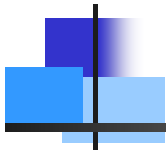


Policy Regarding the Management of Unauthorised Camping

**Basingstoke and Deane
January 2005**



1. Objectives

The objectives of this Policy are:

- To balance the rights and needs of the resident community with those of gypsies and travellers
- To manage unauthorised encampments in an efficient and effective way taking account of the potential level of nuisance for local residents and the rights and responsibilities of gypsies and travellers

2. Legislative background

The legislative background for the strategy is outlined in Appendix 1. In formulating the strategy full regard was taken of all legislative requirements and guidance.

3. Context

3.1 Potential

In 2003 the office of the Deputy Prime Minister (ODPM) published the results of a national count which indicated that there were about 14,700 Gypsy caravans throughout England, of these 3,979 were on unauthorised sites.

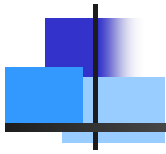
Recent research published by the ODPM has confirmed:

- There is some evidence of a shift towards greater settlement among some Gypsy/Traveller groups
- In order to accommodate the desire of nomadism between 2,000 – 2,500 additional authorised transit pitches are needed before 2007
- There is a requirement for up to 2,500 further pitches on residential sites
- Unauthorised camping is more significant in some areas
- Unauthorised encampments vary greatly
- The very nature of travelling means it cannot be viewed as a local phenomenon, authorities need to work together

3.2 Local

In 2003/04 there were 6 unauthorised encampments on Council owned land, 19 unauthorised encampments in total.

This number was greater than in previous years, for example in 2002/03 there were 8 unauthorised encampments, 1 of which was on Council owned land.



Policy Regarding the Management of Unauthorised Camping

The predominant groups forming encampments in this area are families, many of whom may have permanent homes elsewhere.

4. Arrangements and Protocols for sharing information and for the involvement of different agencies

Basingstoke and Deane Borough Council works closely with the Hampshire Constabulary, Hampshire County Council Gypsy and Traveller Service, the Traveller Education Service, Social Services and the Primary Care Trust.

On occasions it is necessary to involve the RSPCA, Trading Standards, and Inland Revenue.

Relevant contact details are attached as Appendix 2.

Basingstoke and Deane Borough Council is the initial point of contact for all unauthorised encampments. Officers from the Council visit the site and identify the landowner. From that point on the land owner/manager (County Council, Borough Council or Private Landowner/Lessee) takes the lead role.

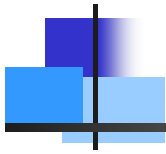
In all cases the Borough Council informs the Police and ensures that information regarding the encampment is registered on the county-wide computer system.

In cases where:

- There are six or more vehicles in a location
- Travellers have parked so as to cause obstruction to a highway or a hazard to other road users
- There is an unreasonable level of nuisance and criminal behaviour being caused by members of the traveller group
- Unacceptable levels of damage are being, or have been, caused to land or property to gain entry and sustain the encampment
- Travellers face health risks from remaining at the location

the Police have indicated in the 'Hampshire Local Authorities and Hampshire Constabulary Practice Guidelines for Dealing with Unauthorised encampments' that they may deem it appropriate to use their powers under the Criminal Justice Act (Section 61). Where this is the case they become the lead authority – (see Appendix 3).

Ward Councillors will often inform and keep Basingstoke and Deane Borough Council officers up to date regarding unauthorised encampments. Where it is considered necessary to allow encampments to remain within Basingstoke and Deane, Ward Members and the Cabinet Member (Communities and Regeneration) will be consulted as part of the decision making process and will be kept informed.



Policy Regarding the Management of Unauthorised Camping

Basingstoke and Deane Borough Council is a member of the Hampshire Joint Authorities Gypsy and Traveller Panel. This Policy complements the Hampshire Local Authorities and Hampshire Constabulary 'Practice Guidelines for Dealing with Unauthorised Encampments' and the Hampshire County Council 'Procedure for Implementation of Policy in Respect of Unauthorised Encampments'.

5. Site Provision

Within Hampshire there are five local authority owned and managed permanent residential Gypsy sites – Fareham, Eling, Hartley Wintney, Blackwater and Southampton. All sites have approximately 20 permanent pitches occupied, on a long-term basis, by Gypsy families who have lived in the county for many generations.

In the 1990s there was a Gypsy site at Peak Copse near Basingstoke. This closed several years ago. This authority is currently working with Hampshire County Council to try and identify a network of suitable stopping places/transit sites across Hampshire.

In addition, the Basingstoke and Deane Borough Council Local Plan, which entered its Public Inquiry stage in January 2005 states:

“Gypsy Sites/Travelling Show People

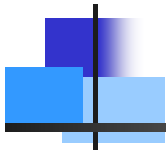
POLICY C6

Provision of formal accommodation for gypsies will be permitted provided that:

- The site is capable of being provided with the appropriate essential services and is within a reasonable distance of community and other facilities
- The site will not adversely affect the amenity of adjoining users where the site is capable of including an element of business activity
- There is an identified need for development

Permanent sites for travelling show people will be considered as exceptions to other Local Plan policies. Applicants will be requested to demonstrate to the satisfaction of the Borough Council that, in addition to the above, there are no environmental effects or conflicts with public health, safety and the provision of public services.

There are three main types of Gypsy site that may be provided (permanent, temporary and transit), each accounting for different lengths of stay and each requiring different levels of facilities in situ. The Council recognises the particular needs and requirements of Gypsy families and will work with the County Council to keep under review the needs of gypsies in the plan area. The Council will give favourable consideration to proposals in locations which minimise the impact of the surrounding environment whilst meeting the needs of Gypsy



Policy Regarding the Management of Unauthorised Camping

families. Many gypsies prefer to run their businesses from the site on which their caravans are stationed and it is often this business activity which is the source of the conflict with existing communities. Where sites are permitted that include an element of business use, the Borough Council may impose restrictions on the nature of that activity to minimise disturbance from the movement of vehicles and equipment and other operations on the site.

Travelling show people are self-employed persons who travel the country operating fairground and circus equipment throughout the summer. During the winter months they require secure permanent sites on which to live as well as to store and refurbish their equipment. The nature of their requirements cannot be easily classified into an existing land use category. Possible appropriate sites may be those already subject to non-conforming industrial or open storage type uses. They will need to have good vehicular access and to be conveniently located for schools and community facilities. As a result, sites in the open countryside are not usually appropriate.”

Please note that Policy C6 may be amended when the Local Plan is adopted, following the Planning Inspectors report.

6. Site Protection

Basingstoke and Deane Borough Council has over the years carried out a range of work designed to protect vulnerable sites from unauthorised encampments.

Following sites being vacated they are inspected, cleared and damage made good. A decision is also taken regarding the need to provide additional protection to vulnerable sites.

7. Making Decisions On Unauthorised Encampments

(i) Aims

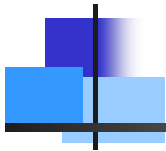
It is the aim of Basingstoke and Deane Borough Council to:

- make clear, consistent and appropriate decisions on unauthorised encampments
- ensure that a balance is struck between the needs of all parties
- ensure that decisions will withstand challenge

(ii) Scope of the Policy

This Policy relates to all unauthorised encampments regardless of the type of travelling group involved.

This Policy relates to encampments on land owned by Basingstoke and Deane Borough Council only.



Policy Regarding the Management of Unauthorised Camping

While the Council accepts that a nomadic existence is valid and that it is not the role of the authority to discourage it, this does not exempt persons following this lifestyle from having due consideration of the nuisance or harm caused to others.

Within the Borough, previous encampments have tended to cause public concern and numerous complaints.

(iii) Procedure to be followed upon becoming aware of an unauthorised encampment

The procedure is outlined in Appendix 4.

(iv) Deciding on the need to evict

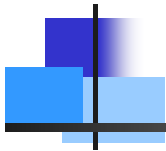
Each encampment location and indeed encampment itself must be considered on its own merits prior to deciding whether or not to evict.

A number of criteria will be considered in order to ensure that the welfare needs and human rights of those occupying unauthorised camps are considered against the suitability of the location and the human rights of members of the settled community.

It is the Council's intention to reach lawful, reasonable, balanced and proportionate decisions.

In all cases the Council will consider the following:

*	Health issues	The presence in the group of a person receiving medical treatment in the area may indicate the need for the encampment to be allowed to remain. This will also be true for groups travelling with a woman who is in the late stages of pregnancy or has a baby less than 6 weeks old
*	Welfare/social issues	The presence of elderly, disabled or young children may indicate the need for the encampment to be allowed to remain while social services are consulted
*	Education issues	The presence of children in the group may indicate the need for the encampment to be allowed to remain while the traveller's education welfare officer is consulted
*	Housing issues	The presence of people who regard themselves as 'homeless; may indicate the need for the encampment to be allowed to remain while housing advice is sought
*	Special considerations	For example the group may be present to attend a funeral. Should this be within 48 hours of arrival it may suggest that



Policy Regarding the Management of Unauthorised Camping

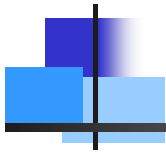
		the encampment should be allowed to remain until the event is over. Other issues such as vehicle breakdown will also have to be considered
*	The location of the site	If the site is located in a densely populated area it is unlikely to be able to remain. Sensitive locations, e.g. site of special scientific interest, school playing field, park, car park, industrial estate, recreation ground, village green and verges of busy roads or sites when groundwater could be polluted by vehicles are also unlikely to be suitable
*	The behaviour of the travellers	Where the Travellers standard of behaviour gives cause for concern, for example criminal damage or involvement with criminal activities the encampment is unlikely to be able to remain
*	The number of complaints	Where complaints from local residents of nuisance are received the encampment is unlikely to be able to remain
*	The number of caravans	Where the number of caravans exceeds 6, the site is unlikely to be able to remain
*	Hygiene, Public Health etc	Where there is excessive fouling, ad hoc dumping, uncontaminated waste accumulation or dogs/horses etc not kept under control it is unlikely that the site will be able to remain
*	Effect on nearby properties etc	Where an encampment interferes with access to someone else's property, prejudices the use of land for its intended purpose or prejudices its use by legitimate tenants occupants it is unlikely to be able to remain

All decisions will be made by an authorised person, (currently the Head of Legal Services). The authorised person will record all decisions made.

(v) Where a decision is made to allow an encampment to remain

Where such action is warranted it is important that Ward Councillors and the relevant Portfolio Holder are informed. It is also important that the public understand the action we are taking – officers will work with Corporate Communications to ensure that the public are kept informed.

It is possible that even when such a decision is taken it only warrants part of the encampment to be allowed to remain. This is likely to be particularly relevant where the



Policy Regarding the Management of Unauthorised Camping

encampment consists of more than six caravans. Where this is the case, officers will explain this to the travellers.

It is also possible that a small family unit may need to be allowed to remain in the area for a particular reason but that their location within the area is unsuitable. Where this is the case, the Council will work with Hampshire County Council Gypsy and Traveller Services to try and identify a more suitable temporary location.

All Travellers in the encampment will be issued with an acceptable behaviour code leaflet and this will be explained to them. Should the code not be followed then it is unlikely that the Travellers could continue to be allowed to remain at that location.

Officers will assess the need for refuse collection/sanitary facilities and, where appropriate, make necessary arrangements for provision.

At the outset regular review dates will be established with the Travellers and they will be kept informed of the outcome of the reviews.

(vi) Procedure in the event of eviction

The authorised person will consider all legal remedies available (Appendix 3) and decide on the most appropriate course of action. That decision will be recorded.

Where eviction is not immediate, Travellers will be issued with an acceptable behaviour code leaflet and this will be explained to them. In the event that the code is not followed the Police may consider using their powers under Section 61 of the Criminal Justice and Public Order Act 1984.

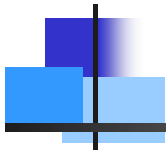
8. Resources and constraints

The Borough Council provides necessary staff resources to manage unauthorised encampments. In addition, over the years they have invested in protecting sensitive sites and are working with the County Council to try and identify any suitable locations for transit sites.

The Borough Council is developing a communication strategy which will help ensure that a positive and co-ordinated approach is taken to managing communications regarding unauthorised encampments.

9. Arrangements for communicating the Policy

Following the agreement of the Policy, it will be launched using a media briefing session. Following this the Policy will be published on the website and available in hard copy, on request. A summary will be made readily available to all travellers, businesses, landowners and local residents.



10. Monitoring the Policy

The Policy will be subject to annual review by the lead Strategic Officer. At this time they will have contact with the County Council and the Police, and will consider all relevant information collected regarding the incidence, nature and action taken on unauthorised encampments over the preceding 12 months.

The purpose of the review is to ensure that the action being taken is achieving the objectives of the policy and that the policy continues to meet race equality objectives.

11. A holistic approach

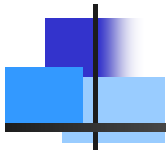
The Borough Council takes an holistic approach to managing unauthorised encampments in so much as there will be regular contact between Legal, Housing, Customer Services, Environmental Health, Planning, Property Services, Leisure, Education, Gypsy and Traveller Services, Health, Social Services and the Police regarding encampments, in order to ensure their proper management.

A number of other strategies and policies are relevant to, and in some cases underpin, the policy. They include:

- The Community Strategy
- The Council Plan
- *The comprehensive Equality Plan
- *The Communication Strategy
- The Crime and Disorder Reduction Strategy
- The Homelessness Strategy
- The Local Plan

Officers will have due regard to these policies in their work to manage unauthorised encampments.

* = currently under development



A Summary of the Legislative Framework

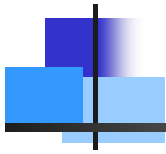
This annex summarises the main legislative framework relevant to a strategy for managing unauthorised camping.

Site Provision

- The Caravan Sites and Control of Development Act 1960 s24 gives local authorities discretionary powers to provide caravan sites.
- While there is no duty on local authorities to provide Gypsy sites, DoE Circular 18/94 makes it clear that authorities should maintain their existing Gypsy caravan sites, and should continue to consider whether it is appropriate to provide further permanent caravan sites for Gypsies in their areas.
- Government is currently reviewing policy on Gypsy site provision. Gypsy Sites Refurbishment Grant makes limited funding available for provision of transit and emergency stopping places.
- Private site provision is governed by planning legislation. DoE Circular 1/94 sets out the Government's policy on Gypsy site provision and urges local planning authorities to consider, and to look favourably, at applications for Gypsy sites in development planning and development control.

Dealing with Unauthorised Encampments

- There is no specific legislative duty placed on local authorities to deal with unauthorised encampments by Gypsies and Travellers.
 - Local authorities can take action as landowners through civil actions against trespass using Civil Procedure Rules Part 55, heard in a County Court.
 - Local authorities have powers given by the Criminal Justice and Public Order 1994 ss77 and 78. These require cases to be brought in the Magistrates' Court.
 - Common law rights to recover land from trespassers are also available to local authorities over land they occupy. Authorities are, however, advised not to use such powers unless there is exceptional justification for doing so and, for example, the police are unable to use their powers under s61 of the CJPOA .
 - DoE Circular 18/94 provides guidance to local authorities on the exercise of s77 powers, and reminds them of their other duties towards Travellers in terms of education, children and homelessness legislation.
 - Case law (starting with the judgement of Sedley J in *R v Wealden District Council ex parte Wales*) has developed and clarified the courts' expectations of the welfare enquiries and decision-making processes local authorities should adopt in making evictions under 1994 Act and other powers.
-



Policy Regarding the Management of Unauthorised Camping

- Where Travellers camp on land which they own or on other private land with the consent of the landowner, district councils may take planning enforcement action, or prosecute for running a caravan site without a site licence.
- The Police have parallel powers granted by s61 of the CJPOA. Action under s61 is normally much quicker than under s77, and the welfare considerations less onerous although there are certain conditions in the legislation which have to be fulfilled before eviction can take place.
- The Anti-social Behaviour Act 2003 added new ss61A and 62A into the CJPOA which give police enhanced eviction powers in circumstances where there are suitable pitches on relevant Gypsy sites to accommodate the caravans affected. These sections came into force on 27 February 2004.

Other Enforcement Measures

- District authorities have powers to deal with statutory nuisance (which could include, for example, rubbish accumulation at unauthorised encampments) and noise.
- The Crime and Disorder Act 1998 places a duty on chief police officers and local authorities to work together to develop and implement a strategy for reducing crime and disorder. Section 17 imposes a duty on all local authorities (and others) to *'without prejudice to any other obligation imposed upon it . . . exercise its functions with due regard to . . . the need to do all it reasonably can to prevent crime and disorder in its area'*.

Service Provision for Gypsies and Travellers

- Gypsies and Travellers are entitled to access health, housing, education and welfare services as citizens in the same way as members of the settled community.
- There is specific recognition of the needs of Traveller children in accessing education, with a Traveller Grant payable under s488 of the Education Act 1996.

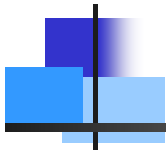
Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights into British law. Several Convention rights are relevant in dealing with unauthorised camping. The main relevant rights are:

Article 8: Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Case law has established that, while neither eviction action against trespassers nor planning enforcement is incompatible with HRA, either could potentially breach Article 8 rights if not



properly used. Authorities, and other public bodies covered by the HRA, must be able to demonstrate that all eviction and enforcement decisions are 'proportionate' in weighing individual harm (in the loss of 'home' for the Gypsy or Traveller) against the wider public interest. Potential challenge under the HRA means that all decision-making must be fully recorded and evidenced to withstand scrutiny.

First Protocol, Article 1: Protection of property

Every natural and legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

This Article might be seen as protecting the settled community's right to quiet enjoyment of their possessions, which might be threatened by nuisance, noise or anti-social behaviour from a problematic unauthorised encampment. This should be one of the considerations to be borne in mind by local authorities and police when considering eviction action. To date there is no relevant case law.

First Protocol, Article 2: Right to education

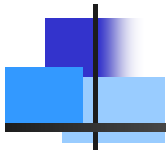
No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Education of Gypsy/Traveller children is frequently raised in cases dealing with eviction proceedings, and particularly with planning enforcement actions against unauthorised development. In such cases the question resolves itself to one of the balance between the individual harm to Gypsy/Traveller childrens' educational needs and the public interest harm in allowing unauthorised development to persist. To date there is no specific case law on arguments relying on this Article in this context.

Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property birth or other status.

While Article 14 rights are potentially engaged in any action concerning Gypsies and Travellers(as ethnic groups and national minorities), the Article can only be successfully argued



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if another Article is found to be breached. Where a claim under any Article is rejected, it follows that any claim under Article 14 also fails.

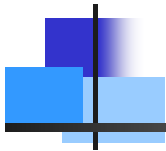
Race Relations and Equalities

The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 gives public authorities - including ODPM, the Home Office, local authorities and the police - a general duty to eliminate unlawful discrimination, and to promote equality of opportunity and good race relations in carrying out their functions. It also gives listed public bodies specific duties including one to create and publish a Race Equality Scheme which details how they will meet the general duty. In developing new policies or strategies public authorities must assess their impact on different racial groups, and they must consult. If the impact is negative and disproportionate to the aim of the policy, it must be changed. Once implemented, policies must be monitored for their effect on different racial groups. Authorities must publish the results of monitoring and consultation.

Both Gypsies and Irish Travellers are recognised as ethnic minorities. Policies for managing unauthorised camping are likely to affect Gypsies and Travellers significantly. The RRA means that local authorities and police must assess the impact of proposed policies on Gypsies and Irish Travellers and must consult on them. If the policies are likely to have a disproportionately negative impact on Gypsies and Irish Travellers, authorities must ensure that this impact is not disproportionate to the aims and importance of the policies. If it is, it is important to take measures to reduce this adverse impact or consider other ways to achieve the aims, which would mitigate its negative effect.

Since eviction of unauthorised campers and enforcement against unauthorised development are likely to have a large effect on the public, and in particular on the Gypsy/Traveller population, they are functions highly relevant to the RRA general duty and should be prioritised in Race Equality Schemes. When evicting and enforcing, authorities need to ensure that they act in a way which meets the three elements of the general duty and so as to have the minimum negative impact on the Gypsies and Travellers involved.

Local authorities and police must always be able to show that they have properly considered the race and equalities implications of their policies and actions in relation to unauthorised encampments and unauthorised development by Gypsies and Irish Travellers. They must be able to demonstrate that their policies and actions are proportionate bearing in mind all the circumstances of the case.

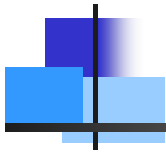


Policy Regarding the Management of Unauthorised Camping

Appendix 2

Relevant Contact Details

Currently being updated.



Appendix 3

Basingstoke and Deane Borough Council – Legal Procedures

Set out below are the procedures followed in the various legal actions open to the Council to remove those who unlawfully camp on Borough owned land:

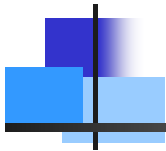
A) SECTION 77-78 CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

This is the most commonly used procedure by the Council.

Under s.77 of this Act the Local Authority may give a direction to persons who are residing in vehicles which occupy the Authority's land without their consent. Before it grants any order the court must be satisfied that a) the Travellers are residing on the land and b) that this is in contravention of the direction issued under s.77. Notably under s.77 (5) it is a defence for the accused to show that his failure to leave or to remove the vehicle or other property as soon as practicable or his re-entry with a vehicle was due to illness, mechanical breakdown or other immediate emergency.

The standard procedure undertaken is as follows:

- 1) Welfare checks undertaken as soon as possible after notification received that unlawful incursion has taken place to ascertain the health, general welfare and education needs of those encamped on site. Also important to undertake this to ascertain how long the Travellers intend to stay on the site.
 - 2) Report from officer undertaking welfare checks received and considered by Head of Legal Services and decision made as to whether to tolerate the site in light of the finding in the report and general human rights considerations.
 - 3) Where the decision is taken to not tolerate the site, the Travellers are issued with a Direction requiring them to leave under s.77 Criminal Justice and Public Order Act 1994. The Direction will give them a deadline within which to leave the site. The Travellers are forewarned that failure to comply with the Direction may result in their being summonsed to answer to an application to the Magistrates' Court by the Council for an Order for their eviction from the site.
 - 4) If the Travellers do not comply with the Direction to leave, a summons is sworn at the Court and served on them to appear at court whereupon the Council will apply for an Order for their eviction. The Council is required to give at least 24 hours notice of the date of the Court hearing.
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Policy Regarding the Management of Unauthorised Camping

- 5) If the Travellers remain on site on the day of the hearing the Council makes an application for the Order to the Magistrates. If they are successful in doing so the Order will usually take effect forthwith and the Council can make arrangements with the Police to enforce the Order as soon as practicable.

B) **PROCEDURE IN COUNTY COURT – CLAIM FOR POSSESSION FROM TRESPASSERS**

Alternatively an order can be sought in the County Court against Travellers for trespassing on land.

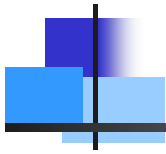
The standard procedure undertaken is as follows:

- 1) In the County Court the Council must adhere to the Civil Procedure Rules which govern the process of the legal action.
- 2) The Council starts legal action by making a claim to the court. The Court fixes a hearing when it officially issues the claim form.
- 3) The trespassers must be served with notification of the claim not less than 3 days before the hearing date and all other legal papers not less than 2 days before the hearing date.
- 4) The Court will only grant an Order where it considers that the claim has been proven.
- 5) The Court's bailiffs are then instructed to evict the trespassers. They require at least 24 hours notice.

C) **BASINGSTOKE AND DEANE BOROUGH COUNCIL'S PARKS AND PLEASURE GROUNDS BYELAWS**

Byelaws are in force covering the use of a number of open spaces, parks and pleasure grounds in the Borough. Those who unlawfully occupy such grounds are in breach of the byelaws on the basis that they are either camping or have brought a motor vehicle into the ground without consent.

The byelaws enable the removal of offenders from the grounds by Officers of the Council or Police Officers. The Council will always liaise with the Police when considering whether to use the byelaws and this is seen as a remedy which is only considered in appropriate circumstances.



Policy Regarding the Management of Unauthorised Camping

D) **POLICE POWERS UNDER SECTION 61 CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994**

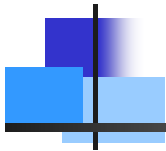
The Police have powers to deal with unauthorised encampments under legislation which enables them to direct those encamped to leave the site. This power can only be used where the Police believe that two or more persons are trespassing on the land, who are present with a purpose of residing on the land and reasonable steps have been taken by or on behalf of the occupier of the land to ask them to leave.

It is also required that one or more of those persons have caused damage to the land or property on the land and/or that one or more of them have used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family, or representative and/or those unlawfully encamped have between them six or more vehicles on the land.

Those asked to leave the land are required to remove any vehicles or other property they have with them.

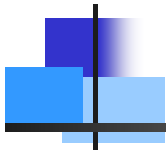
Those who fail to leave the land when so directed, or re-enter the land as a trespasser, within three months of the direction to leave, commit an offence and are liable to arrest and prosecution. The maximum penalty upon conviction for this offence is three months imprisonment and/or a fine.

It is important to note that we are advised by the Hampshire Constabulary that this power would only be used in extremely urgent and/or exceptional circumstances.



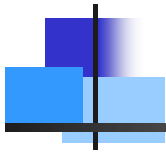
**Managing Unauthorised Encampments within
Basingstoke and Deane Borough Council**

Responsibility	Assigned to
1. Strategic lead for traveller issues, for example, reviewing and updating the strategy, attending County Liaison Meetings, reviewing service level agreements with the County etc.	Corporate Director – KB/ Head of Housing Services
2. Receiving calls from members of the public to notify us of traveller encampments, respond to requests for progress reports.	The Contact Centre
3. Notify Housing Services of new encampments and provide print outs of complaints to legal services, as required (until such times as legal can run their own report off the CRM).	The Contact Centre
4. Confirm the location of encampments, identify the landowner, notify the landowner (internally – by email or externally). Update the county computer system.	Head of Housing Services
5. Upon confirming ownership of the land inform the Contact Centre of where the complaint has been passed to.	Head of Housing Services
<i>Where the land is owned by Basingstoke and Deane Borough Council:</i>	
6. Instruct County Council to visit the site and carry out welfare checks.	Head of Housing Services
7. Visit site, obtain details necessary to carry out the welfare checks. Notify statutory authorities and receive responses. Pass information regarding any identified needs to BDBC legal services.	Hampshire County Council Gypsy and Traveller Services
Where required provide written statements and attend Court	



Policy Regarding the Management of Unauthorised Camping

Responsibility	Assigned to
8. Receive results and determine if there is a need to allow the encampment to remain.	Head of Legal Services
<i>Where there is no need to allow the encampment to remain:</i>	
9. Upon deciding if an encampment is not to be allowed to remain: <ul style="list-style-type: none">▪ inform the Contact Centre of likely timescales (or update CRM)	
10. If there are any changes – notify the Contact Centre (or update CRM)	Head of Legal Services
11. Carry out all legal processes	Head of Legal Services
12. Serve notices and attend court, if required, to provide evidence of service and information re the site	Private Bailiff Company
13. Arrange evictions	Head of Legal services in conjunction with the Police/ Head of Street Care
<i>Where encampment need to be allowed to remain or eviction was not supported by the Courts</i>	
14. Arrange for refuse disposal, and consider need for any other facilities. Liaison with relevant statutory authorities to ensure welfare issues receive attention and communicate with the public and Members	Head of Housing Services to co-ordinate
<i>In all cases where the site is being cleared/vacated:</i>	
15. E mail relevant landowner e.g. property services or leisure to advise the site is being cleared and to ask them to inspect the site for evidence of damage that needs to be put right. In addition they need to consider the need to carry out additional preventative work E mail Leisure services to advise that site is vacated and may need to be cleared	Head of legal Services



Policy Regarding the Management of Unauthorised Camping

Responsibility	Assigned to
16. Clearance of site following eviction: a) Basingstoke and Deane Borough Council owned site b) Private/County land	Head of Leisure Services Environmental Health/Planning can consider appropriateness of using their enforcement powers
17. Preventative work to reduce likelihood of encampments.	Relevant landowning Business Unit Head
18. Respond to notifications from the public/others that preventative works/measures are damaged, removed etc	Relevant landowning Business Unit Head
