



Elmbridge
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Joint Elmbridge Borough Council Traveller and Gypsy Protocol

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Elmbridge Borough Council
Gypsy and traveller Protocol - (Final)

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Amendments		
date	details of change made	by
Nov 2014	Revisions in light of debrief.	IPB
Apr 2015	Revisions to include Section 77 and clarify need for witnesses.	
Jul 2015	Revision to reflect change in approach to section 77 and update procedure and clarify the need for service of documents	
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1. Introduction

The Council is obliged to manage unauthorised encampments within the Borough on Council owned land. It is not possible to stop all access to Council owned land and from time to time unauthorised encampments will be established.

Unauthorised encampments are problematic, they rarely provide an appropriate or adequate setting and frequently result in poor living conditions for Gypsies & Travellers. The use of the land for its usual purposes will often be prevented or curtailed.

The Council and Surrey Police have agreed this protocol so that an overall policy and clear lines of responsibility are in place. This protocol seeks to set out the overall approach in Elmbridge by Elmbridge Borough Council.

The National Planning Policy for Traveller Sites, to be read in conjunction with the National Planning Policy Framework, requires planning authorities assess the local needs for traveller pitches/plots and plan positively to deliver on these needs

The Council's 2016 Traveller Accommodation Assessment identified a need to deliver 9 pitches in the Borough up to 2027. The Council will be exploring options for allocating traveller sites through the preparation of a new Local Plan that will replace the Core Strategy adopted in 2011 to deliver on this need. The Council recognises that the current absence of alternative sites and a current lack of available pitches are inhibitive in terms of some of the action that can be taken at this time to manage unauthorised encampments and the need to plan positively for pitch provision in the future.

The law confers legal rights to the travelling community and places responsibilities on local Councils relating to the welfare and other needs of gypsies and travellers. Local authorities have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

The Department for Communities and Local Government does however advise that:

“Public bodies should not gold-plate human rights and equalities legislation. Councils and the police have been given strong powers to deal with unauthorised encampments and when deciding whether to take action, they may want to consider for example:

- (a) the harm that such developments can cause to local amenities and the local environment,
- (b) the potential interference with the peaceful enjoyment of neighbouring property,
- (c) the need to maintain public order and safety and protect health – for example, by deterring fly-tipping and criminal damage,
- (d) any harm to good community relations,
- (e) that the state may enforce laws to control the use of an individual's property where that is in accordance with the general public interest.”

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A variety of Council services and external agencies need to work together to effectively manage unauthorised encampments. The management process is coordinated by the EBC's Gypsy/Traveller Liaison Officer and the objectives are:

- In the short term, to ensure that Gypsies and Travellers are supported and encouraged to conduct themselves in a responsible manner in accordance with a set of minimum standards whilst on land unlawfully.
- To ensure that any inconvenience and disruption to local communities is minimised
- To bring the unauthorised encampment to an end which can take time because of the need to carry out investigations into the Gypsies and Travellers circumstances and welfare needs, and to ensure that any enforcement action taken is lawful.

2. Approach to be taken

Once an encampment is established on EBC land it is crucial that early contact is made with the gypsy/traveller group to undertake enquiries into their welfare needs and their plans, if any, as to how long they intend to stay at the location. This is known as a Welfare Assessment and it may trigger further assessments where there is a specific identified need, e.g. housing or education issues

After a welfare assessment has been completed, the GTLO will review all of the information available to them about the encampment and, following discussions with Surrey Police and Legal Services, will recommend the course of action to deal with it to the responsible Service Head or alternative member of the Leadership Group in their absence. The decision may be to take no action if the traveller group have indicated they will be leaving the site within the next 24/48 hours.

Depending on the circumstances of the unauthorised encampment EBC or Surrey Police will take the lead in dealing with the unauthorised encampment on EBC's land. Each case of unauthorised encampment will be individually considered on its merits as set out in this protocol, before any decision on a response is taken. Where a group of travellers/gypsies have gone from site to site, the EBC may take this into account when deciding on the most appropriate response. Where EBC's land is leased to a third party, an early decision will have to be taken as to whether the tenant is obliged to take action or whether EBC will lead. This decision should be taken by The Service Head with responsibility for the affected land/property and if necessary in discussion with the Head of Asset Management and Property and the EBC legal team.

3. Steps to be taken once encampment established:

EBC has a large number of assets which are managed on a day to day basis by teams using them to deliver their service objectives, e.g. parks and open spaces, leisure centres, community centres, public car parks and leased land etc. A high percentage of these have grounds or hard standing areas which could be used by travellers.

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To ensure consistency of response and approach to an unauthorised encampment, a small team of trained staff will be the lead officers, known as EBC's Gypsy/Traveller Liaison Officers (GTLO). They will sit within their respective teams, be trained to deal with aggression and conflict; negotiation skills; preparing Court related papers. They will liaise with the relevant Head of Service and any teams that need to be kept informed and/or for the purposes of seeking their support e.g. Housing Options, Social Services, Surrey Police, etc, as might be relevant.

Upon notification of an unauthorised encampment the following steps should be followed, a simplified flow chart can be found following these bullet points;

1. Initial reports received by Council (usually via Communications or Grounds Maintenance Contractors).
2. Land ownership confirmed and, where leased, decision taken on responsibility for action
3. If leased land, i.e. Xcel\ Hurst and private enforcement officers are being instructed, Head of Service to email elmbridge@surrey.police.uk so that they are aware as their presence might be required to prevent a breach of peace during eviction
4. If land is not EBC-owned then no action to be taken unless the stay is prolonged and involves a change in use of land or development. In these circumstances the planning enforcement protocol at Appendix E will be applied.
5. If EBC is to lead, Head of Service to contact the available GTLO (see intranet link), Legal team, and Surrey Police.
6. Head of Service to inform and update as necessary group leaders (Conservative, Lib Dem, Residents, and Hinchley Wood Residents), and affected Ward Councillors, EBC Communications Team and Customer Services Team of the incursion, using prepared statements on the P Drive.
7. Head of Service to inform Communications and Customer Services as they are likely to receive calls about the unauthorised encampment.
8. Pro forma statement (available on P drive) to be posted on EBC website and Bridge It. and sent to elmbridge@surrey.police.uk so that they are aware of their presence might be required to prevent a breach of peace during eviction by the Council.
9. Meanwhile a welfare assessment (appendix A) will be undertaken by the GTLO in the presence of one other EBC witness and where necessary with support from the Police. Advice should be sought from Surrey Police to see if the group are known, and if any previous behaviour which could pose a risk to staff. The purpose of the assessment is to gather information about the composition of encampment, any potential welfare issues, including any housing needs and/or homelessness issues. The GTLO will ask the travellers to leave site voluntarily and to make it clear that they do not have permission to stay. They will also be advised of the Code of Respect for Unauthorised Encampments while they are on site (see Appendix C).
10. If there are specific identified welfare needs, close liaison will be needed with the relevant service providers, eg the Housing Options Team or Social Services to ensure the Council's legal duties are met.

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11. The GTLO and the Head of Service will consider the information gathered and make a decision as to next steps on the welfare assessment form. This could include any mitigating circumstances to allow the group to stay or the most appropriate method to secure eviction. Every encampment is different and there may be circumstances when it might be appropriate to provide waste facilities and / or the provision of toilet facilities whilst EBC takes action to secure the removal of the encampment from EBC Land, which may take time to effect.
12. In the event of repeated unauthorised camps by the same group, the welfare assessment will be updated to confirm the identity as the same group. The Head of Service will then determine if conditions (i.e. location, numbers) have materially changed to require a fresh assessment. Where appropriate it is possible for a Community Protection Notice¹ to be served. This possibility should be discussed with legal as soon as it becomes apparent that there is a particular group returning to Elmbridge sites.
13. If, following the Welfare Assessment, legal action is required to remove the unauthorised encampment, a Notice will usually be issued by the Council directing the vehicles and their occupants and other property to leave the land under Section 77 of the Criminal Justice and Public Order Act 1994. To start this process, the Head of Service or the GTLO needs to
 - a) request an Enforcement officer to assist with the service of notices. An email should be sent to eso@elmbridge.gov.uk, and copied to Ismina Harvey, along with the desired timescale for the notice(s) to be served.
 - b) Send Instructions to the Law Practice Manager with the Welfare Assessment, title plan (if a new site), Enforcement (Or Council) Officer Dealing and the desired deadline for the travellers to leave the site.

The Legal team will liaise with the nominated Enforcement officer regarding service of the relevant documentation
14. SP may, in certain circumstances, use their discretionary powers under section 61 of the Criminal Justice and Public Order Act 1994 to direct that the vehicles and their occupants and other property leave the land. This power may be used where the trespassers have caused damage to the land or property, or have used threatening, abusive or insulting words or behaviour, or there are 6 or more vehicles on the land and there are aggravating factors as detailed in ACPO Guidance on Unauthorised Encampments Section 5 and Surrey Police Force policy. This is very much an action of last resort and is most commonly used for large scale incursions.
15. Once EBC Legal Team have drafted the Notice directing the vehicles, its occupants and other property to leave the land by a certain date and time as instructed. The Notice must be served in the following manner:
 - a) By affixing a copy of the Notice in a prominent place to all the vehicles on the land
 - b) By displaying a copy of the Notice on the land in a manner designed to ensure that it is likely to be seen by any person camping on the land.

¹ See Section 5 for further information on Community Protection Notices

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For the purposes of above service, it is assumed that it is addressed to “all the occupants of the vehicles on the land”. The officer serving the documents must provide a certificate of service by way of evidencing effective service of the Notice, including photos to prove service and the licence registration plate of the vehicles served with the notice.

If the Notice is not complied with, an application for a removal order under section 78 of the Criminal Justice and Public Order Act 1994 can be applied for, which authorises the Council to remove the vehicles, its occupants and other property from the land. This will require a complaint and summons to be sent to the Magistrates Court by EBC Legal for issue. The issued summons and complaint must then serve in the same manner as the Notice. EBC Legal, supported by the officer who served the Notice and the complaint/ summons, attends a hearing at the Magistrates Court for an order for removal of vehicles and persons.

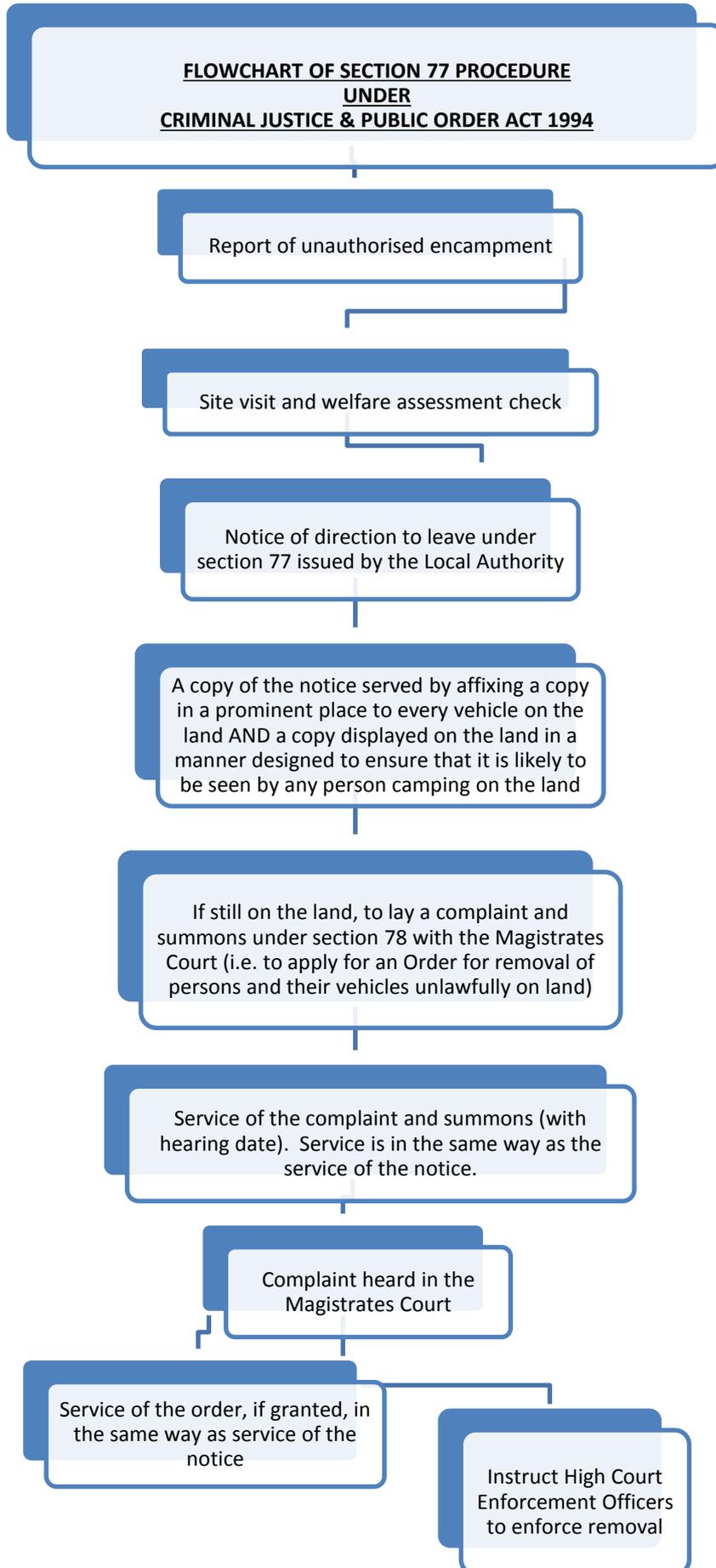
Once an order is obtained and served, the Council can proceed to effect removal of the vehicles etc, (but if the land is not owned the Council, 24 hours must be provided to the owner/occupier of the land before enforcing the Order for Removal).

16. Failure to comply with a Notice is an offence and the Council has the option to prosecute the travellers in addition to seeking an Order for their removal. Whilst it is usually the case that the order for removal achieves the objective sought, i.e. to ensure the removal of the unauthorised encampment from the land, the Council may seek to prosecute where the same group of travellers are going from site to site to act as a deterrent. In this regard, the identity of the travellers needs to be established as prosecution must be against named individuals.
17. Ward Councillors, group leaders, Communications and Customer Services to be updated. Pro forma statement released on website by way of an update.
18. Eviction takes place by instructing bailiffs to secure eviction/removal. The process will require advance notice to be given to the bailiffs and the police. This is to ensure that the bailiffs are available to effect eviction in a timely manner and that the Police are available to prevent a breach of peace if this becomes necessary. Site is cleared and made secure.
19. Debrief meeting held to consider learning and any security improvements.
20. Update and record information about unauthorised encampments within the borough of Elmbridge.

4. Default legal position to recover land:

There are a range of legal powers available to manage incursions (see Appendix B) however at the current time, the most effective power in most cases has proven to be Section 77 of the Criminal Justice and Public order act as summarised below.

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5. Use of Community Protection Notices under the Anti Social Behaviour Crime and Policing Act 2014

The community protection notice (CPN) is intended to deal with unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life by targeting the person responsible.

The CPN can direct any individual over the age of 16, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again. For instance, where the same group of travellers have persistently set up an unauthorised encampment at various different sites within the borough of Elmbridge over several months and the behaviour of the group has caused a detrimental effect on the life of those in the locality of the encampment. E.g. by trespassing (driving vehicles over Council land without permission and residing in caravans and motorhomes on Council land), interfering with the free access, use and enjoyment of the land by others, noise nuisance arising from the encampments on land close to residential properties, prevention of routine ground maintenance (eg grass cutting and litter clearance), fly-tipping or any other issues that might arise from the unauthorised encampment(s). It is important to note that the identity of the traveller(s) needs to be known before a CPN can be issued against that traveller(s).

A CPN should only be issued to someone who can be held responsible for the anti-social behaviour. For instance, if there were unreasonable, ongoing problems or nuisances arising from the unauthorised encampment, a notice could be issued to the leader/representative of the group (and the other persons of the group). The CPN must name the person(s) because where the CPN is not complied with, there is an option to issue a fixed penalty notice for the offence of breaching a CPN. Wherever possible, the notice should be issued in person.

A person issued with a CPN may appeal within 21 days to the magistrates' court. Grounds for appeal include that the conduct specified in the notice did not meet one of the limbs of the test for issuing a notice or that the person could not reasonably be expected to control the behaviour. While an appeal is pending, any requirements in the notice for the person to stop doing certain things will have effect, but positive requirements to do certain things will not for example, where rubbish has accumulated in someone's front garden and a notice issued to the owner, a requirement to stop adding to the rubbish would continue in effect but a requirement to clear the garden would not.

Breach of any requirement in the notice, without reasonable excuse, would be a criminal offence, subject to a fixed penalty notice (which attracts a penalty of £100) or prosecution. The identity of the traveller(s) needs to be established as a fixed penalty notice or prosecution must be against named individuals. On summary conviction, an individual would be liable to a level 4 fine (currently up to £2,500). On conviction, the magistrates' court would have the power to order forfeiture and destruction of any item used in the commission of the offence – for instance, noise equipment or vehicles. Where necessary, the court can also issue a warrant allowing a constable or local authority to seize such items

Appendix A: Welfare Assessment Checklist

The information given will help Gypsies and Travellers to access services, and may also mean the Council decides an unauthorised encampment may be tolerated for a longer period of time. This form is intended to be used as a guide by officers visiting unauthorised encampments. It is not comprehensive, as it is only a welfare assessment. Officers should note that an informal and verbal approach to obtaining the information may be more effective. It is also important to obtain permission to share confidential information with relevant partner agencies.

1. GROUP PROFILE AND HISTORY

Location	
Date(s) of assessment	
Main contact name	
Mobile number	
Other site contact names	
Mobile number(s)	
When did the group first arrive?	
Why are they here?	
How many living units (i.e. caravans, motor-homes) are on site?	
Roughly how many other vehicles are present?	
(if known) Prior to this encampment, were they on EBC land <i>if yes, give location and indicate is immediately before or a passage of time has passed</i>	
Is the group known to the lead authority, or to other agencies represented? <i>- if yes, to what extent has it respected verbal or written agreements at previous encampments?</i>	
Has the group previously been subject to eviction? <i>- if yes, please give details</i>	
How long does the group intend to stay?	

2. SITE DETAILS

<p>Who owns the land? (Where there is multiple ownership, please list ALL landowners)</p>	
<p>What services (if any) are available to the gypsies/travellers? (i.e. water supply, toilets etc.)</p>	
<p>Are rights of way affected by the encampment? - if yes, in what way?</p>	
<p>Are accesses to or from nearby properties or amenities obstructed by the encampment? - if yes please explain - in what ways (if any) could this be remedied without forcibly moving the group?</p>	
<p>Is operational use of the land obstructed by the encampment? - if yes please explain</p>	
<p>Has the site been occupied by the current gypsies or travellers in the preceding 3 month period?</p>	
<p>Is the encampment on or near to a nature reserve, SSSI, or other environmentally sensitive area? - if yes please give details - in what ways (if any) could damage be prevented without forcibly moving the group?</p>	

3. HEALTH AND SAFETY

<p>Is there an increased chance of road accidents from traffic entering and leaving the site? - if yes, please explain - if yes, in what ways (if any) could this be remedied?</p>	
<p>How far from the road are the living units situated? - does this present hazards to the group or motorists through children or animals getting onto the road?</p>	

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<p>Are there waterways, railway tracks, buildings, disused wells, or other features that could endanger members of the encampment or their animals? - <i>if yes, could these reasonably be made safe?</i></p>	
<p>Are there materials or substances on site that could endanger members of the encampment or their animals? - <i>if yes, could these be economically removed?</i></p>	
<p>Are open fires being lit? - <i>if yes, are they kept under control?</i> - <i>if yes, is there evidence of noxious substances being burned?</i></p>	
<p>Are caravans spaced sufficiently to prevent fire spreading from one vehicle to another? - <i>if no, is there room to move them further apart</i> - <i>if no, what is the maximum number of vehicles that could remain on site to minimise such a risk?</i></p>	
<p>Are there animals on site? - <i>if yes, please give types and rough numbers</i> - <i>if yes, how are they being kept under control?</i></p>	

4. WASTE AND SANITATION

<p>Are arrangements in place for the disposal of waste? - <i>if yes, please specify</i> - <i>if yes, are these arrangements effective?</i></p>	
<p>What toilet arrangements are in place? - <i>are these satisfactory?</i> - <i>if no, how could these be improved?</i></p>	
<p>Is there evidence of domestic, human or trade, waste spreading beyond the encampment? - <i>.....has the Environment Agency been notified?</i> - <i>what other steps have been taken to deal with it?</i></p>	

5. NEIGHBOURHOOD RELATIONS

<p>How far is the encampment from the nearest residence or business? - in what ways (if any) does this affect them?</p>	
<p>Is the encampment separated from other properties by a road or other boundary? - if yes, please specify</p>	
<p>Has there been any impact on the local community? - please detail</p>	
<p>A) Are the obligations under the Code of Respect (see appendix C) being adhered to, by the group? B) If not, has the relevant obligations been explained to the group.</p>	
<p>Has criminal and/or antisocial behaviour been witnessed against or by members of the encampment? If yes: - what specific incidents have been reported? - who have they been reported to? - are these reported incidents verifiable?</p>	

6. WELFARE AND EDUCATION

<p>Are there medical concerns with any members of the group? If yes:</p> <ul style="list-style-type: none"> - <i>please give details</i> - <i>would a forced move put individuals at risk?</i> - <i>what help has the group been offered to access services?</i> <p><i>Considering asking for evidence, eg are there in the area for a hospital appointment and identify their vehicle</i></p>	
<p>Are there vulnerable members of the group? If yes:</p> <ul style="list-style-type: none"> - <i>please give details e.g., elderly, infirm.</i> - <i>would a forced move put individuals at risk?</i> - <i>what help has the group been offered to access services?</i> 	
<p>Are there members of the group, who are pregnant? If yes:</p> <ul style="list-style-type: none"> - <i>please give details</i> - <i>what help has the group been offered help to access services?</i> - <i>in what ways (if any) would a forced move put any of the above individuals at risk?</i> 	
<p>Are there children on site? If yes:</p> <ul style="list-style-type: none"> - <i>approximately how many?</i> - <i>what is the age range?</i> - <i>are the children attending school in the area or elsewhere?</i> - <i>would a forced move result in children missing out on education?</i> 	
<p>Are there any other areas of concern for members of the encampment?</p> <ul style="list-style-type: none"> - <i>if yes, please explain</i> 	
<p>Are there concerns for the welfare of animals on the site?</p> <ul style="list-style-type: none"> - <i>if yes, what action has been taken to address these?</i> 	

7. ACCOMMODATION

<p>Do members of the encampment have access to accommodation elsewhere?</p> <ul style="list-style-type: none"> - <i>if yes, please give details</i> - <i>if yes, does the group intend to return there?</i> 	
<p>Are there places on authorised or tolerated sites available to the group?</p>	
<p>Do members of the encampment wish to apply for places on authorised sites?</p> <ul style="list-style-type: none"> - <i>if yes, what advice or support has been offered to them?</i> 	
<p>Are any members of the group currently on a housing waiting list?</p> <p>If yes:</p> <ul style="list-style-type: none"> - <i>In which area?</i> - <i>When are they likely to be made an offer?</i> - <i>What advice or assistance has been offered or given?</i> - <i>could the encampment be tolerated until they are offered housing?</i> 	
<p>Are any members of the group homeless in having no access to any pitches or other accommodation which they consider suitable and available for their occupation?</p> <ul style="list-style-type: none"> - Do they need to make an urgent application for assistance as a homeless household - How can this be best undertaken 	

DECISION ON THE MANAGEMENT OF THE UNAUTHORISED ENCAMPMENT SITE

ASSESSMENT OF THE DECISION TO EVICT OR NOT TO EVICT

<u>HUMAN RIGHT CONSIDERATIONS</u>	
<p><i>Would Eviction constitute an interference with the right to respect for private and family life of group members except where it is in accordance with the law and it is necessary in the interest of national security, public safety or economic well-being of the country, for the prevention of health or morals or the protection of the rights and freedoms of others:</i></p> <p><i>For what reason is such an inference warranted in the circumstances? Explain why?</i></p>	
<p><i>Would eviction deny members of the travelling community peaceful enjoyment of their possessions?</i></p> <p><i>- If this is a risk, will it be in the public interest or subject to the conditions provided for by law?</i></p>	
<p><i>Would eviction deny the travelling community's children access to their right to education?</i></p> <p><i>- If yes, what is the response of the Social Services and Education Authorities response upon being informed?</i></p>	
<p><i>Is there evidence that eviction is being pursued on the grounds of the travelling community's ethnic or social origin status?</i></p> <p><i>- If yes, please explain</i></p>	
<p><i>Are there any mitigating factors arising out of the Welfare Assessment which enables the Council to consider allowing the group to stay for a period of time?</i></p> <p><i>- If yes, please give details and proposed duration?</i></p>	

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ENVIRONMENTAL AND LOCAL COMMUNITY CONSIDERATIONS	
<i>Are there any special considerations that should be considered for the land occupied?</i> - <i>If yes, please give details?</i>	
<i>Is the unauthorised encampment causing harm to the local amenities or to the local environment?</i>	
<i>Is the unauthorised encampment interfering with the peaceful enjoyment of neighbouring property?</i>	
<i>Is there a need to maintain public order and safety and protect health – eg by deterring fly tipping and criminal damage?</i>	
<i>Is there any harm to good community relations?</i>	
<i>Are there any general public interest factors that require consideration?</i>	

AGREED COURSE OF ACTION AND TIMESCALES FOR PROPOSED ACTIONS

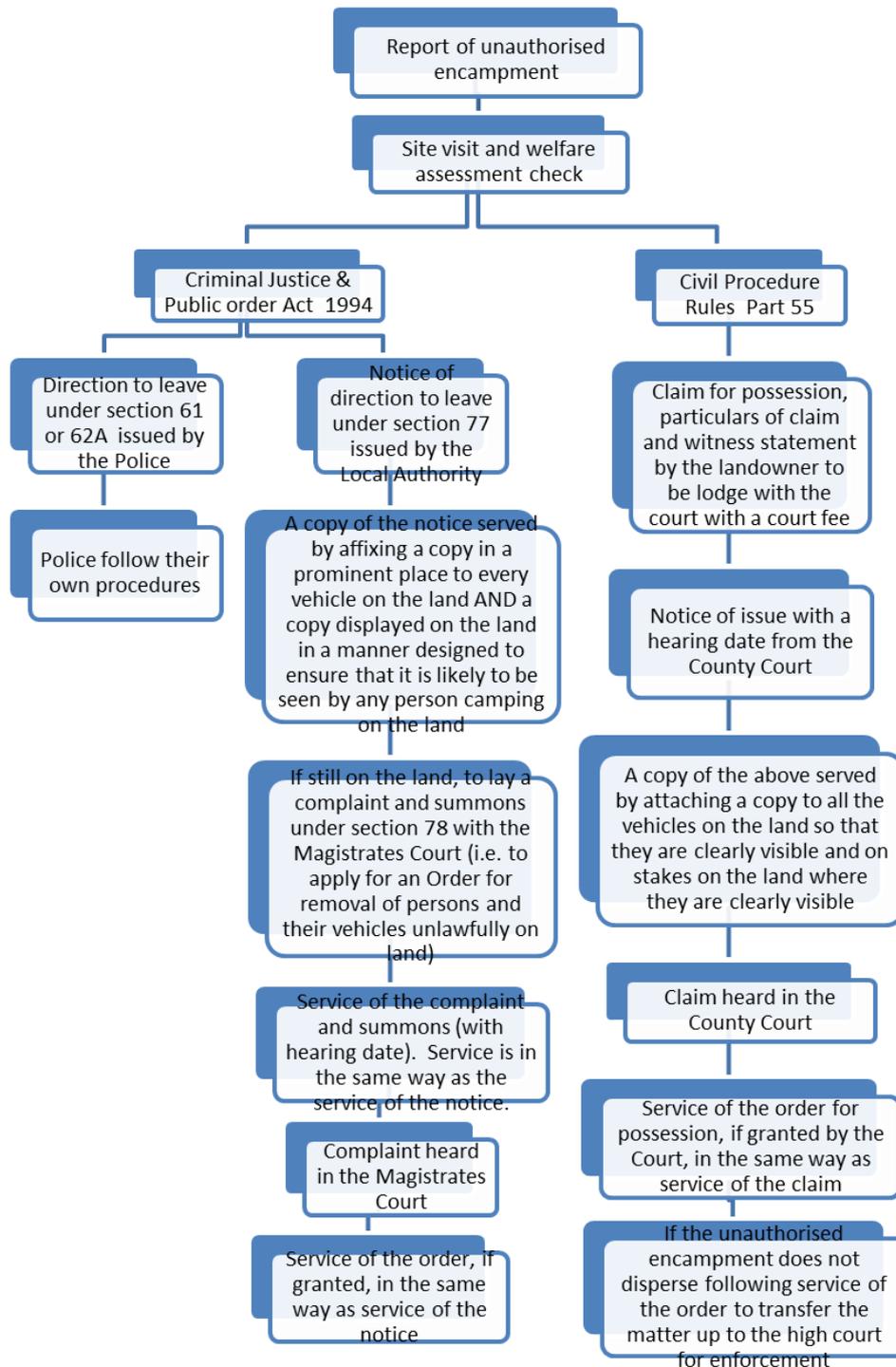
<i>Are Surrey Police seeking to take a lead?</i> - <i>If yes, please give details?</i>	
<i>If the above is no, what is the recommended course of action for this Council?</i> - <i>Section 77 Direction to leave the land (and to proceed with an order for removal if the Direction is not complied with)?</i> - <i>Or other course of action considered? (eg Where persistent encampments consider the use of a Community Protection Notice)</i>	
- <i>Any other recommendation?</i>	

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Decision agreed by:

I the undersigned am signing to confirm that I am in agreement with the following, taking into account the information in the Welfare Assessment, agreed action .		
Agreed action: Date and time for the action to be effected: (eg if a section 77 notice is to be issued, please provide the date and time by which the travellers are to leave the site with their vehicles and belongings)		
Name	Date	Signature
Head of Service		
GTLO		
Legal Services		

Appendix B Various Legal Procedures to deal with unauthorised encampments



Which procedure will depend on the circumstances of the unauthorised encampment.

Frequently asked questions

How important is speed?

It is unlawful for Gypsies and Travellers to camp on land they do not own without the landowner's permission. There are locations where immediate action to remove them should be taken because the presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or to conduct their business, for instance:

- on school grounds;
- on urban parks;
- on business or retail parks;
- on leisure centre car parks.

Similarly, swift action should be taken where the encampment is located on contaminated land or where the encampment is very close to a busy highway, potentially endangering the health and safety of the campers and others, or on land of a particularly sensitive nature, a Site of Special Scientific Interest (SSSI) for example.

In the above circumstances, Section 61 of the CJPOA may be the most appropriate power, provided that the conditions for its use under ACPO Guidance and Surrey Police Force policy are met. The police can act immediately without reference to the courts, and can direct travellers to leave the site within a matter of hours. Clearly, this course of action will be more effective if there is an alternative site to which Gypsies and Travellers can be directed, either pitches on an authorised transit site, or a location which is deemed to be a more "acceptable" unauthorised site.

Are there problems on the encampment such as serious anti-social behaviour, criminality, public disorder and so on?

In these circumstances, it may be appropriate for the police to deal with these issues directly using their wider powers, and for them to disperse the encampment using S61 or S62A in accordance with ACPO Guidance and Surrey Police Force policy.

Is it desirable to evict some but not all the trespassers?

If the anti-social behaviour is focused amongst particular individuals in the group, or if a member of the group is ill, it may be appropriate to take action to evict some people but not others. In this case it may be most effective to use the powers under ss. 77-78 CJPOA, which focus on named individuals or vehicles, or to use the police powers.

Is the group of unauthorised campers stable, or are different vehicles arriving and departing?

Where the occupants of an unauthorised encampment change frequently, it may be more effective to use Civil Procedures Rules Part 55, which relate to the land itself, rather than the powers under the CJPOA, which require the individuals or vehicles on the encampment to be identified. Where these change, a new direction will have to be drawn up.

Do the unauthorised campers present welfare issues?

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Local authority officers should conduct thorough welfare enquiries when a new encampment of Gypsies and Travellers arrives in the area. Where pressing needs for particular services are identified as part of the local authorities enquires, relevant departments or external agencies should be contacted in order to meet these needs as appropriate (health services, social services, housing departments and so on).

If necessary, removal of the encampment could be delayed while urgent welfare needs are addressed (unless, as above, the site on which the unauthorised campers are using is particularly sensitive or hazardous, in which case the unauthorised campers should be asked to relocate to a more appropriate location in the vicinity). Further, it may be possible to negotiate a date for the encampment to leave if, for instance, the Gypsies and Travellers have camped in the vicinity for a specific purpose; in order to attend an outpatient's appointment at the local hospital for example.

Is enforcement necessary?

If the Gypsies and Travellers are cooperative, only wish to stay for a short time and the encampment is not in a sensitive location, it may only be necessary to monitor the situation pending their departure. It may also be appropriate to provide the unauthorised campers with some means of disposing of rubbish and waste in order to minimise clear-up costs when they have left.

Are there suitable pitches available on relevant sites in the local authority area to which the unauthorised campers might go?

If this is the case, s. 62A of the CJPOA can be used.

Do particular groups repeatedly return to the area?

In this case it may be appropriate for the police to use their powers under Section 62A, where there are suitable pitches available in the area. Section 62A can prevent campers returning to anywhere in the local authority area for a period of three months.

Where groups return to a specific location, ss. 61-62 and 77-78 can be used to prevent them returning to that location for a period of three months. It may also be appropriate to explore further options such as injunctions or Anti-Social Behaviour Orders.



Elmbridge
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Appendix C: Code of Respect for Unauthorised Encampments (to be displayed on site

This poster sets out the standards of behaviour that are expected on unauthorised encampments, and should be the same as those expected of the wider community.

Intimidation from and towards the encampment will not be tolerated

Encampments are asked to:

- Please show respect to other people
- Please drive carefully
- Please space yourselves out and park away from other groups
- Please keep groups small (normally no more than 6 vehicles) and away from houses.
- Please do not play loud music or use loud equipment (i.e. generators)
- Please do not damage any land or property
- Please do not have open fires
- Please use plastic bags for rubbish and leave it at agreed collection points.
- Please dispose of other waste at official waste and recycling centres
- Please dig and bury your poo and dirty tissue paper.
- Please keep animals under control and clear up their poo
- Please do not block rights of way
- Please work with council staff and the landowner
- Please clear up before you leave site.

How long encampments are allowed to stay will depend on how they behave and will affect any future toleration of the group.

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Appendix D: Contact details for traveller sites.

	Main SCC Contact :John Hockley QPM Traveller Site Manager Telephone: 020 8541 8022 Mobile: 07812 665832 Email: john.hockley@surreycc.gov.uk Address: Room 407, County Hall, Penrhyn Road, Kingston upon Thames, KT1 2DN					
	Site name	Location	Plots	Manager/contact	Borough	Contractors
1	Conifer Park	Kiln Lane, Epsom KT17 1DY	7	John Hockley 07812 665832	Epsom & Ewell	Kier
2	Kalima	Chersey Road, Chobham GU24 8PE	15	John Hockley 07812 665832	Surrey Heath	Millanes
3	Littleton Lane	Littleton Lane, Spelthorne TW17 ONF	10	John Hockley 07812 665832	Spelthorne	Kier
5	Swift Lane	Swift Lane, Bagshot GU19 5NN	15	John Hockley 07812 665832	Surrey Heath	Millanes
6	The Willows	The Willows, Runfold GU10 1PH	10	John Hockley 07812 665832	Waverley	Kier
12	The Hatchington	Burdenshott Road, Woking GU3 3RN	16	John Hockley 07812 665832	Woking	Kier
8	Brambledown	Coldharbour Lane, Dorking RH4 3JH	3	Garry Flitton 07816 599476	Mole Valley	MD Services
9	Conifer Park	Ranmore Road, Dorking RH4 1HE	4	Garry Flitton 07816 599476	Mole Valley	MD Services
7	Travellers Rest	Swanworth Lane, Mickleham RH5 6ES	3	Garry Flitton 07816 599476	Mole Valley	MD Services
11	Salvation Place	Young Street, Leatherhead KT22 9BS	10	Garry Flitton 07816 599476	Mole Valley	MD Services
4	Pendell Camp	Merstham Road, Tandridge RH1 3DL	4	Garry Flitton 07816 599476	Tandridge	MD Services
13	The Oaks	Woodstock Lane Sth, Claygate KT9 1UE	16	Garry Flitton 07816 599476	Elmbridge	MD Services
10	Elm Farm	Lyne Crossing Road, Chertsey KT16 0AT	15	Garry Flitton 07816 599476	Runnymede	Millanes
14	The Paddocks	Lyne Crossing Lane, Chertsey GU25 4ET	15	Garry Flitton 07816 599476	Runnymede	Millanes
	Some Borough/District Councils manage sites independently of SCC such as Epsom & Ewell (Cox Lane), Guildford (Glasford Bridge & Ash Bridge) etc					

Kate Binfield 07968 832008

Traveller Education Support Worker - not office based so will respond to your message as soon as possible

REMA/ Traveller Support, Children, Schools & Families Directorate

Surrey County Council, Quadrant Court, Woking

Hours of work, 9-3pm, term time only

Appendix E: Planning Enforcement Protocol

If land is not EBC owned, then no action may be taken unless the stay involves a change in use of land or development, i.e. a breach of planning control has occurred.

In planning terms, a permanent change of use of land would only occur after the land had been used for 28 days in any given year. Accordingly, it is important to have evidence of the date on which any potential change of use begins.

Where the land is in the ownership of the persons occupying it or, they are occupying the land with the consent of the land owner, the lawfulness of the proposed or ongoing use or development of the site also becomes relevant.

In cases where the planning enforcement team become involved and there is an encampment on site, the Council's Gypsy and Traveller Liaison officer will be made aware of the encampment so welfare check can be carried out to assess any needs of the occupiers and whether the Council has a duty towards them to ensure no breach of human rights occurs. While encampments are generally deemed to be a breach of planning, travellers will be treated the same as travellers of any other encampment in this respect. However this will not prejudice any action that may be taken under the Town and Country Planning Act 1990, as amended, as might be necessary to address the breach of planning control.

Where planning investigations are launched, the case will be subject to the standard investigation process as set out in the Council's Enforcement Plan 2016 and, any action will be reasonable and proportionate taking into account any harm to local amenity or the environment which cannot be reasonably mitigated. Consideration will also be given to adopted policies of the Council and to the Council's ability to provide alternative sites when considering the appropriate course of action.

The Council will have regard to relevant legislation relating to caravan sites in reaching a decision relating to such matters and specialist advice may be sought.

Due consideration will be given to all courses of action available to prevent escalation of a breach and, where appropriate, formal action will be taken. However, as in all cases that fall under the jurisdiction of the Town and Country Planning Act 1990 as amended, it must be stressed that dealing with breach of planning control of this nature can take considerable time due to the necessary legal processes involved, and complainants should be advised of this.