Unauthorised encampments

Policy

Policy summary
West Yorkshire Police complies with Authorised Professional Practice (APP) which contains information to assist policing, and has established a local policy procedure on unauthorised encampments to provide clear standards and guidelines.

The Force has a duty to cover all types of unauthorised encampments on both private and local authority land, and has established a policy procedure particularly intended to help improve the trust and confidence of Gypsies and Travellers within the county.

Much of the policy reflects the unique lifestyle of Romany Gypsies and Irish Travellers as distinct ethnic groups and takes into account their traditional transient life style.

It additionally promotes positive relations under our general duties within the Equality Act 2010.

Aims
The aims of the policy procedure are to explain:
- the Force structure and responsibilities;
- how you should deal with a request for police action; and
- what decisions need to be taken.

Scope
This policy procedure applies to all police officers and police staff.

Compliance
Equality Act 2010
Human Rights Act 1998
Criminal Justice and Public Order Act 1994 section 61 and 62 A to E
APP Engagement and communications
ACPO Guidance on unauthorised encampments

Equality assessment
The Force has reviewed this policy procedure and changed it to reflect working practices and ACPO guidance. The revised policy procedure clearly defines the scope of the policy, responsibilities and practices but does not:
- alter any of the police processes or ground level decision making; or
- adversely affect anyone within or external to our organisation.

During its development, the Force has consulted:
- with key Equality Champions at districts;
- local authorities; and
- externally using the Force Independent Advisory Group (IAG).
The policy procedure contains details of good practice for ensuring the human rights of all parties are taken into consideration.

Chapter 1 Definitions

Unauthorised encampment

The definition of 'unauthorised encampment' is:
- where anyone with a view to camping trespass on land they do not own (e.g. playing fields, farmers’ fields or other private land).

Critical incident

A critical incident is defined as:
- ‘any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community.

Chapter 2 Principles

Overall stance of the Force

The overall stance of the Force is that in considering any unauthorised encampment a balance must be maintained between the rights of those encamped and the rights of the landowners and settled society.

You must act in a neutral, objective and open way, ensuring each encampment is considered on an individual basis. We also acknowledge that the majority of those on unauthorised encampments are law abiding, with a minority who may take part in criminal or anti-social behaviour.

A regard to the human rights of both the campers/travellers and settled community will have to be taken into account and police action will have to demonstrate impartiality and proportionality.

It is generally the behaviour of this minority that causes antagonism and resentment within the settled community.

Force undertaking

Like settled communities, those on encampments are entitled to a life free from fear of crime, harassment and intimidation and therefore we will:
- provide a consistent police response towards those on encampments, landowners/agents and other members of the settled community;
- consult those on encampments as well as the settled community when making decisions that impact on their lives;
- proactively investigate allegations of crime, harassment and intimidation against them;
- be demonstrably fair, open and transparent in all our dealings with
them; and
• reassure the settled community that the authorities are taking appropriate action that is proportionate and appropriate.

Chapter 3 Criminal Justice and Public Order Act (CJPO) 1994

Section 61

Section 61 powers

Section 61 of CJPO provides the police with the powers to direct persons to leave land and remove vehicles and/or other property.

61(1) 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.

For further information see PNLD – D2004:

Conducting appropriate assessment

The decision to use section 61 is an operational one. In considering whether or not to use powers provided by section 61, you should carry out an appropriate assessment.

The following provides guidance in making that decision:

<table>
<thead>
<tr>
<th>Classifications</th>
<th>Information</th>
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<tbody>
<tr>
<td>Land use</td>
<td>The use of the land by the local community will have a major impact on the decision to use section 61.</td>
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<tr>
<td>Primary land</td>
<td>The Force has identified certain land uses, where the tolerance of an unauthorised encampment, would have a substantial impact on the quality of life and enjoyment of property of the settled community in the immediate vicinity of the trespass, this will be referred to as primary land. Where there is an unauthorised encampment on primary land, which meets the criteria set out within</td>
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CJPO, there will be a presumption in favour of the use of section 61 powers, subject to the ‘considerations of common humanity’ (for common humanity see risk assessment).

Primary land will include:
- school grounds, car parks or playing fields (especially in term time);
- recreation grounds and public playing fields;
- cemeteries;
- grounds of places of worship;
- hospital grounds; and
- doctor’s surgery car parks

Secondary land

Where the unauthorised encampment is sited on land other than ‘primary land’, there shall be a general presumption against the use of section 61. However, this can be rebutted if the prevailing circumstances make it appropriate.

Factors to take into consideration when making this decision should include:
- is eviction using section 61 a proportionate response?
- if section 61 is used, will the subjects then take up residence on more sensitive land?
- unacceptable behaviour by unauthorised campers at the encampment, including individual criminal activity, which cannot be controlled by means other than eviction;
- significant disruption to the life of the surrounding community, e.g. encampments on sporting grounds in season;
- serious breaches of the peace or disorder caused by the encampment;
- traffic hazard;
- public health risks;
- serious environmental damage;
- immediate proximity (i.e. right next door) to other sensitive land uses (e.g. hospitals, nursing homes, hospice, places of worship); and
- significant adverse impact on commercial activities.

Note: The simple fact that certain individuals within an unauthorised encampment are acting in a criminal or anti-social manner does not necessarily make it appropriate to evict everyone on that particular site.
Section 62

Introduction

Section 62 A to E of CJPO allows the police to move unauthorised encampments (where the local authority provides official sites and the sites have vacant pitches).

Due to the very limited provisions in most of our local authorities for camp sites, officers may not be in a position to enforce this legislation until the situation improves significantly.

Local protocols should be developed for the use of section 62 powers where appropriate.

Admin

<table>
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<tr>
<th>Last reviewed:</th>
<th>May 2012</th>
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<tr>
<td>Scheduled for review:</td>
<td>May 2015</td>
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