

Report to the Thames Valley Police & Crime Panel

Title: Themed Item – Unauthorised encampments

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Background

The reason for this item is to look at how the PCC monitors the interpretation of guidance and performance of police and local authorities working together to respond effectively to unauthorised encampments including consistent interpretation of legislation.

1. Some parts of the country experience regular unauthorised encampments, which can cause disruption and conflict locally, and can be expensive and time-consuming to clear. The Government's policies on Gypsy and Traveller accommodation and enforcement are set within a framework of rights and responsibilities in which everyone's rights must be equally respected but where, at the same time, equal standards of behaviour are expected from all.
2. Unauthorised camping is a problem which requires a range of solutions. Part of the solution lies in swift and effective enforcement. Where problematic encampments are allowed to remain, or repeatedly return, community hostility and conflict will be inflamed, and a sustainable long-term solution will become much harder to achieve. Effective enforcement will promote confidence in the ability of local agencies to manage Gypsy and Traveller issues properly, and forms an essential backdrop to the provision of more authorised sites. Local people need to know that they and their local environment can be and will be protected.
4. Strong powers are available to the police, local authorities and other landowners to deal with unauthorised encampments. In March 2015 the Department for Communities and Local Government, Home Office and Ministry of Justice produced a summary of available powers. The then Communities Secretary reported:-

"I'm urging all councils to be on the front foot and ready to take action straightaway to stop illegal camps starting in the first place. This Government has strengthened councils' powers to take action, but I want councils to have the confidence to take decisive action. Too often councils and landowners feel powerless to stop unauthorised camps and development when in fact there are extensive powers to tackle this problem head on.

Unauthorised development is totally unacceptable at any time but can often be more upsetting for local established communities when it happens while council offices are closed and people feel there is no one available to help them.

There is never justification for people bypassing the planning rules that everyone else has to abide by and this guidance makes crystal clear what powers there are to stop unauthorised development before bigger problems arise.

The Government has already introduced new rights for travellers who play by the rules. These include stronger tenancy rights on authorised council sites, incentives through the New Homes Bonus scheme for councils to build more authorised sites, and the abolition of Whitehall Planning Circulars on travellers. It is spending £60million on helping local communities establish properly approved and planned sites and earlier this year published new planning policy on traveller sites “

5. Councils and the police have been given strong powers to deal with unauthorised encampments and when deciding whether to take action, they may want to consider for example,
 - (a) the harm that such developments can cause to local amenities and the local environment,
 - (b) the potential interference with the peaceful enjoyment of neighbouring property,
 - (c) the need to maintain public order and safety and protect health – for example, by deterring fly-tipping and criminal damage,
 - (d) any harm to good community relations,
 - (e) that the state may enforce laws to control the use of an individual’s property where that is in accordance with the general public interest.
6. In managing unauthorised encampments officers must be sensitive to the fact that there is a lack of pitches on authorised sites across the Country, making it difficult or even impossible for people to avoid setting up unauthorised pitches.
7. Attached in background reading there is a link to the Thames Valley Police Force Policy on Unauthorised Encampments. The overall stance of the Force is that the responsibility for dealing with any unauthorised encampments will lie initially with the landowner/local authority. The Police may be requested to act if the encampment is on land where it may prevent lawful use by the owner or general public. In considering any unauthorised encampments a balance must be obtained between the rights of those encamped and the rights of landowners and the settled society. Officers must act in a neutral, objective and open way, ensuring each encampment is considered on an individual basis. Police intervention will be limited to matters relating to criminal and common law.
8. ACPO Guidance on unauthorised encampments made the following points:-
 - It is essential that the police response takes account of the issues of behaviour, whether criminal, anti-social or nuisance, in combination with the impact on the landowner and settled community rather than simply because encampments are present at a specific location. Police powers to evict people from unauthorised encampments do exist and should be used where behaviour or conduct is considered to be inappropriate, or where the impact of an encampment on others is deemed unacceptable.
 - Decisions to evict or not must be balanced and be compliant with the terms of the Human Rights Act.

- Where individuals purchase land and occupy it, with or without planning permission, this would be classified as unauthorised development and should be referred to the Council.
 - Where appropriate it is recommended that the police visit newly established encampments and that these visits should also be undertaken with the landowner, Local Authority, police and other relevant agencies. PCSO's should only be deployed to encampments as part of the local neighbourhood policing team response, not in relation to confrontational situations with the occupants of unauthorised camps when they are being initially set up.
 - The Local Authority, as lead agency for unauthorised encampments, should take an active role in engaging with the site residents and will in particular take the lead with sites established on their land, which do not require immediate police action. Periodic visits by police officer to the site can also be beneficial to get to know site residents and also to pick up on any community tensions. Visits will be enhanced if the Local Authority and Police attend together and will also provide an audit trail to support decision making. An initial site assessment is made and should be periodically reviewed.
 - Forces should consider working with local authorities to agree Joint Agency Protocols for the management of unauthorised encampments and also establish a Liaison Officer to work with local authorities on its implementation.
 - Police Forces should also review the way guidance is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised, and training needs are identified.
 - There is a code of conduct for unauthorised encampments.
 - There is a flowchart for Section 61 of the Criminal Justice and Public Order Act in relation to unauthorised encampments.
9. The Thames Valley Delivery Plan 2016/2017 has a target to continue to improve trust and confidence in the services provided by the Force amongst Gypsy, Romany and Traveller Communities. There is a GRT Action Plan which is monitored via a Working Group and meets every six weeks. The Policy has been recently updated. An engagement tool is being trialled to assist LPA Commanders in identifying community groups to allow for tailored communication. GRT communities are considered a hard to reach community and have been profiled locally for engagement activity. A mandatory GRT training package is currently being delivered to operational officers.

Recommendation

That Panel Members take a view on the following:-

- **That the PCC has provided reassurance that he has recently reviewed the application of the unauthorised encampment policy and that Local Area Commanders are being consistent in its application and interpretation of legislation OR**
- **That a review be undertaken by the OPCC to ensure that the Force/Local Area Commanders are being consistent in their application of the unauthorised encampment policy and the interpretation of legislation and if there are any areas of concern to put forward recommendations for improvement e.g training**
- **Having a joint Force/Council policy across the Thames Valley**

Background reading

DCLG document

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418139/150326_Dealing_with_illegal_and_unauthorised_encampments_-_final.pdf

Gov.UK

<https://www.gov.uk/government/news/councils-can-quickly-stop-illegal-encampments>

Home office document (older 2006)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7837/143582.pdf

ACPO Guidance on unauthorised encampments

<http://www.harlow.gov.uk/sites/harlow.gov.uk/files/ACPO%20Guidance%20on%20Unauthorised%20Encampments%202011.pdf>

Friends Families and Traveller website

http://www.gypsy-traveller.org/wp-content/uploads/2010/08/FFT.Eviction-from-unauthorised-encampments.MW9_.3.2015.pdf

Thames Valley Police (on website)

<http://www.thamesvalley.police.uk/pub-policiesandprocedures-unauthorised-encampments.pdf>

Oxfordshire and Buckinghamshire Policy

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/planning/gandt/UnauthorisedEncampmentsPolicy.pdf>

Tough Measures to deal with illegal encampments

<http://www.telegraph.co.uk/news/politics/11676045/Gypsy-caravans-in-England-increase-by-a-third-in-10-years.html>

Examples of how other areas are dealing with unauthorised encampments

<http://www.coventrytelegraph.net/news/local-news/police-chief-calls-greater-powers-10561377>

<http://www.essex.pcc.police.uk/news/traveller-encampments-and-the-law/>

<http://www.hertscommissioner.org/unauthorised-encampments>

<http://www.bridlington.net/bridlington-news/joint-proposals-be-considered-tackle-unauthorised-traveller-sites/>