



Unauthorised Encampments

information & advice

Kent
County
Council 

Unauthorised Encampments

Part I – Information and Definitions

Unauthorised Encampments

- **Unauthorised Encampments (UEs)** are defined by the Government as “encampments of caravans and/or other vehicles on land without the landowner or occupier’s consent and constituting trespass”.
- UEs fall into 2 main categories: those on land owned by local authorities (highways, schools, public parks and car-parks etc) and those on privately owned land.
- People parking caravans on their own land without planning permission are not UEs (in that they cannot trespass on their own land) – they are “Unauthorised Developments” and are always dealt with by enforcement of planning legislation by the Local Planning Authority within the relevant District Council.

The management of UEs

- Where the UE is on local authority land, the relevant Council will lead:
 - Kent County Council(KCC) on highways and schools outside the Medway area, and other KCC-owned land.
 - Medway Council in Medway.
 - The relevant District Council on all other local authority land outside Medway.
- On private land, it is the landowner who is primarily responsible (although the District Council and KCC will offer advice and assistance).
- Unauthorised Developments are managed by the relevant Local Planning Authority.
- In all cases, the Police are responsible for crime-related issues.

Reporting UEs

All UEs and Unauthorised Developments should be reported to the KCC Report and Information Line – **0845 345 0210**. This line should also be called for general advice, to provide us with updates and to seek general information on our management of specific encampments.

Part II – Frequently Asked Questions

What is the Council’s policy on UEs?

- KCC deals with all UEs in the same manner whoever occupies the caravans, be they Gypsies, Travellers, Builders Merchants, or whoever.
- If a UE involves Gypsies/Travellers, it should be noted that KCC recognises and accepts their right to live a nomadic way of life in particular its obligations under the Human Rights Act and the Race Relations Amendment Act. All members of the community, be they Gypsies/Travellers or members of the settled community, have a responsibility to show understanding and toleration of others and above all respect for the law. English law contains no right to stop on someone else’s land without their consent.
- Balanced against that, when dealing with UEs, KCC aims to ensure that all Kent residents feel they are part of an inclusive society with equal access to services and other facilities. KCC also recognises that all members of the community have the right to enjoy a quality of life that is free of harassment and offensive behaviour and is committed to using the law to tackle all forms of anti-social behaviour.
- It is KCC’s belief that everyone should be judged by how they behave not by a stereotype or single view that others may have of them generally. But, whatever the past history and tradition and however well behaved someone is, encamping on

someone's land without their consent is unlawful.

- In using their powers local authorities and the police must consider the rights and responsibilities of everyone living in their area.

Why do some UEs occur in Kent?

- Whilst there are a number of authorised private and Council run Gypsy/Traveller sites in Kent, those Gypsies/Travellers (and others with caravans) who visit the County for a short period of time do not generally have such a base to go to. Thus they tend to resort to unauthorised areas for short periods.
- KCC is looking at long-term solutions, including the provision of well-placed Transit Sites to where UEs can be directed.

How are UEs managed on Local Authority land?

- The site will be visited as a matter of urgency.
- Checks are made on the tidiness of the site, the level of disruption to local residents/businesses and an assessment of any obstruction of highways or public rights of way, as well as any activity the Police or others may have had reported to them.
- As a legal requirement we also take into account whether there are any humanitarian or welfare considerations.
- If the campers are behaving and the site is being kept tidy and if other circumstances allow UEs may be tolerated for a short time in line with Government advice.
- If there is evidence that they are not behaving, there is a presumption towards eviction.
- If the decision is taken to evict we usually seek to negotiate a mutually acceptable deadline for unauthorised encampers to

move by. This usually works and is normally quicker and less costly than taking formal legal action.

- If that fails, there are powers that the Police and local authorities can use (see the paragraphs on "legislation" in this leaflet). These are subject to Human Rights Act and Race Relation Act considerations, and can be challenged in Court.
- Any attempt to move an UE without following relevant procedures may seem quicker, but it could lead to lengthy court actions, considerable cost and public criticism of the actions taken.

Do the Council or Police have a duty to move UEs on when they are on the Council's land?

- If a UE is on Council land, that Council has a POWER not a DUTY to move them on and they may only evict them subject to complying with Human Rights legislation and other procedures. Failure to comply would render the Council and Police officers liable to challenge in the courts, proving potentially costly and quite probably resulting in lengthy stays for the encampers.
- A Protocol has been agreed between all Kent Councils and the Police to maintain an acceptable and consistent approach on dealing with UEs. This includes reference to Government advice that when UEs are not causing a problem they may be tolerated for a short time.

Do the Council or Police have a duty to move UEs on when they are camped on private land without the landowners permission?

- If they are on private land it is primarily the landowners responsibility to deal with the issue. KCC and the relevant District Council will provide advice and help if asked to do so by the landowner. New guidance issued by the office of the



Deputy Prime Ministers/Home Office says that within the overall strategy for managing unauthorised camping, the local authority might consider acting more directly against encampments when requested by a private landowner. The Police will of course tackle all reports of crime (but not trespass) wherever they are reported.

Why don't the Police get involved with trespass?

- Trespass is not a criminal offence; it is a civil matter. However, each UE is closely monitored and all circumstances surrounding the actions of those on the encampment are taken into account when the use of Sections 61 and 62 of the Criminal Justice and Public Order Act 1994 are being considered by the Police (see below). Once the use of this power has been activated, failure by the campers to comply with the Police instruction to leave, or if that group returns to the same land within three months, they commit another offence for which there is power of arrest.

What if a landowner is content to allow a UE to remain temporarily?

- Unless the landowner has already obtained planning permission or is a farmer and the encampers are helping with fruit picking etc, the landowner could be in breach of Planning Acts and the Acts dealing with the licensing of Caravan Sites.
- In the first instance call the KCC's Report and Information Line on **0845 345 0210**.

If the landowner will not take the appropriate action to remove the encampers, what will the Council do?

- If the landowner is in breach of any planning or licence requirements the local planning authority may take action

against the landowner to require the removal of the caravans. Court actions would likely follow if the landowner does not comply.

What about Gypsies/Travellers that buy their own land and set up home on that?

- Gypsies and Travellers need to gain planning consent for such a site just like anyone else. If they do not then the site is classed as an Unauthorised Development and the local planning authority will deal with it under the normal planning powers available to it.

What can I do if I witness anti-social or unlawful behaviour?

- Nuisance can be reported to the local authority environmental health department or the Police. If it is a Police emergency phone **999**. Otherwise use the main Kent Police switchboard on **01622 690690** or ring your local police on the following numbers, or call Crimestoppers on **0800 555 111**:

North Kent Police	01474 331055
West Kent Police	01732 740055
Maidstone Police	01622 690055
Medway Police	01634 827055
Swale Police	01795 477055
Canterbury Police	01227 762055
Thanet Police	01843 231055
South East Kent Police	01304 240055
Weald Police	01233 611055

What about the rubbish left by some UEs?

- Local authorities, the Police and the Environment Agency are seeking ways of using existing legislation to deal with these anti-social and often expensive



problems. Private land owners are responsible for the removal of waste on their land. If in doubt, contact the Environment Agency Hotline on **0800 807060**.

What legislation relates to Gypsies and Travellers and the management of UEs?

- The main legislation affecting Gypsies and Travellers and UEs are the Human Rights and Race Relations Acts and Sections 61, 62, 77 and 78 of the Criminal Justice and Public Order Act 1994. That legislation is bound by various interpretations from the courts (case law) and guidance notes from Government, which do not allow racial discrimination or tolerate anti-social or criminal behaviour.

Race equality considerations

- Race relations legislation recognises Gypsies and Travellers as specific racial groups i.e. Romany Gypsies and Irish Travellers, and those other Gypsies and Travellers who are of ethnic or national origin and come within the definition of a racial group within the legislation e.g. Scottish Travellers. The legislation places a duty on public authorities, including KCC, to promote race equality.

What is Section 61?

- Section 61 is a power that the Police can use. It can be used when two or more people are trespassing on land with six or more vehicles, where they have damaged land or property, where there has been threatening/abusive/insulting behaviour used against the occupier, the family or agent and where the landowner has asked them to leave (and they have failed to do so).
- Subject to the above, the Police may then order the encampers immediate vacation from the site. The Police will consider using their powers when there is disruption to local business, schools or hospitals; where

significant damage has been caused to the property e.g. forced entry; where there is evidence of arrestable offences being committed by the trespassers; or where any of the trespassers have used threatening behaviour.

What about Section 62?

- This is a new Police power, but it will only be useable in Kent once there are other vacant pitches available, or Transit Sites are established and available for use. It allows the Police to attend in the case of upwards of just one caravan, occupied by two people, where the landowner has asked they move from the land AND when there is an alternative pitch available for them on a suitable site within the Local Authority area.

What are Sections 77 and 78?

- These are the powers used by the Council where caravans move onto its land. Section 77 allows the Council to require the encampers to leave, although it does have a legal obligation to make humanitarian enquiries and to take account of considerations of common humanity. All decisions by public bodies must be 'proportionate' and accord with the Human Rights Act.
- If the encampers fail to comply with that request and direction, the Council can apply to the Magistrates' Court under Section 78 for a Court Order requiring them to leave with their vehicles. If granted and the encampers still do not move, it authorises council officers to enter the land and remove the property (caravans/cars etc.) to a safe place.

I still have some queries or questions.

Who can help?

- Information can be gained from the KCC by

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Contacts

Kent Police

Force Headquarters
Sutton Road
Maidstone ME15 9BZ
Tel: **01622 690690**
www.kent.police.uk

Kent County Council is strategically responsible for Highways, Education, Social Services, Trading Standards, Strategic Planning and a variety of other services across the Administrative County of Kent (except the Medway Towns where Medway Council is responsible – See below).

Kent County Council

Sessions House
Maidstone ME14 1XQ
Tel: **08458 247247**
www.kent.gov.uk

Medway Council

Civic Centre
Strood ME2 4AU
Tel: **01634 306000**
www.medway.gov.uk



Twelve district councils operate in Kent. They are responsible for environmental health, local planning and housing issues.

Ashford Borough Council

Civic Centre
Tannery Lane
Ashford TN12 1PL
Tel: **01233 331111**
www.ashford.gov.uk

Canterbury City Council

Military Road
Canterbury CT1 1YW
Tel: **01227 862000**
www.canterbury.gov.uk

Dartford Borough Council

Civic Centre
Home Gardens
Dartford DA1 1DR
Tel: **01322 343434**
www.dartford.gov.uk

Dover District Council

White Cliffs Business Park
Dover CT16 3PJ
Tel: **01304 821199**
www.dover.gov.uk

Gravesham Borough Council

Civic Centre
Windmill Street
Gravesend DA12 1AU
Tel: **01474 564422**
www.gravesham.gov.uk

Maidstone Borough Council

13 Tonbridge Road
Maidstone ME16 8HR

Tel: **01622 602000**
www.digitalmaidstone.co.uk

Sevenoaks District Council

Council Offices
Argyle Road
Sevenoaks TN13 1HG
Tel: **01732 227000**
www.sevenoaks.gov.uk

Shepway District Council

Castle Hill Avenue
Folkestone CT20 2QY
Tel: **01303 850388**
www.shepway.gov.uk

Swale Borough Council

Swale House
East Street
Sittingbourne ME10 3HT
Tel: **01795 417850**
www.swale.gov.uk

Thanet District Council

PO Box 9
Cecil Street
Margate CT9 1XZ
Tel: **01843 577000**
www.thanet.gov.uk

Tonbridge & Malling BC

Gibson Drive
Kings Hill
West Malling ME19 4LZ
Tel: **01732 844522**
www.tmbc.gov.uk

Tunbridge Wells BC

Town Hall
Civic Way
Royal Tunbridge Wells TN11 1RS
Tel: **01892 526121**
www.tunbridgewells.gov.uk
