

# Unauthorised traveller encampments in Northamptonshire



Unauthorised camps of caravans and other vehicles set up on land without the owner's consent can cause concern to the local community, particularly if in a park or other public space.

Setting up an unauthorised camp is not a criminal offence, it is trespass, which is a civil matter. Landowners and local authorities do have the right to repossess their property using the legislation available. This legal process means that encampments can't always be moved on immediately.

Northamptonshire Police will take robust action when an unauthorised encampment is set up on what we call primary land – that can be areas such as parks, near schools, on busy car parks and similar areas. In those cases, and where it is lawful to do so, we will serve a section 61 notice as soon as possible and direct the encampment to leave the land.

On secondary land, for example brownfield land or sites away from homes or businesses, we will be less robust and expect the landowner to follow legal process.

## What is the legal process for dealing with unauthorised encampments?

The process is different for encampments on local authority or private land. The Countywide Traveller Unit (CTU) manages gypsy and traveller issues on behalf of Northamptonshire County Council and all borough and district councils in the county, except East Northamptonshire Council.

If an unauthorised encampment is on **local authority land** in Northamptonshire, the CTU will deal with it. In East Northamptonshire, the district council manages the process.

On **private land**, the landowner is responsible for dealing with the encampment. The CTU will offer advice and support.

In both cases, the police are responsible for dealing with any allegations of crime associated with an encampment. Anti-social behaviour is dealt with jointly by the police and local authority.

## **What will the CTU do?**

If there is an unauthorised encampment on local authority land, the site will be visited as soon as possible. Checks are made on the tidiness of the site, the level of disruption to the local community and any obstruction of highways or public rights of way, as well as any activity the police or others may have reported.

The needs and welfare of travellers on the site must legally be taken into account and the Human Rights Act 1998 has to be complied with.

Following the visit, a formal notice (a Direction to Leave) may be served on the encampment. The direction to leave gives the encampment 24 hours to leave the site.

If the travellers fail to leave when agreed, then court action can be taken to evict them.

## **Can the unauthorised encampment be moved on straight away?**

Not always, but Northamptonshire Police will work with partners to ensure that an unauthorised encampment in a key area is removed as soon as possible.

## **What if the land has been broken into?**

Breaking into or damaging property are criminal offences. If the police receive a report and are able to identify the person who is responsible they could be prosecuted. Where damage has been caused in gaining entry to land, as well as being a crime in its own right, this can be considered an aggravating factor when considering powers to evict. The police will also investigate any other allegations of crime or disorder.

## **What if someone sees anti-social or unlawful behaviour?**

Call the police if you believe that crime is being committed, on 999 if it is an emergency, or 101 if not.

Nuisance and litter can be reported to the Environmental Health Department for the relevant authority (please check their website).

You can inform the CTU if the incident is directly linked to the unauthorised encampment by emailing [ctu@northamptonshire.gov.uk](mailto:ctu@northamptonshire.gov.uk) or calling 01604 366234.

## What can the police do?

The police have powers to direct an unauthorised camp to leave under the Criminal Justice and Public Order Act 1994.

### Section 61

This says that police can direct people to leave if:

- They intend to reside there
- The landowner or their representative has asked them to leave

and

- any members of the camp have caused or are reasonably believed to have caused damage to the land or property or used threatening words or behaviour to the landowner or their representative

or

- there are more than six vehicles on the land

If these conditions are met, an officer may direct people to leave. Northamptonshire Police will use these powers wherever possible, particularly when an encampment is on a key area of land identified as primary land.

### Section 62

This is similar to section 61 and gives police the power to automatically direct travellers to move to a suitable pitch on a relevant site in the local authority area. There are no such facilities in this county so this power cannot be used by Northamptonshire Police.

### Section 77

This provides a power for local authorities to remove encampments on a highway or unoccupied land or occupied land without the owner's consent.

You can find more information about how Northamptonshire Police deals with unauthorised encampments and answers to commonly asked questions at [www.northants.police.uk](http://www.northants.police.uk)



Further information on how the Countywide Traveller Unit deals with unauthorised encampments can be found at [www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk)