



UNAUTHORISED ENCAMPMENTS COUNTY-WIDE MEETING

DRAFT NOTES AND OUTCOMES

Philip Seccombe welcomed everybody to the meeting emphasising that the aim was to understand the current situation, share some case studies and discuss the legislation and both police and civil powers currently available to deal proportionally with unauthorised encampments across the county.

Superintendent David Gardner, Warwickshire Police

David Gardner outlined the differences between Section 61 and Section 62 of the Criminal Justice and Public Order Act and the reasons as to how and why police decided which ones to use. A range of considerations were always taken into account including the impact on local communities, welfare issues and proportionality. The police worked with local partners and land owners, gathered intelligence from previous encampment sites, used CCTV and patrols of the area.

Assurance was given that irrespective of the above, consideration was always given to criminal matters which required investigation, such as criminal damage, anti-social behaviour, public order offences and obstruction of highways etc,

Martin Rone-Clarke, Gypsy and Traveller Lead Officer for Warwickshire Police

A detailed brief was given on the two unlawful traveller encampments which took place in Warwickshire from 5th December 2016 to 3rd January 2017 and the rationale behind which powers the police used together with the strategy for dealing with the situation including an agreed code of conduct with the travellers.

It was noted that all evictions were peaceful however, ultimately the encampment chose to leave the county after New Year and the available processes/powers did **not** force them to leave – problem had not been solved.

Philip Richardson, Nuneaton and Bedworth Borough Council

Philip Richardson outlined the main powers available to land owners and local authorities, principally Part 55 of Civil Procedure Rules (CPR) Sections 77-78 and 61-62 of the Criminal Justice and Public Order Act, injunctions for anti-social behaviour and blanket orders (Harlow).

It was agreed that the use of Part 55 of CPR was time sensitive - delays for court hearings, the necessity of 2 clear days between hearing and serving of summons,



proof of landownership, application for a court warrant and date of eviction (at least 24 hours after notice of eviction).

Sections 77-78 were used by the Council which allowed direction to be served by affixing it prominently to vehicles, failure to comply allowed the Council to apply to court by complaint requesting an order for removal. **It was suggested that if travellers returned to site after being evicted it would then become a criminal offence. Presently there were no immediate powers available to re-evict under Sections 77-78.**

Although it was noted that some councils were using Section 1 of the ASB Act, it was acknowledged that this might modify behaviour but could not remove unauthorised encampments from the land.

Blanket orders, as in the Harlow case, were very difficult to get and needed to evidence that all the powers of the Local Authority and the Police had failed and a breakdown in law and order was feared. It also needed to show that the local community had tolerated a large amount of interference over a considerable amount of time. The expense to the public purse, both in terms of money and time spent would be significant.

Section 62A-E of the Criminal Justice and Public Order Act 1994

This power was helpful due to the fact that if a breach of order occurred it became an arrestable offence and did not allow a return to that area within a 12 months period. A close working relationship was required between local authority, police and district and borough councils.

Paul Hooper, Warwick County Council

Paul Hooper reported that WCC were currently working closely with local businesses to put in preventative defences.

With regard to appropriate traveller sites within the county, he reported that there were currently **no** transit sites, 4 Local Authority Sites and a number of private sites available.

WCC has planning permission for **two** twelve plot sites to be used as Emergency Stopping Places (i.e, areas where travellers were permitted to stay temporarily if the council deemed it appropriate and which the police could move unauthorised encampments onto). One in the North and one in the South of the county.



A selection of Local Authority experiences and views were shared with the meeting :-

Annie Ryan, North Warwickshire Borough Council

Not had many cases over the last few years but had moved encampments using S77 rather than Part 55 due to the long court dates required for Part 55.

Margaret Bell, North Warwickshire Borough Council

Why does Warwickshire not have any appropriate transit sites?

Transit sites were an issue for District and Borough Councils not Warwickshire County Council as they would have had a housing allocation which set out this as a requirement. It was noted that travellers favoured unauthorised encampments which enabled them to come and go freely.

Raised various concerns about the location of the planned ESP marked for Oldbury Road - Was there any evidence that ESPs worked and why were they not used across the Country?

A question was also posed regarding what would be the County's response to an unauthorised encampment on an ESP?

Other ESPs did exist in other parts of the Country but had different names. With regard to the suitability of the site at Oldbury Road, WCC remained convinced the ESPs would just be part of the solution that could be used in dealing with unauthorised encampments. Reviews would be carried out once it was up and running.

Craig Tracey MP

Had raised this a number of times in Parliament. Accepted that there were issues with the powers available especially regarding court delays. The matter of clean up costs were not insignificant and the perception of many permanent residents was that travellers were dealt with more leniently. **Information needed to be provided on what actions had been taken by local authorities to prosecute people once they had moved them on?**

Chris Elliott, Warwick District Council

Wished to place on record his thanks to the police regarding their work over the Christmas and New Year period. His district had experienced an increase in encroachments year on year.



Alan Franks, Nuneaton and Bedworth Borough Council

Reported on the amount of unauthorised encampments that had been dealt with over the last three years. Legislation had been used and honed, with the result that the average duration of stay had decreased. A local Overview and Scrutiny Committee had made a number of suggested recommendations with regards unauthorised Gypsy and Traveller encampments and these were shared with attendees.

Cllr Duggins, Leader of Coventry City Council

Reported that the issues raised had also been experienced in Coventry. The private site at Paddock Grove was causing concern for Coventry residents with ongoing ASB issues. **Action was agreed for Warwickshire Police, in conjunction with West Midlands Police, to look at the problem.**

Marcus Jones MP

Thanked PS for organising the meeting and confirmed that he did not hold departmental responsibility for policy on travellers but was acting on behalf of his constituents by taking up the issues that they raised and the distress that had been caused to residents. He stated that it was critical that we worked with our neighbours in Coventry and West Midlands in order to understand the effect of displacement of encampments across borders.

He acknowledged that a number of points raised validated a possible review of legislation. **Action:** He requested Philip Seccombe write to his office requesting Section 55 legislation be looked at with regard to the 24 hour delay from the time at which the notice of eviction was served and also requesting information on whether re-entry onto land within a 3 month period could become an arrestable offence.

He had raised previous concerns regarding Oldberry Road site which could become a challenge for local residents if it morphed into a permanent traveller site. He requested confirmation from Warwickshire County Council that this would **not** happen.

Ben Twomey, West Midlands PCC Office

The cross border / displacement of traveller camps was vitally important with a more strategic assessment required.



It should be noted that the traveller lifestyle was protected and if there were no fixed or transit sites (lack of suitable and safe accommodation) the lifestyle became criminalised – underpinning many of the inequalities that Gypsies and Travellers experienced.

The West Midlands Police and Crime Commissioner was hosting a regional meeting on **10th February 2017**, very similar to today's meeting, which PCC Seccombe would be attending.

Outcomes

Philip Seccombe confirmed that the OPCC were committed to pulling together an Operational Group to look at the issue from a county-wide perspective and to make recommendations as to how the County's response could be improved and to ensure that the police were not making decisions in isolation. Initial multi-agency meetings could then be held each time a camp arrived with the following themes being identified :-

- Establishing a code of conduct for each encampment with the travellers
- Improved and Informed communications between the local community whenever an encampment arrived.
- Identification of specific individuals within encampments in order to modify behaviour.
- An improved sharing of intelligence between agencies – via ECINS?
- Engendering an ethos/practice of shared decision making between agencies on the use of powers and the approach to be taken in relation to each encampment to ensure a county-wide consistent approach
- The provision of facilities for unauthorised encampments – in order to avoid clear up costs
- Exploration of responses to highway incursions
- Effectively manage the time of each incursion.
- Displacement issues



- ASB issues originating from the Parrotts Grove site impacting on Coventry residents
- Preventative measures to deter incursions on public open spaces.
- Forced entry onto sites – the monitoring and collection of evidence to deal with perpetrators wherever possible.

Philip Seccombe thanked everybody for their contributions to the meeting.