that the Liaison Office is coming onto site to physically move the vehicles on.
- This whole process can take between 7 to 10 days

Note: There are no temporary stopping locations in Northumberland at the moment. NCC has issued a directive "Calling for Sites" to be identified and included in their Local Plan.

6.0 Powers Available re: Parish Council Land

6.1 As in 5.2 above, however, this is time consuming and expensive.

6.2 **Crime and Criminal Justice and Public Order Act S61** - 'Direction to Leave Land' Can only be used by police if any of three conditions are met:

- If any persons have caused damage to the land or property on the land;
- Use threatening, abusive or insulting words or behaviour, or
- There are 6 or more vehicles on the land
- Does not require involvement of the courts, and is enforced by the police
- A person who does not leave promptly, or who re-enters the land as a trespasser within 3 months of the date of the Direction commits a criminal offence (s61(4))

6.3 **S62 of the Act** – 'Direction to Leave Land where an Alternative Site is Available'

- Can only be used where an alternative 'relevant caravan site' is available (see below)
- Can only be used by the police, on any land, to remove occupants and vehicles
- Does not require involvement of the courts, and is enforced by the police.
- A person who does not leave promptly, or who re-enters ANY land in the Local Authority's area as a trespasser within 3 months of the date of the Direction with the intention of residing there commits a criminal offence (s62B).

6.4 **In 2022 an amendment S60C (very important) allows the Parish Council or land owner to officially request police support in moving on an encampment immediately.**

6.5 The police will only use this power in extreme conditions as they have the right to consider but do not have to act. Extreme conditions include:

- Significant disruption to the settled community i.e., during Football Club presentation night
- Anti-Social behaviour
- Criminal Damage

6.6 Private evictions using Bailiffs can be very costly e.g., up to £10,000 per incident.

7.0 Longhorsley Parish Council's approach

7.1 When the Council receives a report of an unauthorised encampment on Parish Council owned land, this information will be passed on to the Clerk who will then speak to the nominated Parish Councillor who will then make contact with the encampment. If access to an area is

damaged on entry this is classed as criminal damage to gain entry. If access is open then it is considered to be fair game to travellers. The nominated officer upon visiting the site, will explain to the occupants that they are trespassing on Longhorsley Parish Council owned land and it is deemed that land is not suitable as a negotiable stopping place, the Council will use legal powers to move the group from the site as fast as possible. Most of the land in Longhorsley comes under "Village Green Land".

- 7.2 The Clerk will contact the NCC Gypsy, Roma and Traveller Liaison Officer to inform him that there is an unauthorised encampment on our land, in order for him to ascertain when the camp will be moving on and provide advice to LPC.
- 7.3 The Clerk will also contact the Police Community Engagement Team for Northumberland.
- 7.4 Any response must be kept in perspective and proportionate i.e., the recent incident involved local travellers who were never going to stop for more than 2 to 3 days. This was a traditional migration pattern, with no spike in crime and no anti-social behaviour reported. This was the first unauthorised encampment for many years.
- 7.5 Local residents will be kept informed that measures have been put in place and to leave all communication and liaison to the Parish Council representative.
- 7.6 Preventative measures will be put in place to ensure that gates to parish land are kept locked and signage installed saying for example "No camping or overnight sleeping allowed – clamping enforcement with a release fee is in operation".
- 7.7 Where the land is not owned by the Council, the relevant land owner (where known) will be notified.
- 7.8 There are locations where an encampment will not be acceptable under any circumstances:
 - A Site of Special Scientific Interest (SSSI) where an encampment endangers a sensitive environment or wildlife i.e., Longhorsley Moor
 - School car park or playing fields (especially in term time)
 - Other designated car parks, such as Village Hall.
 - Recreation grounds and public playing fields or parks.
 - A 'village green' or other open area within a residential area
 - The verge of a busy road where fast traffic is a danger to unauthorised encampment residents or their children i.e. A697
 - Sites that cannot be accessed easily by emergency and delivery vehicles.
 - Where a public right of way is blocked.
- 7.9 Following any future encounters with travellers, Longhorsley Parish Council will review this document, and if necessary, update it based on any lessons learned.