

FREEDOM OF INFORMATION REQUEST FOI 779

- 1) Question 1: Did your Police and Crime Commissioner's office submit evidence to the consultation 'Powers for dealing with unauthorised development and encampments' in 2018? The link to this full consultation can be found at:
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697354/Consultation - unauthorised encampments.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697354/Consultation_-_unauthorised_encampments.pdf)

Answer 1: Yes, the submission was made in June 2018.

- 2) Question 2: If your Police and Crime Commissioner's office submitted evidence to this consultation, could you please provide us with your full responses to questions 6, 7, and 8, as they are stated within the consultation?

Answer 2: Please see the answer to question 3, where question 6, 7 & 8 are answered.

- 1) Question 3: Can you also provide us with an e-copy, or hard copy, of your full consultation submission to this consultation?

Answer 3: Please see the below which contains the full details of the response provided to the Home Office by the Avon and Somerset Police and Crime Commissioner.

Unauthorised development and encampments

Question 1:

What evidence is there of unauthorised development and encampments in your community, and what issues does this raise for the local community?

During the summer travelling season both local authorities and police receive calls from the public reporting spontaneous encampments.

In total, in the last 2 years, the local authorities who responded reported 103 UE's and the police received 123 reports directly connected with UE's. Common issues reported are those of ASB, public order, theft, criminal damage, assaults, threats and negative effects on perception of the area for tourism and local economy and associated legal and clean-up costs.

As a PCC who has listened closely to members of the public, I suspect the number of crimes recorded are massively under reported. There is a sense that the police won't intervene and 'there is one law for them and one law for us'. This perception generates extremely heated language and incitement to take the law into their own hands. It is the sense that the

authorities sit on their hands, do nothing, while the settled community suffers. This is obviously not the case but their perception is reality. Therefore time is of the essence and transit facilities (and negotiated stopping) is critical for community cohesion.

June 2016 to May 2018

Local Authority Area	Number of UE's	Number of associated Crime Reports
Bristol	n/k	35
South Gloucestershire	n/k	26
Mendip	n/k	8
South Somerset	13	7
North Somerset	67	13
Sedgemoor	13	16
Taunton Deane	10	14
West Somerset	n/k	0
BaNES	n/k	4

Monthly breakdown of crime reports

	2016	2017	2018
Jan			
Feb			
Mar			5
Apr		10	3
May		16	
Jun	13	30	
Jul	10	14	
Aug	11	13	
Sept	1		

Oct	1	1	
Nov			
Dec			

Powers for dealing with unauthorised encampments

Question 2:

We would like to invite evidence of unauthorised encampments which have occurred in the last 2 years, as follows:

a. the number of instances where trespassers have occupied land without authorisation, including the location and scale of the encampment.

South Somerset – 13 UE’s – no detail provided

Sedgemoor – 13 UE’s - normally 5 caravans or less but on one occasion 20

North Somerset – 67 UE’s – 2 to 5 caravans

Taunton Deane – 12 UE’s – no detail provided

Locations included council car parks, Park & Ride car parks, parks, recreational fields, sports fields, supermarket car parks and other open spaces of greenfield land.

b. whether the land in a) required cleaning or repair once the encampment had left, and if so, what was the cost?

All councils reported associated cleaning costs which vary between a quick tidy up and more thorough cleaning to remove human waste and abandoned caravans. Estimates solely for cleaning were £300 per UE but these rose to £2000 where the area had to be resurfaced due to damage.

c. how was each unauthorised encampment encouraged to leave, how long did it take, and was the local authority able to move them on; or did the police become involved?

Typical LA reaction to UE is for the LA to attend and carry out welfare and housing assessments, prepare legal papers, obtain Court Orders, serve Court Orders, wait for vacation and clean up. Process takes 10-15 days. No separate figures are available on whether the police or the LAs were the lead in enforcement.

An example within our force area last summer highlighted how high feelings can run in the settled community. Following several days of an UE on a recreation area a local protest was organised on social media. Police were made aware and there were 50 people anticipated to attend. The organiser asked for police attendance. The travellers concerned had already been served with a notice to leave and an application had been made for a Possession Order. Due to the numbers who began to assemble and the threat of travellers asking for

support from within their community to boost their numbers a Critical Incident was declared. All available policing resources force wide were drawn into the area and a public order command structure was put in place. Sporadic disorder took place, roads were closed and there was significant disruption. Numbers were estimated at 300 protesters. The travellers decided to leave some 8 hours later and had to be escorted from the area.

Streamlining the powers under which local authorities can direct unauthorised campers to leave land

Question 3:

Do you think that the existing powers made available to local authorities to remove unauthorised campers from land are effective?

LA's report that the legislation is generally effective but that weekends and bank holiday provision should be made available by the Courts. One mentioned reviewing the common law powers where Court Orders had been obtained against the same group on a previous site.

Police state that LAs look to them to take action which is not possible if the offences are not made out.

The argument is moving the travellers to where. Eg. One Park & Ride facility to another - moving the problem is not solving the problem.

Question 4:

Do you think local authorities could improve their use of existing powers?

LAs cited the costs and resource demand inherent in this reactive process.

Police state that the provision of transit sites that are appropriately sited and viewed as acceptable by the travelling community would make enforcement much more straightforward. Government could and should direct that such land / sites are made available by all local authorities.

Question 5: What other powers may help local authorities deal with unauthorised encampments?

Stronger powers were requested in relation to public areas such as car parks as opposed to traditional areas of 'common land'.

The police state that these powers are already available but lack consistent enforcement.

Aggravated trespass

Question 6:

Do you consider that the current powers for police to direct trespassers to leave land are effective?

LAs state police powers are most effective where alternative sites are provided and available. The resource intensive nature of a forcible removal of vehicles, caravans and people generally make the legal provisions ineffective.

The police state that current powers are effective and sufficient. However, where no transit sites are available, as is the position in all but 2 of the 9 local authorities within the force area, S62 powers are not available to be used.

Question 7:

Would any new or revised powers that enable police to direct trespassers to leave land make it easier to deal with unauthorised encampments?

LAs state they wish police had more powers in relation to commercial premises such as car park which have a huge impact on local business and the settled community.

The police state that there are clear grounds to use powers but their implementation remains patchy due to local decision makers taking inconsistent views. A clear guidance policy from government, viewed together with current National Police Chiefs Council and College of Policing guidance would assist in consistency across regional areas and nationally.

Question 8:

Do you consider that the Government should consider criminalising unauthorised encampments, in addition to the offence of aggravated trespass? If so, how should a new offence differ, and what actions and circumstances should it apply to?

LAs asked that a new offence in relation to UEs that cause serious inconvenience to the local economy such as car parks.

Police state that these powers already exist but enforcement needs to be consistent across each force area, each region and nationally.

Use of injunctions to protect land

Question 9:

What barriers are there to the greater use of injunctions by local authorities, where appropriate, and how might they be overcome?

LAs report that in general these are no more effective than any other powers and can take just as long to enforce as it takes to get a possession order..

Joint-working between local authorities, communities and the police

Question 10:

Do you have any suggestions or examples of how local authorities, the police, the courts and communities can work together more successfully to improve community relations and address issues raised by unauthorised encampments?

LAs report the helpfulness of the agreement with ASC that defines roles and responsibilities.

As previously stated there must be clear guidance at force, regional and national levels to ensure consistency. Given the natural cycle of the travelling calendar LAs and Police must make contingency plans in advance by preparing templates, identifying key responsible staff, agreeing partnership actions, training those within the courts system on what to expect and educating the settled community on the legislation and what actions are appropriate.

Good practice within our force area is evidenced by a close working relationship between the local NPT supervisor and the Travel Liaison Officers of the local LA. Whenever an UE occurs a joint visit occurs with the TLO's and the Neighbourhood Sgt where an assessment is made of which powers are the most appropriate in the circumstances. Both agencies support each other regardless of who is leading in any enforcement process.

Court Processes

Question 11:

Are there ways in which court processes might be modified in a proportionate way to ensure unauthorised encampments can be addressed more quickly?

Amending the Court availability to allow for bank holidays and weekends. Regular training in advance of the travelling season to ensure timely and informed decisions can be made.

Interim possession orders

Question 12:

In your view, what would the advantages and disadvantages be of extending the IPO process to open land?

LAs state that resources are the biggest issues. They feel Police Forces cannot mobilise sufficient numbers to remove large encampments. Court availability also impacts on the process.

The Police state that they are more than capable of dealing with such situations but contingency and prior planning are the key.

IPOs are not appropriate for use with unauthorised encampments.

Powers for dealing with unauthorised development

Question 13:

Are you aware of any specific barriers which prevent the effective use of current planning enforcement powers?

No information was provided from Local Authorities

Question 14:

If you are aware of any specific barriers to effective enforcement, are there any resourcing or administrative arrangements that can help overcome them?

No information was provided from Local Authorities

Question 15: Are you aware of any specific barriers which prevent the effective use of temporary stop notices? If so, do you have a view on how these barriers can be overcome?

No information was provided from Local Authorities

Improving the efficiency of enforcement notice appeals

Question 16:

How do you think the existing enforcement notice appeals process can be improved or streamlined?

LAs state that Appeals always lead to challenges in court which adds to delays and costs. Training for those involved in the court system will mean more streamlined and effective responses – although the overriding blocker is the cost of the process.

Government Guidance

Question 17:

How can Government make existing guidance more effective in informing and changing behaviour?

LAs report that the impact on the settled community must be acknowledged as well as obligations towards the travelling community.

The Police state that are always governed by the Human Right Acts which means that their decisions must be proportionate and necessary and made balancing the needs of the wider community. However national guidance or a Code of Practice would assist.

Question 18:

If future guidance was issued as statutory guidance, would this help in taking action against unauthorised development and encampments?

LAs state that site provision is unlikely to change under current government policy.

Planning and traveller site provision**Question 19:**

Are there any specific barriers to the provision of more authorised permanent and transit sites? If so, is there any action that the Government could take to help overcome those barriers?

Geographical anomalies inherent to our local area mean that there are virtually no 'flood free zones' for sites. The county council are described as taking little proactive interest into the process; there is little political will.

Police feel that LAs have avoided the expectation on them to provide transit sites which has hampered the use of available powers.

Impacts on the travelling community**Question 20:**

What impact would extending local authority, police or land owner powers have on children and families and other groups with protected characteristics that public authorities must, in the exercise of its functions, have due regard to under their Public Sector Equality Duty?

If powers increase the speed of removal with no adequate provision of sites the impact will be negative. GRT people feel very alienated and viewed as 'the problem' and lack trust in public bodies as having any interest in their families and communities.

Question 21:

Do you expect that extending the powers referred to above would have a positive or negative impact on the health or educational outcomes of Gypsy, Roma and Traveller communities? If so, do you have any evidence to support this view, and/or suggestions for what could be done to mitigate or prevent any negative impacts?

The only way to improve outcomes for GRT people would be to properly engage with them. To allocate dedicated individuals from within the police and other bodies which would start to develop trust and understanding. Identify potential sites and use existing powers to enforce those who are not using the spaces. Also to proactively manage 'at risk' sites

Other comments**Question 22:**

Do you have any other comments to make on the issue of unauthorised development and encampments not specifically addressed by any of the questions above?

From a police perspective they report they have adequate powers to cover the circumstances they encounter. However, they are generally unable to use S62 due to an absence of transit site provision.

Each police force needs to identify a key person who will take responsibility for the design and implementation of a clear and consistent policy which must be linked into a regional and national process. Information and Intelligence sharing is key along with a clear partnership protocol with local authorities.

LAs must identify key people to lead their enforcement, who are prepared, trained and well linked within communities to provide a timely response. They must also make provision for transit sites or inevitably have to absorb the costs associated with clearing spontaneous sites and the negative community backlash that will occur.

The courts must be cognisant and prepared for spontaneous requests for court orders throughout the travelling season to avoid delays where enforcement is necessary.

Under the Equality Act 2010 all public authorities have a duty to foster good relations between groups, and not discriminate towards groups but the inevitable criminalisation of travellers that occurs where there is no provision on transit sites will always bring them into conflict with the authorities and the settled community.

Critical to all this is the establishment of a transparent and meaningful relationship with the travelling community through regular meetings, the provision of advisory groups and the involvement of a hitherto unheard community in the enforcement activity that directly affects them.

Government policy claims to respect the rights of a nomadic way of life, and yet removes the ability for those who embrace that heritage and lifestyle to express and enjoy that experience if it doesn't ensure that transit provision is available. Even when the police use S61 powers, knowing there is no legal alternative site for those travellers to move to they are complicit in forcing those affected to commit further offences and that is surely an untenable situation.