MOULTON PARISH COUNCIL

UNAUTHORISED ENCAMPMENT POLICY AND PROCEDURE

1. Introduction

1.1 Gypsies and travellers are protected from discrimination by the Equality Act 2010 and the Human Rights Act 1998, together with all ethnic groups who have a particular culture, language or values.

1.2 A nomadic way of life is not against the law. Occasionally, groups of people come to Suffolk and temporarily camp on local authority owned land.

1.3 This Policy outlines proactive steps to ensure the community remains safe while balancing the rights and needs of Moulton's residents and those in the encampments.

2. Unauthorised Encampments

2.1 When members of the travelling community (to include all denominations – e.g. Romany, travellers, gypsies, etc) move their caravans onto a piece of land they do not own without the permission of the landowner, this is called an unauthorised or illegal encampment.

2.2 An unauthorised encampment is not specific to an ethnicity – it relates to any encampment on land that hasn't been authorised by the landowner.

2.3 Unauthorised encampments can sometimes lead to concerns about public safety, mainly if they involve large groups or impact public spaces such as parks, playgrounds, or roads.

2.4 It is a civil matter of trespass between the landowner and the travellers, and it is the responsibility of the landowner to deal with the encampment.

2.5 If the land is privately owned by a company or individual, the landowner needs to take advice from their solicitor about obtaining a Possession Order through the County Court.

2.6 If the land is owned by a Local Authority (Suffolk County Council or West Suffolk District Council), it may still apply for a Possession Order through the County Court or evict the travellers using common law but Government policy recommends that the organisation must first show that they have taken the housing, health, welfare and education needs of the travellers into consideration before making the decision to take legal action. This generally involves a visit to the encampment by a Council Liaison Officer (CLO).

Procedure for Removal from Moulton Parish Council Land

2.7 If an unauthorised encampment is on land owned by Moulton Parish Council, then the Council has the power - but not a duty - to move the travellers on but can only evict them subject to complying with Human Rights legislation and other procedures.

2.8 As a landowner, the Council also has the power to remove any person/s found illegally camping on its land as all forms of camping are strictly prohibited.

2.9 **First Steps – Contacting Other Agencies**

2.9..1 Parish Council representatives should not approach the encampment but should assess the number of caravans and vehicles for the following agencies.

2.9..2 In the first instance Suffolk Police should be informed of the encampment via the 101 service or by logging a report online:

- https://www.suffolk.police.uk/ro/report/ocr/af/how-to-report-a-crime/

2.9..3 Norfolk & Suffolk Gypsy, Roma and Traveller Service (NSGRTS) also need to be contacted, via:

- **NSGRTS@norfolk.gov.uk**

2.9..4 NSGRTS will, depending on availability, conduct the necessary welfare checks on the encampment and pass any concerns to the relevant bodies.

2.9..5 West Suffolk Council (WSC) should also be contacted as may be able to offer assistance.

2.9..6 Parish Councillors should be informed of the encampment at the earliest available opportunity, either via telephone or email.

2.10 **Policy on Removal**

2.10..1 Moulton Parish Council's policy is to evict unauthorised encampments as promptly as possible. The cost of removal shall be met by the Council.

2.10..2 The Council has a reserve of £5,000 which can be called upon by the clerk, with the Chair's approval, for use in expediently removing unlawful campsites without having the delay of calling an extraordinary meeting of the council to authorise the spend. This is for the use of Bailiffs and/or clearing up works.

2.10..3 The decision to remove the encampment should be recorded and reported at the next available Parish Council meeting.

2.11 **Engagement of Bailiffs**

2.11..1 Bailiffs can be instructed by the clerk via phone or email.

2.11..2 Upon arriving at the encampment, bailiffs should establish the following:

- The travellers should be informed that the encampment is on Parish Council land and that they do not have permission to set up camp or remain on site.
- A time given to the travellers as to when they are expected to vacate the site.
- The travellers should be asked to keep the site clean and remove all waste.

2.11..3 Upon instruction, bailiffs will attend site to serve an eviction notice. This will state a timeframe for vacation of the site and should include a welfare check.

2.11..4 The Parish Clerk will stay connected with the local Police and the company handling the eviction.

2.11..5 If the encampment does not move on within the timeframe, bailiffs will re-attend site to forcibly remove the vehicles. This will incur extra cost and an extraordinary meeting may need to be called to authorise this. However, if the matter is urgent – for example due to incidents of anti-social behaviour or other crimes – this decision may be authorised by the above persons and then retrospectively agreed at the next meeting.

3. **Public Engagement**

3.1 All members of the Council should be prepared for multiple calls and contact by concerned residents.

3.2 The callers will be reassured that the necessary procedures are being followed. Keeping the local community informed about unauthorised encampments and how they are being addressed helps manage tensions and prevent the spread of misinformation.

3.3 Residents should be advised not to confront, antagonise, or otherwise engage with, the travellers.

3.4 The Parish Council website and/or social media pages will be regularly updated with progress reports and members of the public will be advised to call 101 or 999, depending on the severity, to report any crime.

4. After Removal

4.1 Once encampment has vacated – or a time for their vacation is known - the following will be undertaken:

- Make arrangements for site clearance, liaising with West Suffolk Council's Waste Management Team.
- Review security on other Council/village land that could be used as an alternative site.
- The Parish Clerk, in conjunction with the Police, to notify local Parish Councils of the eviction time in order for them to secure any potential target sites.

5. Suffolk Police

5.1 Any incidents of anti-social or criminal behaviour should be reported to the Police.

5.2 The Police have a duty to enforce the law including the Crime, Sentencing and Courts Act 2022. Where there are reports of violence; threats or intimidation to landowners or occupants of an unauthorised encampment, or there is criminal or environmental damage caused, these will be taken as aggravating factors which the police will assess.

5.3 Police will complete a risk assessment to determine whether a crime has been committed and what appropriate, proportionate response is required.

5.4 The police will notify relevant local authorities of the presence of an unauthorised encampment, giving sufficient notification (where possible) for welfare enquiries and site assessments to be carried out.

5.5 Police officers are not under any obligation to undertake welfare enquiries, although they must consider humanitarian considerations when considering action to remove an encampment.

5.6 The police will also generally consult with the landowner, if known, in order to gather all the facts and may contact other third parties as and when required.

5.7 In some circumstances, the police may choose to invoke their emergency powers under Sections 61 and 6A-62 A-E under the Criminal Justice & Public Order Act 1994; this means the encampment will be required to leave immediately. This power is only used when the threshold criteria is met.

5.8 If the travellers are using threatening behaviour, causing damage or have more than 6 vehicles, it is possible that the Police (Senior Officer) will be able to request the travellers to move on under Section 61 of the Criminal Justice and Public Order Act 1994.

5.9 If the encampment consists of only 1 vehicle, the Police (Senior Officer) can use Section 62A of the Criminal Justice and Public Order Act 1994 to direct the travellers to vacate the land, if the local authority can provide a suitable pitch for caravans elsewhere within the vicinity.

6. Procedure for Removal from Private Land

6.1 The Parish Council is not responsible for travellers on any other privately owned land.

6.2 However, in the interests of the community, we will report this type of activity to NSGRTS and/or Suffolk Police to aid the removal of the travellers from this type of site as quickly as possible.