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# Gypsy, Roma and Traveller

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# Briefing Note

## Gypsy, Roma and Traveller

This report seeks to give a national, regional and local perspective on current Gypsy, Roma, Traveller (GRT) issues for the Police and Crime Panel to consider. Within the narrative the role and actions of the Warwickshire Police and Crime Commissioner will be clearly identified.

### **1. National**

There is one main issue to consider at the national level – the forthcoming Police, Crime, Sentencing and Courts Act 2022., which brings about the criminalisation of civil trespass. The Bill is currently in the House of Lords at Committee stage but will return to the House of Commons in the not too distant future for the statute to become enshrined in law.

The Government has in addition published a draft 'Statutory Guidance for Police on Unauthorised Encampments'. Whilst it is a draft document it is still very useful reading for any interested parties.

The core of this legislative change allows the 2022 Act to introduce sections 60C to 60E of the the Criminal Justice and Public Order Act 1994. Section 60C effectively criminalises civil trespass. In other words s60C makes it a criminal offence to reside on land without consent, in or with a vehicle, and provides associated seizure and forfeiture powers. Existing sections 61 to 62E have been strengthened.

The Commissioner has been close to these legislative changes as Mr Martin Rone-Clarke, as the Warwickshire Police Gypsy and Traveller Liaison Officer, sits on the National Police Chiefs Council - GRT Working Group. This group works closely with the Government and advises on GRT policy and legislative change.

It is recognised that this legislation and the background is both complex and sensitive. The legislative changes are broadly welcomed but with some reservation. There is a fear that criminalisation will lead to unrealistic expectations and demands on the police that cannot be met, and may well be unjustified and disproportionate to unauthorised encampment situations that present.

Even though the new legislation will bring powers of arrest, seizure and forfeiture the execution of those powers can only be deployed in a framework of justification, proportionality, legality and absolute necessity. All public sector agencies dealing with an unauthorised encampment have obligations under the Equalities Act 2010 and also Article 8 of the Human Rights Act 1998 – the right to privacy.

It would be wholly wrong to expect the police to deploy and summarily arrest people and seize vehicles, their homes and their property. Such actions will have the potential to provoke disorder and resistance. The logistical impact on the police would also require very careful assessment.

In the context of resistance to this impending legislation it is appropriate to document the reaction of the Gypsy, Roma and Traveller community and their spokespersons to this situation. It is probably accurate to say that feelings are hostile and it is presumed that the new legislation will get tested by way of challenge. That's not to

say appropriate authorities should shirk away from the challenges of unauthorised encampments, but use of the new legislation needs to be skilful and judicious.

Another feature of this landscape that needs to be considered is the longer term issue of housing and suitable accommodation for those who wish to exercise and maintain the nomadic lifestyle. Long term lack of availability and access to suitable accommodation adds to the complexities and tensions in finding longer term sustainable solutions for many people from GRT communities.

## **2. Regional**

From a regional perspective, the Warwickshire approach to interacting with GRT communities and unauthorised encampments is progressive and effective. It could be argued that we have achieved more than some of our neighbours and the Commissioner was very instrumental in establishing the GRT Liaison Officer post occupied very effectively by Martin Rone-Clarke.

Without doubt Martin is a subject matter expert and brings successful resolutions to challenging situations on a regular basis. That said, the West Midlands Region is committed to developing greater regional expertise and effectiveness by establishing a working group under senior police command. Warwickshire will be a very active participant.

## **3. Warwickshire**

In Warwickshire there has been significant improvements in dealing with unauthorised encampments over the last few years. Recognising there was a lack of coordination and consistency across the county, in 2016 the Commissioner took the initiative to create the Warwickshire Unauthorised Encampments Protocol.

This Protocol has led to far better coordinated responses to such encampments and has been noted both regionally and nationally as best practice. The Commissioner passed responsibility for the Protocol to Warwickshire County Council Community Safety Team in 2020.

The Community Safety Team have staff dedicated to managing GRT issues. The Protocol needs a refresh, especially in the context of the new legislation, but its principles still hold true and promotes good cohesion between local agencies in Warwickshire. The Commissioner is very much part of that conversation.

As regards the number of unauthorised encampments (UE), the trend in the last couple of years is downwards. This year so far there has been 47, and 56 in the preceding year. In other years over a 100 UEs a year was not uncommon. The likely explanation for this trend is the ending of the Kenilworth Horse Fair and the appearance of a traveller's site near Atherstone called Kirby Glebe. In addition, Warwickshire Police is robust in using s61 powers of the CJPOA 94 directing travellers to leave land they are temporarily occupying when authorised by a senior police officer.

## **4. Accommodation**

Kirby Glebe has absorbed a number of persistent travellers who played 'cat and mouse' around the county in recent times. Kirby Glebe is however not without its challenges. Some aspects of the site have planning permission whilst others don't, yet travellers have nonetheless occupied it. North Warwickshire Borough Council are

leading on the resolution of these issues. Meanwhile the site remains under appropriate scrutiny from Warwickshire Police in close liaison with the local authority.

A holistic consideration of the GRT picture in Warwickshire also needs to consider the complex issue of suitable housing and available land to accommodate temporary / negotiated stopping of travellers. Many will say that efficient management of GRT issues largely revolves around longer term planning and accommodation, as opposed to short term enforcement where ultimately the 'problem' is pushed from one area to another. Negotiated stopping and appropriate tolerance is a successful tactic when managed well, but is a contentious view for some. This also extends to short term transit provision.

The Warwickshire County Council site at Oldbury, North Warwickshire has only been used once and now is no longer considered fit for purpose. From its introduction it was met with local hostility and was regularly damaged and sabotaged. The initiative by the Chief Executive of Warwick District Council to create transit provision by developing the former site of Leamington Football Club is welcomed. But if Warwickshire is to further reduce the challenges of unauthorised encampments like-minded initiatives around the county also need to be initiated.

In closing, Mr Martin Rone- Clarke will be providing training and briefing sessions on his work and the new legislation towards the end of this year. The Police and Crime Panel are very much welcome to attend and participate. Further detail will be shared when known.

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