

Information and Guidance on Gypsies/Travellers

Why do Gypsies/Travellers pursue a travelling lifestyle?

Does the council have a duty to move Gypsies/Travellers when they are camped without the landowner's permission?

If Gypsies/Travellers camp on private land, what can the landowner do?

What if the landowner decides to let them stay on the land temporarily?

If the landowner fails to take appropriate action to remove the Gypsies/Travellers, what will the council do?

I have seen Gypsies/Travellers camping on the side of the road and sometimes on parks or other Council owned land, what can the Council do in these cases?

Can the Council remove Gypsies/Travellers from their land immediately? How long will it take to remove Gypsies/Travellers?

Can the Court refuse to grant the council an order to move Gypsies/Travellers on?

What can the Police do?

Why do Gypsies/Travellers pursue a travelling lifestyle?

Their way of life means that they travel the country staying for various periods of time in different locations, in order to earn a living. This has been their life for many generations.

Does the Council have a duty to move Gypsies/Travellers when they are camped without the landowner's permission?

No. If Gypsies/Travellers are camped on Council land, we can evict them. If they are on private land, it is usually the landowner's responsibility. The government has advised that when Gypsies/Travellers are not causing a problem, the site may be tolerated.

If Gypsies/Travellers camp on private land, what can the landowner do?

- Talk to them to see if a leaving date can be agreed
- Use 'reasonable force' to evict them if they do not leave when asked to.

- Take proceedings in the County Court under the Civil Procedure Rules 1998 to obtain a Court Order for their eviction. There must be a minimum of two clear days between service of documents and the Court hearing.

What if the landowner decides to let them stay on the land temporarily?

Unless the 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 the landowner fails to take appropriate action to remove the Gypsies/Travellers, what will the Council do?

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

I have seen Gypsies/Travellers camping on the side of the road and sometimes on parks or other Council owned land, what can the Council do in these cases?

If the Gypsies/Travellers are causing problems they will be moved on as soon as possible and reasonable. We will consider each case on its merits. In all cases the site is visited and every effort is made to make sure that the Gypsies/Travellers keep the site tidy and do not cause public health problems.

We have no authority to move travellers from highway embankments; North Yorkshire County Council enforces these areas, although we will determine the land ownership before action is taken.

Can the Council remove Gypsies/Travellers from their land immediately? How long will it take to remove Gypsies/Travellers?

No, we must:

- Show that the Gypsies/Travellers are on land without consent
- Make enquires regarding the health, welfare and children's education
- Follow a set procedure in terms of proving ownership of land and details of the illegal encampment that will enable them to successfully obtain the necessary authority from the Courts to order the Gypsies/Travellers to leave the site

Can the Court refuse to grant the Council an order to move Gypsies/Travellers on?

This will depend upon the circumstances of each individual case. We will need to take account of the three issues outlined above, as well as how soon they can obtain a Court hearing date.

What can the Police do?

The Police can visit all sites reported to them. In certain circumstances, (for example, where Gypsies/Travellers have with them more than six or more vehicles or those people have damaged the land or property or used abusive or aggressive behaviour to the landowner) officers can use powers under Section 61 of the Criminal Justice and Public Order Act 1994. These powers will only be used in situations of serious criminality, or public disorder not capable of being addressed by normal legislation and in which the trespassory occupation of the land is a relevant factor.

The Police are bound by the Human Rights Act and may be constrained to avoid using Section 61 in circumstances where it would preclude welfare considerations from being applied by the civil courts.

The duty of the Police is to preserve the peace and prevent crime. Trespass on land by itself is not a criminal offence. Prevention of trespass and the removal of trespassers are the responsibilities of the landowner and not the Police. The Police will investigate all criminal and Public Order offences.