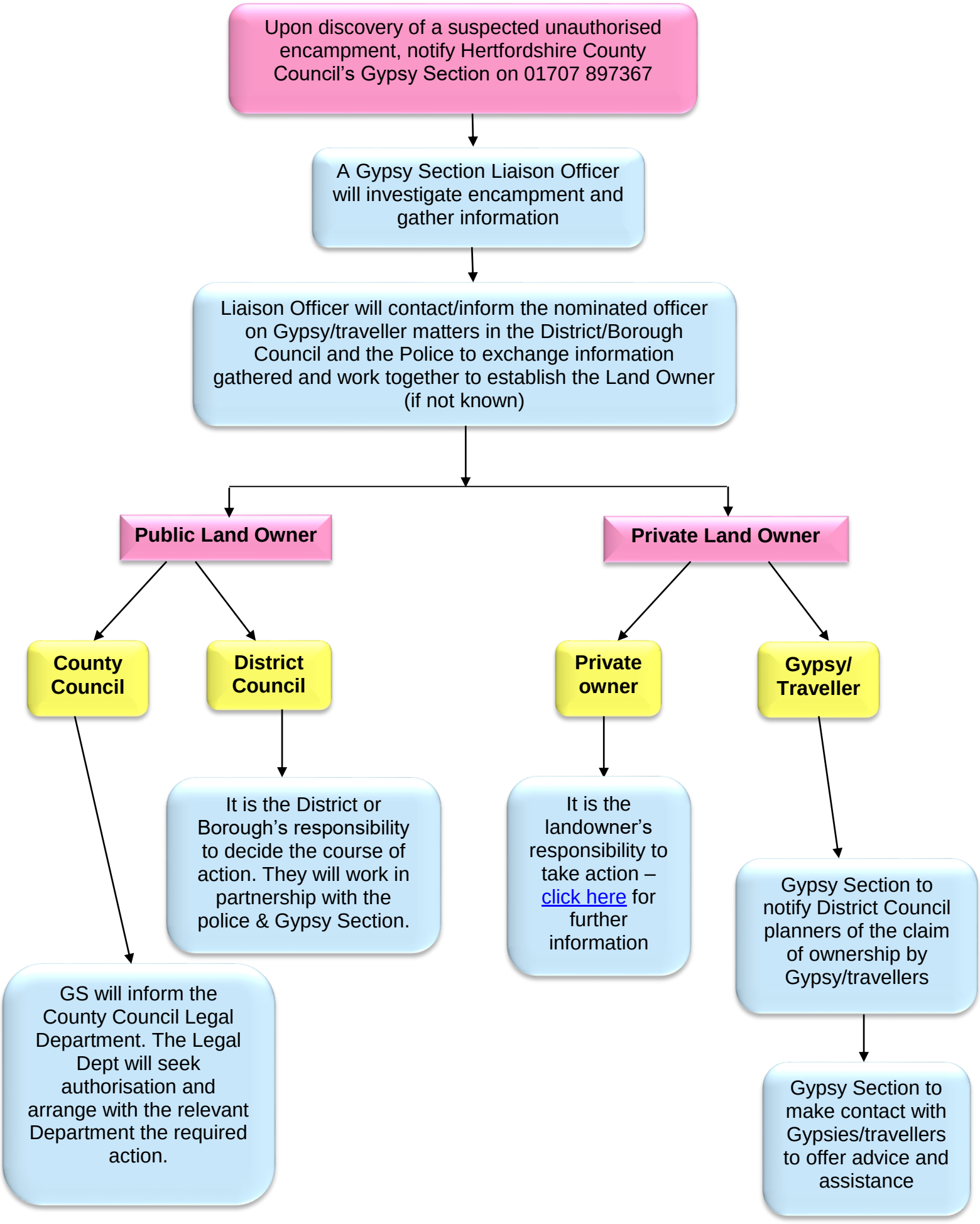
Public guidance on unauthorised encampments in Hertfordshire

This guidance document gives a brief overview on what members of the public, including landowners, can do if they discover an **unauthorised encampment** anywhere in Hertfordshire, what their legal options are and who they can turn to for advice and/or assistance.

As it is an overview, the information provided here is not exhaustive, but contact details are provided for organisations that can give specialised guidance in different situations.




Upon discovery of a suspected unauthorised encampment, notify Hertfordshire County Council's Gypsy Section on 01707 897367
A Gypsy Section Liaison Officer will investigate encampment and gather information
Liaison Officer will contact/inform the nominated officer on Gypsy/traveller matters in the District/Borough Council and the Police to exchange information gathered and work together to establish the Land Owner (if not known)
Public Land Owner
Private Land Owner
County Council
District Council
Private owner
Gypsy/ Traveller
It is the District or Borough's responsibility to decide the course of action. They will work in partnership with the police & Gypsy Section.
It is the landowner's responsibility to take action – click here for further information
GS will inform the County Council Legal Department. The Legal Dept will seek authorisation and arrange with the relevant Department the required action.
Gypsy Section to notify District Council planners of the claim of ownership by Gypsy/travellers
Gypsy Section to make contact with Gypsies/travellers to offer advice and assistance

Private landowner responsibility to take action

You can choose to first talk to the travellers to see if a leaving date can be agreed. The Gypsy Section can assist you in this.

If you choose to not take action to recover the land, your local Council may take planning enforcement action against you. Visit this page for contact details of local authorities.

You can choose to take proceedings in the County Court under the Civil Procedure Rules 1998 to obtain a Court Order for eviction.

You can use your common law rights to recover land. Private bailiffs may be used to carry out the eviction. You must notify the police of your intentions so they can be present to prevent breach of the peace. If the police advise it is unsafe to act, eviction must be delayed.

Trespass is a civil matter and not a criminal offence. However, the police may use Section 61 - 62 powers to direct campers from the site in certain circumstances.

Visit Court Tribunal Finder to find your local County Court which deals with evictions. You will likely need the service of a solicitor to take this option.

These are that the landowner has asked the campers to leave and they have failed to do so and either:

- There are six or more vehicles on the land
- There is evidence of criminal activity, such as property damage or threatening behaviour.

There must be a minimum of two working days between serving the documents to the UE and the court hearing. Any enforcement of court orders must be conducted by court agents, although a police presence may be requested to prevent any breach of the peace.

Sections 61 & 62 confer a power, not a duty, and any police action will be dependent on the individual circumstances of the unauthorised encampment in consultation with the local authority. Senior officers will consider factors such as whether there is a danger to public safety, the size of the encampment and whether such action would be reasonable and proportionate.

Any waste left by the unauthorised encampment is the responsibility of the landowner. Your local district or borough council should be able to give advice and guidance on this matter – please click here for contact details.

Police also have conditional powers under sections 62 A-E to direct trespassers to leave and remove vehicles where there is a suitable pitch elsewhere in the local authority area.

Visit here for full government guidance

Preventative measures for private landowners (originally produced by Broxbourne Council)

NOTE: Landowners should make sure they have the necessary planning permissions before implementing any of these measures.

Introduction

Being the victim of unauthorised access onto your land can be both a major nuisance as well as a costly experience, particularly in having to clear up any waste that is usually left behind.

Site protection measures outlined below will not guarantee unauthorised access, but will make your land less inviting.

A – Mounding





Having either a mound or a ditch makes it difficult for a vehicle and trailer/ caravan to gain access without risking damage to the vehicles.

It can also help in limiting joy-riders vehicles being abandoned on your land.

Mounds are generally formed using rubble/subsoil as a base, with a suitable topsoil finish for either grass seeding/planting.

B – Height Barrier

A secured height barrier will restrict access to vehicles over 1.8m high. By also using toughened steel padlocks and 'boxing' in the connection, you will make it more difficult for access to be gained.

If this is coupled with a metal field gate it will also help to restrict access for joy-riders etc.



C – Gates

A strong, robust gate will help deter access. The gate will need to be able to be secured with a toughened padlock.

Metal gates/barriers are more desirable than wooden gates.



D – Fencing/Barriers (> 1.8m)

There are many different types of fencing available.

The most robust is steel palisade, as shown in the above photo as part of a gate.

Euroguard fencing as shown opposite is also a strong barrier.

Wooden close-board fencing generally looks better but is more vulnerable to damage and vandalism.



E – Fencing/Barriers (<1m)

Metal posts and rails are more robust than similar wooden styles.



Wooden/metal/concrete posts will deter informal access, but will not be sufficient to deter those more intent on gaining access.



Contact details for advice and guidance on gypsies and travellers

Organisation	Website information on unauthorised encampments	Phone number for unauthorised encampments advice
Hertfordshire County Council (Gypsy Section)	Available here	01707 897 367
Three Rivers District Council	Available here	01923 776611 – Asset and Property Management
Dacorum Borough Council	Available here	01442 228 671 – Planning Enforcement department
Stevenage Borough Council	Available here	01438 242 242
St Albans District Council	Available here	01727 866 100 Out of hours: 01727 811 155
East Herts District Council	Available here	01279 655 261
Hertsmere District Council	Available here	020 8207 2277 –Planning Out of hours: 0845 300 0021
Welwyn Hatfield Borough Council	Available here	01707 357410
Watford Borough Council	Available here	01923 226400
Broxbourne Borough Council	Advice above	01992 785 564
North Herts District Council	Available here	01462 474000
Hertfordshire Constabulary	See above	101 for advice and guidance 999 in an emergency