Marston Parish Council.

Policy in relation to Travellers and illegal encampments on Land owned by Marston Parish Council.

Objective

The policy will outline a procedure to enable Marston Parish Council (MPC) to protect and maintain its land for the continued use and enjoyment of the community.

Aim

The aim of this policy is to ensure that any action taken by MPC as regards to Travellers is fair and in line with an approved protocol for dealing with unauthorised sites. The protocol includes a procedure to ensure that as an ethnic minority group the rights and interests of Travellers are properly taken into consideration as well as the settled community, when making any decisions as to how best to proceed. The protocol is designed to ensure that the Council is acting in accordance with the requirements of the Human Rights Act 1998 and current Government guidance.

Land owned by Marston Parish Council

- Marston Common Land
- Marston Parish Field

Travellers on Parish Council Land

1.1 The Clerk will inform the following people;

- Marston Parish Council
- Wiltshire Council's Environmental Health Officer
- Wiltshire Council's Traveller Services Officer
- The Police
- Parish Council's Legal Advisor
- County Councillor

As Landowners it is MPC's responsibility to take any action to evict an illegal encampment form their land. This should be done by instigating proceedings under Section 50 Civil Procedures Rule with the support of the Parish Council's Legal Advisor.

1.2 The Parish Council will undertake the following;

- Engage MPC's Legal Advisor to act.
- Risk Assess the continued use of the land taking advice from the Police and councils' legal advisor. Advise users accordingly.
- Organise a parish council meeting to update the council on all action

1.3 Making Contact with the Travellers

The Councillors as the appointed landowners shall request the Clerk to contact the Police or Wiltshire Council's Travellers Service Officer who should accompany them when speaking to the Travellers.

If the incident occurs at a weekend or an evening the Clerk and a Councillor should undertake the visit. It is important the visit is done as soon as possible.

The following should be established

- The Travellers should be informed that this is Marston Parish Council land and camping is not allowed on Common Land under any circumstances.
- Establish a time when the Travellers will leave
- Ask them to keep the site clean
- At all times keep a log of all discussions and agreements made.

1.4 Action to evict the Travellers

If the Travellers have not left the site as discussed, the following procedure should be enacted:

- Instigate a Possession Order as per section 50 of Civil Proceedings Act to evict the Travellers from the site.
- Keep a statement of all conversations and matters relating to the Traveller Encampment.
- Liaise with the Police and act on their advice.

This action to be started immediately and may run alongside action undertaken by the Police under the Criminal Justice Act.

1.5 Request for Police Action Criminal Justice and Public Order Act (CJPOA) section 61c under The Police, Crime, Sentencing and Courts Act 2022.

The Council to consider the following and if applicable make an immediate request for action under the Criminal Justice and Public Order Act (CJPOA) section 61c.

If the Travellers fail to leave by the time agreed by the proceedings outlined in section 1.3 above, and any of the following 3 things have taken place;

- the unauthorised campers have caused damage to the land or property on the land;
- they have used threatening, abusive or insulting words or behaviour to the occupier, a member of his family or his employee or agent;
- there are six or more vehicles on the land.

The Police can use Section 61 of the CJPOA 1994 to direct unauthorised campers to leave the site. They can do this without reference to the courts. The initial step is for the landowner to make a formal request to the police that they use their powers under the CJPOA. A senior Police officer will then consider whether it is appropriate to use the power, based on numerous factors:

- Whether there are other activities on the encampment, such as serious breaches of the peace, disorder, criminal activity or anti-social behaviour which would necessitate police involvement under their wider powers.
- Given the impact of the unauthorised encampment on the environment and the local settled community, is it reasonable and proportionate to use police powers.
- Is action by the Police legally sustainable.
- Are sufficient resources available.

The decision to take this action falls to the Police. The Clerk and the council can request it, but the Police may not take this action. It is important due to this fact that civil proceedings are taken immediate so as no delay in eviction takes place.

2.0 Travellers on land owned by other landowners

The Parish Council/Clerk will identify the landowner and to advise them of the encampment and to ascertain if it has permission. The Parish Council/Clerk will liaise with the landowner and keep the Parish Council informed of any action.

3.0 Contact Information.

Designated Council Traveller Team.
Wiltshire Council does not have a designated Gypsy and Traveller team, instead all enquires are directed to the relevant service for further assistance. For information regarding our services call customer services on 0300 456 0100 (9.00am - 5.30pm)

Reporting can also be carried out through the MyWilts App
https://www.wiltshire.gov.uk/mywilts-online-reporting

Wiltshire Council Environmental Health.
For information regarding our services call customer services on 03004560 100.

Police.
Contact the Wiltshire Police force via the 101 number for non-emergencies.

Marston Parish Council's legal adviser.
Awdry Law (Devizes) 01380 722311

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