



*Basingstoke
and Deane*

Advice on unauthorised encampments





This quick question and answer guide is aimed at giving you information on how Basingstoke and Deane Borough Council deals with people camped illegally on council-owned land. Travelling is becoming more widespread within the UK and those groups who chose to travel do so for numerous of reasons including ethnic beliefs. Those individuals who travel as part of their ethnic identity are protected from discrimination under the Race Relations Act 1976 and the Human Rights Act 1998.

What is an ‘unauthorised encampment’?

An unauthorised encampment is when an individual or group of individuals move onto a piece of land that they do not own, without the permission of the landowner.

Is it only specific groups of individuals who have unauthorised encampments?

No, anyone who does not have the permission of the land owner to be on the land can be considered to have an unauthorised encampment.

Who is responsible for dealing with unauthorised encampments?

Unauthorised encampments are a matter of civil trespass between the landowner and the individual(s) illegally camped on the land.

What can the Basingstoke and Deane Borough Council do when there is an unauthorised encampment?

The council is only able to remove unauthorised encampments from council-owned land. If the encampment is not on council land the removal of the trespasser is the responsibility of the landowner.



Is the council legally obliged to remove individual(s) or groups who are illegally camped on its land?

No. The council may choose to evict individual(s) who are on its land without permission, but it is under no legal obligation to evict them. Each case is considered on its own merits. However, all sites will be visited and every effort made to keep it tidy.

Does the council follow a specific process to evict people camped illegally on its land?

Yes. The council must follow a specific procedure when dealing with unauthorised encampments:

- The process starts with confirming whether the council owns the land and, if it doesn't, who does.
 - Once the landownership is confirmed, welfare checks are carried out, to identify if there are any welfare needs amongst individuals.
 - If there are no welfare needs the council can serve a direction to leave.
 - If, after the direction to leave is served and the individuals continue to remain on the land past the date given, the council will apply to the magistrates court for a possession order.
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How long does the process take to evict individual(s) camped illegally on council land?

It usually takes between 10 and 14 working days to complete the eviction process. This will depend on the circumstances of each individual case and the time taken to obtain a court hearing.



What can delay the eviction process?

There are a number of factors that can cause delays to the eviction process. They include:

- If welfare needs are identified
 - Public holidays
 - Obtaining a court date
 - Weather (snow/water logging may hinder vehicle manoeuvre)
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Could the court refuse to grant the council an order to move an unauthorised encampment?

Yes. If the court believes there are unavoidable reasons for an unauthorised encampment, or it feels the council has failed to make adequate enquires about the general health and welfare of the individuals camped illegally, it may refuse to grant the possession order.

What happens once the unauthorised encampment has been moved on?

After the unauthorised encampment has been moved on the council will make every effort to clean the site as soon as possible.

What can be done about the noise/smoke nuisances caused?

The council can investigate a whole range of nuisances. Please call 01256 844844 for more information or to report your concerns.

If you have any further question about unauthorised encampments, please contact the council at **info@basingstoke.gov.uk** or call **01256 844844**. Alternatively you can log onto the council's website at **www.basingstoke.gov.uk/go/encampments** for more information.