

Braishfield Parish Council
Illegal & Unauthorised Encampments Policy

An unauthorised encampment is where caravans or vehicles are stationed on land without the landowner's permission. In most cases this is a matter of civil trespass between the landowner and those occupying the land. The responsibility for taking action rests with the landowner, supported where necessary by the local authority or police.

This policy sets out how Braishfield Parish Council will respond if notified of an encampment, particularly on parish-owned land.

A Test Valley Borough Council (TVBC) application to renew an injunction for unauthorised traveller encampments against 'persons unknown', for a further 12 months, has been successful. The order, which was granted on Friday 9 May 2025, covers around 17 square miles, encompassing all of Andover, as well as the Alma Road car park in Romsey, Romsey Rapids and the Nursling and Rownhams hall and recreation ground. It helps to address unauthorized traveller encampments by prohibiting individuals from setting up unauthorized camps on specified land within the borough, with the power of arrest for those who breach the order. This allows the police, in partnership with TVBC, to take swift action and remove those who violate the injunction.

Deterrent Effect: The existence of the injunction and the associated enforcement powers are intended to act as a deterrent, discouraging unauthorized encampments from entering the area in the first place.

Action Plan:

Unauthorised encampment on private land not owned by the Parish Council:

Parish Councillors should not approach the encampment;

Inform the landowner that they have an encampment, inform the police and Gypsy Liaison Officer (GLO);

Unauthorised encampment on public land: Report the encampment to the relevant local authority or police.

Unauthorised encampment on land owned by the Parish Council:

In cases where the unauthorised encampment is on council controlled land, Braishfield Parish Council will visit the site of the unauthorised encampment, as soon as possible following notification of the encampment.

Process for removing unauthorised encampments:

1. Report to Police: Call 101 (non-emergency). If it's an emergency, call 999. Obtain reference numbers.

2. Report to Traveller & Gypsy Liaison Officer - 01962 847315 or emtas@hants.gov.uk

3. Contact TVBC Legal Services at 01264 868000 or legal@testvalley.gov.uk
4. Inform the insurance company in case a claim has to be made.
5. Contact surrounding Parish/Town Councils, so that they can make sure their land is as secure as possible.
6. Keep a detailed log of all actions taken and brief summary of any conversations had, you may need this if you have to attend court.
7. Braishfield Parish Council advises members of public and staff to report instances of antisocial behaviour to the police non-emergency number 101.

Legal Eviction Process:

a) Police can use Section 61 powers to move travellers on if:

- They've caused damage to land/property
- There are six or more vehicles
- There's threatening or abusive behaviour

b) Local Authorities: Sections 77 – 78 Criminal Justice and Public Order Act 1994

The power most commonly used by the council is that under sections 77 and 78 of the Criminal Justice and Public Order Act 1994. Authorised Council officers are responsible for serving a Section 78 notice to travellers.

Section 77 gives the power to direct individuals to remove their vehicles and belongings and to leave the land occupied without the consent of the occupier of the land. Before issuing this direction, welfare assessments must be carried out on the occupiers of the unauthorised site. Occasionally there is a medical or other concern which means it would be inappropriate for the occupants to be moved on for example the presence of a new born child who needs to be seen by a health visitor. Details are also taken by bailiffs on the site to determine whether there is a mechanical breakdown or other reason why the travellers should not be moved on.

A direction under s.77 can be issued immediately after receiving information regarding occupation of the site from the bailiff and the health visitor. The direction can be issued the day after the travellers arrive on site. Failure to comply with the direction or returning within 3 months is a criminal offence with a penalty of a fine of up to £1000.

The direction requires the site to be vacated immediately and if it hasn't been complied with after 24 hours a summons will be issued for the occupants to attend court. The summons must also give the travellers a minimum of 24 hour's notice. At Court an application for an order under section 78 will be made. If granted the travellers will be given 24 hours to leave the site. If they failed to do so bailiffs with tow trucks are instructed to attend the site and clear it. In many cases this process can be completed in as little as 4 days

but can take much longer due to the specific circumstances of the occupiers of the encampment or available resources.

c) Bailiffs: Section 77 Notice

This can be issued by the landowner requesting that they vacate the site by a specified time. This must be served in the presence of a Police Officer. If they do not leave by the specified time, then you will need to go to Court to ask for a hearing. A date will then be set for a hearing when the Trespassers will be summoned to attend. They normally don't attend. You will need to attend to collect the Sec.78 Notice that tells them to move on. You will then need to serve this on them again in the presence of Police. Bailiffs can attend the site. They carry out a risk assessment and serve them notice under Common Law Eviction. This gives them a set time to leave by. If they do not leave the land in that time the Bailiffs can return to evict them from the site.

d) Do not attempt to forcibly remove travellers yourself as this can result in criminal charges.

Inform HCC, District Council, Police and other Parish/Town Councils that they have moved on.

Adopted: October 2025