



**Strategic Policing and Crime Board**

**Date of meeting: 23<sup>rd</sup> July 2019**

**Police and Crime Plan Priority:** *N/A*

**Title:** *Unauthorised Encampments*

**Presented by:** *ACC Chris Johnson*

**Purpose of paper**

1. This paper is to provide the Strategic Policing and Crime Board (SPCB) with an update on West Midlands Police (WMP) position on Unauthorised Encampments (UEs). This paper is for discussion.

**Background**

2. A UE is defined as an 'encampment of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass'.
3. The West Midlands area had seen a sizeable increase in the number of UEs in recent years, with a particular peak in 2015 and the summer of 2016. In response to this, WMP, with the support of the OPCC, embarked on an improvement plan in order to introduce a transparent and fair approach to dealing with UEs.
4. The overall aim is to adopt a more consistent approach to the issues raised by travellers (particularly in UEs) whilst working in partnership with Local Authorities (LAs), communities and other stakeholders. There remains a general feeling of mistrust between travellers and settled communities which can result in increased demand, reports of anti-social behaviour and a perceived sense of injustice on both sides, particularly in relation to environmental health issues and disruption to local services.
5. Sandwell Borough Council estimated they spent in the region of £250,000 in 2016 evicting and cleaning up UEs. The PCC arranged a Summit, first in February 2017 and a follow on Summit in September 2018 in order to develop and encourage best practice.
6. To date the improvement plan has resulted in:
  - A year on year reduction in the number of UEs in the West Midlands Region.
  - UE SPOCs on each NPU working alongside specific LA named lead officers.

- A joint LA and Police SPOC working group.
  - Improved focus around consideration of utilising the full range of legislation, both civil and criminal to best deal with the situation.
  - Reduction in use of Policing Powers in favour of LA powers.
  - Enhanced understanding of 'Tolerated Stopping' (allowing a UE to remain in place where it is not adversely affecting the community in which is it situated).
  - Introduction of civil injunctions to protect land from disruption.
  - Enhanced training for officers encountering UEs to ensure consistency in approach.
  - Development of a knowledge hub and tool kit for officers to utilise.
  - Embedded protocols in relation to needs assessments
  - Shared learning from Sandwell's Transit Site arrangements.
  - Robust joint working arrangements between LA teams and police officers.
  - Future Protest Liaison Officer training for staff encountering UEs to encourage inclusivity and fairness.
  - Future training for SPOCs and officers around cultural awareness.
7. WMP do not currently have a dedicated Gypsy Roma Traveller (GRT) liaison officer or team to respond to UEs. A broader response has been adopted and WMP respond via a network of Geographical NPU SPOCs who act as contacts into their corresponding Local Authority counterparts. The SPOC meetings, both WMP and joint, ensure consistency in approach and shared learning. Enhanced training and access to the online UE tool kit means front line staff are able to respond at pace to new encampments with a consistency we had previously missed.

### **Policing Powers**

8. Trespass remains a civil matter with no policing powers available to remove trespassers who are merely committing civil trespass.
9. S61-62 Criminal Justice and Public Order Act 1994: Police Power to Remove Trespassers states:

"If the senior police officer present at the scene reasonably believes that **two or more persons are trespassing on land** and are present there with the common purpose of residing there for any period, that **reasonable steps have been taken by or on behalf of the occupier to ask them to leave** and

(a) that any of those **persons has caused damage** to the land or to property on the land **or used threatening, abusive or insulting words or behaviour** towards the occupier, a member of his family or an employee or agent of his, **or**

(b) that those **persons have between them six or more vehicles** on the land,

he may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land."

- Can only be used by the police

- Can be used on any land except the highway
- Are used to remove identified individuals and/or their vehicles from land
- There must be two or more persons trespassing on the land before the power can be used
- Do not require the involvement of the courts
- Possession is enforced by the police
- The return of unauthorised campers to the location within three months carries criminal sanctions – 3 months imprisonment or a fine up to £2500.
- If a direction issued under Section 61 is contravened, a police officer may then seize and remove the vehicles under Section 62 of the CJPOA. Vehicles would be impounded in an appropriate police facility with a fee payable for their return.

10. S62A Criminal Justice and Public Order Act 1994: Powers to Remove Trespassers to an alternative site:

- Can only be used where an alternative site is available
- Can only be used by the police
- Can be used on any land
- Is used to remove identified individuals and/or their vehicles from the land
- Does not require the involvement of the courts
- Possession is enforced by the police
- The return of unauthorised campers to the Local Authority area within three months carries criminal sanctions – 3 months imprisonment or a fine up to £2500.
- If do not leave when directed to do so under Section 62A, or if they return to the district within three months after being directed, an offence is committed and the police may then use their powers under Section 62B of the CJPOA to arrest and detain them.

11. There is a general view amongst our communities that the police can do more to utilise these powers and that S61 can be used immediately when an encampment arrives. However, given the need to consider GRT Human Rights alongside those of settled communities, whilst the criteria for removal may exist, the police must strike a balance around the necessity and proportionality of removing a UE where no disruption, tension or anti-social behaviour is occurring.

12. A tolerated or negotiated stopping approach should be considered. If a UE's presence causes disruption to communities, i.e. is on a school playing field or recreation ground used for regular community activities, then the criteria will be met for a S61. Part of the work of the UE working group is to ensure that officers know to manage the expectations of the public and provide a clear explanation of the threshold that needs to be reached to use policing powers or for the Local Authority to use alternative civil powers.

### **Government Consultation**

13. In June 2018, the OPCC provided a submission to the Ministry of Housing Communities and Local Government (MHCLG) in response to their request for

information relating to amending powers for dealing with UEs. The submission included:

- A suggestion that S62A powers should be expanded to allow the Police to direct UEs to transit sites across local authority boundaries.
- Where civil court evictions have been granted, that any repeat incursion on private premises should be considered a criminal offence.
- That powers to pursue trespass injunctions should cross Boroughs to widen their impact.

This submission remains with MHCLG and WMP await further guidance or feedback on the proposals made.

### **Transit provision**

14. At present only Sandwell have a transit site which opened in May 2017, following several high profile UE within the borough. It can be inferred from the data of UEs across different local authority areas, that the provision has reduced UEs and costs previously accrued through clean up and legal bills have been quickly recouped. It is recommended that this is seen as effective practice and follows government guidance which recommends all LAs provide some staying provision for UEs.

### **Joint protocols**

15. WMP and LA SPOCs continue to work collaboratively to enhance service delivery. The group has a strong working relationship with regularly scheduled agency meetings and quarterly joint meetings. Experience. To date, has also shown that cooperation with travelling communities achieves better outcomes than enforcement.
16. This joint approach over the last 3 years has resulted in a more cohesive approach, helping both parties to unlock and utilise a raft of appropriate powers that are proportionate given the circumstances of each encampment. The next meeting in July will focus discussion on the status of each borough's plans for transit sites and the impact of the suggested legislative changes. Work on the joint protocol document has been ongoing throughout this time, with contributions from all stakeholders. Work is ongoing with the 7 boroughs to achieve agreement and sign off of the protocol.

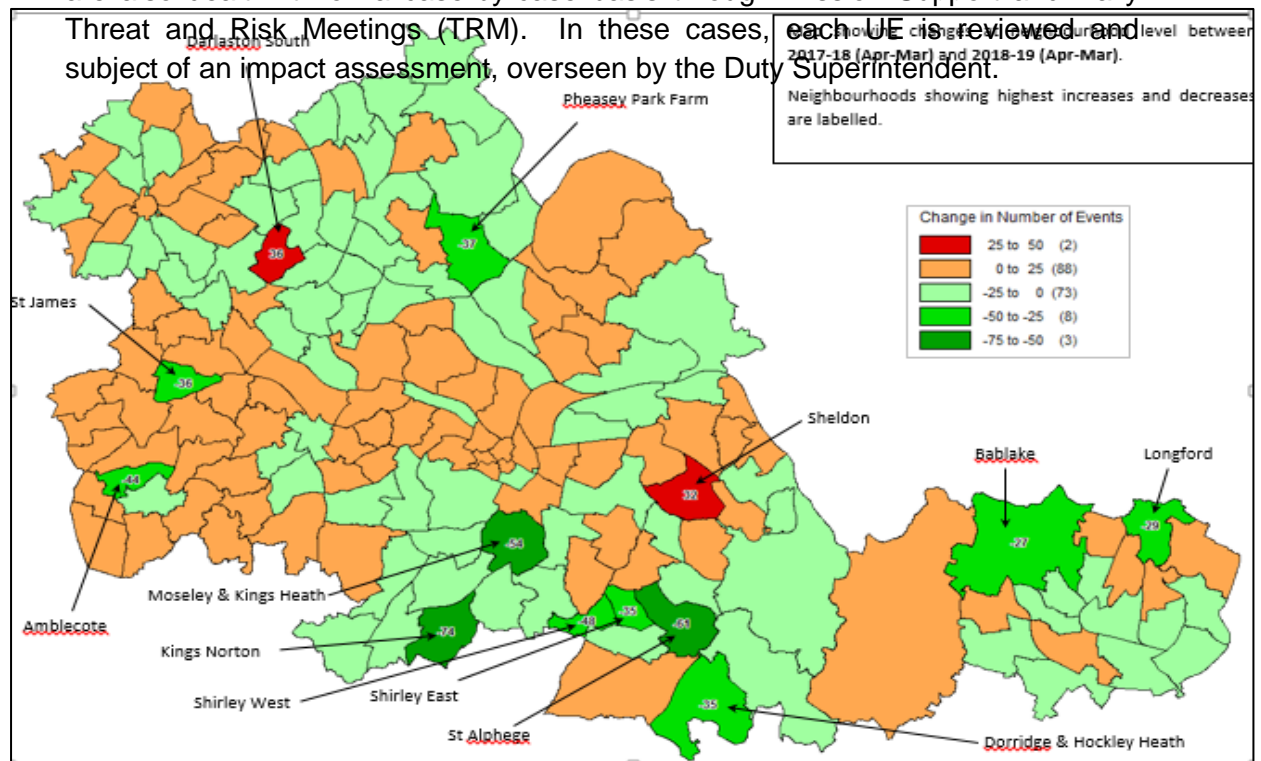
### **Data**

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019 (Jan – May)</b>
<b>Approx number of Encampments in WMP area</b>	519	430	350	86

2016		2017		2018		2019	
NPU	TOTAL	NPU	TOTAL	NPU	TOTAL	NPU	TOTAL
BW	113	BW	109	BW	97	BW	33
BE	104	BE	72	BE	63	BE	14
WS	88	WS	59	WS	50	WS	6
WV	79	WV	49	WV	42	WV	7
CV	44	CV	46	CV	34	CV	14
DY	37	DY	38	DY	24	DY	10
SW	33	SW	34	SW	20	SW	0
SH	21	SH	23	SH	16	SH	2
<b>TOTAL</b>	<b>519</b>	<b>TOTAL</b>	<b>430</b>	<b>TOTAL</b>	<b>346</b>	<b>TOTAL</b>	<b>86</b>

17. The data provided above, relating to 2016 and 2017 is taken from previous analytical work and have been used in previous papers and presentations. Please note that the complete 2018 figures are approximate from September to December.

18. As part of their role, the Force Lead tracks, monitors and produces data for UEs and the 2019 figures relate to the number of logs recorded for the same UEs. UEs are also dealt with on a case-by-case basis through Mission Support and Daily



19. The map above shows a change in distribution of UEs across the conurbation. This clearly shows a reduction in demand in Sandwell but an increase in nearby Walsall (Darlaston).

### **Next Steps**

20. As outlined above, the successes recognised to date are the result of joint working arrangements, greater cooperation and enhanced knowledge around understanding and managing encampments. To provide a sustainable long term approach, both SPOC and Joint working meetings will continue and further training will be offered to UE SPOCs and practitioners. Work is ongoing to build relationships with traveller communities to encourage transparency and greater cooperation. However, given the transient nature of the community, this remains a challenge.
21. It is recommended that further consideration is given to any legislative changes proposed by MHCLG in order to fully assess the impact of any changes as part of the national consultation to the policing of both the settled and travelling community.
22. The board is asked to note the content of the paper.

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