

TRAVELLERS: INFORMATION FROM COUNTY AND DISTRICT

WEST SUSSEX COUNTY COUNCIL WEBSITE

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/report-problems-in-your-area/report-an-unauthorised-gypsy-or-traveller-site/>

Unauthorised encampments on private land

These are the responsibility of the land owner.

Public land or a highway

Contact us if an unauthorised Gypsy or Traveller encampment is set up on public land or a highway without permission: Check if the encampment has already been reported to us on our website, or complete our online form, or Phone: 01243 642139

What happens after you report:

Once we receive a report we will visit a site to check:

- its tidiness
- how much it's disrupting local residents and businesses
- whether it's obstructing highways or public rights of way
- if there are any welfare or humanitarian issues.

We will tolerate an encampment for a short time if the campers are behaving, the site is tidy and other circumstances allow. We are likely to evict if the camp is causing a nuisance or campers aren't behaving. Usually we agree an acceptable deadline with the campers. This is cheaper and quicker than taking legal action. If we can't agree an eviction deadline there are powers the police can use. We have to apply these in line with the **Human Rights Act and Race Relations Act**, otherwise we may be challenged in court.

ARUN DISTRICT COUNCIL WEBSITE

<https://www.arun.gov.uk/illegal-occupation-of-land-by-travellers>

The responsibility for taking enforcement action lies primarily with the owner of the land concerned. Arun District Council only has responsibility for its own land and currently, along with other local authorities in West Sussex, has an agreement with West Sussex County Council whereby the county council undertakes the appropriate steps, including any legal proceedings, to evict any travellers or gypsies from illegally occupying their land.

Gypsies and travellers seen at the side of the road, in a lay-by or parked on the edge of the road/verge are probably on West Sussex County Council Highways land and you should advise the county council directly, who will then investigate the gypsies or travellers presence and take the appropriate legal actions to move them on. This also applies to mobile homes parked on the highway where people are staying in them overnight as again, the district council has no jurisdiction over highway land or roads.

If you see gypsies or travellers parked in a (private) field or open space it is very likely that they do not have the landowner's permission and the landowner will need to take the appropriate legal action through the courts to regain possession of the land. Unfortunately where private land is involved Arun District Council is unable to take any action.

Circuses and funfairs often park up at the side of the road or on adjacent verges overnight or whilst travelling between their agreed sites. Usually these vehicles (often in a convoy) will only be present overnight or for a short time and there is no need to advise the county or district council of their presence.

If you see gypsies or travellers occupying a council-owned car park you should contact the relevant authority; this will either be West Sussex County Council or Arun District Council.

Within West Sussex, there are currently around 130 pitches for travellers at 12 sites, which is more than many counties in England and considered to be a sufficient contribution to national provision. Arun District Council is required by the government to provide a number of sites to meet the housing needs of gypsies, travellers and travelling show people. Within Arun, there is a residential site at Comet Corner between Yapton and Middleton-on-Sea. In addition, there is one transit site provided near Chichester where travellers will be directed by the police and/or county council if they illegally occupy any district or borough council land within West Sussex.

In some circumstances the police will assist in moving travellers and gypsies on from a site using powers under the Criminal Justice and Public Order Act 1994: Public Order: Collective Trespass or Nuisance on Land: Section 61 and Sections 62A,62B and 62C and this will be done through liaison with the police and the county and district councils.

The council recognises and accepts that all members of the community have the right to protection under the law and to be protected from nuisance, harassment, discrimination and harm from others and that this right applies equally to travellers and the settled community. The council also recognises that people seek to meet their housing needs by a variety of ways, including living in vehicles, but that the supply of authorised sites on which to put those vehicles in Sussex is considerable and accessible. In addition, there are opportunities for temporary encampment for genuine travellers in locations which can cause minimum disruption to other communities.

The policies and procedures above apply only where the council is seeking possession of its own land. Every unauthorised encampment will be considered in relation to its individual circumstances as set out in the council's policy and including the size and location of the site, the size of the encampment, the needs of Travellers and those of the settled community affected by the encampment.

For further advice or to report an illegal encampment contact travellersupdate@arun.gov.uk

Advice for private landowners

The responsibility for taking enforcement action lies with the owner of the land concerned. Landowners are expected to take reasonable precautions to prevent illegal encampments. Unless a landowner has already obtained planning permission for a caravan site or is a farmer and the gypsies/travellers are helping with fruit picking etc., then the landowner could be in breach of the Planning Acts and the Acts dealing with the licensing of caravan sites.

If a landowner is in breach of any planning or license requirements, then the authority will take proceedings against the landowner to require removal of the illegal encampment.

Landowners can talk to the gypsies/travellers to see if a leaving date can be agreed. If a leaving date cannot be agreed you will need to take proceedings in the County Court under the Civil Procedure Rules 1998 to obtain a Court Order for the gypsies' or travellers' eviction. There must be a minimum of two clear days between service of documents and the court hearing. To get details of court proceedings contact:

Chichester County Court, Southgate, Chichester, West Sussex PO19 1SX
Telephone: 01243 520700, Fax: 01243 533756 Email: enquiries@chichester.countycourt.gsi.gov.uk