

The Curse of the unwanted Traveller

Ross Osborn

No, not a sci-fi 'B' Movie! A very real problem that many of us have faced in the past and will face in the future. What do you do when a group of Travellers enter your land and set up camp? I asked the Thames Valley Police Force what the legal position was, who to talk to and what can be done to remove them.

Most common land is either privately or publicly owned though there are a few areas where ownership is either unknown or in doubt. What follows relates to Bucks and Oxon and there may be variants where the other Chilterns Counties are concerned so check with your local Force. Also print off a copy of Section 61 of the Criminal Justice and Public Order Act 1994 - it's essential reading!

Assuming that the land is either privately or publicly owned, there are several options available to landowners to deal with the arrival of a group of travellers and to evict them:

1. Bailiffs employed by the landowner.
2. Court Orders usually obtained via the Bucks and Oxon Gypsy and Traveller Services unit.
3. Police powers under Section 61 Criminal Justice and Public Order Act 1994.

The Police will always work closely with the relevant local Council. The primary agency for dealing with traveller encampments is the County or District council. The Bucks & Oxon Shared Gypsy and Traveller Services unit are based within Oxfordshire County Council and can be contacted on 01865 815545. It is important to stress that the human rights of the travellers must be taken into consideration and the Police's function is to prevent crime and disorder. The Council or private landowner will normally take the lead in cases where a simple trespass is taking place. A very straightforward guide for all members of the public on what to do if a traveller encampment takes place can be found on www.oxfordshire.gov.uk.

If the Police are called to a site then their first responsibilities are to liaise with the travellers to establish how many people are expected to arrive and how long they intend to stay. The Police are required to complete a site assessment and vehicle log, and then issue the travellers with a Code of Conduct which outlines acceptable behaviour whilst on the site. This should be done at the earliest

opportunity. The landowner is, I understand, entitled to have sight of these documents.

The Code of Conduct details behaviour that may result in eviction including camping on any land designated as a public amenity, forcing entry to land by causing damage to fixtures, fittings and landscape, dumping or tipping rubbish, use of area as a toilet and intimidation or harassment of any person lawfully using the area.

The owner of the land needs to be established and contacted, if not already present. The Councils, Courts, Bailiffs and the Police will not act until the owner(s) have been consulted and their wishes made clear. In cases where the land appears to have no owner, the law is clear that "the precise nature of any rights in the land should be established before action is taken under Section 61".

This law states the following:

"If the senior police officer, present at the scene, reasonably believes that two or more persons are trespassing on land, are present there with the common purpose of residing there for any period and that reasonable steps have been taken by, or on behalf of, the occupier to ask them to leave and -

- a. that any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his, OR
- b. that those persons have between them six or more vehicles on the land, he may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land.

'Vehicles' do not have to be in a fit state for use on a road and can include a chassis or body (with or without wheels) appearing to have formed part of a vehicle. They also include caravans, therefore 3 towing vehicles and 3 caravans count as six vehicles.

An extra provision within this law specifically covers registered common land and states that if a group of travellers attempt to stay on common land (as opposed to privately or publicly owned land), then any person who has a right to the benefit of that land can ask for police help if the conditions in Section 61 are fulfilled.

continued over

The Curse of the unwanted Traveller

continued

Of course, we all hope that the Travellers don't come, in the first place.

Unfortunately, at Ditchfield Common, Lane End, - privately owned registered common land - we have had two such 'invasions' in the last ten years. Why chose Ditchfield Common? We are not quite sure but the area they chose was largely secluded from public view, had water available in the adjacent churchyard and a scrubby copse into which to throw rubbish, nappies and everything else. After the first, somewhat lengthy, stay clearing up the mess that the Travellers left was indescribable.

With the land owners help and agreement, local volunteers, the Church, businesses, and the Parish Council, built a number of 'deterrents' - a perimeter bank and bollards and gates at the various entrances - which was felt to be adequate to discourage a return visit. We were wrong!

At the end of last year, they returned. None of us paid much attention to scraps of red/white bunting pinned to

trees and posts - they proved to be markers for the Travellers as to where to come. This time, though, the residents acted very quickly. The gates were closed and locked and the water supply was turned off so very few vehicles actually got onto the site and they were removed after only a few days. At that point, they went to Parish Council owned land and were almost immediately evicted.

In our latest incursion, once the Travellers knew the Police were involved and they were to be evicted, all the adults left the site leaving only the unsupervised children. Human Rights then come into play - Children's Services then need to become involved which delays the eviction process

The moral of the story?

Plan for the worst and hope for the best but, above all, HAVE A PLAN, BE ALERT, ACT QUICKLY and talk to your local police as soon as you can.

Studham stop press 1

Friends unite for the Common good

A sixty-strong force of volunteers joined forces in January for the fifth annual community work party on Studham Common. Fortified by a hearty porridge breakfast, followed by lunch and tea in the Village Hall, everyone laboured on well into the afternoon. Tasks included hedge planting, scrub clearance, gorse restoration and sensitive treatment of particular hedgerows that offer important habitats for our bird and dormouse populations. The event was organised by the Friends of Studham Common, with the help of the Greensand Trust and Central Bedfordshire Council, who helped recruit volunteers from further afield. It was funded by a grant from the Grassroots Foundation.



Winter Community Work Party
Photos: Pam Rumfitt

Studham stop press 2

Starting young

Pupils from Studham Lower School's Maple Class braved the cold in January to plant a new section of hedge on Studham Common. They used saplings donated by the Woodland Trust, plus some field maple, to match their name, and some extra hazel plants to keep our dormice happy. The children were joined by staff, parents and volunteers from the Friends of Studham Common. We hope to involve the children in monitoring and caring for their new hedge in the coming year.

Acknowledgements

The Friends of Studham Commons would like to express thanks to the Chilterns Conservation Board and the Grassroots Foundation for their generous grants towards the purchase of a secure tools storage facility.



School tree planters