

**Memorandum of Understanding between Dartford Borough Council and Kent  
Police (Dartford District)  
Managing Unauthorised Encampments**

**PURPOSE**

1. This memorandum of understanding is intended to provide a description of working practices, roles and responsibilities which underpins the protocol on the management of unauthorised camping within the Dartford Borough Council area. It will seek to minimise community tensions and disruptions caused by unauthorised encampments.

**AIM**

2. To clearly identify the roles and responsibilities of all parties including the Police, Dartford Borough Council, and where appropriate other agencies such as Kent County Council. This will include identification of the lead organisation and the most appropriate action to manage the encampment.
3. To consider the needs of all parties including residents, landowners, local businesses, gypsies and travellers.
4. To manage unauthorised encampments in a supportive, effective and efficient way, addressing the support needs and rights of gypsies and travellers and balancing these with the rights of the relevant existing local community.
5. To set out recommended courses of action which local authorities, the police and other partner agencies should follow to provide an effective response to unauthorised camping in their area.

**WHO DOES THE POLICY RELATE TO?**

6. This memorandum relates to all travelling groups and all unauthorised encampments in the Dartford Borough Council area.
7. For the purposes of the memorandum the term gypsies and travellers is intended to relate to all travelling groups.

**THE KEY PRINCIPLES**

8. All offensive behaviour in any unauthorised encampment situation will be treated in the same manner within the rule of law.
9. Gypsies and Travellers must have equitable access to services

**PROCESS TO BE FOLLOWED WHEN UNAUTHORISED  
ENCAMPMENTS OCCUR**

10. An unauthorised encampment is any encampment that takes place on land outside of the existing approved Gypsy and Traveller sites in Dartford and without the permission of the landowner.
11. When there is an unauthorised encampment there will be a clear and consistent response that will be implemented in consultation with all relevant partners, it will include an early warning to all interested parties (as per Appendix 'C' refers .)
12. An Encampment Response meeting will form part of the Community Safety Unit (CSU) morning meeting, who will identify the relevant parties to be invited, depending on the location of the encampment and the circumstances. As a minimum, membership of this group should involve representation from Dartford Borough Council and Kent Police.
13. A joint visit to the site of the incursion involving the landowner / Lead officer and the Police to gather information on the following:
  - Any aggravating factors such as damage that has been caused
  - The purpose of the group and length of intended stay
  - The number of caravans and vehicles – registration numbers and descriptions should be obtained
  - Clarify exact location
  - A welfare questionnaire for each caravan and its occupants identifying any vulnerable members of the group and any specific health needs, young children / babies, pregnant women, etc.
  - Animals on the site
  - Other hazards apparent to the members of the gypsies or travellers group, staff attending the site, or to the local existing community

The findings of the visit will be recorded on a visit report / risk assessment, (including the capture of any supporting body camera and EGT evidence where appropriate). This report will enable relevant parties to assess the options and take relevant action. As per Appendices 'A' and 'B' options include:

- Section 61 of the Criminal Justice and Public Order Act 1994 (Police led – Appendix 'A' refers)
  - Section 77 of the Criminal Justice and Public Order Act 1994 (Local Authority led – Appendix 'B' refers)
  - Landowner agrees to tolerate encampment or Landowner led action under Common Law using bailiffs or an eviction / possession order.
14. A visit report/risk assessment will be commenced by the CSU representative identifying all relevant details of site visits and actions taken or to be taken. Actions will be allocated within the CSU daily meeting.

Considerations to be taken into account in delivering the above process will include the following:

- **Unauthorised Camping on the Public Highway.** All encampments on the highway are technically an obstruction. The Kent County Council Gypsy and Traveller Unit should be advised. The term 'Highway' includes any adjacent verge.
- **Urgent action will be taken to remove unauthorised encampments on sites that impact upon:-**
  - Local Amenities e.g. school car park, parks / leisure services facilities affected.
  - Disruption to the local economy as a result of occupying a shopping centre car park.
  - Significant actual disruption to the local community.
  - Actual obstruction of a public highway.
  - Any aggravating factors identified within Section 61 that may impact on Police activity

The above factors form the basis of either a Section 61 or Section 77 decision.

- **Contact with the Local Community** – This will include as appropriate:-
  - Involvement of the parish council clerk.

## **15. ROLES AND RESPONSIBILITIES**

- **CSU Representative**– Provision of coordinating role and ensure that progress is cascaded through all relevant departments.
- **Landowner** – Responsible for instigating legal action to remove any unauthorised encampment in consultation with the CSU Co-ordinator, unless they are unable to do so, for example elderly or infirm. If so the CSU Co-ordinator may take the lead.
- **Kent Police** – The Dartford Community Safety Unit Inspector will be the contact between Kent Police and Local Authority.

Police will share all relevant information and undertake a role in terms of maintaining public order, prevention and detection of crime and support the move on from the site and visits to the site. In practice, unauthorised encampments which require a police input should be reported through the 101 number.

## **16. COMMUNICATION OF THE MOU**

The MOU will be communicated in the following ways:-

- Publish agreement on all partner websites.
- Cascade through relevant sections and departments and named contacts for partners support, relevant teams in delivery of the agreement and developing a response to any new or emerging issues.
- Consult as appropriate on any changes or developments with staff, community and gypsies/travellers.

## 17. MONITORING THE AGREEMENT

The agreement will be monitored through the Dartford CSU meeting, who will review all encampments and delivery on the agreement. They will review this MOU and the review period will be 'not less frequently than every 3 years'. This will be carried out using information provided by the coordinator and all partners.

Any issues from an individual encampment can be brought to the next meeting of the CSU by any partner in the agreement.

### Signatories:

.....  
 .....

Date.....

Date.....

*Appendix 'A'*

### *Police eviction powers*

#### **Section 61 Criminal Justice and Public Order Act 1994**

**If-**

I believe that 2 or more of you have entered the land as trespassers that you have a common purpose of residing on

- Who is the landowner?
- Are there 2 or more people?
- Have they entered the land as trespassers?
- Are caravans or other 'living' vehicles present?



And that reasonable steps have been taken by or on behalf of the person entitled to possession of the land to ask you to leave

- What reasonable steps has the landowner taken to ask the trespassers to leave? e.g.**
- Verbal request: (supported by written statement)
  - Are there witnesses to the request?
  - Have notices been served requesting them to leave - who served them, and how. Were they displayed prominently?
  - Do the Police have a copy of any notice served?



**I FURTHER BELIEVE THAT:**



One or more of you has caused damage to the land or property on the land

- Damage can be ANY damage e.g.
- Padlock to gate
  - Digging away earth mounding (cost money to have put in place or to repair)
  - Could be litter in worst cases or engine oil contamination etc



**OR**

OR

One or more of you has used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his.

- Equivalent to Section 5 Public Order Act
- Only applies to landowner or agent – NOT all members of public
- Will the victim provide a written statement?

You have between you 6 or more vehicles (including caravans) on

- Vehicles includes motor vehicles and caravans
- Where S61 applies, consider this Guidance

**THEN S61 MAY BE APPLIED. IF IT IS,**

- S61 Notices must be served and copies kept (carbon)
- Details of people and vehicles must be recorded
- A 'reasonable' time (in the circumstances) must be given for them to leave the land

**FAILURE TO COMPLY**

- Power of arrest - any person who fails to comply without reasonable excuse to leave the land
- Power to seize anv vehicle not removed

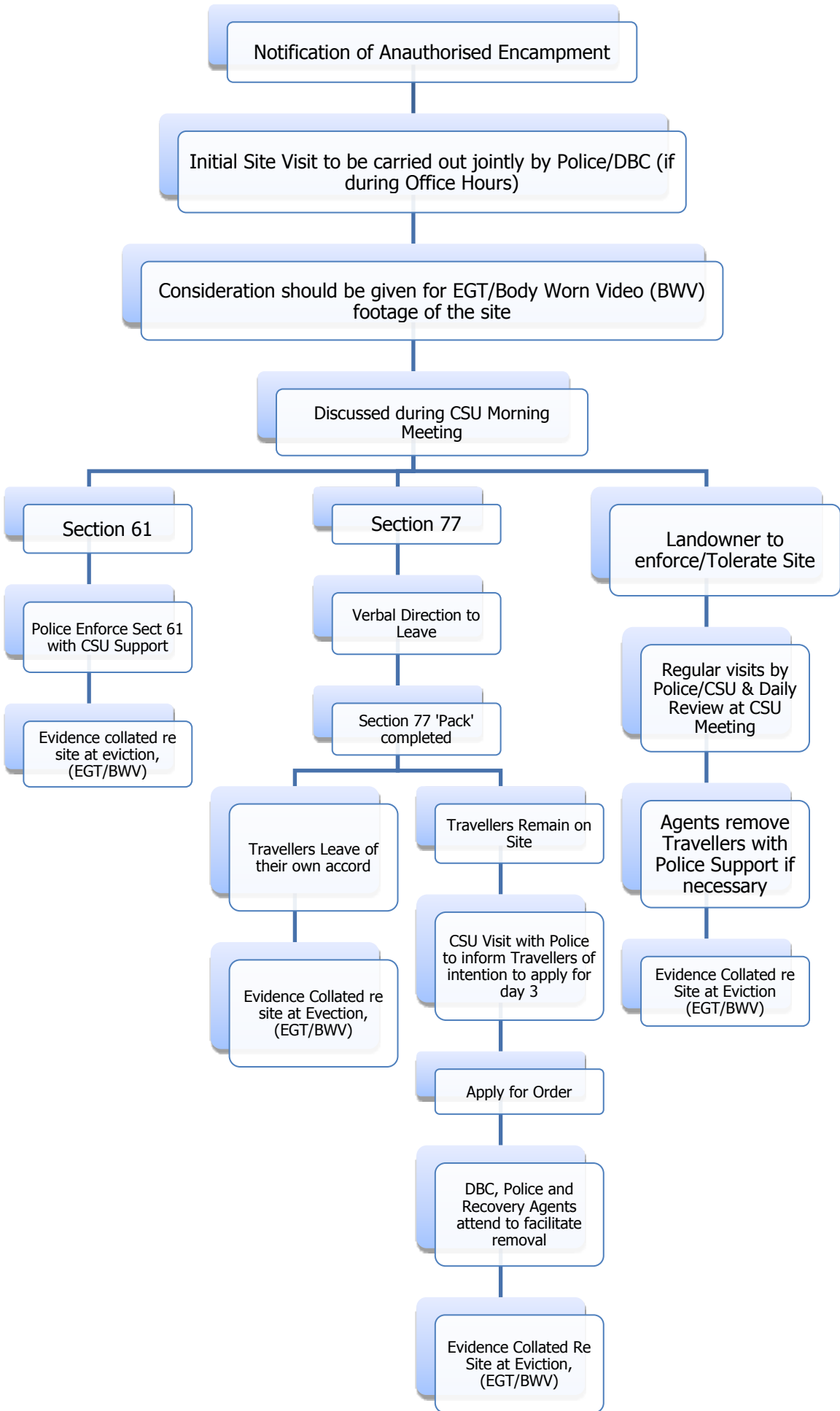
**HUMAN RIGHTS TESTS**

Is the eviction proposed

- **Legal** - are the elements of Section 61 present?
- **Proportionate** - is the decision balanced?  
Have the needs of the landowner or settled community been balanced with the needs of the trespassers?  
Do all the trespassers need to be evicted or can specific individuals be identified?
- **Accountable** - is the rationale behind the decision recorded and available?
- **Necessary** - is it necessary to evict the group?  
- Would other policing methods suffice e.g. high profile patrols, or  
Individual arrests for other offences?

**DECISION MAKING GUIDANCE**

- It is recommended that decisions to evict be made by an Officer not below the rank of Inspector.
- All decisions, whether to evict or not to evict, must be



## Contact List & early warning notification.

[www.beanpc.kentparishes.gov.uk](http://www.beanpc.kentparishes.gov.uk) Clerk: Jan Becket T:  
01474 832999  
beanparishcouncil@btinternet.com  
[www.darenthpc.kentparishes.gov.uk](http://www.darenthpc.kentparishes.gov.uk) Clerk: Keith Holmes T:  
01474 700416  
keithpc@btinternet.com  
[www.longfieldandnewbarnpc.kentparishes.gov.uk](http://www.longfieldandnewbarnpc.kentparishes.gov.uk) Clerk: Mrs Jan Grigg T:  
01474 707290  
longfieldparishcouncil@btconnect.com  
[www.southfleetpc.kentparishes.gov.uk](http://www.southfleetpc.kentparishes.gov.uk) Clerk: Jackie Hardings T:  
01474 833622  
clerk@southfleetpc.kentparishes.gov.uk  
[www.stoneparishcouncil.com](http://www.stoneparishcouncil.com) Clerk: Jenny Thomas T:  
01322 384400  
clerk@stoneparishcouncil.com  
[www.sutton-at-honepc.kentparishes.gov.uk](http://www.sutton-at-honepc.kentparishes.gov.uk) Clerk: Katheryn Gale T:  
01322 862291  
kathryn-sahpc@dsi.pipex.com  
[www.swanscombeandgreenhithetc.kentparishes.gov.uk](http://www.swanscombeandgreenhithetc.kentparishes.gov.uk) Clerk: Graham Blew  
T:01322 385513  
graham.blew@swanscombeandgreenhithetowncouncil.gov.uk  
[www.wilmingtonpc.kentparishes.gov.uk](http://www.wilmingtonpc.kentparishes.gov.uk) Clerk: Ian Armitt T:  
01322 221149  
clerk-wpc@outlook.com

P J M Recovery Ltd.  
T: 01322 666669  
KCC Gypsy & Traveller Unit Bill Forrester & Palminder Sandher T:  
03000 413451  
Kent Police CSU P.S. Martin Sharp  
M: 07870 252660  
Waste Services Dave Thomas  
T: 01322 343273  
Parks & open spaces Dave Bennett  
T: 01322 343472

Appendix 'D'

### SECURING OF INCURSION SITE CONTACTS

1. Pinden Quarry, Green Street Green Road, Longfield, Dartford, Kent, DA2 8EB

Tel: 01474 707149  
Fax: 01474 708293  
Website: [www.pinden.co.uk](http://www.pinden.co.uk)  
'Provision of Skips'

2. Mark Luck, Wested Lane, Swanley, Kent, BR8 8EE

Tel: 01322 613355

Fax: 01322 613265

Website: [WWW.MARKLUCKLIMITED.CO.UK](http://WWW.MARKLUCKLIMITED.CO.UK)

'Tipper loads or grab loads of a clean inert material (soil/sub soil/clay/chalk)'