

Problems with Gypsies or Traveller encampments

Local Authorities are responsible for dealing with unauthorised gypsy camps on land owned by the Council. In Buckinghamshire the District Councils have an agreement that this will be dealt with by the Buckinghamshire Gypsy and Traveller Service managed by Buckinghamshire County Council.

The travelling community can experience some difficulties finding an authorised place to stop, and may set up an encampment on someone's land without consent, including highway verges and lay-bys. This is a breach of civil law and, in certain circumstances, may be a breach of criminal law. Buckinghamshire County Council's approach is based on the need to uphold the law and prevent unlawful occupation of land.

Such encampments can also give rise to complaints from local residents and businesses about various issues including damage to recreational land, blockage of footpaths and cycleways, accumulation of refuse, fly tipping, anti-social behaviour, noise, roaming dogs and criminal activity.

Residents sometimes ask why the Council and the Police do not evict gypsy and other travellers as soon as they arrive on a public open space or on other land.

Unlawful encampment

If you feel the location of an encampment in Chiltern or South Bucks District Councils is unlawful:

Contact Buckinghamshire Gypsy and Traveller service:

Telephone: 01296 395000

Email: gypsyandtravellers@buckscc.gov.uk

Information they will need from you:

- The location of the encampment
- How many caravans are involved
- Your enquiry or complaint

Police

If a crime is suspected, the Police will investigate any reports of crime and public disorder.

To report a non-emergency crime or incident to Thames Valley Police.

Always call 999 in an emergency. It's an emergency when a crime is being committed, there's a risk of injury, or there's a risk of serious damage to property. If it isn't an emergency but a quick response is needed, call 101

Alternatively please report online at www.thamesvalley.police.uk using the 'Report a crime or incident' form.

Frequently Asked Questions

Here are some frequently asked questions you may find useful.

Q. What rights do people have?

Everyone has rights, including the travellers, the local community and the people who own the land where the unauthorised encampment is located.

Gypsies and travellers, as with all other ethnic groups who have a particular culture, language or values, are protected from discrimination by the Race Relations

(Amendment) Act 2000 and the Human Rights Act 1998.

The decision to adopt a travelling lifestyle where housing need is met through living within a vehicle either on a long or short-term basis is made by a wide variety of people for a wide variety of reasons. It is therefore important that gypsies and travellers are not denied the right to mainstream services that the Council provides.

Q. Does the council have a duty to move gypsies / travellers when they are camped without the landowner's permission?

No. If they are camped on council land, the council can evict them. If it is private land, it is usually the landowner's responsibility. The government has advised that when gypsies / travellers are not causing a problem, the site may be tolerated.

Q. Can the Buckinghamshire gypsy and traveller service remove the encampment from Council land immediately?

No. The service must:

- Show that the gypsies / travellers are on the land without consent.
- Have regard to the general health and welfare of the group and the children's education.
- Ensure that the Human Rights Act 1998 has been fully complied with.

To do this the Service follows a set procedure that is based on Government guidance. This procedure includes proving ownership of the land, carrying out assessments for the health, welfare and education criteria, and assessing the impact of the encampment on its location and local neighbourhood.

Once these have been carried out the Service may use this information for the service of notices and summonses to apply for a court order to enable the Council to evict the encampment from the site.

If the travellers are found to be camped illegally on Council land then the Council may make an application to the Magistrates Court for an Eviction Order or to County Court for a Possession Order.

Q. How long will it take for the travellers to be removed?

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.

Q. Can the court refuse to grant an order to move the travellers on?

Yes. The Court can refuse to grant an order if it believes that:

- the Council has failed to make adequate enquiries regarding the health, welfare and education of the travellers, or
- if there is an unavoidable reason for the travellers to remain on site.

The Council must show that it has taken all reasonable steps to find out this information before going to court.

Q. What can the Police do?

The Police under certain circumstances can use powers under Sections 61 and 62 of the Criminal Justice and Public Order Act 1994. It is for the police to decide if these powers are to be used. Generally speaking these powers are only invoked where there are situations of criminality or public disorder.

The duty of the police is to preserve the peace and to prevent and detect crime. Trespass on land is not itself a criminal offence. The Police will investigate any reports of crime and public disorder.

Prevention of trespass and the removal of trespassers are the responsibility of the landowner and not the Police.

Q. What can the landowner do if the encampment is on private land?

It is the landowner's responsibility to take the necessary action to evict the encampment?

Start by talking to them to see if a leaving date can be agreed. If this is unsuccessful they can take proceedings in the County Court under the Civil Procedure Rules 1998 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 can the Council do if the landowner fails to take action?

The landowner may be in breach of planning legislation and the Caravan Sites Act 1960 unless the landowner has already obtained planning permission for a caravan site.

If the landowner is in breach of any planning or license requirements, then the council will take proceedings against the landowner to require removal of the illegal encampment.

Q. What can the Council do if an eviction order for public land is not complied with?

If the Eviction Order is not complied with then the Council can remove the caravans and other vehicles from the district.

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?

If the gypsies / travellers are causing problems they will be moved on as soon as is possible and reasonable. The Council will consider each case on its own individual merits. In all cases the site is visited

and every effort made to make sure that the gypsies / travellers keep the site tidy and do not cause public health problems. This sometimes means that refuse collection facilities may be provided for this purpose.