

## **Travellers on DDC Land including Pay & Free Car Parks- Procedures Note**

### **Introduction**

In this document it is assumed that the incursion is by Travellers with vehicles, however the procedures would largely apply to other sorts of unauthorised encampments, except where indicated otherwise. Care must be taken not to wrongly identify tourists, especially in free car parks where they are not required to pay for their stay.

When the Council becomes aware of an unauthorised encampment on DDC owned land, there are 4 ways of resolving the issues:

1. Travellers are likely to leave when they are convinced that the landowner has the necessary legal powers to remove them. Travellers usually leave under their own power in order to catch a ferry, or move on somewhere else, or move before the Courts and Police get involved.
2. Kent Police have discretionary powers under **Sections 61 – 62 of the Criminal Justice and Public Order Act 1994** (CJPO). The Police may in very rare circumstances serve a section 61 notice when the particular encampment is having a significant impact such as depriving a community of local amenities, a significant impact on the local economy/environment or where there is significant anti-social/criminal behaviour that requires immediate action to address. This will result in Travellers being requested to leave on 2 hours' notice after which time their departure would be enforced by the Police. It is more usual for the Police to insist that landowners go through the Courts to regain possession of their land.
3. DDC can serve an Off-Street Parking Places Order on land used as a pay or free car park. Both pay and free car parks may be designated as a "**Parking Place**" within the **Dover District Council (Off-Street Parking Places) Order 2019** (usually updated annually) under the **Road Traffic Regulations Act 1984**. These Parking Places will be specified by name in the Schedules to the Order and will be edged in black on a plan within the Order.  
This allows the Travellers to be removed without the need to take the matter to Court. The encampment must however be within the black line shown on the Order otherwise other powers need to be used. The exception to the above is if they have paid for their parking.
4. On all other DDC land, the Council can serve a **Section 77 CJPO Notice** for the Travellers to leave within a given timescale. If they fail to do so, the matter is referred to the Courts. The usual timescale for vacating is 24 hours, however discretion may be shown in the event of medical need.

## **Initial Action**

Following the initial report of Travellers arriving on DDC owned land, one of the designated officers from Property Services will visit the site, always accompanied by another officer, and engage with the Travellers. All meetings with Travellers must have a minimum of 2 officers to corroborate evidence if necessary and preferably be a male and a female in order to engage with male and female Travellers properly.

On the first meeting, you need to:

- state that they are in unlawful occupation of Council owned land, and
- that you require them to vacate the site, and
- ask when they were proposing to leave

The last question is important, as it may affect your actions, if for example, they produce a valid ticket for a ferry the next day. Unless you have proof that they are leaving within the next 24 hours then you need to follow the same course of action in all cases unless there are strong mitigating circumstances.

Ideally, one of the officers will be trained to carry out the required Welfare checks. If this is not possible, then a second site visit needs to be arranged as quickly as possible by someone who can.

It is important to engage with Travellers in the same way as you would with any other member of the public, and under no circumstances to be confrontational.

## **Welfare Assessment**

The **Travellers Welfare Form** will need to be completed by someone with experience in such matters at either the first or subsequent site visit. The purpose of this is to identify any welfare needs of the Travellers which may need special consideration. This reflects what would be expected by the Courts, and failure to record the required information may result in an abortive Court visit.

The form will also require a brief description of the caravans or mobile homes including number plates and information about the travellers.

When completed, the form is sent to Legal to consider in order to come to a balanced assessment in accordance with the Human Rights Act and DCLG "Guidance on Managing Unauthorised Camping".

## **Notice to Vacate**

Once the Welfare Assessment has been signed off by the required Legal officer, written **Notices to Vacate** can be served on the Travellers. This is usually drawn up by Legal to ensure that the necessary wording is followed and will usually require them to vacate within 24 hours. Any description on the Notice will be very general to reduce the chance of legal challenge in Court on the grounds of misdescription.

The Notice is either attached to the caravan or motorhome or handed to an individual who identifies themselves as the owner of that particular vehicle. All visits to the site must be accompanied.

### **Re-inspection**

Just after the time specified in the Notice that the land is to be vacated by, the site needs to be inspected to see whether the site has been vacated. If they have, check the site for whether much refuse etc has been left behind. If this is only a few items, these can be cleared, or else contact Waste Management.

If they haven't vacated, Legal will arrange for a Court hearing and will provide a **Court Summons** to serve on each caravan or motorhome providing the date, time and location of the hearing.

In the case of car parks, no Court hearing is necessary, see **Eviction** below.

### **Court Hearing**

The designated officer who has attended the site will be required to attend the Court and your role will be to act as a witness to the various meetings you have attended in case the magistrate or judge has any questions which they need clarifying.

If the Court are happy with the documentation, it is likely that they will sign an order to evict the Travellers.

### **Eviction**

As soon as all the required steps have been taken, Property Services will need to check that the Travellers are still on site. If they are, then arrangements will need to be put in place to remove the Travellers. If only caravans are present, then a suitable vehicle with a tow bar with a driver who has received training in towing on the highway can be used. Failing this, arrangements need to be made with a haulage company to attend the site at a certain time, allowing scope for the appointment to be cancelled if the Travellers have left.

It is also essential for either the Police or PCSO's to be present (telephone 101) in case the eviction is resisted and becomes a public order issue.

After the travellers have departed, inspect the site for any hazards, litter etc. Check whether any security barriers etc need repairing to deter future incursions.