

Unlawful Traveller Encampments in Suffolk



A Strategy

1 Statement of Policy

We, the agencies listed on page 9 of this strategy, agree to work together to prevent travellers from settling on unauthorised camp sites in Suffolk and to control any problems arising from unauthorised camping. We will take positive action to prevent and detect anti-social and criminal behaviour on, and to protect the quality of life of the communities surrounding, unauthorised sites. When we make decisions on unauthorised campsites, we will take full account of the welfare, lifestyle and human rights of everyone concerned.

2 Introduction

In October 1998, the Department for the Environment, Transport and the Regions (DETR) published a research report called 'Local authority powers for managing unauthorised camping'. This report summarised the practical experiences local authorities and police forces have had in evicting travellers, particularly since relevant laws were introduced under the Criminal Justice and Public Order Act 1994.

Examples of good practice identified were also published in a joint Home Office and DETR document called 'Managing unauthorised camping - a good practice guide'. The guide states that managing unauthorised camping is an area which 'cries out for local authorities and the police to work together constructively to develop policies'. In order to achieve that aim, this strategy has been agreed by the Suffolk Constabulary, Suffolk County Council and the seven district and borough councils in Suffolk.

3 Principles

a The strategy is an agreed joint-working arrangement between the following agencies.

- Suffolk County Council
- Ipswich Borough Council
- St Edmundsbury Borough Council
- Waveney District Council
- Suffolk Coastal District Council
- Mid Suffolk District Council
- Babergh District Council
- Forest Heath District Council
- Suffolk Constabulary

We will meet twice a year to discuss issues connected with managing unauthorised camp sites in Suffolk.

b Our joint-working arrangement will be based on the recommendations contained in the 1998 Home Office and DETR publication 'Managing unauthorised camping - a good practice guide'.

c The strategy will explain the agreed response to unauthorised camp sites throughout the county and take account of the cultural differences between groups (generally referred to as 'Gypsies' and 'Travellers') which may affect any eviction process we follow.

d In this document, the term 'local authority' refers to each of the seven district and borough councils in Suffolk and Suffolk County Council, whichever is appropriate to the location of an unauthorised site.

e When local authorities and the police are evicting travellers from land, their aim will be to prevent crime and disorder, to protect the rights of others and to maintain public health.

4 The Strategy

- a** Local authorities will co-ordinate all action taken to deal with unauthorised camping on land which they own or control.
- b** If there is unauthorised camping on private land, any action to deal with it will generally be the responsibility of the landowner. However, if the site has become a public nuisance, and the landowner cannot or does not take appropriate action, the relevant local authority will co-ordinate any action it considers appropriate in the circumstances.
- c** To make sure everyone involved in this strategy understands any problems arising and action proposed, the local authority and police representatives dealing with the matter will keep in close contact. The local authority will keep a record of any proposed action.
- d** The local authority will contact the Traveller Education Service, Suffolk County Council's Social Care Services Area Child Care Manager and Suffolk Health Authority (who deals with the appropriate Primary Care Group or Trust) and ask for a 'welfare needs audit' before deciding on the appropriate action to take. The audit should take account of issues relating to housing. The local authority will use a standard form to gather information on the travellers for sending to the other agencies involved.
- e** The information from the welfare needs audit will be taken into account as part of the process for planning evictions from unauthorised camp sites. The local authority will fully record the results of the audit. The local authority must also tell the travellers that they have a right to get independent legal advice.

- f** If a local 'Crime and Disorder Reduction Partnership' could play an appropriate part in solving problems arising from an unauthorised camp site, the local authority's Community Safety Link Officer should contact that partnership at an early stage.
- g** Local Authorities and the police must always carefully consider both the benefits and disadvantages of any proposed action, bearing in mind that the problem could simply end up being moved on a short way.
- h** The police will be responsible for deciding to use their powers under section 61 of the Criminal Justice and Public Order Act. Their decision will be based on levels of criminal activity, the seriousness of breaches of the peace, and how significant the disruption is to the local community. In practice, the police will always consider using their powers under section 61 when a particular site is clearly intolerable for any of the reasons mentioned above. The police's decision will take account of the views of the appropriate local authority. Area Commanders will have to confirm any decisions to use or not use their powers under section 61 of the Criminal Justice and Public Order Act.
- i** If using powers under section 61 may cause, or increase the chances of, serious confrontation or disorder (for example, if large numbers or particularly aggressive groups are involved), the police and the relevant local authority will work closely together to decide the most effective way of managing and solving the problem. The appropriate local authority and the police's Sector Commander must keep a detailed record of any decisions.

- j** If the location and nature of a site is likely to cause a serious disruption to the local community, consideration will be given to classifying that site as ‘high profile’. For these sites there will be a policy of ‘minimal tolerance’. (Possible examples of such sites are car parks, school grounds, sports fields, environmentally-sensitive areas and so on.) At these sites the police are most likely to use their powers under section 61 of the Criminal Justice and Public Order Act as long as operational conditions and legal requirements are met. Each site must be judged individually and any decisions on the action to be taken must take account of the human rights of all concerned.
- k** Travellers arriving at Local Authority sites which are not ‘high profile’ will be dealt with in a way that reflects their willingness to follow a reasonable (and specified) code of conduct. However, the local authority should immediately give the travellers a notice stating that they are trespassers and can be lawfully evicted at any time (see the notice at appendix A). At this stage the notice must not give a time limit for them to leave the site as this may be seen to give them temporary authority to stay on the site.
- l** The policy on evicting travellers will show a degree of tolerance (in keeping with the European Convention on Human Rights and the associated Human Rights Act 1998). So it will accept that travellers need to stop somewhere for short periods and that the aim is to reduce negative effects on the community while considering any legal and welfare issues.

- m** Local authorities and the police may identify and monitor locations throughout the county which they could, as a last resort, suggest to travellers as alternative sites. These sites will be in areas which are less likely to cause disruption to the public. This will help to reduce serious problems caused by large numbers of travellers settling on unacceptable sites. The alternative sites will still be unauthorised and the action shown in paragraph 4k above must still be taken.
- n** The thrust of this strategy will be printed in two leaflets (appendices A and B) which will be given to travellers, landowners and the general public. The local authority officer responsible for giving notices to travellers must make sure the people he or she hands them to can read. If the officer is not sure, he or she should read the notice to the relevant person.
- o** Under current laws, local authorities do not have to provide official traveller campsites. So local authorities should follow the good practice recommended in the Home Office and DETR guide and continue to investigate and encourage effective alternatives (such as private or traveller-managed sites). Appendix A gives details of current sites in Suffolk.
- p** The commonly-used powers available to local authorities and the police are set out in appendix C.
- q** This strategy will be available to the public from all local authorities, police stations, libraries, Citizens Advice Bureaux and DSS offices. It is also available on the Suffolk Constabulary and Suffolk County Council websites.

- r** The Suffolk Constabulary and the local authorities will form a 'Traveller Steering Group' which will take account of policy decisions and review best practice. The group will meet twice a year.
- s** This strategy has been audited to make sure it keeps to the Human Rights Act 1998 and the County Secretary and Solicitor has agreed that it is legally accurate.

AGENCIES AGREEING TO THE PARTNERSHIP

Suffolk County Council

Ipswich Borough Council

St Edmundsbury Borough Council

Waveney District Council

Suffolk Constabulary

Mid Suffolk District Council

Forest Heath District Council

Babergh District Council

Suffolk Coastal District Council

Please remember that the person receiving this form may not be able to read.

If you are not sure, read the form to the relevant person.

Appendix A

NOTICE TO TRAVELLERS ON UNAUTHORISED CAMPSITES

You don't have a legal right to be on this land and so we (the local authority) and the police can take action to evict you at any time.

While we are making enquiries you should follow the advice below.

- Keep in small groups. Make sure there is a reasonable distance between your vehicles and park them away from any other groups that may be in the area.
- Park your vehicles safely so they do not block access or prevent the land being used for its intended purpose.
- Do not spoil this land by dumping or burning rubbish. We may give you plastic rubbish bags which we will collect when they are full. We will also tell you where you can dispose of larger items. If you leave litter you may be committing an offence under the Environmental Protection Act 1990, and if you dump any personal belongings you may be committing an offence under the Refuse Disposal (Amenity) Act 1978.
- Make sure children are supervised.
- Keep animals under proper control.

- Behave in a peaceful and law-abiding way so that there is less chance of you coming into conflict with, and us receiving complaints from, the local community.

Thank you.

Note If you move to another unauthorised site, the police will consider evicting you immediately if the site you move to is 'high profile'. 'High profile' sites include school grounds, playgrounds, car parks, environmentally-sensitive areas and other similar locations, particularly near people's homes.

AUTHORISED TRAVELLER SITES

We have set aside traveller sites in the county. If you would like to be considered for a pitch on one of these sites, either now or in the future, please call one of the following phone numbers.

Ipswich	- Phone: 01473 833641
Lowestoft (Waveney)	- Phone: 01502 741318
Skelton's Drove, Beck Row, Mildenhall	- Phone: 01638 717024
Mendlesham Road, Brockford	- Phone: 01449 766604
Suffolk County Council Traveller Liaison Department	- Phone: 01473 583107

EDUCATION

If you have any questions about the education of your children, please ring our Traveller Education Service on 01473 583530.

COUNCIL HOUSING

If you are interested in moving to council housing, please contact your local district council for more information.

YOUR OWN SITE

If you own land, or you are considering buying or leasing land to use as a caravan site, please contact your local district council's planning department for information and advice.

LEGAL ADVICE

You can get general legal advice by ringing the Telephone Legal Advice Service for Travellers on 01222 874580. You can use the service to get independent legal advice at any time.

PHONE NUMBERS FOR LOCAL DISTRICT COUNCILS IN SUFFOLK

	<i>During office hours</i>	<i>Out-of-hours emergency number</i>
Waveney	01502 562111	01502 525435
Suffolk Coastal	01394 383789	01394 383789
Ipswich	01473 432000	01473 433444
Mid Suffolk	01449 720711	01449 720711
Babergh	01473 822801	01473 822801
St Edmundsbury	01284 763233	01284 754355
Forest Heath	01638 719000	01638 719000

PHONE NUMBERS FOR TRAVELLER LIAISON OFFICERS IN NEIGHBOURING COUNTIES

Chelmsford, Essex	01245 437645
Cambridge, Cambridgeshire	01223 718407
Norwich, Norfolk	01603 222473

MAIN LAWS COVERING EVICTION FROM UNAUTHORISED SITES

Local authorities

- Section 77 of the Criminal Justice and Public Order Act 1994 (direction to leave land)
- Part 55 Civil Procedure Rules, County Court Rules (application to County Court)
- Order 113 of the Supreme Court Rules 1965 (application to High Court)

Police

- Section 61 of the Criminal Justice and Public Order Act 1994 (direction to leave land)

QUESTIONS & ANSWERS

Q Do the Council have a duty to move travellers when they are camped without the landowners permission?

A No. Councils may move the travellers on but it will depend on whether or not they are causing a problem. Primarily the responsibility for moving travellers rests with the landowner.

Q If travellers camp on my land what should I do?

A Consult your solicitor who can go to the County Court and obtain an Order granting possession of your land. Alternatively you can ask the Council or Court for advice.

Q Do the Police and the Council work together on these problems?

A Yes. There is a Standing Committee including representatives of the Suffolk Constabulary, Suffolk County Council and the seven District and Borough Councils of Suffolk. These agencies have worked together to produce a Joint Strategy which is available from police stations, council offices and your local library. The relevant telephone numbers are on the back of this leaflet.

Q If the Council want to, can they remove travellers from land immediately?

A No, because the Council first have to be able to show that the travellers are on the land without the consent of the owner. In addition enquiries must initially be made regarding the welfare and rights the travellers have before deciding on whether to take any action. If action is to be taken the travellers must be

asked to leave. If they refuse the Council can obtain a Summons to serve on them. The Court can subsequently issue an Order permitting the Council to move the travellers.

Q What legislation is open to local authorities in such circumstances?

A The Council can apply under Part 55 (County Court Rules 1981) which would be heard in the County Court. Order 113 (Supreme Court Rules 1965) is an application to the High Court. Both these orders may identify specific areas covering the traveller sites. It should be remembered that responsibility for removal of travellers from private land rests with the owner of the land.

In addition to these applications the Council can apply to a Magistrates Court for a Possession Order (Section 78 Criminal Justice and Public Order Act 1994) if the travellers fail to comply. In order to achieve this the council must have issued a direction to the travellers requiring them to leave the land (Section 77 Criminal Justice and Public Order Act 1994). These orders apply to specific sites and return to the site within three months is an offence.

Q If I own land, what can I do to deter travellers camping on it?

- A**
- Make earth barriers.
 - Plough the land so vehicles sink in.
 - Reduce access width and/or headroom by the use of barriers.
 - Place locked gates across the entrance.
 - Use the land for some purpose that makes it unsuitable to live on.

You may need to consult your solicitor or insurers prior to taking such actions.

Q I have seen travellers camping on sides of roads, parks or other Council owned land. What can the Council do in these cases?

A If travellers cause problems they will be moved on as soon as possible.

If they are not causing a problem the encampment may be tolerated for a short time, but the travellers will be told they are trespassing. The Council will consider each case on its merits. In all cases the land is visited and every effort made to try and make sure the area is kept clean and tidy and does not cause any public health problems.

Q Do the Police have a duty to do anything to help?

A The Police have a duty to preserve the peace and prevent offences against people and property. This applies to both the community as a whole and travellers. Trespass on land alone is not a criminal offence and prevention of trespass is the responsibility of the landowner and occupier, not the Police.

Q What can the Police do?

A In certain circumstances a senior police officer has the discretion to order the travellers to leave and remove any vehicles and other property they may have with them on the land (Section 61 - Criminal Justice and Public Order Act 1994). If they fail to do so they may commit an offence and may be taken to Court. The Police must be satisfied that the owner/occupier of the site has taken reasonable steps to get them to leave. Civil remedies exist and should normally be exhausted before this power is exercised, except in cases of disorder.

REMEMBER

PROTECTION OF PROPERTY IS YOUR RESPONSIBILITY

For further advice on travellers within your area contact:

BABERGH DISTRICT COUNCIL	01473 822801
FOREST HEATH DISTRICT COUNCIL	01638 719000
IPSWICH BOROUGH COUNCIL	01473 433015
MID-SUFFOLK DISTRICT COUNCIL	01449 720711
ST EDMUNDSBURY BOROUGH COUNCIL	01284 763233
SUFFOLK COASTAL DISTRICT COUNCIL	01394 383789
SUFFOLK CONSTABULARY	01473 613500
SUFFOLK COUNTY COUNCIL	01473 583000
WAVENEY DISTRICT COUNCIL	01502 523413

- WORKING TOGETHER -

COMMONLY USED LEGISLATION IN RELATION TO UNAUTHORISED ENCAMPMENTS

LOCAL AUTHORITY POWERS

Local authorities, as landowners or agents, can obtain possession orders through the civil courts requiring the removal of trespassers from relevant property, including land, under the following legislation: -

Part 55 Civil Procedure Rules.

- Application heard in the County Court.
- Order may cover sites within a specified area where justified.
- Services of County Court Bailiff may be utilised to enforce order.

Order 113 (Supreme Court Rules 1965)

- Application heard in the High Court.
- Order may cover sites within a specified area where justified.
- Services of High Court Sheriff's Officer may be utilised to enforce order.

Note Civil possession proceedings cannot be used by local authorities acting on behalf of private landowners.