

GOODERSTONE PARISH COUNCIL

GYPSY AND TRAVELLER POLICY

PURPOSE OF THIS POLICY

The purpose of this policy is to inform officers and councillors on the procedure to be followed with unauthorised encampments on land owned by the parish council or land the council might manage.

This policy should provide reassurance to residents and other interested parties if the councils position with regards to unauthorised encampments.

It is also in place to ensure that unauthorised encampments can be dealt with in a fair and humane manner balancing the rights and needs of the parish and the travellers themselves.

What is authorised encampment?

An unauthorised encampment occurs when two or more people trespass on privately owned land with the intention of residing there with no permission from the landowner.

Responsibility

If an encampment occurs on parish land then it becomes the responsibility of the council to resolve, working with various agencies. The council gives delegated authority to its officer to report and deal with the matter following agreed procedures detailed in this policy.

Procedures – Overall and specific

Each occurrence will be considered individually, and any special circumstances will be taken into account. Any decisions made will balance the needs of travellers with the impact on council services and undue nuisance to neighbours and members of the public, including damage to land and property. It is important that actions taken follow an agreed process and includes evidence gathering throughout the duration of the unauthorised encampment.

- Intitle reports received and recorded should detail as much information as possible: number of caravans and other vehicles, date and time of arrival, site of encampment; number of children; animals on site.
- Detail of any hazards or nuisance which may have been created or any damage which may have occurred e.g., fires lite on site; rubbish deposit on site.
- The officer will contact the NEGRTS Tel 01603 222473 NSGRTS@norfolk.gov.uk
- The officer will contact the police if there is evidence of criminal activity.
- The officer will contact the Fire Services if there is evidence of danger to the public.
- NEGRTS will contact an initial site visit and a health and safety site assessment before enforcement action is taken. Discussion concerning enforcement action will be agreed with the council as the landowners

Police powers

Note that trespassers are a civil offence and not a criminal offence

Prevention of trespasses and the removal of trespasses are the responsibilities of the landowner and not the police. However, the police have powers to move travellers off the land where criminal activity by them can be established but this must be proven. The police also have discretionary powers under section 61-62 of the criminal justice and public order act 1994 to direct trespasses to leave and remove any property or vehicles they have with them where group behaviour goes against the act

The power applies where the Senior Police Officer reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following:

1. That the trespassers have caused damage to land or property
2. That any of the trespassers have used threatening abusive or insulting words or behaviour towards the occupier, a member of the occupier's family or an employee or agent of the occupier; or
3. That the trespassers have between them six or more vehicles on the land.

The mere fact of an encampment without any aggravating factors will not normally enable police to use this power. at the request of the divisional duty inspector, the police superintendent will assess whether or not an eviction notice can be served on the travellers by the police. in order to do so, there must be an evidenced and severe impact on the local community i.e. nuisance caused to residence ,community events inhibited, residents health and safety put at risk.

The Police are bound by Human Rights Act and may be constraint to avoid using section 61 of the Criminal Justice and Public Order Act 1994 in circumstances where it would be precluded welfare considerations from being applied by the civil courts.

The most efficient way for this impact to be proven is through each individual case of nuisance and criminal behaviour or damage being reported to the Police on their – non- emergency number of 101

Budget

The council will consider a contingency sum in its annual budget for costs arising from an encampment-serving notice, eviction, cleaning and securing the site ;also, on preventive measures to minimise repetitive unauthorised encampments.

Reporting

The officer shall report any encampment and actions taken to the next council meeting

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Reviewed annually

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