

Hounslow Council advice note 10.6.2016 - Travellers in Hounslow

With the summer season now under way so to begins the possibility of an increased number of travellers temporarily making council owned and private land in Hounslow their home.

The travelling community and the issues they often create are not unique to Hounslow. Across London – and the country – councils and private landowners are faced with legal costs and clean up fees after travellers have been moved on. The actions of travellers can also impact on neighbours living close to their encampments.

Seen by many as an unwelcome nuisance, the council has an obligation to ensure the safety and wellbeing of vulnerable travellers, children and disabled or pregnant travellers.

Police approach

It is the owner's responsibility to take formal action to remove travellers from their land, usually involving an application to Magistrates Court. The police only intervene if, during the course of this process, there is crime, anti-social behaviour or a large number of vehicles on site.

When moving on travellers, the police use powers under Section 61 of the Criminal Justice and Public Order Act (1994).

Parks' approach

Carillion, who manage parks and open spaces on behalf of the council, would carry out a welfare assessment on anyone present at the site, which is a legal requirement, and secure the site if practical to prevent further access.

Depending on individual circumstances, the travellers are served a Notice of Direction to leave within 24 hours. More often than not, this is ignored by the travellers and a court order is required to formally remove them from the land.

Legal parameters

The law outlines a set process which needs to be followed before any unauthorised encampments (travellers) can be removed from a site. This includes:

- Determining who is occupying the site
- Number of vehicles
- The council has duty to carry out a welfare assessment; the purpose is to identify any vulnerable people, i.e. children, pregnant women or disabled people and consider the needs of these travellers – some of these groups may potentially have a defence if they remain on the site.

A Notice of Direction can be served after the welfare assessment is carried out. The Notice of Direction gives the travellers 24 hours to vacate the site. Should they fail to do so, the council can then use its powers under s.78 of Criminal Justice and Public Order Act 1994 ('CJPOA') to issue a summons to the Magistrates Court.

The summons requires the person(s) responsible for the vehicles to appear before the Magistrates Court to answer to the complaint. The summons will be served on the unauthorised vehicles/and or person(s) by a process server or a council officer. The travellers will have to be given at least 24 hours notification of the pending hearing.

The legal officer attending will request that the Magistrates grant an Order for the Removal of Vehicles and Persons. If the Magistrates are satisfied that the correct procedures have been followed, the Order will be granted immediately. Usually a process server will serve a copy of the Order on the travellers.

The process to remove the travellers can be fairly quick subject to having all evidence in place promptly and there being no defence to the proceedings.

Only after they have left can the council step in to clear any rubbish and return the land to normal use.

Private land

If the travellers camp on private land, it is up to the landowner to take civil action to get them removed and arrange for any clean ups to take place.