

# What happens when an encampment is set up?

When an encampment is set up, council officers attend the site with the police to carry out a Community Impact Assessment.

Other council teams such as health visitors, traveller education staff, waste enforcement, trading standards and animal welfare may also be requested to attend the site and a welfare check will be carried out.


This assessment, will determine what legal approach is used to bring an encampment to an end.

This initial decision is kept under constant review.

## Powers available to the council

### All decisions taken need to be balanced and proportionate

- A possession order under **Part 55 of the Civil Procedure Rules** can be obtained by both local authorities and private landowners who require the removal of trespassers from property including land.  
This procedure is routinely used by the council. The usual timeframe to obtain a court order in Brighton & Hove is a week to 10 days, although this is dependant on court time.
- Where people are residing in vehicles (including caravans), **Section 77 of the Criminal Justice and Public Order Act 1994** gives local authorities power to give a direction to leave the land. For example, we use this when lived in vehicles are parked on a highway. This power requires a court order which is also dependent on court time.

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- **Injunctions**, in some specific cases it is possible to seek injunctions in the County Court against named individuals. This has been successful in some cases where we have sought to exclude people on land because of their potentially aggressive and violent behaviour.

## Police powers

**These are emergency powers taken at Superintendent or Chief Superintendent level.**

- **S62a of the Criminal Justice and Public Order Act 1994** enables the police to use their powers to direct Travellers from unauthorised encampments to a suitable pitch on a relevant caravan site within the same local authority area.
- The police have discretionary powers under **Section 61 of the Criminal Justice and Public Order Act 1994** to direct trespassers to leave and remove their property. The exercise of this power is subject to meeting specific criteria, and the **Human Rights Act 1998** and **Equalities Act 2010** must also be taken into consideration.

## For more information

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