



Melksham Town Council

Traveller Policy

Date Adopted: 24th November 2025

Date Due For Review: November 2027



TRAVELLER POLICY

1. INTRODUCTION

This policy provides guidance to Melksham Council Officers and Councillors when dealing with unauthorised Traveller encampments on land owned by the Council. It aims to ensure a consistent, lawful, fair, and proportionate approach and to reassure residents and stakeholders about the Council's position on such matters.

2. DEFINITION

An unauthorised encampment refers to the occupation of land by two or more persons intending to reside there without the prior consent of the landowner.

3. POLICY STATEMENT

Responsibility for enacting this policy lies with the duty Council Officer at the time of the report. Given the dynamic nature of encampments, real-time decisions may be required. This policy enables appropriate action without delay while ensuring respect for legal rights and welfare considerations.

Each situation will be assessed individually, taking into account:

- The specific circumstances of the encampment
- Potential impact on local services and residents
- The balance between the needs of Travellers and the wider community
- Any welfare concerns or safeguarding issues

Where appropriate, the Council may tolerate an encampment for a short period. Where this is not possible, proportionate and lawful eviction procedures will be followed.

4. POLICE POWERS

Wiltshire Police will attend all reported sites. However:

- Trespass is a civil offence, not a criminal one. Prevention and removal are the landowner's responsibility.
- Police powers to evict under Sections 61–62 of the Criminal Justice and Public Order Act 1994 are discretionary and may be used only where specific conditions are met, including:
 1. Damage to land or property
 2. Use of threatening or abusive behaviour
 3. Presence of six or more vehicles on site

For these powers to be exercised, the police must believe:

- The group intends to reside on the land
- The landowner has taken reasonable steps to request they leave
- There is a significant adverse impact on the local community

Eviction by police requires authorisation from a senior officer. All criminal or nuisance activity should be reported via the Police non-emergency number: 101.

Police must also act in accordance with the Human Rights Act, and cannot use Section 61 powers where it would circumvent the civil court's welfare safeguards.

5. FORMAL REPOSSESSION PROCEDURE

When police powers are not applicable or authorised, the Council (as landowner) may seek possession through the courts under the Criminal Justice and Public Order Act 1994:

Step-by-Step Process

1. Verify Land Ownership – Confirm the land belongs to the Council. If not, refer the issue to the private landowner.
2. Initial Site Assessment – Council officers assess:
 - Welfare needs of the Travellers, normally through Police Welfare Officer.
 - Any criminal activity or risk
 - Overall impact on the community
3. Welfare Considerations – Welfare assessments should not delay action, but urgent needs must be considered.
4. Notice to Leave (Section 77) – A Direction to Leave is issued, typically requiring vacation within 24 hours. All steps taken must be documented.
5. Application for Court Order (Section 78) – If the site is not vacated, apply to Magistrates' Court for a removal order. (Council solicitor will arrange this)
6. Enforcement of Eviction – If ignored, bailiffs may be instructed to remove the encampment.
7. Post-Eviction Clearance – The Council will clear any remaining waste or debris.

6. KEY PRINCIPLES

- Human Rights Compliance: Actions must align with the Human Rights Act.
- Welfare: Pay special attention to vulnerable individuals.
- Police Involvement: Typically a civil matter unless crime or disruption occurs.
- Private Land: Responsibility lies with the landowner.
- Government Guidance: National legal frameworks will guide the Council's response.

7. CONTACT AND REPORTING

Residents are encouraged to report:

- Any criminal behaviour or nuisance to the Police via 101
- Encampments on Council land to the Town Clerk or designated officer