

USEFUL CONTACTS

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Q How long will it take for the Gypsies/Travellers to be moved on?

A This will depend upon the circumstances of each individual case. It will also depend on how soon we can obtain a Court hearing date. Even then, it may be necessary to appoint bailiffs to ensure that the Travellers leave. This process usually takes 10 to 14 days, but may take longer.

Q Can the Court refuse to grant the Council an order to move Travellers on?

A Yes. This may be because the court believes that there is an unavoidable reason for the Travellers to stay or it believes that the Council failed to make adequate enquiries regarding the general health and welfare of the Travellers.

Q What can the Police do?

A The Police will visit all sites reported to them. In certain circumstances (for example, where the Travellers have with them six or more vehicles), officers may use powers under Section 61 of the Criminal Justice and Public Order Act 1994. This will only be in situations of serious criminality or public disorder not capable of being addressed by normal criminal legislation and in which the trespassory occupation of the land is a relevant factor.

The duty of the Police is to preserve the peace and prevent crime. Trespass on land by itself is not a criminal offence. Prevention of Trespass and the removal of trespassers are the responsibilities of the landowner and not the Police. The Police will investigate all criminal and Public Order offences.

The Council recently introduced a policy for responding to Travellers in the district. The aim of this leaflet is to summarise the policy in a question and answer style and set out how we will work to try to balance the rights of all those involved.

INTRODUCTION

There are groups of people who follow a nomadic way of life, travelling the country, stopping off for a time and then moving on. As well as traditional Travellers or Gypsies they also include so-called 'new' Travellers who may have chosen a nomadic lifestyle for economic or personal reasons or even from a desire to follow a simple, less materialistic way of life. In this leaflet we will use the term 'Travellers' to cover all nomadic groups.

When they stop at locations in East Hampshire, Travellers often come into conflict with members of the settled community. The locations they choose can be a problem and their cultural and lifestyle differences can become quite apparent. This usually leads to immediate calls for their eviction.

Gypsies and Travellers are protected from discrimination by the Race Relations Act 1976 and the Human Rights Act 1998, together with all ethnic groups who have a particular culture, language or values. Of course, landowners and others affected by Travellers and illegal encampments also have rights.

Q Does the Council have a duty to move Travellers when they are camped without the landowner's permission?

A No. If Travellers are camped on Council land, we can evict them but we are under no duty to do so. If they are on private land, it is usually the landowner's responsibility. The Government has advised that when Travellers are not causing a problem, the site may be tolerated.

Q If Travellers camp on private land, what can the landowner do?

- A**
- (i) Talk to them to see if a leaving date can be agreed.
 - (ii) Take proceedings in the County Court under the Civil Procedure Rules 1998 to obtain a Court Order for their eviction.
There must be a minimum of two clear days between service of documents and the Court hearing.

We have produced an information and support pack for private landowners that summarises the process involved and gives practical help and advice. See contact details.

Q What if the landowner decides to let them stay on the land temporarily?

A Unless the landowner has already obtained planning permission for a caravan site or is a farmer and the Travellers are helping with fruit picking etc., then the landowner could be in breach of Planning and licensing laws.

Q If the landowner fails to take the appropriate action to remove the Travellers, what will the Council do?

A If the landowner is in breach of any planning or licensing laws, then the Council will take action to require removal of the illegal encampment.

Q I have seen Travellers camping on the side of the road and sometimes on parks or other Council-owned land. What can the Council do in these cases?

A If the Travellers are causing problems they will be moved on as soon as is possible. The Council will consider each case on its merits. In all cases the site is visited and every effort made to make sure that the Travellers keep the site tidy and do not cause public health problems. We have produced a Code for Travellers that sets out the standard of behaviour that we expect to be followed.

Q Can the Council remove Travellers from their land immediately?

A No, the Council must:

- Show that the Gypsies/Travellers are on the land without consent;
- Make enquiries regarding general health, welfare and children's education;
- Ensure that the Human Rights Act 1998 has been fully complied with;
- Follow a set procedure to prove ownership of land and details of the illegal encampment that will enable them to obtain authority from the Courts to order the Travellers to leave the site.