

Procedure

Gipsy and Traveller encampments

1. Introduction

- 1.1 When the council is notified of a gipsy or traveller encampment¹ on town council-owned land, the town clerk or designated manager should visit the site to:
 - 1.1.1 ascertain welfare needs
 - 1.1.2 assess the impact of the encampment
 - 1.1.3 establish the intensions of the encampment community
- 1.2. Based on the welfare needs' assessment, officers will arrange for any necessary provision for water, sanitary provision and waste disposal.
- 1.3. Based on the officer assessment of the impact of the encampment on the community, along with the stated intentions of the travellers, the town clerk or designated officer will discuss the matter with the mayor and the chairman of the Town Management and Highways Committee and agree whether a period of 'toleration' is exercised and/or legal procedures to remove the travellers are pursued.
- 1.4 If a period of 'toleration' is granted, this will not normally be greater than five days. The period of toleration may include conditions.
- 1.5 Details of the encampment and the decisions made by the mayor, chairman of Town Management and Highways and the town clerk, will be immediately briefed to:
 - 1.5.1 all councillors
 - 1.5.2 the police
 - 1.5.3 Dorset Council's green services team
 - 1.5.4 Dorset Council's ward member for Lyme Regis
6. Members of the encampment community will be immediately informed of the council's decisions
7. Officers will monitor the site daily.

2. Legal action

- 2.1 If a period of 'toleration' is not considered appropriate, the 'toleration' period is breached or legal action is instigated alongside a 'toleration' period to safeguard the council's interests, there are four legal remedies. Details of the remedies

¹ An unauthorised encampment is where people are living in vehicles (including caravans) on land where they do not have permission to do so. It is the landowner's responsibility to deal with an unauthorised encampment on their land. Therefore, we will usually only deal with encampments on council-owned land.

under Section 61, 62 and 77 & 78 of the Criminal Justice and Public Order Act 1994 and the civil law remedies are detailed below.

3. Section 62, Criminal Justice and Public Order Act 1994

- 3.1 Following discussion with the police and Dorset Council, consideration will be given to the use of Section 62 powers. A Section 62 allows a senior police officer to direct those in an unauthorised encampment to leave if:
- 3.1.1 the encampment is at least one vehicle or caravan
 - 3.1.2 the landowner has asked the police to move the encampment
 - 3.1.3 if the police has carried out a community impact assessment which identifies and quantifies loss of amenity, space, anti-social behaviour
 - 3.1.4 if a transit site² in the local authority area has been identified for the travellers to move to.
- 3.2 Dorset Council has agreed to allow town councils within its area of operation to direct travellers to its transit site at Piddlehinton. The charge for this is £500 per application³. This charge includes Dorset Council officer attendance at the eviction, if requested by the police.
- 3.3 In Dorset, a Section 62 can only be used between 1 April and 31 August, i.e., it is reliant on transit site availability; Dorset Council operates its only transit site at Piddlehinton between these dates.
- 3.4 A section 62 usually takes a few days to arrange.
- 3.5 A Section 62 Notice covers all of Dorset and the travellers cannot return to the county for three months⁴.

4. Section 61, Criminal Justice and Public Order Act 1994

- 4.1 If more urgent action is considered necessary or eviction is required between 1 September and 31 March, a Section 61 can be issued if:
- 4.1.1 the encampment consists of six or more vehicles or
 - 4.1.2 the landowner has taken reasonable steps to ask them to move and they have caused damage to the land or property or have used threatening, abusive, or insulting behaviour to the landowner, their family or employees
- 4.2 A Section 61 does not require a welfare check and can be enforced within 24 hours.

² A transit site is an authorised site used for short stays by travellers and gipsies. The sites are usually provided on a permanent basis by principal local authorities and have basic amenities, e.g., water supply, toilets, washing facilities and waste disposal.

³ Dorset Council estimate the cost of providing the Piddlehinton site is £4,000 per week.

⁴ Dorset Council estimate that 90% of travellers served with Section 62 Notices do not use the Piddlehinton transit site and leave the county.

4.3 A section 61 does not restrict the travellers' future movements, i.e., they could simply move to another location down the road.

5. Section 77 & 78, Criminal Justice and Public Order Act 1994

5.1 A Section 77 gives the council power to direct individuals to remove their vehicles and belongings and to leave the land occupied without the consent of the occupier of the land. Before issuing this direction, welfare assessments must be carried out on the occupiers of the unauthorised site.

5.2 Occasionally there is a medical or other concern which means it would be inappropriate for the occupants to be moved on, for example, the presence of a new-born child who needs to be seen by a health visitor.

5.3 Details are also taken by bailiffs on the site to determine whether there is a mechanical breakdown or other reason why the travellers should not be moved on.

5.4 A direction under Section 77 can be issued immediately after receipt of site occupation information from a bailiff and the health visitor. The direction can be issued the day after the travellers arrive on site. Failure to comply with the direction or returning to the site within three months is a criminal offence with a penalty of a fine of up to £1,000.

5.5 The direction requires the site to be vacated immediately and if it has not been complied with after 24 hours, a summons will be issued for the occupants to attend a magistrates' court. The summons must also give the travellers a minimum of 24 hours' notice. At court, an application for an order under Section 78⁵ is sought. If granted, the travellers are given 24 hours to leave the site. If they failed to do so, bailiffs with tow trucks are instructed to attend the site and clear it. In many cases this process can be completed in as little as four days but can take much longer due to the specific circumstances of the occupiers of the encampment or available resources.

5.6 Section 77 and 78 do not restrict travellers' future movements, i.e., they could simply move to another location down the road.

6. Common law powers

6.1 A bailiff can be appointed by a landowner using common law rights to recover land, i.e., the tort of trespass against property. This is a relatively speedy process, requires no welfare assessment and can be used at any time. But again, this intervention does not restrict travellers' future movements, i.e., they could simply move to another location down the road. Additional costs could be incurred if vehicles need to be towed from site.

7. Review

⁵ Obtaining a Section 78 from a magistrate's court can take up to two weeks.

7.1 This procedure will be reviewed in July 2025 or sooner if there are changes in legislation or best practice.

Implementation date: 27 July 2022

Review Date: July 2025

John Wright

Town clerk

July 2022