



Managing Unauthorised Encampments

Joint Working Protocol of
Avon and Somerset Police
and Bristol City Council

October 2017

Version Control:

Doc Ref

Draft V9 October 2016

Draft V11 May 2019

Author

Crime Reduction Manager

GRT Service Coordinator

Review Date

May 2019

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Managing Unauthorised Encampments

A joint Statement of Avon and Somerset Police and Bristol City Council

Bristol City Council and Avon and Somerset Police first agreed to produce a joint protocol in relation to the management of unauthorised encampments in 2016. The protocol sets out the procedures to be adopted by both agencies, and set in place a procedure for formal review of the protocol to ensure the protocol remains current, and is able to reflect legislative and national policy changes. Each subsequent edition is numbered and carries the month and year of publication.

This joint statement has been produced to ensure that where unauthorised encampments are camped on sites as trespassers and/or cause nuisance, or indulge in anti-social or criminal behaviour, they should be subject to the law in the same way as those of the settled community.

Bristol City Council and Avon and Somerset Police both recognise the role that each has to play and will comply with the government recommendations and good practice guidance's in order to effectively manage unauthorised encampments.¹

Appropriate enforcement of the law involves a significant degree of discretion as well as tolerance. Each encampment must be individually considered, before a decision is taken on whether the City Council or Avon and Somerset Police are best placed to take responsibility for the encampment. The relevant guidance for making these decisions will be considered, however, a blanket approach on what action to take, will not be made by either organisation.

In the absence of specific welfare needs, a major consideration should be whether an encampment is interfering with the lawful rights of others. All breaches of the law will be investigated by the Local Authority and Avon and Somerset Police in an appropriate manner. Similarly, persons encamped are entitled to a life free from the fear of crime, harassment and intimidation and all reports of incidents against those people will be proactively investigated.

Both Bristol City Council and Avon and Somerset Police are committed to ensuring unauthorised encampments are dealt with in a professional manner, taking into account the needs of all individuals concerned and ensuring, wherever practicable, that their actions are reasonable and proportionate to any offence being committed.

Alison Comley, Strategic Director Neighbourhoods

Superintendent Andy Bennett

Bristol City Council

Avon and Somerset Police

¹ *Managing Unauthorised Camping* (and subsequent amendments), published by the Department for Communities and Local Government (DCLG), can be found at: [Dealing with illegal and unauthorised encampments](#).

Managing Unauthorised Encampments

A Joint Protocol of Avon & Somerset Police and Bristol City Council

1. Introduction:

- 1.1** The issue of unauthorised encampments can be emotive and highly politicised. In the event of an encampment being established local residents; politicians and landowners may seek to influence the actions of the Police and the Local Authority.
- 1.2** Following consultation between Bristol City Council and Avon and Somerset Police, this joint protocol was agreed which contains guidance for dealing with unauthorised encampments and which incorporates guidance from both the [Department for Communities and Local Government](#) (DCLG) and the most recent police guidance from ACPO, now referred to as the National Police Chiefs Council (NPCC). The agreement, which forms the basis of *Enforcement Policy*, is the means by which similar inter-agency agreements have been reached with other Local Authorities within Avon and Somerset. An inter-agency approach can be very effective particularly in areas where encampments are a regular occurrence; the community safety plan, drawn up under the *1998 Crime and Disorder Act* may also be applied.

What is the difference between an authorised encampment and an unlawful encampment?

The Council is responsible for dealing with ‘civil matters’ whereas the police manage ‘criminal offences’. The police would only get involved in the management of an encampment if there was anti-social behaviour and/or some other criminal offence (e.g. the group not leaving peacefully following an eviction therefore becoming an unlawful encampment).

Unauthorised encampments are defined by the Government as “encampments of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass” Land ownership determines who deals with these encampments. If on Highways land or public land Bristol City Council will often be the lead agency (i.e. such as playing fields, common land, parks and playgrounds are mainly owned by BCC). During these initial stages encampment are considered a civil matter and therefore not a criminal offence.

- 1.3** Bristol City Council and Avon and Somerset Police recognise the importance of effective communication when managing what are potentially very sensitive issues. Effective communication is vital with those individuals and their families being required to move, as well as local residents and other interested parties.

Effective communication and liaison should be maintained between the Council Enforcement Officer (CEO), Gypsy, Roma, Traveller Site Manager and Community Liaison (GRTSM) and the Police Neighbourhood Inspector (PNI) and where appropriate the community for the area of the

unauthorised encampment. The ASB Team would also be involved in the management of unauthorised encampment if a tent or shelter was erected on land without the land owners permission.

- 1.4** Increasing trust and confidence amongst minority ethnic groups is a priority for all Police and Council officers. The Equality Act 2010 makes it unlawful for public bodies such as Local Authorities and Police Forces to discriminate on grounds of, amongst other things, ethnic origins. Case law has states that because of their shared history, geographical origin, distinct ethnic customs and language, Romany Gypsies and Irish Travellers are distinct ethic groups.

This means that treating people in a particular way, solely because they come from a *Gypsy or Traveller community* is unlawful and it is important that all of the measures explains in this protocol are considered on an individual case-by-case manner.

To facilitate effective communication this Protocol will be available on [Bristol City Council websites](#). A hard copy can also be obtained from Bristol City Council and it can be provided in an accessible format on request.

2. Equality and Discrimination:

- 2.1** This protocol is not a policy on Gypsies or Travellers; rather it is a protocol on the agreed responses to reports of persons residing as trespassers on land. It is, however, recognised that unauthorised encampments may contain Gypsies or Travellers.
- 2.2** The Equality Act 2010 gives public authorities a general duty to eliminate unlawful discrimination and harassment, promote equality of opportunity, and foster good relations between those who share a protected characteristic and those who do not when carrying out their functions. This duty covers all racial groups, including Gypsies and Irish Travellers who are recognised ethnic groups.
- 2.3** Local authorities and Police must always be able to show that they have properly considered the equalities implications of their policies/protocols and actions in relation to unauthorised encampments (including tent / shelters). They must be able to demonstrate that their policies/protocols and actions are proportionate bearing in mind all the circumstances of the case.
- 2.4** See Appendix 11 for more information about the law, discrimination and Traveller rights.

GRT Community Development Officers

Bristol is a multicultural and diverse city with a long and rich history of Gypsy and Traveller people. City Council's GRT Team and [Stand Against Racism and Inequality](#) (SARI) acknowledge the important role they have in preserving, promoting and celebrating GRT history and culture and have created two GRT Community Development Officers are dedicated post in promoting GRT culture and history but also in challenging prejudice and discrimination in order to improve opportunities and achievement of GRT communities.

3. Evaluating the Case for Eviction:

- 3.1** In considering any unauthorised encampments a balance must be maintained between the rights of those encamped and the rights of landowners and those lawfully entitled to use the land, and the local community. Each encampment must be considered on its own merits with police officers and the Local Authority staff acting in a neutral, objective and open way. Avon and Somerset Police officers will not proactively seek out encampments but will wait until a landowner or the Local Authority contacts them.

There will be circumstances where it is not appropriate for an unauthorised encampment to remain *in-situ* and prompt action will be required by the relevant authority. Examples include: problems of crime and disorder associated with the site; damage, “fly-tipping”, “fly-grazing” or littering; camping on unsuitable sites, such as parks and green open spaces, schools playing fields or private car parks, which deny amenities to local residents or which cause highway hazards.

- 3.2** The reason for directing encamped persons to move should be clearly communicated and in a way that is understood by the group. As levels of literacy and/or command of the English language amongst the group may be poor, the content of any notice of intended action should be thoroughly explained. In the absence of specific welfare needs, the following may be considered:

- The nature, suitability or obtrusiveness of the encampment.
- The size of the group, their behaviour and level of any nuisance.
- The number, validity and seriousness of any complaints.
- The level of damage caused by the occupiers.

4. If the Decision is not to Evict Immediately:

- 4.1** Where encampments do not give rise to complaints of nuisance, immediate action may not need to be considered, however, a mutually accepted date for leaving the site should be agreed. Some persons will indicate their unwillingness to enter into or honour agreements about their leaving date. It is important that the encampment understand that while there is no statutory obligation to provide information in order to make assessment, or to agree to a leaving date; is it in their interest to cooperate. Non-cooperation often stems from a mistrust of the motives of those involved, based on previous negative encounters.²
- 4.2** When the decision is not to evict immediately, the reason for this decision should be recorded and will be determined by the specific circumstances of the site and any specific needs of those camping, which may include:
- The educational needs of any children,
 - The need for immediate medical treatment;
 - Expectant mother and/or a new born.

Where those camped indicate that it is their intention to stay in an area for a short period, and they are unlikely to cause disruption or damage during their stay, a departure date should be agreed with the stipulation that staying beyond the stated date may trigger proceedings for eviction.

- 4.3** Encampments are to be kept under review and should be subject to regular visits; complaints should be monitored and logged by the Local Authority and the Police. Changed or deteriorating circumstances and/or behaviour are likely to lead to the initiation of eviction proceedings. Examples of 'change' include:
- Increased levels of nuisance or environmental damage;
 - Expansion of the initial encampment group by the arrival of further people and caravans/mobile homes;
 - Anti-social or criminal activity.
- 4.4** Local planning authorities may also wish to consider that, by allowing camps to remain on unauthorised site for a short period, public amenity or existing use of land or buildings may be unacceptably affected, meriting protection of the public interest. Depending on the circumstances, however, the effects of unauthorised use (for short periods) may not be considered unacceptable. In this context the Local Authority should consider the length of time specified in Part 5 of Schedule 2 to the 1995 General Development Order (i.e. caravans staying on land without requiring specific planning permission).

² There is a strong emphasis on self-sufficiency, and against seeking help from *outsiders*. Many GRTs are mistrustful of *the authorities* (e.g. police, local councils, and other statutory bodies including health and social care services) (OPM, 2010). One explanation for this outlook could stem from a previous negative experience of a service. Another explanation could be the lack of cultural understanding about services as well as the organisational lack of cultural awareness about GRT communities.

4.5 Where it has been decided that, for the time being, an encampment is not to be evicted Local Authorities should ensure that other relevant bodies are informed. This will include:

- Elected member's and relevant ward member's;
- The public, especially complainants;
- Local education, health and/or welfare agencies.

4.6 Where an encampment is to be allowed to stay, for a period of time, the Local Authority may offer temporary services such as the provision of rubbish collection sacks.

4.7 The Local Authority is empowered to initiate eviction proceedings in court in relation to unauthorised encampments on council owned land, and will usually use part 55 of the civil Procedure Rules or Section 77 of the Criminal Justice and Public order Act 1994 (CJPOA).

5. Health Service Available:

- 5.1** The Council Enforcement Officer (CEO) or Gypsy, Roma, Traveller Site Manager and Community Liaison (GRTSM) on visiting a site may find that the occupiers are in need of health care in which case they will be informed of any sites/facilities that exist at the time to provide for their health needs. They may also be given information on access to other Traveller sites available to them in the area (e.g. St Anthony's Transit Traveller Site). This information will be presented to the occupiers as part of the Code of Conduct.
- 5.2** The officer undertaking the needs assessment will not be a trained medical professional and as such will be unable to give in-depth medical advice. Reference will be made to those facilities noted on the Code of Conduct, [Gypsy, Roma, Traveller Specialist Health Visitor](#) or to the nearest A&E Department.

Notification of Health Visitor Actions when Visiting Transient and Unauthorised GRT Sites

Bristol City Councils GRT Team notify GRT Specialist Health Visitor (Tel: [07795 646541](tel:07795646541) or for non-confidential information email Stephanie.lovell@cchp.nhs.uk and for confidential information email Stephanie.lovell1@nhs.net of location and estimated number of children including any known health concerns or risks.

If UAE is not in Bristol, notification to be sent to relevant area: South Gloucestershire: Miranda Thrift 07766160099; North Somerset Amanda Yates amanda.yates@nhs.net and Rural North Somerset Joanna Berry joanna.berry3@nhs.net; BANES Helen Schofield Helen.Schofield@virginicare.co.uk; Weston-Super-Mare and Jenny Pearce jenny.pearce5@nhs.net or 07717701506.

GRT Specialist Health Visitor to visit as soon as possible Discuss any risks with GRT BCC team regarding undertaking a lone visit and consider visiting with colleague in partnership with relevant service (identified through the BCC GRT welfare assessment).

If made aware of Traveller's location by other means, inform BCC's GRT Team.

If there is an official notification and no risk, visit with one person. If there is a risk then visit with two or re-assess.

Encourage and support family to register with local GP surgery, dentist and Children's Centre and inform them that the Specialist Health Visitor / GRT lead Health Visitor for the area will visit site.

Health Visitor to undertake a full Family Health Needs Assessment to determine what level of service is required and any additional actions, including safeguarding, are needed to ensure the health and wellbeing of the families on the UAE. Where possible, visit to be documented in the Child's Personal Child Health Record (PCHR Red book) and Health Visitor records.

If no official notification, let the BCC GRT Team know Tel: 0117 92 24272

If there is an official notification and there are health needs, where appropriate and necessary, let BCC GRT Team know that Health visitor is providing ongoing support for health needs, on a need to know confidentiality basis. needs.

Health visitor to add family to caseload under relevant category of care and liaise with relevant services as needed Inform BCC GRT Team, Health visitor and safeguarding team (if required) when family have moved on from the area as soon as possible, or if there are any changes to risk assessments regarding the UAE.

Health Visitor to utilise the NHS Spine / local systems to determine if family have a GP registration or Health visiting team already involved within another area and if possible, liaise with them and any other relevant agency as necessary. Consent to be requested from family in line with local policy for information governance

6. Education Service Available:

- 6.1** [The Council Enforcement Officer \(CEO\) or Gypsy, Roma, Traveller Site Manager and Community Liaison \(GRTSM\)](#) on visiting a site may find that the occupiers have children of school age who are in need of an education placement either through discussion with the occupiers or through his/her own judgement. In either case he/she will inform the [GRT Inter-agency Team](#) or to [First Response](#).
- 6.2** A visit will then be made within the next two working days in order to assess the needs of the children present and find them appropriate school places.

GRT Drop-ins and Educational Support

Gypsy, Roma, Traveller children, as with all other children, are legally entitled to have unhindered and full access to education and should be afforded opportunities that will enable them to thrive and live happy and healthy lives. For nomadic Traveller families the Education Act of 1981 states that:

“It is the duty of the local authority to provide full-time education for pupils who [...] are temporarily living in the area for long enough to be practical to attend school (e.g. the child of a Traveller)”.

However, there are several barriers schools and other professionals must first consider when it comes to GRT educational outcomes. One of the primary responsibilities of the GRT Team is support around education matters. The GRT Drop-ins liaise between families, communities and schools in helping them identify and navigate these barriers by ensuring:

- Schools are culturally equipped to understand GRT needs, concerns and priorities;
- Multi-agency partnership work in developing targeted GRT support;
- Families with school registration;
- Promotion of GRT identity and ascription in schools;
- Use of distance learning / learning agreements as an educational continuity strategy;
- Promote and improve parental engagement;
- Prevent barriers to education (i.e. bullying, discrimination, literacy issues, cultural issues, etc.)

7. General Strategy for Dealing with Unauthorised Encampments:

- 7.1** There are three types of land upon which unauthorised encampments may be established and these are categorised as either:
- **Local Authority owned land;**
 - **Privately owned land or;**
 - **Highways.**
- 7.2** The approach for dealing with unauthorised encampments will depend both on whether the land is public owned land and on the use to which the land is put. Where land is Local Authority owned and is land to which the public have access and where the presence of unauthorised encampments would seriously disrupt the ability of the settled community to make use of facilities then a swifter approach will be taken to effect removal using available powers.
- 7.3** Section 8 details the strategy employed where encampments are on Local Authority Land.
- 7.4** Section 9 details the strategy employed where encampment are on privately owned land.

8. Unauthorised Encampments on Land Owned by Bristol City Council:

- 8.1** It is jointly agreed that the Local Authority will be the lead agency where unauthorised encampments are established on council owned land and, as lead agency will coordinate information and gather appropriate evidence to provide a recommendation for further action. The lead agency for effecting removal will depend upon the nature of the site in question and the circumstances present on the site. Each unauthorised encampment will be evaluated separately by the by the Council's Enforcement Officer (CEO), GRTSM or Anti-Social Behaviour Officer (ASB Officer).
- 8.2** Avon and Somerset Police will not proactively seek out encampments but will wait until the Local Authority or effected residents contact them. Once a report has been received by the Council Enforcement Officer (CEO) or GRTSM, close liaison will be maintained with the encamped persons to ensure the appropriate support and assistance is provided. All reports received by the Local Authority and Avon and Somerset police will be properly logged.
- 8.3** **Notifications of new encampments (i.e. caravans, converted vehicles, etc. on LA land)**, passed to the Local Authority before 4pm on a working day, will result in a visit to the site on the same day by the CEO or GRTSM. Reports made after 4pm will result in a site visit on the following working day. The CEO / GRTSM will provide regular information to Avon and Somerset police directly to the relevant Police Neighbourhood Inspector (PNI).
- 8.4** The Local Authority CEO / GRTSM will visit the site, possibly in conjunction with a representative from the land owning department, with a view to determining whether the site in question constitutes a 'park or green/public open space' and if so whether circumstances exist for a request to be made to Avon and Somerset police to intervene.
- 8.5** The CEO / GRTSM will make enquiries of the encamped persons relating to education, health, housing and social needs and, where applicable, will notify appropriate departments (copy of the BCC's *Unauthorised Encampment Request for Welfare Needs and Personal Circumstance Information Form* see Appendix 9).
- 8.6** **Where the special humanitarian or welfare issue are identified** the relevant support will be offered to the group and the encampment is to be tolerated, and monitored by GRT Team in line with Code of Practice. The CEO / GRTSM will report details to the Police Neighbourhood Management using a 'Site Report Form' (Appendix 1).

8.7 If there are no welfare concerns or reasons for encampment to remain:

- The unauthorised encampment will be offered a pitch on the transit site.
 - **If accepted:** The unauthorised encampment will be tolerated until a date is agreed for occupants to move to the transit site.
 - **If refused:** The GRT Team and the A&S Police will determine whether a *high* or *low impact* unauthorised encampment and whether Police Powers are necessary.
- Bristol City Council's Gypsy, Roma, Traveller Team in partnership with the A&S Police will determine the impact of an unauthorised encampment based on the criteria outlined in the table below.

8.8 Low Impact UAE: Court papers will be prepared and passed to BCC Legal Department for a court hearing to be scheduled. GRT Team will liaise and inform occupants of unauthorised encampment throughout this process.

- a) Direction to leave the land will be issued to occupants;
- b) The Site will be vacated;
- c) And arrangements made for clean-up of land.

8.9 High Impact UAE: GRT Team in partnership with Avon and Somerset Police will determine whether an encampment is deemed a *high* or *low impact*. If an encampment is evaluated as a *high impact* the Police will consider the use of Police Powers under Section 61 or 62A.

* Distinction Between High and Low Impact Unauthorised Encampments

High Impact

Bristol City Council in partnership with *Avon and Somerset Police* will determine the impact of an unauthorised encampment based on the following:

- Whether there are there other activities on the encampment, such as serious breaches of the peace, disorder, criminal activity or anti-social behaviour which would necessitate police involvement under their wider powers;
- Given the impact of the unauthorised encampment on the environment and the local community, is it reasonable and proportionate to use either LA or the police powers (i.e. is it in the middle of a sports ground, public park or public space) etc. See 4.7 for more details.
- Further details regarding 'high impact' encampments are outlined in Section 8.19 – 8.24.

Low Impact

Bristol City Council in partnership with *Avon and Somerset Police* will determine the impact of an unauthorised encampment based on the following:

- Where those camped indicate that it is their intention to stay in an area for a short period, and they are unlikely to cause disruption or damage during their stay, a departure date should be agreed with the stipulation that staying beyond the stated date may trigger proceedings for eviction.
- If the group does not cause significant impact to the local environment or community (e.g. noise, waste, ASB, etc. as defined in Section 4.7) then the Local Authority may make the decision to tolerate the encampment, for the time being, and for the encampment not to be evicted by the Local Authority. The Local Authorities should ensure that other relevant bodies are informed (this will include: elected member's and relevant ward member's; the public, especially complainants and; local education, health and/or welfare agencies).
- Further details regarding low impact encampments are outlined in Section 8.13 – 8.17.

- 8.10** Where circumstances do not warrant the making of a request to Avon and Somerset Police, or the police deem circumstances are such as to refuse such a request then the CEO will serve a 'Notice to Vacate Land' (Appendix 2) on all persons camped on the land stating that the land is to be vacated within specified number of days where the land is considered to constitute an urban park and green/public open space or on another agreed Local Authority 'Code of Conduct' (Appendix 5) by which the occupiers will be expected to regulate their behaviour whilst occupying the site.
- 8.11** If the land has not been vacated by the elapse of the relevant period, the Council's CEO, GRTSM and/or ASB Officer may instruct bailiffs to remove the encamped persons from the land, generally with effect from the next working day. On the specified day of eviction, the Council's CEO, GRTSM or ASB Officer may request police assistance to prevent a breach of the peace.
- 8.12** It should also be noted that it is prudent to visit the site on the day prior to the eviction which, where a notice would elapse on Friday, Saturday and Sunday, may mean the following Monday to provide for an eviction on the Tuesday. In these circumstances the CEO / GRTSM should liaise with the Police to see if there are sufficient grounds to warrant an eviction over the weekend. Consideration will need to be had to Section 10 on 'Police Powers'. It should be noted that Bristol City Council do not operate a CEO / GRTSM at evenings or weekends (see paragraph 8.15).
- 8.13** If the CEO / GRTSM believes, because of previous experiences with the persons concerned or through accurate intelligence, that it is the intention of the unauthorised occupiers not to comply with the notice to vacate land, he/she may refer the matter directly to the court for the issue of a 'Possession Order' under Part 55 of the Civil Procedure Rules.

The grounds for such may include:

- Previous history or experience of the persons concerned;
- The encamped persons make legal representation through a solicitor;
- The encamped persons refuse to leave the land peacefully;
- Sites which are frequently used by public (e.g. public open spaces such as parks);
- Sites with history or regular occupation by unauthorised campers.

- 8.14** On application by the CEO / GRTSM, the courts may issue an order for possession of the land. This procedure has historically taken approximately 8-10 working days.
- 8.15** Where a group returns to land they have previously occupied in the last 6 years and they have subject to court action by Bristol City Council, then the Local Authority will apply to the court for an 'Order of Restitution' to obtain repossession of the land. This procedure has normally taken in the region of 5 days. It is necessary to satisfy the court that there is a 'nexus' between the original group and the persons now occupying the land.
- 8.16** In all instances Bristol City Council and Avon and Somerset Police will endeavour to support each action taken by the other party.

8.17 Diagram 1 on page 12 explains the general procedure to be followed when dealing with encampments on Local Authority owned by land.

8.18 Diagram 2 at Appendix 12 explains the general procedure to be followed when dealing with a tented encampment on local authority owned land.

Dealing with Unauthorised Encampments at the Weekend:

8.19 On occasion an encampment may be established on BCC land over the course of the weekend:

Under normal circumstances the initial visit will not take place until the next working day. Under certain circumstances, however, it may be necessary for Avon and Somerset Police to seek the eviction of the trespassers over the weekend due to issues relating to crime and/or disorder and where it is felt that it is not reasonable for there to be a delay in commencing proceedings.

8.20 As noted in paragraph 8.14 BCC does not operate a CEO / GRTSM service over the weekend periods.

However, where the land under unauthorised occupation is 'council land' then the Emergency Control Duty Team will be available to serve trespass notice to the group. This visit will always be done in conjunction with officers from Avon and Somerset Police in assessing whether or not Police Powers are required in vacating the site (e.g. the use of Section 61 or 62a).

8.21 In these circumstances the welfare assessment will be undertaken by the [Bristol City Council Gypsy, Roma, Traveller Inter-agency Team](#).

Bristol City Council GRT Team: Enforcement Protocol

Notification of unauthorised encampment (UAE)

Visit within 1 working day
by Gypsy, Roma, Traveller
Team (GRT Team)

Ascertain Ownership of
land

PRIVATE LAND

COUNCIL OWNED LAND

Health Visitor & Traveller
Education notified

Offer advice for private
landowner.

GRT Team also
ask for
permission to
carry out welfare
assessments

Site visit to conduct welfare
assessment, issue Trespass Notice
and to begin negotiations to leave
land commenced

Any Health/Welfare Issues
Identified

Relevant support offered
and encampment is to be
tolerated, and monitored
by GRT Team in line with
Code of Practice.

No reasons for
encampment to remain

Offer transit site
accommodation

Accept pitch &
move onto site

Refuse Site

(Re)evaluate whether
the UAE is High or Low
Impact

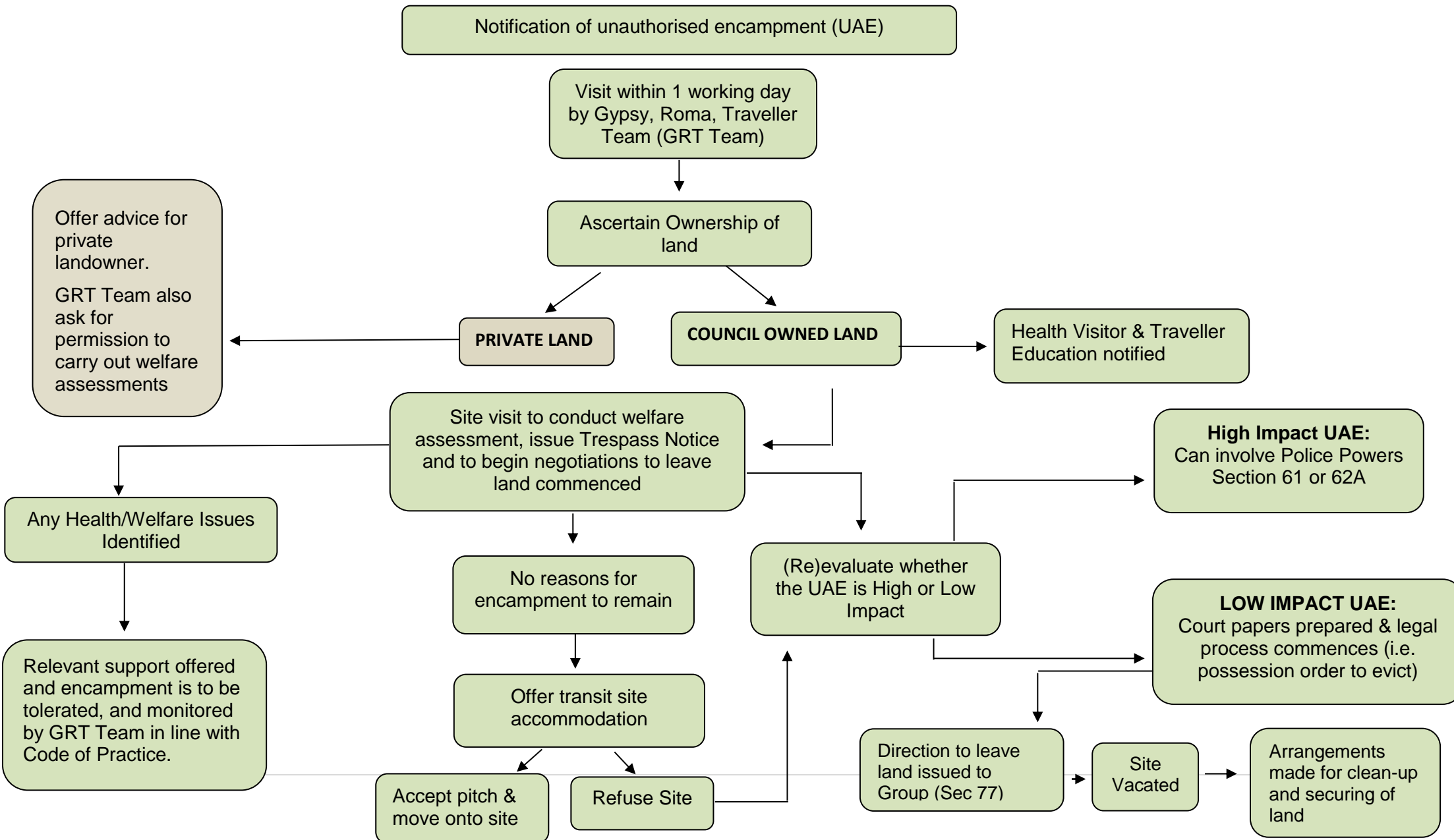
High Impact UAE:
Can involve Police Powers
Section 61 or 62A

LOW IMPACT UAE:
Court papers prepared & legal
process commences (i.e.
possession order to evict)

Direction to leave
land issued to
Group (Sec 77)

Site
Vacated

Arrangements
made for clean-up
and securing of
land



9. Unauthorised Encampments on Privately Owned Land in Bristol:

- 9.1** BCC's GRT Team (i.e. GRT Site Manager and Community Liaison Officer) can offer advice to private landowners in regards to encampments which include conducting an *Unauthorised Encampment Request for Welfare Needs and Personal Circumstance Information Form* with the GRT Occupants on the encampment (Welfare Assessment see Appendix 9).
- 9.2** Following this the relevant advice / support will be offered to the landowner and the unauthorised encampment will be tolerated, and monitored by the GRT Team or ASB Team in line with Code of Practice.
- 9.3** Avon and Somerset Police Officers will not proactively seek out encampments but will wait until a landowner (i.e. affected resident or Local Authority) contacts them.
- 9.4** The circumstances where it may be appropriate for the Police to exercise powers under Section 61 Criminal Justice and Public Order Act 1994 (CJPOA) are contained within a 'Summary of Law' (in Section 12).
- 9.5** If a landowner makes a request to police to use Section 61 but use of the power is not deemed necessary or appropriate by police the landowner or agent should be advised as to the reasons why; such reasons may include:
- The persons have no intention to take up residence;
 - Insufficient number of vehicles;
 - Humanitarian grounds (identified through the welfare assessment);
 - No serious breaches of the peace, disorder, criminal activity or anti-social behaviour

The owner of the land can be directed to seek the issue of Court Proceedings, to secure possession of the land or seek the services of a reputable firm of bailiffs.

- 9.6** The Local Authority will not remove persons or property from private land. The Police may be called upon to assist either the County Court Bailiffs or the High Court Sheriff (with regard to a potential *Breach of the Peace*) in the event of an order resulting from a private application.

10. Police Powers: Criminal Justice and Public Order Act 1994

- 10.1** If it is appropriate for the Police to take the lead in enforcing removal, Sections 61 and 62 of the CJPOA 1994 will be applied. In all instances there will be early consultation/involvement with the Local Authority. Each Local Policing Area (LPA) will be required to act in accordance with Force Policy.
- 10.2** Force Policy requires that powers under Section 61 and 62 CJPOA 1994 will be considered by the senior officer present, taking all the circumstances into account with particular note of whether the following circumstances exist:
- There is a threat to public order or;
 - An obstruction of the highway would be dealt with under Highways act 1980 or Road Traffic Act 1988 (as per 10.6) and not Section 61 / 62a.
 - When crime is, or has been, committed which can be linked to the authorised encampment: If a crime can be linked to an individual caravan /family then use of Section 61 should be considered against the identified individuals and not the entire encampment.
- 10.3** In cases where Bristol City Council considers that any of the above criteria have been met for an unauthorised encampment on either private or public land then the appropriate Avon and Somerset Police PNI will be notified at the earliest opportunity using the standard form (Appendix 6). Avon and Somerset Police will then respond in writing at the earliest opportunity using the standard form (Appendix 7).
- 10.4** Having regard to the criteria above, the decision to invoke Police Powers will be made by an officer of at least the rank of Inspector. Any decision to use Police Powers should be referred to a member of the Senior Leadership Team unless there are exceptional circumstances which makes this impossible.
- The officer making the decision must be satisfied that the illegal occupiers have:
- Been requested to leave by the landowner (or agent) and;
 - That damage has been sustained to the property or;
 - That the persons have used threatening, abusive or insulting words or behaviour towards the occupier or owner of the land, a member of his/her family or their employee or agent or;
 - There are six or more vehicles on the land.
- 10.5** On each occasion, prior to invoking Police Powers consideration must be given to humanitarian and welfare issues. Depending on the urgency of the particular circumstances the Local Authority will carry out enquires in this regard. Such considerations should not cause an obstructive delay. However, the Local Authority may make an evaluation that issues such as critical illness, injury or necessary medical treatment are valid reasons for not moving the persons present. (Factors such as children attending school will not, generally, be regarded as being sufficient grounds for a delay.
- 10.6** Consideration may be given to the use of Police Powers contained in alternative legislations (i.e. wilful obstruction of the highway under Section 137 Highways Act 1980.)

11. General Police Action in Relation to Unauthorised Encampments:

11.1 When police are informed of an unauthorised encampment A STORM log will initially be created and the duty officer will be informed.

A NICHE occurrence will be created and all relevant information (as below)/ decision making / policy decisions will be recorded on the occurrence.

- Date the occupiers arrival at the location;
- How the persons entered the land;
- Number of caravans and vehicles present and their registration numbers;
- The exact location of the encampments;
- Details of livestock (horses etc.) and dogs present;
- What steps, if any, have been taken locally to request that they leave;
- The identity of the land owner and if they have been informed;
- What steps are being taken to secure the remainder of the property while they are present;
- Is there anything especially valuable, sensitive or dangerous on the site (toxic waste, powers or gas installations etc.);
- Information of any immediate health and welfare needs, especially that of children and elderly people;
- What steps will be taken to secure the premises once they leave;
- All calls from the public and/or complaints concerning the conduct of the persons (i.e. including incidents of verbal-abuse and anti-social behaviour) will be recorded on Niche (i.e. Police database), in order to create a 'running' and complete record;
- The CEO / GRTSMs contact details and any updates and developments reported by the CEO / GRTSM.

11.2 The Police Neighbourhood Inspector (PNI) will be informed when the initial report is confirmed.

11.3 Once the Local Authority (in respect of Council owned land) or the owner (in respect of privately owned land) has asked the occupiers to leave documentary evidence (a statement or copy notice) must be obtained.

11.4 A police officer not below the rank of /Inspector should attend the location to become the senior decision-making officer present in order to serve a notice under Section 61 (see example given at Appendix 8).³

11.5 Inform any person who has expressed welfare needs that their situation is being considered. The police should liaise with the Local Authority and consider what options are available to alleviate any

³ It has previously been considered best practice to video record the service of each document, vehicles and people and the site in general. This type of indiscriminate filming often causes offence and anxiety to the occupiers. Without specific authority of consideration for collateral intrusion, this type of 'directed surveillance' may be difficult to justify. Without proper consideration of Regulation Investigatory Powers Act 2000 video recording should not take place.

social/medical needs of the trespassers. Records of this process should be contained within police and Local Authority logs.

- 11.6** When giving notice to leave a reasonable time must be allowed. Those encamped should be consulted and logistical difficulties should be taken into account. It is not usually appropriate to require those encamped to leave in the middle of the night; the notice should specify they should leave as soon as reasonably practicable, how long this will be will depend on the individual circumstances, as a guide 24 hours should be sufficient.
- 11.7** Once notices have been served, solicitors representing the occupiers may become involved. Their involvement should not usually delay the police operation; a detailed record of all communications should be kept and recorded on NICHE
- 11.8** On the day of the operation, consideration should be given to sending officers on the site at an early stage to monitor any movement and ascertain the occupier's intentions. Use of Body Worn Video at operational briefing and during the eviction process should be given.
- 11.9** Ensure vehicles that have tow and/or lift capability are available and that provision had been made for the secure storage of recovered or seized vehicles.
- 11.10** Liaise with the Local Authority (in the case of Council owned Land) or the owner (in the case of privately owned land) to ensure that the site can be made secure once removal had been effected.

12. Summary of Law

Section 61: Direction to Leave Land and Power to Arrest

Direction to Leave Land:

If the Senior Police Officer (any rank) present at the scene reasonably believes that two or more persons are trespassing on land (other than the highway) and they are present there with the common purpose of residing there for a period, and that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and either:

- That any of those persons has caused damage to the land or to the 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;
- That those persons have between them six or more vehicles on the land.

He/ she may direct those persons, or any of them, to leave the land, to remove any vehicles or other property they have with them on the land.

Where the Senior Police Officer believes the persons were not originally trespassers but have become trespassers on the land, the officer must reasonably believe that the other conditions were satisfied after those persons become trespassers before he/she can direct them to leave.

Communications:

A *Direction to Leave* may be communicated by any constable at the scene. Although the act does not specify it for Section 61, Section 63 stated that persons shall be treated as having had a direction communicated to them if reasonable steps have been taken to bring it to their attention. The same process should apply to Section 61 although this has not been tested at law. No requirement for an officer to be in uniform, the direction can be written or verbal.

Offence failing to comply with direction or returning to land; if a person knowing that such direction had been given which applies to him/her:

- Fails to leave the land as soon as reasonably practicable or;
- Having left again enters the land as a trespasser within the period of three months, beginning with the day of which the direction was given;

Then he/she commits an offence.

Penalty:

Summary offence, maximum penalty three months imprisonment and/or a fine.

Power:

A constable uniform who reasonably suspects that a person is committing an offence under this Section may arrest him/her without a warrant.

Defence:

That he/she was not trespassing on that land, or that he/she had reasonable excuse for failing to leave the land as soon as reasonably practicably, or as the case may be, for again entering the land as a trespasser.

Section 61: Practical Considerations:

The appointment of an officer to act as 'Traveller's Liaison Officer' at OCU level in area where incursions regularly take place is good practice.

- **The Act confers powers on the police, not a duty.** It is a matter of discretion for the police whether to exercise their powers or not. Each case must be looked at on its merits with the safety of the community and the potential for disorder or disruption to the life aa major guiding factors.

- **The discovery of an unauthorised encampment should lead to discussions between the Police, the Local Authority, and the occupier of the land, to determine the action to be taken.** The law provides for a range of responses according to the seriousness of the nuisance. It may be appropriate for the landowner to apply for an order for re-possession. In other cases the Local Authority can use its powers under the Criminal Justice and Public Order Act (Section 77) but in circumstances where there are aggravating factors of crime, obstruction of the highway, or disorder, the police may exercise powers given under Section 61.
- **Exercise of the power under Section 61** does not require the landowners to have applied for an order for re-possession nor should it be used as a last resort. There are occasions where immediate or prompt exercise of the power will be the most appropriate response. This requires the occupier, or his/her agent, to have taken reasonable steps to ask the trespassers to leave. The law does not define reasonable steps but police officers must be satisfied that action has been made aware of the request to leave. A verbal request accompanied by the serving of a notice to quit is 'good practice'. A police officer must not act as an agent for the landowner.
- **The senior police officer considering the use of Section 61 to deal with trespassers**, in an area where such incursions may have become a local issue or a regular problem, will need to be aware of plans that may have been made by the local community safety partnership to tackle the problem under the provisions of the Crime and Disorder Act (1998).
- **Landowners may find it difficult to understand why the police will not exercise powers** contained within the Section 61 immediately and at their request. Care needs to be taken by the officer in charge of the incident to ensure that, if the power is not to be exercised, adequate reasons are communicated to the owner of the land or other interested parties.
- **When considering the issue of a Direction to Leave** an establishment site (a site that may have been occupied for some time) the officer in charge should consider whether there has been a sudden escalation of trouble or other aggravating factors. Exercise of the power may result in further trespass nearby and it may be felt that trespassers on one site is less damaging to the community than a trespass on a more sensitive site nearby. A decision to allow a site to remain will need to be discussed with the owner of the land and other interested parties, including the trespassers. The local community should not however, be expected to tolerate crime and disorder arising from encampments on any such site.
- **A reason for non-exercise of the power** may be a lack of police resources to deal with a large incursion or concerns over the safety of officers. These are real concerns and may properly justify not exercising the power at once. The decision not to exercise the power under Section 61 should be referred to the officer in charge of the LPA for his/her endorsement. This is not a requirement of the legislation but reflects government concerns that the police and local authority should, wherever appropriate, make use of the available enforcement legislation.

- **Power under Section 61 is not unfettered;** it must be exercised reasonably and the standard of reasonableness will vary according to the situation. The use of Section 61 is not restricted by the compulsory need to Local Authorities to consider welfare issue. Where the local authorities use their powers under Section 77 they do have a duty to consider welfare implications. (“The western case”). It was the intention of parliament to separate the powers granted under Section 61 from those granted under Section 77. Local Authorities have other responsibilities under housing and education legislations as well as child care and social services considerations. These are not police responsibilities. The duty of the police is to enforce the criminal law; prevent crime, and maintain order, case law however (ex parte – small 1998) confirms that the police **MUST** pay due regard to humanitarian issues prior to using Section 61. There should not be a lengthy delay in carrying out enquiries; people who have moved onto land only short time before will not need the same consideration as people who have been settled on land for a considerable period of time and who may have children attending local schools.
- ‘Gypsies’ and ‘Irish Travellers’ are recognised as racial groups for the purposes of Public Order and Anti-Discrimination Legislation. This means that offences under the Public Order Act 1986 or the Race Relations Act may be committed against them. The standard of behaviour expected from those trespassing should be the same as that expected from the settled community and officers will need to be aware of the responsibilities placed upon them to provide the same standard of service as would be expected to those living in the settled communities. This applies to all groups of people who should not, for example. Be subjected to their vehicles being stopped and searched without good reason or required to produce their documents just because they are recognisably from unauthorised encampments.
- It is suggested that a ‘Direction to Leave the Land’, where practical, should be given both verbally and in writing. Providing uncooperative trespassers or a large gathering with both verbal and individual notices may however, be impossible (see Appendix 8 for an example of a notice). Although the issue of a documentary notice is not statutory requirement it is good practice. When issuing a *Direction*, the use of a video evidence gathering facilities should be used to record both the verbal direction and the service of notices.

Section 62: Power to Seize Vehicles

If a *Direction to Leave* the land has been given and a Constable reasonably suspects that nay person to whom the direction applies has, without reasonable excuse either:

- Failed to remove any vehicle on the land which appears to the Constable to belong to him/her or to be in his possession or under his control or;
- Entered the land as a trespasser with a vehicle within the period of three months beginning with the day on which the direction was given;

The constable may seize and remove the vehicle.

Section 62: Practical Consideration & Definitions

Consideration may need to be given to the state of persons vehicles before any direction to leave is given. Directing unfit vehicles onto the public highway is inappropriate and officers planning enforcement action under Section 61 will need to make practical arrangements for the removal of unfit vehicles to a safe place. This should be agreed with the Local Authority.

Vehicle:

Includes caravans, living vans, and vehicles, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by or attached to such a vehicle or caravan.

Note: as the definition of vehicles includes caravans and living vans, the seizure of such vehicles may render the owner and others homeless; welfare considerations need to be anticipated and catered for. The involvement of Local Authority Social Services in planning stage is an important consideration.

Damage:

The act does not define damage but makes reference to the Criminal Damage Act 1971 when defining property. A common sense approach is there for necessary when defining damage to the land or to property on the land. It has included churned-up ground caused by heavy vehicles; diesel spillages; animal and human excrement; destroyed fencing and spoiled crops. The dumping of litter and rubbish by unauthorised campers is often the most frequent nuisance factor dependent on the severity of the situation; each case will need to be judged on its merit. Other legislations may be considered.

Land; does not include:

- Buildings other than agriculture buildings or scheduled monuments;
- A highway unless it is a footpath, bridleway or byway open to all traffic within the meaning of Part III of the Wildlife and Countryside Act 1981, is a restricted byway within the meaning of Part II of the Countryside and Rights of Way Act 2000 or is a cycle track under the Highways Act 1980 or the Cycle Tracks Act 1984.

Common Land:

The legislation also applies to common land where persons act in a way in which either a trespass against the occupier (any commoner or the Local Authority) or an infringement of the commoners rights.

Residing:

A person may be regarded as having a purpose of residing in a place notwithstanding that he/she has a home elsewhere.

Injunctions:

The Anti-Social Behaviour, Crime and Policing Act 2014 reformed ASB powers for Police and partners. Applications can now be made for Civil Injunctions and Criminal Behaviour Orders.

Civil Injunctions replaced Anti-social Behaviour Orders (ASBOs) and provide a civil power to stop people engaging in (and prevent any escalation of) ASB. They are issued on the balance of probabilities to applicants from various partner agencies where it is 'just and convenient to grant it to prevent ASB.' Injunctions can include both prohibitions and requirements to address behavioural issues.

Criminal Behaviour Orders replaced CRASBOs and are issued after conviction to tackle individuals who commit crime and persistent ASB. They are issued where the courts are satisfied that the defendant engaged in behaviour which has caused (or likely to cause) harassment, alarm or distress and making the order will help prevent further behaviour. CPS apply for these orders on request of the Police or Local Authority.

Where appropriate, consideration should be given to the use of Civil Injunctions or Criminal Behaviour Orders to protect relevant individuals from ASB.

For more on the legislation, please visit:

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

LIST OF APPENDICES

APPENDIX 1: Site Report Form



Our Ref:

Date:

Officer in charge

Avon and Somerset Police

[Address here]

Dear Sir/Madam,

RE: Unauthorised Encampment

Persons are now unauthorised camped at the following location(s):

Location	
Date of arrival	
Number of caravans	
Family names (where known) and estimated numbers	
Dangerous dogs	
Livestock present	
Humanitarian consideration	
Council proposed action	
Possible eviction date	

If you have any queries please do not hesitate to contact me on telephone number xxxxxxxxxxxx

Yours faithfully,

[Council Enforcement Officer]



APPENDIX 2: NOTICE TO VACATE THE LAND

NOTICE TO VACATE LAND

[Bristol city council address here]

TO ALL PERSONS PRESENTLY OCCUPYING LAND AT:

1. THE LAND THAT YOU ARE OCCUPYING IS OWNED BY BRISTOL CITY COUNCIL
2. YOU ARE OCCUPYING THE LAND AS TRESPASSERS AND ARE PRESENT WITH THE COMMON PURPOSE OF RESIDING THERE.
3. YOU ARE HEREBY REQUIRED TO VACATE THE LAND WITHIN ____ DAYS OF RECEIPT OF THIS NOTICE
4. IF YOU FAIL TO VACATE THE LAND WITHIN ____ DAYS, LEGAL AND FURTHER ACTION WILL BE TAKEN TO OBTAIN POSSESSION OF THE LAND.

IMPORTANT

YOU SHOULD COMPLY WITH THE ATTACHED CODE OF CONDUCT AT ALL TIMES.

DATED THIS:

SIGNATURE:

SPECIMEN COPY NOT FOR OFFICIAL USE



APPENDIX 3: CODE OF CONDUCT

GYPSY ROMA TRAVELLER INTER-AGENCY TEAM

BRISTOL CITY COUNCIL AND AVON AND SOMERSET POLICE JOINT CODE OF CONDUCT FOR UNAUTHORISED ENCAMPMENTS IN BRISTOL

To ensure that members of both the Settled and Travelling Communities can live together in a peaceful and unprejudiced way we expect you to comply with this Code of Practice and to inform us of any breaches that result from individuals who are not from your group or site. We expect you to treat the land you have occupied with respect, and to respect the rights of other people who also wish to use the area.









Behaviour that may result in your eviction from a site includes the following:

- Forcing entry to land, by causing damage to any fixtures, fittings or landscaping (including planted areas). This includes digging away of earthwork defences, which have been placed at landowner's expense to prevent trespass.
- Causing any other damage to the land itself, or property on it. Particular care should be taken not to cause damage to those features provided as a public amenity.
- Driving vehicles along any footpath or other right of way not specifically designed for road vehicles. N.B. This practice is not only illegal but is also highly dangerous.
- Parking vehicles or caravans on any road or footpath that causes an obstruction to other people wanting to pass by. This includes parking immediately next to footpaths.
- Dumping or tipping rubbish, waste materials or trade waste such as tree cuttings, rubble, etc. You will be provided with plastic refuse bags that will be collected during or after your stay at the site. It is your responsibility to keep the site clean and tidy. Gypsy, Roma, Traveller Liaison Officers can direct you to Civic Amenity Sites (Council tips) where you will be able to pay to dispose of trade waste.
- Use of the area as a toilet. You must not deposit or leave human waste openly in public areas.
- Abuse, intimidation or harassment of any person who is lawfully using the area.
- Excessive noise or other forms of anti-social behaviour.
- Animals that are not kept under control or that attack persons lawfully on the land, or nearby.
- Interference with electrical, water or gas supplies. Any person(s) found abstracting electricity, or wasting quantities of water may be subject of criminal proceedings.

These codes are the same standards of behaviour that are expected of the settled community. Avon and Somerset Police and Bristol City Council are committed to ensuring that all issues that effect your stay in Bristol are balanced and attended to in the most appropriate manner, however behaviour that is deemed unacceptable within society will not be tolerated.

WELFARE ADVICE FOR UNAUTHORISED CAMPERS IN BRISTOL:

1. If you have any health/welfare issues you may seek assistance at any of the following sites:

- Contact [Bristol's Gypsy, Roma, Traveller Inter-agency Team](#)
- Contact and/or attend your nearest [Gypsy, Roma, Traveller Drop-in centre](#)
- Phone our [Gypsy, Roma, Traveller Community Liaison Officer](#) (Tel: 0117 922 4272)
- If you are registered with a doctor then you can visit any of the following sites for [medical advice/intervention](#):
 - **Emergency Service:** Accident and emergency departments are for a serious illness or injury needing IMMEDIATE treatment. NOT ALL EMERGENCY SERVICES ARE OPEN 24 HOURS.
 999
 - **Gypsy, Roma, Traveller Specialist Health Visitor for encampments:** Stephanie Lovell is the Specialist Health Visitor for encampments and support families and children of all ages in accessing health and well-being support. Her number is:
 0117 9500844 or 07795 646541
 - **Broadmead Medical Centre:** Boots in the Galleries, 59 Broadmead, Bristol BS1 3EA
 0117 954 9828
 - **Urgent Care Centre:** South Bristol NHS Community Hospital, Hengrove Promenade, Bristol, BS14 0DE
 0117 954 9828
 - **Bristol Children's Hospital:** Upper Maudlin Street, Bristol, BS2 8BJ
 0117 927 6998
 - **Bristol Royal Infirmary:** Marlborough Street, Bristol, BS2 8HW
 0117 923 0000
 - **Brunel Building Southmead Hospital:** Southmead, North Bristol, BS10 5NB
 0117 950 5050
 - **Eye Hospital:** Lower Maudlin Street, Bristol, BS2 8BJ
 0117 927 6998
- If you have educational needs for your children you can contact [Bristol's Gypsy, Roma, Traveller Inter-agency Team](#)

LANDOWNERS DETAILS AND ACTION TAKEN

Identity of landowners	
Steps taken to request persons vacate the site	
Valuable, sensitive or dangerous items on land	
Proposed action to secure land upon departure	
Details of notices served	

REASON(S) FOR REQUEST

- Threat to public order
- Obstruction of highway
- Crime is or has been committed which can be linked to the encampments
- Quantity of vehicles present
- Damage has been sustained to the property

DETAILS OF EVENTS SUPPORTING REQUEST

ACTIONS TAKEN BY BRISTOL CITY COUNCIL

- ☐ Assessment of educational needs of persons completed NO/YES
- ☐ Assessment of medical need of persons completed NO/YES
- ☐ APPENDIX 6- LA to WMP s61 Request
- ☐ Regulatory Services

APPENDIX 4: BCC to A&S Police s61 REQUEST



REQUEST TO AVON AND SOMSERT POLICE TO CONSIDER ACTION UNDER SECTION 61 OF CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994 IN RESPECT OF UNAUTHORISED ENCAMPMENTS

This represents a formal request to consider action under the above legislation in accordance with 'managing unauthorised encampments, Avon and Somerset Police and Bristol City Council – A joint protocol' 2016.

REQUESTING OFFICER DETAILS

Date of Response	
Responding Officer (Name and Title)	
Telephone	
Fax	
Email	

DETAILS OF PERSONS CAMPED

Location	
Date of arrival	
Number of vehicles/caravans	
Family names (where known) and estimated numbers	
Dangerous dogs: yes/no	
If yes, give details	
Livestock present: yes/no	
If yes, give details	
Humanitarian Consideration: (see below/none)	
If yes, give details	

APPENDIX 5: A&S Police to BCC Responses for s61 Request



RESPONSE FROM AVON AND SOMERSET POLICE IN RESPECT OF REQUEST TO TAKE ACTION UNDER SECTION 61 OF THE CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994 IN RESPECT OF UNAUTHORISED ENCAMPMENTS

RESPONDING OFFICER DETAILS

Date of Response	
Responding Officer (Name and Title)	
Telephone	
Fax	
Email	

LOCATION OF ENCAMPMENT:

PROPOSED ACTIONS BY AVON AND SOMERSET POLICE

SECTION 61 NOTICE TO BE ISSUED: YES/NO

ANTICIPATED DATE AND TIME:

REASONS FOR NOT ISSUING SECTION 61 NOTICES

- ☐ Occupiers have no intention to take up residence
- ☐ Insufficient number of vehicles
- ☐ Humanitarian grounds
- ☐ No instances of damage, nuisance or apparent criminal activity

SPECIFIC DETAILS SUPPORTING ABOVE (WHERE APPROPRIATE)

APPENDIX 6: Section 61 Direction

AVON AND SOMERSET POLICE S61

DIRECTION TO LEAVE LAND

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994



Notice Giving Direction to Leave Land

Section 61 of the Criminal Justice and Public Order Act 1994
as inserted by the Anti-social Behaviour Act 2003

Name _____

Rank _____

Police Force _____

Police Station _____

In accordance with the above provision and being the senior police officer present, I am directing all persons on the land known as

_____, which is situated at _____
_____ (location) to leave this land by _____ a.m. / p.m.
on _____ day the _____ of _____ 20____
and to take with them all their property and vehicles.

I am empowered to give this notice because I believe that:

- you are one of two or more persons who are trespassing on this land,
- being present here with the common purpose of residing on the land for any period; and
- reasonably steps have been taken by or on behalf of the occupier to ask you to leave, and
 - that one or more of you has caused damage to the land or to property on the land; and/or*
 - that one of more of you has used threatening, abusive or insulting words or behaviour towards the occupier, a member of their family or an employee or agent; and/or*
 - that you have between you six or more vehicles (including caravans) on the land, the details of which are set out below:*

*delete as applicable

If you fail to leave the land as soon as reasonably practicable or re-enter the land as a trespasser within three calendar months of this direction, you commit an offence and render yourself liable to arrest without warrant and to prosecution. The maximum penalty (on conviction) for failing to comply with these directions is three months imprisonment or a fine or both. On leaving the land you are required to remove

any vehicles or other property which you have with you on the land. If you fail to leave the land the police have the power to seize any vehicles that remain on the land, for which a charge will be made.

Rank, No., Name _____

Signed _____ Time _____
a.m. / p.m. on _____ / _____ / _____

Description of Vehicles (including caravans and trailers)	Registration Number
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

(Insert here any particular provisions relating to the timing of leaving the land or other miscellaneous information such as any charges which may be levied)

AVON AND SOMERSET POLICE WARNING

ARREST:

If you fail to leave the land as soon as reasonably practicable or re-enter the land as a trespasser within three months you commit an offence for which you may be arrested and prosecuted.

Seizure of Vehicles:

If you fail to leave the land the Police have the Power to seize any vehicles that remain on the land.

Signed:.....

Rank:.....

Name: (in capitals).....

Station:Date:.....

**Appendix 7: Unauthorised Encampment -
Request for Welfare Needs and
Personal Circumstances Information of
Unauthorised Encampments Occupants**

(see pages 44 – 61)



Bristol City Council

Unauthorised Encampment

Request for Welfare Needs and Personal Circumstances Information of Occupants

To: _____

From: _____

I would be obliged if you would arrange for the above site to be visited by your officers, as a matter of urgency, and for them to undertake an assessment of the encampment covering the following matters. Please complete each section. Mark those sections which are not relevant with 'NA'.

General:

- ☐ Occupants are not willing to divulge relevant information.
- ☐ Occupants are willing to engaging in welfare needs checks and divulge relevant information for the welfare checks to be carried out effectively.

1. Location and description of land:

2. Name of occupants on site:

[illegible]

3. Are there any occupants not on site at the time of visit (e.g. another family unit, whose details cannot be provided)? **YES/NO**

- If yes has a letter (appendix 4) been left for completion by this family? **YES/NO**
- What arrangements have been made for meeting with them?

If yes please give details after each question:

5. Number of living vehicles and accommodation available:

6. Date of arrival and reason for why have they parked on the land?

7. Is there any damage to the land? **YES/NO**

If yes please give details after each question:

8. How long do they intend staying?

9. Any action against the occupants by, for example, local people?

10. Any **known risks** to the occupants of the encampment?

N.B. State whether there are any concerns regarding visits to the family home? Whether visits can be conducted along or with workers from other agencies? What works has been undertaken to date? Did it produced any?

11. Family Structure: Keep each generation on the same horizontal line, please circle/highlight household members:

FAMILY TREE

Children:

[illegible]

12. Are any children of school age known by Travellers' Education Liaison? **YES/NO**

If yes please give details after each question:

13. Provide details of the education provision for any child of compulsory education age:

14. Do any of the occupants have any health problems? **YES/NO**

If yes please give details after each question:

14. Are the children registered with any local GPs? **YES/NO**

If yes please give details after each question:

15. Any other relevant needs:

16. **Child/(ren's) Health and Development Needs:** General health, physical development, speech, language and communications development, emotional and social development, behavioural development, identity, including self-esteem, self-image and social presentation, family and social relationships, self-care skills and independence, understanding, reasoning and problem-solving, participating in learning, education and employment, progress and achievement in learning aspirations. Ensure you include parent/child/child's views:

17. **Parenting Capacity of Parents / Carers:** Basic care, ensuring safety and protection, emotional and warmth stability, guidance, boundaries, stimulation, health needs (learning disability, substance misuse) and communications. Ensure you include parent/carer/child's view:

18. **Family & Environmental Factors:** Family history, functioning and well-being, wider family, housing situation (type, size, area, do all children have their own rooms, if not, who shares? Is there overcrowding?), employment and financial considerations, social and community elements and resources including education. Ensure you include parent/carer/child's view:

Consent for Information Sharing:

In order to provide you with the best service possible we need to consult colleagues from other agencies who have additional expertise (Children Act 2004 Section 10 – Cooperation to Improve Well-being). We will treat the information that is shared at the professional consultation meetings as confidential and will not share it with any other organisations unless we are required by law (Section 17 of the Children Act 1998) to share it or unless you will come to some harm if we do not share it. In any case we will only ever share the minimum information we need to share.

Signature:

Date:

Health Needs:

16. Are any of the adult Travellers suffering from illness?

17. Arrangements with local Doctors/Health Authority, if any?

18. Are there any pregnant women? **YES/NO**

If yes please give details after each question:

19. If so, when are they due to give birth?

20. Does anyone require any medical services now (e.g. awaiting operation)? **YES/NO**

If yes please give details after each question:

Accommodation

21. Subject to eligibility and availability, do any of the Occupants wish to be accommodated on the council's Transit Site for nomadic people? **YES/NO**

If No, why not?

22. Do any of the occupants wish to be considered for accommodation under homelessness or other legislation:
YES/NO

If yes what action has been taken to progress their application:

Employment / Education:

23. Are any of the occupants employed locally or attending College/University in the area? **YES/NO**

If yes please give details after each question:

24. Do occupants have access to drinking water and toilet facilities? Y/N

If no, would they be willing to pay for amenities?

If yes, how would that be funded?

25. Do any of the occupants receive or need support from any of the following agencies:

- Welfare agencies, such as Social Services or other;
- Health Agencies – Dr, Health Visitor, clinic, hospital;
- If yes, are occupants prepared to consent to them providing any information to the council that may be relevant to the decision of how to deal with this trespass?

N.B. Ensure occupants sign a consent form.

Provide details and contact name/number below:

General:

26. Are there any other needs identified that may be relevant?

27. Previous Stops and Accommodation History:

- A. Previous stops; location of last two stops; and reason for leaving?
- B. Any address (whether a caravan site or other form of accommodation) that occupants use at other times of the year.
- C. Details of where occupants would go if required to leave this place.

A.

B.

C.

28. Mechanical breakdown and arrangements for repairs?

OFFICER CHECK LIST

Letter left with occupant(s) not currently on site re: welfare checks	YES	NO
---	-----	----

Officers Business Card left with occupant(s)	YES	NO
--	-----	----

List of helpful telephone numbers left with occupant(s)	YES	NO
---	-----	----

Named Officer:

Date:

Steve Hearsey
Bristol City Council Gypsy, Roma, Traveller Site Manager
Private Housing & Accessible Homes
Tel: 0117 92 24272
Fax: 0117 92 22269
E-mail: gypsies.travellers@bristol.gov.uk
Opening Hours: Mon - Fri 9am to 5pm
Out of hours call Emergency Control: 0117 922 2050
Our Ref: ST/JT/Appendix 4
Your Ref:
Date:

Dear Occupant,

RE: Unauthorised Encampment [address]

With regard to your occupancy of the above-mentioned land I would inform you that I have visited today but you were not on the site at the time of visit. As such I would ask that you please complete the following information providing details of occupants and return it to this council in the pre-paid envelope provided.

This information will enable Bristol City Council to contact you and obtain relevant information to help decide how to deal with the encampment. Please state below the dates and times you will be available in the next [] days, i.e. before [date] to enable an officer from the council to visit you.

Please note that if you do not get in touch within the time indicated a decision may be made without your input.

Dates and times before [**] when occupants will be available to meet with the council officer:**

Name of Occupants and date of birth	Contact Number if Applicable

Thank you for this information. Should you wish to contact me please do not hesitate to call 0117 92 24272.

Yours sincerely,

Steve Hearsey

Gypsy, Roma, Traveller Site Manager
Private Housing & Accessible Homes
Housing Solutions

APPENDIX 8: FREQUENTLY ASKED QUESTIONS

The use of joint protocols between the local authority, the police and other relevant agencies is highly effective in establishing how individual cases will be dealt with, and making sure that all parties are clear about their responsibilities and how they will work together.⁴

What the Council will do when an encampment arrives?

Bristol City Council's **Gypsy, Roma, Traveller Inter-agency Team** (referred to in this document as GRT Team) will visit the **unauthorised encampment (UAE)** within one working day of receiving notification of the UAE. The GRT TEAM will Ascertain Ownership of land (i.e. Council, Private, Highways, Parks, Waste Services etc.).

1. If Private Land:

- a. The GRT Team will contact the land owner and offer advice and ask to conduct an *Welfare Assessment* with the occupants on the encampment.
- b. Following this the relevant advice / support will be offered to the landowner and encampment will be tolerated, and monitored by the GRT Team in line with Code of Practice.

2. Highways:

- a. The BCC Highway Enforcement Team will contact the GRT Team to conduct a *Welfare Assessment* and offer their service with the occupants on the encampment. The Highways Team will serve a *highway enforcement notices*.
- b. **If welfare concerns are identified** relevant support will be offered and encampment is to be tolerated, and monitored by GRT TEAM in line with Code of Practice.
- c. **If there are no welfare concerns or reasons for encampment to remain:** BCC Highway Enforcement Team (and Police if necessary, outlined below) will managed the UAE in line with Code of Practice.

3. If Council Owned Land:

- a. **Full Site Visit** to ascertain if any health/welfare issues and negotiations to leave land commenced (i.e. *Welfare Assessment* to be completed with the occupants on the site).
- b. **If welfare concerns are identified** relevant support will be offered and encampment is to be tolerated, and monitored by GRT TEAM in line with Code of Practice.
- c. **If there are no welfare concerns or reasons for encampment to remain:**
 - i. The UAE will be offered a pitch on the transit site.
 - **If accepted:** The UAE will be tolerated until a date is agreed for occupants to move to the transit site.
 - **If refused:** The GRT Team will determine whether a high or low impact UAE and whether police powers are necessary in moving the group on.⁵

⁴ The information contained in this document should be read in conjunction with [ODPM/Home Office document, Guidance on Managing Unauthorised Camping](#) and its supplementary document on Section 62A-E police powers. This gives more detailed advice on a range of matters, including toleration, joint working protocols and obligations on local authorities and other public agencies in respect of welfare enquiries.

⁵ Bristol City Council's **Gypsy, Roma, Traveller Team** will determine the impact of an unauthorised encampment based on government guidance.

What can the Police do?

The Police under certain circumstances can use powers under *Sections 61 and 62A of the Criminal Justice and Public Order Act 1994*. It is for the police to decide if these powers are to be used. Generally speaking these powers are only invoked where there are situations of criminality or public disorder.

The duty of the police is to preserve the peace and to prevent and detect crime. Trespass on land is not itself a criminal offence (i.e. it is just unauthorised). The Police will investigate any reports of crime and public disorder.

Prevention of trespass and the removal of trespassers are the responsibility of the Landowner and not the Police.

What can the landowner do if the encampment is on private land?

It is the landowner's responsibility to take the necessary action to evict the encampment. The landowner can attempt to agree a leaving date with the occupants of the encampment or take proceedings in the County Court under the Civil Procedures Rules 1998 to obtain a Court Order for their eviction as trespassers.

Council provision for Gypsy, Roma and Travellers:

The Gypsy, Roma, Traveller (GRT) Inter-agency Team provides comprehensive and effective community-based support to both **ethnic Travellers** (i.e. Romany English Gypsies, Eastern European Roma and Irish Travellers) as well as other *occupational Travellers* (e.g. Showpeople, Circus People, New Travellers and Boat Dwellers) through targeted outreach that helps build bridges into mainstream services, promote community cohesion and resilience.

We also deal with issues of unauthorised encampment by variety of different Travelling people on either Bristol City Council land or Highways. If the encampment is on private land, please contact the Police.

To report any unauthorised encampments please see relevant contact details below:

Emergency Control	Tel: 0117 9222 050 Email: emergency.control@bristol.gov.uk Website: https://www.bristol.gov.uk/crime-emergencies
GRT Team Site Manager	Tel: 0117 9224272 Email: gypsies.travellers@bristol.gov.uk
Police	Tel: 101

How long it takes to get court order to evict?

This will depend on the circumstances of each individual case. The Council needs to take into account the issues referred to above, as well as how long it takes to obtain a court hearing. It can take approximately seven to ten working days in getting a court order to evict.

In some instances, following government guidance, the Council may tolerate an encampment up to two weeks if high standards are maintained on site and the legitimate use of the site by others is not affected.

What happens if the encampment refuses to leave?

What can the Council do if the landowner fails to take action?

- The landowner may be in breach of Planning legislation and the Caravan Sites Act 1960 unless the landowner has already obtained planning permission for a caravan site.
- If there is no planning permission the Council may take proceedings against the landowner to require removal of the unauthorised parked caravans.
- If the UAE is considered to be a high impact on the local community and/or environment the Council may use *Section 77 of the Criminal Justice Act* to remove the encampment.

What can the Council do if an eviction order for public land is not complied with?

If the Eviction Order is not complied with then the Council can remove the caravans and other vehicles from the council land by using Police powers and court appointed bailiffs.

For further advice please contact:

Bristol City Council's GRT Team Site Manager

Tel: 0117 9224272

Email: gypsies.travellers@bristol.gov.uk

Appendix 9: The Law, Discrimination and Traveller Rights

Public Misconceptions:

GRT culture is often romanticised or demonised in the media. There are many myths about the culture and history of Gypsy, Roma, Travellers (GRT). Some of the commonly held views include:

- All GRT are nomadic;
- All GRTs live in caravans or need to live in a caravan to be considered an ethnic Traveller;
- Are dirty;
- Are dangerous;
- Don't pay taxes;
- Don't work;
- Cannot read or write.

Myths such as these are based on **racist stereotypes**, which are often perpetuated by the media, and **only serve to reinforce public prejudice** towards Gypsy, Roma, Travellers.

For example, in a representative poll conducted by MORI in 2003, noted that more than one third of adults who took part in this study admitted to being personally prejudiced against GRTs. This statistic is greater than the levels of prejudice reported towards any other ethnic minorities. The poll also found that the main sources of acknowledged prejudice stemmed from newspapers (33%) and television (34%). This level of prejudice, coupled with a general lack of knowledge about the experiences and needs of these communities, has only served to ensure their continued social isolation.

Equalities Act (2010):

The Equality Act (2010) requires public sector to give due regard to:

- Eliminating unlawful discrimination;
- Advancing equality of opportunity;
- Fostering good relations;
- And reduce inequalities.

In response to the statutory responsibilities outlined by the Equalities Act (2010) Bristol City Council's Gypsy, Roma, Traveller Team aims to support Gypsy Roma Traveller communities in the following ways:

- Improve access to services and cultural relevance;
- Raise Awareness through (free and bespoke) training and community engagement outreach and projects;
- Management of GRT Drop-in Centres (6) in identifying and meeting the needs of a hidden population;
- Provide opportunities for political engagement;
- And establish local mechanisms to ensure equality and human rights.

Legal Rights for Ethnic and Occupational Gypsies and Travellers:

Romany Gypsies and Irish Travellers are recognised as distinct ethnic minority groups in law because they are recognised as members of communities with a shared history, culture and language stretching back over hundreds of years. As such they are granted the full protection of the Equality Act.

New Travellers are not a legally recognised ethnic minority group because their history only goes back to the early 1960's. However, all individuals and groups are granted protection under The Human Rights Act.

Types of Discrimination (resource: [FFT](#)):

GRT communities face harassment and discrimination on a daily basis as a result of negative stereotypes and deeply ingrained cultural prejudices. Unfortunately, many instances of harassment and discrimination go unchallenged because they are subtle and indirect. However, there are ways to counter harassment and discrimination and there are specific instances when it can be successfully challenged.

Direct Discrimination

Direct discrimination happens when an individual or body (such as a brewery, shop or a service provider) openly discriminates against an individual or group because of who they are. Examples of this would be things like a pub or shop putting a sign on the door say 'No Travellers'.

Indirect Discrimination

Indirect discrimination happens when a service provider (e.g. a local authority, health authority, school and other organisations) excludes an individual or group and/or restricts their access to services because of who they are. Examples of this would be a health centre refusing to register a Traveller family because they are not seen as a permanent resident (residing in the local area for more than six months). Nomadic Travellers face continuous eviction and are often forcibly moved from one area to the next. Therefore, it is often difficult for them to be resident in one specific locality for a sufficient length of time. The Traveller concerned would have to show that they had remained in the general area (i.e. the county) and had local links (such as children attending local school or a history of employment).

Both indirect and direct forms of discrimination need to be challenged. Professionals working with GRT families who experience discrimination need to support them in reporting unfair treatment. This can be done by either following the reporting procedures outlined in the 'Reporting Hate Crime and Discrimination Section' above or by phoning [BCC GRT Inter-agency Team](#) for confidential advice and/or signposting (further contact information provided on page 18).

Reporting Hate Crime and Discrimination:

The police service has launched a new way for victims of hate crime to report the crime online. The website is called True Vision is supported by all police forces in England, Wales and Northern Ireland and can be accessed at: http://www.report-it.org.uk/racist_or_religious_hate_crime1.

Schools and support services supporting GRTs need to ensure that all incidences of racism, harassment and discrimination are effectively logged and reported - however minor they may appear. They can do this by:

- Using the [Local Authority Racist Incident](#) Forms;
- Work in partnership with [Stand Against Racism and Inequality](#) (SARI);
- Contact local [GRT Drop-in](#) or [GRT Service Coordinator and Educational Lead](#) for support around incidences of bullying;
- Or [Report it to the Police](#)
 - Telephone 999 (emergencies only)
 - Telephone 101 (non-emergencies)

Bristol GRT Police Lead:

The Avon and Somerset Gypsy, Roma, Traveller Strategic Partnership comprises of representation from the four local authorities (Bristol, South Gloucester, Somerset and BANES). The group was constituted in an effort to ensure a fair and consistent approach to Gypsy, Roma, Traveller issues across the wider Avon area. Avon and Somerset Constabulary have appointed Inspector Oliver Cosgrove as the GRT Strategic Police Lead for the Bristol area. Please let the Inspector know if you are working with a GRT family that requires police support. This will ensure cultural relevant support is offered and enables the City to monitor victimisation and identify needs of GRTs.

Chief Inspector Oliver Cosgrove (476)

Email: **Oliver.Cosgrove@avonandsomerset.police.uk**

Telephone: **012 758 16845**

Ext: **66845**


Mobile: **078 896 58613**


Equality Advisory Support Service

The Equality Advisory Support Service (EASS) is an advice service aimed at individuals who need expert information, advice and support on discrimination and human rights issues and the applicable law, particularly when this is more than advice agencies and other local organisations can provide.

Equality Advisory & Support Service [EASS](#)

 **FREEPOST Equality Advisory Support Service FPN4431**

 **0808 800 0082**

 **(Textphone) 0808 800 0084**

 **Opening Hours:**

09:00 to 20:00 Monday to Friday

10:00 to 14:00 Saturday