



Keeping our communities safe and reassured

Contact:
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Dear Community Member,

East Staffordshire Police has three priorities. These are;

- Dealing with what matters to the community
- Delivering an outstanding service
- Preventing crime and disorder

To achieve these priorities it is important to me that we proactively tackle issues that are of concern to you and learn from past experiences.

We are approaching a time of the year that has historically seen an increase of unauthorised encampments appear across Staffordshire due to movement of the Irish traveller/gypsies/Roma communities across the country for different events this can affect East Staffordshire due to its Roads Infrastructure.

With this in mind I have authorised the attached information sheet to be created relating to unauthorised encampments.

The information attached has been created in agreement with our partners, East Staffordshire Borough Council Enforcement Team who should always be viewed as the lead agency in any report of unlawful encampments.

If you require further support or guidance please contact the Enforcement Team on the provided Telephone numbers or email addresses.

Yours sincerely,

Chief Inspector Jason Nadin
East Staffs LPT Commander



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Guidance Provided By East Staffordshire Borough Council Enforcement Team

What is an unauthorised encampment?

Members of the members of the Irish traveller/gypsies/Roma communities sometimes set up an encampment without consent on someone else's land, including highway verges and lay-bys. This is a breach of civil law and, in certain circumstances, may be a breach of criminal law. This Council's approach is based on the need to uphold the law and prevent unlawful occupation of land.

What happens if the encampment is on Council land?

If members of the Irish traveller/gypsies/Roma communities illegally encamp on land belonging to Staffordshire County Council or a Parish Council, It is for those councils to start the proceedings to reclaim the land and ultimately evict the encampment.

Where the encampment is on land owned by East Staffordshire Borough Council, the Enforcement Team will initiate the process to evict the encampment from the land. The Enforcement Team will also visit the site and every effort is made to ensure that the members of the Irish traveller/gypsies/Roma communities keep the site tidy and do not cause public health problems. You should contact the Enforcement Team at enforcement@eaststaffsbc.gov.uk or call 01283 508576 to report an unauthorised encampment.

What can I do if I am unwilling to allow unauthorised encampments to occur on my land?

Trespassing on land is a civil matter with prevention of trespass being the responsibility of the landowner. You may wish to consider seeking legal advice from a solicitor.

I am content to allow unauthorised encampments to remain on my land?

Unauthorised encampments may be in breach of planning or other regulations. In the first instance call the Enforcement Team on 01283 508576 for guidance. Whilst unauthorised encampments are obliged to keep any site tidy, private landowners are responsible for the removal of waste from their land. Certain waste requires special treatment. If in doubt, contact the Environment Agency Hotline on 0800 807060.

What about criminal activity associated with some unauthorised encampments?

The Police will deal with crime when there is a complaint and evidence to support it. In order to investigate criminal activity, written evidence from witnesses must be provided to Police and an agreement to support any subsequent prosecution. If you witness unlawful and anti-social behaviour report it to the Police. Alternatively call Crimestoppers on 0800 555111 or visit www.crimestoppers-uk.org.

Why don't the Police get involved with trespass?

Trespass is not a criminal offence in England; it is a civil matter (that is, between land occupier and trespasser). However, each unauthorised encampment is closely monitored



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and all circumstances surrounding the actions of those on the encampment are taken into account.

What about members of the Irish traveller/gypsies/Roma communities who buy their own land and set up home on that?

Anyone wanting to develop land (which includes placing a caravan on it) should get planning consent before they do it. Gypsies and Travellers are covered by that law, just like everyone else. It is not a criminal offence to develop land before getting consent, and you can make what is called a retrospective planning application, but planning authorities may serve temporary stop notices or enforcement notices or apply for court injunctions which can lead to tough penalties, including, eventually, prison. The planning department at East Staffordshire Borough Council deals with unauthorised developments. For advice please contact (01283) 508647 or email: dcsupport1@eaststaffsbc.gov.uk.

What about the rubbish definitely or apparently left by occupants of some unauthorised encampments, or their associates?

Unauthorised encampments on the side of the road or on Council land will be visited by various agencies and every effort made to ensure all occupants and others keep the site tidy. East Staffordshire Borough Council has measures in place to deal with any fly tipping. However, data collected over recent years indicates that the majority of unauthorised encampments locations are left in a tidy condition. When fly tipping does occur, local authorities, the Police and the Environment Agency aim to make best use of existing legislation to deal with these anti-social and often expensive problems. Private landowners are responsible for the removal of waste on their land.



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Guidance provided by East Staffordshire Local Policing Team

The Equality Act

2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. The following of a nomadic lifestyle is lawful, indeed it is a culture that is recognised and protected through legislation.

Romany Gypsies and Irish Travellers have been granted protection under the previous Race Relations Acts. The Public Sector Equality Duty applies to the police and places a duty on Constabularies to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.

There is no legal right to trespass, however, and the law provides a wide range of powers to remove people unlawfully on land.

The police response will take 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, as provided for by Sections 61 and 62 A-E, Criminal Justice & Public Order Act 1994, (CJPOA 94). These powers will be used where behaviour or conduct is considered to be inappropriate, or where the impact of an encampment on others is deemed unacceptable. This position is consistent with all other areas of enforcement within the community.

Decisions to evict or not must, of course, be balanced (as directed by legislation and Government guidance), and be compliant with the terms of the Human Rights Act 1998, demonstrating legality, necessity, and proportionality, as well as principles of common humanity.

In managing unauthorised encampments officers will 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 encampments.

All police decisions and actions will be made in compliance with the provisions of the Human Rights Act 1998. Any action should only be such as is necessary for public safety, the prevention of crime or disorder, the protection of health, or for the protection of the rights and freedom of others.

The mere presence of an encampment without any aggravating factors should not normally create an expectation that police will use eviction powers.



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If an officer makes a decision to use police powers to evict, then the robust rationale for the decision will be clearly set out and the considerations that have influenced it recorded.

Considerations will be;

- **Local amenities are deprived to communities or there is significant impact on the environment**

This could include, for example, forming an encampment on any part of a recreation ground, public park, school field, village green, or depriving the public use of car parks. The fact that other sections of the community are being deprived of the amenities must be evident before action can be taken.

- **There is local disruption to the economy**

Local disruption to the economy could include forming an encampment on a shopping centre car park, or in an industrial estate, if it disrupts workers or customers, or agricultural land, if this results in the loss of use of the land for its normal purpose.

- **There is other significant disruption to the local community or environment**

This might include where other behaviour, which is directly related to those present at the encampment, is so significant that a prompt eviction by police becomes necessary, rather than by other means.

- **There is a danger to life**

An example of this might be an encampment adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway.

- **There is a need to take preventative action**

This might include where a group of trespassers have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established site. This reasoning will take on greater emphasis if the land occupied is privately owned, as the landowner will be responsible for the cleansing and repair of their property.

In all cases, as stated above, relevant Human Rights processes will be applied to all decisions made i.e. that the elements of S61 CJPOA 94 are satisfied, and that it is necessary and proportionate to use the powers.



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SECTION 61 CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994 GUIDE

Section 61 Criminal Justice & Public Order Act relies upon reasonable steps being taken, by or on behalf of the landowner, to ask trespassers to leave in every case before police powers can be used. Below is a summary of Sec 61 and what requirements will be placed on the landowner/occupier from a Police perspective.

Sec 61 - Two or more people have entered the land as trespassers and that they have a common purpose of residing on the land

- *The Police will need to know who the landowner is.*
- *Are there two or more people involved in setting up the encampment?*
- *Have they entered the land as trespassers?*
- *Are caravans or other 'living' vehicles present?*

Sec 61 - Reasonable steps have been taken by or on behalf of the person entitled to possession of the land to ask them to leave

- *A Verbal request has been made by the occupier/landowner or their agent (supported by a written statement) and are there witnesses to the request?*
- *Notices been served requesting them to leave - who served them, and how. Were they displayed prominently?*
- *Provide a copy of any notice served to the police.*

Sec 61 - One or more has caused damage to the land or property on the land

- *Damage can be ANY damage e.g. Padlock to a gate / Digging away earth mounding (costs money to have put in place or to repair)*
- *Litter could be classed as damage if it requires specialist removal e.g. engine oil contamination*

Sec 61 - One or more has used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of theirs.

- *This only applies to the land owner or agent – NOT all members of public*
- *Will the victim provide a written statement?*

Sec 61 - They have between them six or more vehicles (including caravans) on the land.

- *Vehicles includes motor vehicles and caravans*



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Unauthorised Encampment Flow Chart

