

Gypsies/Travellers Frequently Asked Questions

Why do Gypsies/ Travellers follow a travelling lifestyle?

Their way of life means that they travel the country staying for various periods in different locations in order to earn a living. In most cases it has been a way of life for generations.

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

No. If Travellers are camped on council land, the council can evict them. If they are on private land, usually it is 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 my land what can I do?

- Talk to them to see if a leaving date can be agreed.
- Take proceedings in the County Court under the Civil Procedure Rules, 1998. There must be a minimum of two clear days between service of documents and the Court hearing.

What if I decide to let them stay on my land temporarily?

Unless you have already obtained planning permission for a caravan site or you are a farmer and they are helping you with fruit picking, etc, then you could be in breach of the Planning Acts. Contact our Planning Department for advice (details below).

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?

Gypsies/Travellers camped on the highway are dealt with by Derbyshire County Council.

On council-owned land the Private Sector Housing team deal with the situation.

If the Gypsies/Travellers are causing problems they will be moved on as soon as is reasonable; we will consider each case on its merits. In all cases the site is visited and every effort made to try and make sure that the Gypsies/Travellers keep the site tidy and do not cause public health problems. This sometimes means that a portable toilet and refuse collection facilities may be provided for this purpose.

If the council want to, can they force Gypsies/Travellers to move immediately?

No. Because the council must:

- Be able to show that they are on land without consent;
- Make enquiries regarding their general health and welfare;
- Take legal steps to order them to leave the site.

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

Yes. If there is an unavoidable reason for the Gypsies/Travellers to stay on the site, or if the Court thinks the council have failed to make adequate enquiries regarding general health and welfare of the Gypsies/Travellers. The council must try to find out this information before going to Court.

What can the Police do?

The police will visit all sites reported to them.

In certain circumstances (for example where the travellers have with them six or more vehicles), officers may use powers under section 61 of the Criminal Justice and Public Order Act 1994, but these powers will not be used as a matter of routine. The law gives the police powers to act but officers can choose whether to use them or not. Each case will be looked at on its merits taking into account the safety of the community and any aggravating factors of crime or disorder.

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 is the responsibility of the landowner not the police. The police will investigate all criminal and public order offences.

Useful Contact Details

North East Derbyshire District Council: 01246 217247 or 217249

Derbyshire County Council: 01629-580000 extension 7384

Derbyshire County Council Traveller Liason Officer: 01629 538466

Derbyshire Police: 101 - non-emergency number