



Devon & Cornwall Police
Building safer communities together

Force Policy & Procedure

Unauthorised Encampments

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D286

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Policy Ownership

Prevention Department

Portfolio Holder

**Assistant Chief Constable
Local Policing & Connectivity**

**Links or overlaps with other policies: D285 – Hate Crime Policy
D51 – Grading and Deployment Policy
D32 – Records Management Policy**

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1.0 Policy Statement

1.1 To provide a structured consistent response to unauthorised encampments throughout the Force area ensuring decisions are lawful, balanced, proportionate and capable of withstanding scrutiny and challenge.

1.2 The Public Sector Equality Duty

1.2.1 The public sector equality duty (under Section 149 of the Equality Act 2010) is made up of a general equality duty which is supported by specific duties (under The Equality Act 2010 (Specific Duties) Regulations 2011). The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to;

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

1.2.2 The Race Relations Act 1976 and Race Relations (Amendment) Act 2000, identifies Romany Gypsies and Irish heritage Travellers as individual racial communities. Under the Equality Act 2010, Race is designated as one of the nine protected characteristics.

1.2.3 Devon and Cornwall Police promote a clear and consistent response to all Communities. Officers must therefore ensure all conduct is proportionate, taking into account the needs of the landowner, neighbouring communities and the residents of the unauthorised encampment ensuring a fair and consistent approach.

1.2.4 The intent of this policy is to promote good race relations by providing a proportionate and effective response to unauthorised encampments.

1.3 Human Rights Act 1998

- 1.3.1 The Human Rights Act 1998 places both organisational and personal responsibilities upon agencies and their officers.
- 1.3.2 Article 8 of the Human Rights Act 1998 states; “Everyone has the right to respect for his private and family life, his home and his correspondence.”
- 1.3.3 Furthermore; “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”
- 1.4 To work with partners to minimise the impact of unauthorised encampments on all communities.
- 1.5 In the application of this policy staff are reminded of the need to comply with the standards and principles of the [Code of Ethics for policing](#).

1.6 GDPR Compliance Statement

- 1.6.1 Devon and Cornwall Police are committed to ensuring the security and protection of the personal information that we process, and to provide a compliant and consistent approach to data protection. Our policies and procedures have been developed taking into account the principles of the GDPR.
- 1.7 All records created as a result of the application of this policy will be retained in accordance with force policy [D32 – Records Management](#).

2.0 Introduction

- 2.1 The policy provides a clear statement of the role of the Force in relation to unlawful encampments, which are a civil matter, but may result in crime and disorder issues requiring police action. Application of the policy may result in adverse public perception, due to a potential misunderstanding of the police’s role in removing such unauthorised encampments.
- 2.2 Trespass onto land is a matter of civil law jurisdiction:
 - 2.2.1 Redress is available to landowners through civil court proceedings. The Criminal Justice and Public order Act 1994 gives police power to evict trespassers in certain circumstances (see [Appendix C1 - S.61 Criminal Justice & Public Order Act 1994 \(Law\)](#) and [Appendix D1 - S.62 Criminal Justice & Public Order Act 1994 \(Law\)](#)).
Use of these powers are discretionary and not a duty to act. Use of these powers is at the discretion of the senior officer present, who must hold the rank of Inspector or above.

- 2.2.2 **Devon and Cornwall Police will only use these powers where the levels of disruption, anti-social behaviour or crime associated with the encampment make it proportionate to do so.**
- 2.3 The Devon and Cornwall Police supports the [NPCC Operational Advice on Unauthorised Encampments \(June 2018\)](#) which must be considered in the interpretation of this policy.
- 2.4 This policy does not cover the situation whereby individuals purchase land and occupy it, with or without planning permission. Such an incident would be an unauthorised development and the local planning authority would be the lead agency in this situation.
- 2.5 All police actions should be conducted in a manner compatible with the operational principles of safety, lawfulness, necessity, proportionality and common humanity. Actions should be completed in a manner that is the least intrusive to achieve the purpose. It is necessary to achieve a balance in the protection of the rights and freedom of all persons concerned with a specified unauthorised encampment
- 2.6 Underpinning the day to day decision making off officers and staff, is the National Decision Making (NDM) model, for further guidance see [APP National-Decision-Model \(NDM\)](#).

3.0 Procedures

3.1 Initial Report

- 3.1.1 Each report of an unauthorised encampment must be assessed on the information provided and priority of attendance will be evaluated in accordance with the Force Grading and Deployment policy ([D51](#)).

3.2 Minimising Intrusion

All decisions and actions must be made in compliance with the provisions of the Human Rights Act 1998. Any action taken should only be such as is necessary for public safety, the prevention of crime or disorder, the protection of health, or for the protection of the rights and freedoms of others. Actions should be completed in a manner that is the least intrusive to achieve the purpose.

3.3 Initial Actions – Community Impact

- 3.3.1 Following the report of an unauthorised encampment create a Storm log and assess the graded response in line with THRIVE – threat /risk/ harm/ vulnerability. Ensure the duty Critical Incident Manager (CIM) should be informed as well as the local supervisory officer to assess and prioritise any actions required. This must also be brought to the attention of the Diverse Communities Team. Add DOZ and DCT tag to the Storm log.

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3.3.2 An assessment needs to be made on the impact of its location and the behaviour displayed of the occupants. If there are no immediate concerns identified the local neighbourhood team should carry out a visit during the normal course of their duties to identify themselves as a point of contact, to establish the intentions of those within the group, the location of their last site, to provide reassurance and identify any issues including any pressing welfare needs and any possible community tensions. This will need to be recorded – see [Appendix A - Checklist for unauthorised encampments](#).

3.4 Initial Site Visit – Acceptable Conduct/ Potential Offences

3.4.1 During this initial visit officers should identify any offences disclosed or apparent such as criminal damage to gain entry to the land, obstruction of any footpaths or highways and any other anti-social behaviour.

3.4.2 In addition to any crimes identified and recorded the initial assessment must document all activity/ visits/ decision making/ welfare concerns which will be recorded on a UNIFI enquiry, which must be attached to the Storm log (see [Appendix A - Checklist for unauthorised encampments](#)).

3.4.3 At the initial visit officers should also discuss acceptable conduct with those present (see [Appendix B - Unauthorised Encampments “easy read” Code of Conduct](#) and also [Appendix B1 - Unauthorised Encampments - Code of Conduct](#)).

3.5 Documenting Contact

3.5.1 Contact with those on the encampment will be maintained throughout the duration of the stay and all police actions must be clearly documented within the UNIFI enquiry taking account of changing circumstances.

This will provide a clear audit trail of decisions made and will assist in justifying the use of any police powers if it becomes necessary and proportionate to do so.

3.5.2 Within UNIFI there is a new enquiry type for ‘Unauthorised Encampment’ within ‘General Enquiry’. Within the linked actions log there is now the option for ‘Unauthorised encampment’ for updates. Two bespoke templates are also available under this heading: (1) “**Initial Site Assessment**” (for first attending officer to complete) and (2) “**Inspector – Authorising Officer**” (to record the rationale when considering use of police powers).

3.5.3 If during engagement with the police, the occupants of the site **self-identify** as travellers, then this can be recorded on the ‘initial site visit’ template (see above at 3.5.2)

3.5.4 Following the departure/ eviction of an unauthorised encampment from a specific area, the relevant Unifi enquiry must be closed. This will be the responsibility of the local neighbourhood team with oversight by the local sector Inspector.

3.6 Site Visits - Best Practice

- 3.6.1 Wherever possible it is best practice that visits are carried out jointly with the landowner, local authority and other relevant agencies. Where landowners and other agencies are or have been prevented, by any means, from carrying out their lawful or statutory requirements in relation to the encampment then on request police will attend to facilitate the lawful exercise of these activities.
- 3.6.2 Wherever practicable, officers attending will be those local neighbourhood officers who will have already established rapport with those residing on the unauthorised encampment. Diverse Communities Team officers will assist as required with any tactical advice/ guidance.

3.7 Information Sharing

- 3.7.1 Information will be collated at site visits in line with [Appendix A - Checklist for unauthorised encampments](#). Appropriate information may be shared (subject to the provisions of GDPR) with relevant agencies such as local authorities; for example where safeguarding concerns are identified at an unauthorised encampment.
- 3.7.2 Visits to an encampment should only log details of vehicles and people where there are grounds to suspect those individuals of anti-social behaviour or criminal activity.

3.8 Recording of Criminal Offences/ Hate Crime

- 3.8.1 All crimes that are identified must be recorded in line with the principles of the Home Office Counting Rules (HOCR) and the National Crime Recording Standards (NCRS). Where there is evidence that an individual or individuals have committed criminal offences this should be dealt with through normal investigation and the criminal justice system. However, where a suspect for a crime resides on an unauthorised encampment this should not be grounds alone for consideration of a full group eviction.

In making a decision on the **necessity and proportionality of using S.61** powers to evict it should be remembered that they can be **applied to an individual or individuals in the group and must not routinely be applied to all those present.**

- 3.8.2 Where the levels of crime and disorder have been sufficient to warrant the use of police powers intelligence will be submitted on Force systems and PNC. **Where the use of police powers is not warranted, intelligence will only be submitted in response to specific links to crime or anti-social behaviour.**
- 3.8.3 Where occupants at unauthorised encampments are victims of crime or anti-social behaviour, they must be given access to services in the usual way. **If there is a perception that the incident is racially motivated then the matter should be dealt with in line with Force Hate Crime Policy [D285](#).**

3.9 Lawful Removal of Unauthorised Encampments

3.9.1 The lead role in the management of Unauthorised Encampments will be with Local Authorities. Forces should consider becoming involved in bringing about the prompt and lawful removal of unauthorised encampments, including the use of police powers under Section 61 or 62 of the Criminal Justice & Public Order Act 1994 where;

- (i) Local amenities are deprived to communities or significant impact on the environment.
- (ii) There is local disruption to the economy.
- (iii) There is other significant disruption to the local community or environment
- (iv) There is a danger to life.
- (v) There is a need to take preventative action.

3.9.2 The role of the police is to expedite the removal of the unauthorised encampment by assisting the local authority, being the land owner, in gaining repossession of the site.

3.9.3 There may be occasions when police support the Local Authority during the implementation of civil action to prevent any breach of the peace. Such circumstances could include where any unnecessary delays in taking civil action could have a significant adverse impact on the local community.

3.10 Consultation Required Prior to Lawful Removal

3.10.1 **Prior to any forced eviction under S.61 powers, all relevant stakeholders should be consulted. This will include the local Diverse Communities Team (DCT) and agencies that may be required to provide immediate services as a result of the eviction.** It may also include others such as Elected Members, community representatives, neighbouring authorities or police forces. A record will be kept of all such consultation within the UNIFI enquiry. It is of central importance that, prior to the service of a S.61 notice, the police ensure that the health/ welfare checks are completed on those persons occupying the land, and those checks are satisfactory.

NB Where an encampment is on local authority land, the local authority will be responsible for undertaking the welfare checks. Some local authorities have Gypsy Traveller Liaison officers who work closely with the police and the occupants of unauthorised encampments. Where an encampment is on private land, the police will conduct the health/ welfare checks.

3.10.2 It should be noted that a S.61 notice cannot be issued by the police until the period of time upon which the landowner has given the trespassers has passed (R (on application of Fuller and others) v Chief Constable of Dorset Police 2001). **Authorisation for the use of powers to evict under S.61 MUST be made by an officer of Inspector rank or above.** Once the direction has been given the individuals must leave the land as soon as is reasonably practicable, see [Appendix C1 - S.61 Criminal Justice & Public Order Act 1994 \(Law\)](#).

3.10.3 Section 62(A) is a further power that the police may also consider using to direct a person to leave land and remove any vehicle or other property with them on that

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land subject to certain conditions being met, [Appendix D1 - S.62 Criminal Justice & Public Order Act 1994 \(Law\)](#). However, for this power to be used there must be suitable sites within the same local authority area for the persons and vehicles to be moved to.

- 3.10.4 Should the relevant S.61 or S.62 notice be issued under the Criminal Justice & Public Order Act 1994 duplicate copies must be signed by relevant parties with one copy being retained by the local sector Inspector in Devon & Cornwall police [See [Appendix E - Written Notice to Leave \(S.61 documentation\)](#) and [Appendix F - Written notice to leave \(S.62 documentation\)](#)]

3.11 Requirement for Operational Order

- 3.11.1 Any planned eviction should be subject of an operational order to include risk assessments. Consideration must also be given to the welfare of children and animals, facilities to remove vehicles, storage of property, custody provision and evidence gathering.
- 3.11.2 The planning process must ensure that a Community Impact Assessment is completed in order to evaluate and monitor any community tensions.

3.12 Landlord Representation

The landowner or their representative should be present at any eviction to clarify any ambiguities such as boundaries and to take responsibility for the site and its security once the eviction is concluded.

3.13 Unauthorised Encampment Liaison Officer

Each area should nominate an unauthorised encampment liaison officer to provide a consistent point of contact for other agencies and stakeholders, usually this will be the local neighbourhood officer or DCT officer.

3.14 Strategic Management Of Unauthorised Encampments

- 3.14.1 Each area should work with partners to establish a liaison group to agree a strategy for the management of unauthorised encampments. This strategy should be subject of consultation with all interested and affected groups. Such partners are likely to include: the local authority with responsibility for housing; Highways Authority; Gypsy Traveller Liaison Officer; local Sector Inspector
- 3.14.2 The lead role for decision making should rest with the local authority and the use of police powers should not normally be considered as a first response. It is only in exceptional circumstances that S61 Criminal Justice & Public Order Act 1994 would be used if the unauthorised encampment is on local authority land.

3.15 Management Strategy Considerations

The strategy should include:

- Information exchange protocols
- Responsibilities of authorities and agencies, including time scales.
- Information to be provided to travellers and the settled community and the method by which that information will be provided.
- Provision of approved sites.

4.0 Audit/ Assessment Compliance

4.1 This policy has been drafted and audited to comply with the principles of the Human Rights Act. Equality and diversity issues have also been considered to ensure compliance with Equality legislation and policies. In addition Data Protection, Freedom of Information, Management of Police Information and Health and Safety issues have been considered. Adherence to this policy will therefore ensure compliance with all relevant legislation and internal policies.

5.0 Review and Ownership

5.1 The review of the contents of this policy is the responsibility of the Head of Local Policing and Partnerships Department. Review of the policy will be undertaken annually.

6.0 Useful Links

[Meeting the Equality Duty in Policy and Decision-Making
England \(and non-devolved public authorities in Scotland and Wales\)](#)
[NPCC Operational Advice on Unauthorised Encampments \(June 2018\)](#)
[D285 Hate Crime](#)

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Appendix A (Checklist for unauthorised encampments)

Initial Site Assessment (include on UNIFI enquiry)

(to be completed by attending neighbourhood/ response officer on first visit)

Date:

Time:

Address of site location:

Landowner - Private or Local Authority: (please specify)
Details:

Landowner notified: Yes / No (please specify)

Welfare issues identified: Education Yes / No
Health Yes / No
Social Care Yes / No

Any issues that would prevent eviction:

Occupants spoken to: Yes / No

Code of conduct issues: Yes / No Details:

Self-identification: New traveller / show people / Irish Traveller / Romany Gypsy /
other/ prefer not to say

Damage caused: Yes / No Details:

Litter or waste present: Yes / No Details:

Animals present: Yes / No Tethered: Yes / No Concerns: Yes / No

What is the impact to the public: Unacceptable / Significant / Minimal (explain)

What is the impact to the landowner: Unacceptable / Significant / Minimal (explain)

Is the quality of living accommodation consistent throughout the encampment: Yes / No*
(*Is there a vehicle/ caravan of poor condition and not similar to most others?
Possible indication of modern slavery, see [Modern Slavery - Spotting the Signs](#)).

Any other relevant information:

Criminal Justice and Public order Act 1994

- (a) Unauthorised encampment checklist of actions and authorisation record

This checklist/ record is to be used by the Authorising Officer (rank of Inspector or above) to record the evidence gathered when CONSIDERING the decision to authorise the use of Section 61 or 62A powers at an Unauthorised Encampment, whether or not the power is used.

This information should be recorded on the same UNIFI enquiry as above and brought to the attention of the local Diverse Communities Team officer

- (b) If appropriate, the landowner, Local Authority officers and residents of the unauthorised encampment should be present when the information is recorded and the decision to authorise the use of this power is made.
- (c) When considering the use of police powers please ensure the below information is recorded on the relevant UNIFI enquiry.
1. **Location of the Land** (Include OS grid reference/ Log number if available)
 2. **Type/use of land** (i.e. agricultural pasture/ crops/ car park/ highway)
 3. **Land owner** (i.e. Contact details – name/ address/ postcode/ tel no., Local Authority/ Private land owner) Include status / evidence of ownership.
 4. **S61 criteria** (record the qualifying S61 criteria for the encampment)
 5. **S62A criteria** (record the qualifying S62A criteria for the encampment)
 6. **Welfare assessment** (record the welfare/ health/ social/ education issues)
 - a. Are there any known health issues which have caused the group/individual to stop here?
 - b. Are there any known social reasons which have caused the group/individual to stop here? (transport problems/ weddings/ funeral/ ceremony/ etc)
 - c. Are there any known educational reasons which have caused the group/individual to stop here?
 7. **Communication** - include times & dates of negotiations/ notice to quit/ reports, etc for each of the following:
 - a. Land owner:
 - b. Residents of Unauthorised encampment:
 - c. Neighbouring Communities:
 - d. Partner Agencies
 8. **What information has been considered in deciding to use Police powers?**
E.g. previous occupation/ history of group/safety of site for occupation/reports of crime/ reports of ASB/ S61 criteria/ evidence from other agencies / obstruction of the highway /

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Statement of Decision/ Authority

Rank..... Name & number.....
Station..... Time & Date.....

I have considered the information recorded, regarding the unauthorised encampment described and have made the decision to take the following action/s:

Date notice served:

Occupants to leave by - time:

date:

Appendix B (“easy read” Code of Conduct)

Code of conduct for travelling and settled communities:



A code of conduct is a set of rules that need to be followed. To ensure that people from travelling and settled communities can live together in a peaceful way, we expect you to follow this code of conduct.



We expect you to treat the land you are living on with respect and that you respect the rights of other people wishing to use the area.



Doing the following things could lead to you being evicted from a site:



- Camping on land that is used for games, exercise or fun for example: a park, children's play area or school field



- Stopping people from coming onto the land for example: people carrying out their jobs



- Forcing your way onto a piece of land for example: knocking down fences, damaging plants, moving large items meant to block access



- Causing damage to the land or any buildings already on that site



- Driving vehicles along any pathway or track that is not meant for caravans, trucks, cars, vans or lorries



- Parking any vehicles or caravans on any road, pathway or track that stops other people from being able to pass by



- Dumping any rubbish or waste, for example tree cuttings or rubble. It is your responsibility to keep the site clean and tidy.



The Council Traveller Liaison Officer can give your information about council tips and where you can pay to safely dispose of trade waste.



- Using the land as a toilet. You must not leave faeces (poo) in public areas.
- Scaring or bullying any person trying to access or use the site



- Make too much noise or commit other types of anti-social behaviour for example: shouting rude words and insults



- Have animals that are not kept under control or that attack people trying to use the site



- Interfere with electric, water or gas supplies. Anyone caught stealing gas or electric or wasting large amounts of water could be charged with breaking the law.



These codes are for the settled community as well as the travelling community.



The police want to make sure that they work with you to sort any issues that affect you but breaking any of the above codes will not be tolerated.



Appendix B1 (Unauthorised Encampments - Code of Conduct)

Unauthorised Encampments

Code of Conduct

To ensure those 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 Conduct. We expect you to treat the land you have occupied with respect, and that you respect the rights and freedoms of other people who also wish to use the area.

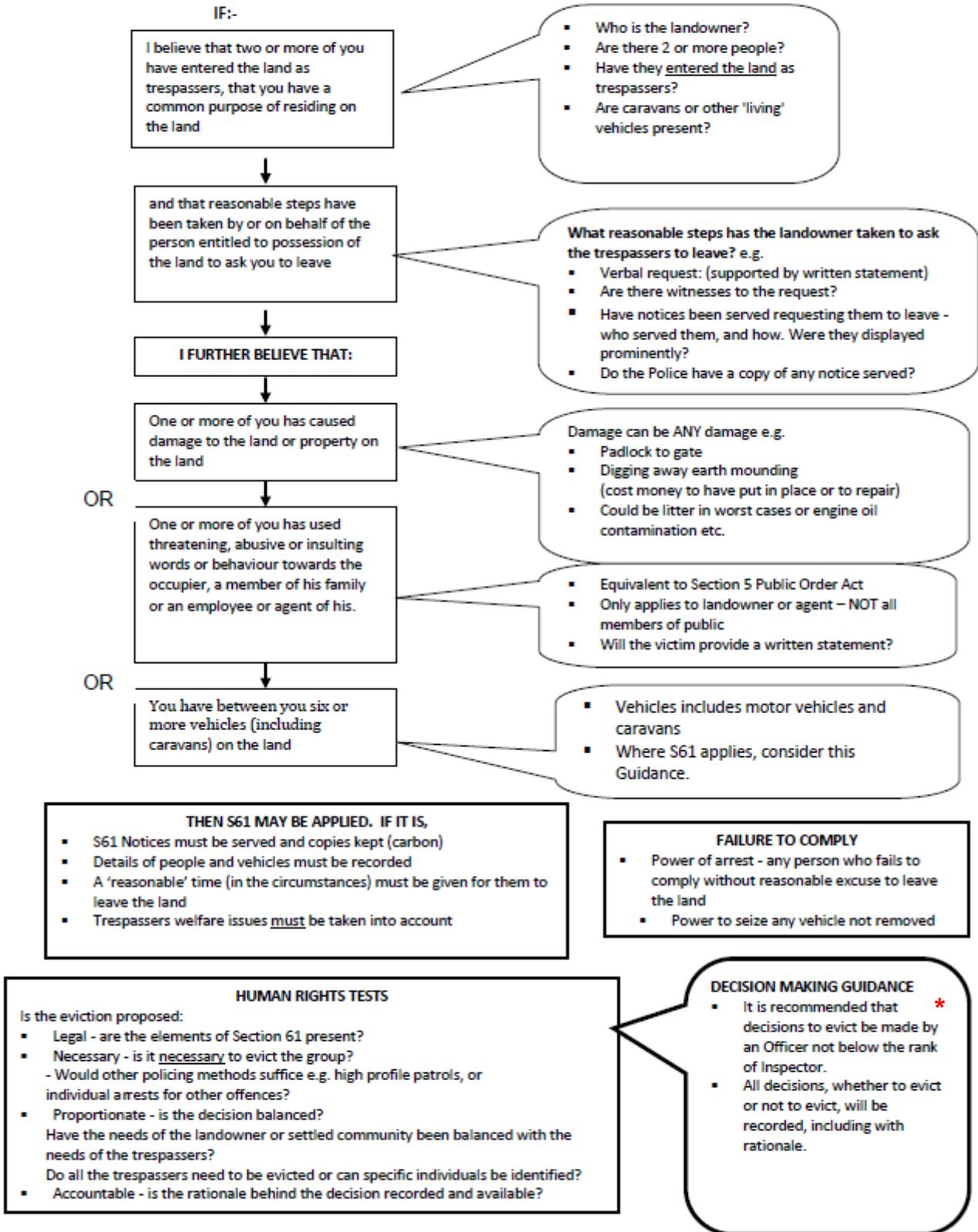
Behaviour that may result in your eviction from a site includes the following:

- Camping upon any land designated as a public amenity, such as parks, recreation areas, school fields and similar locations (not an exhaustive list).
- Interfering with the rights and freedoms of other members of the public, including interrupting the operation of legitimate businesses.
- 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 public amenities.
- Driving vehicles along any footpath, or other highway not specifically designed for road vehicles. This practice is not only unlawful but is also highly dangerous.
- Parking vehicles or caravans on any road, footpath or other highway 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. It is your responsibility to keep the site clean and tidy. Council 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. The police are committed to ensuring that all policing issues that affect you are balanced; however behaviour that is deemed unacceptable within society will not be tolerated.

POLICE EVICTION POWERS

SECTION 61 CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994
FLOW CHART AND GUIDANCE NOTES



* In Devon & Cornwall police, the decision to evict **MUST** be made by officer of the rank of Inspector or above

Appendix C1

Section 61 (Law)

Section 61 of the Criminal Justice and Public Order Act 1944 allows the Senior Police Officer* attending an alleged incident of trespass and nuisance on land to order trespassers and their vehicles to leave as soon as reasonably practicable, provided certain criteria are met. Further guidance is available from the Police National Legal Database (PNLD).

* In Devon & Cornwall police, the decision to evict MUST be made by officer of the rank of Inspector or above.

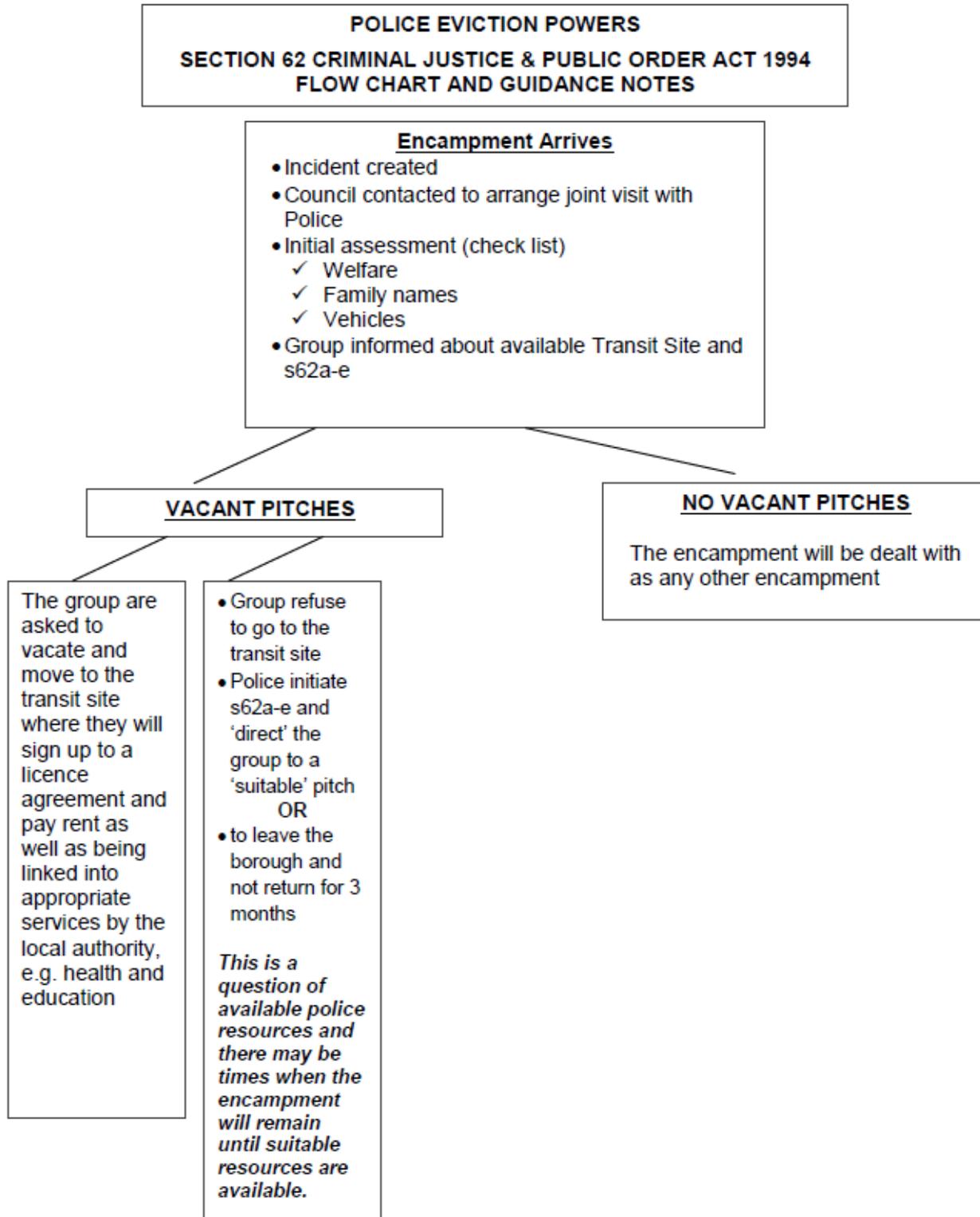
The criteria to be met for Section 61 are:

- (a) two or more persons are trespassing with the common purpose of residing there for any period,
- (b) reasonable steps have been taken by or on behalf of the occupier to ask them to leave, and,
- (c) 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,
- (d) those persons have between them six or more vehicles on the land.

If these criteria are met, the senior police officer present 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. Home Office Circular [45/1994](#) states "The decision whether or not to issue a direction to leave is an operational one for the police alone to take in the light of all the circumstances of the particular case".

Once a direction has been issued, there is no **requirement** to give the trespassers a time limit within which they must comply (see 3.4.5 below). Once given the instruction to leave, the trespassers have an obligation to depart as soon as is reasonably practicable (R – v – Chief Constable of Dorset Police 2001). The test of a reasonable time to leave the land is an objective test, (Kampa – v – DPP; Times 31.12.88).

Although the direction has to be made by the senior Police Officer present, any constable may communicate the direction to the trespassers.



National Police Chiefs' Council

Appendix D1

Section 62 (Law)

Section 62(A) of the Criminal Justice and Public Order Act 1994 was inserted by Section 60 of the Anti-Social Behaviour Act 2003. It creates a new power for a senior Police Officer* to direct a person to leave land and remove any vehicle or other property with him on that land. Further guidance is available from the Police National Legal Database (PNLD).

* In Devon & Cornwall police, the decision to evict MUST be made by officer of the rank of Inspector or above.

Certain conditions must be met before any directions can be given, namely:-

- (a) at least two persons must be trespassing on the land,
- (b) they must have between them at least one vehicle,
- (c) they must be present on the land with the intent of residing there,
- (d) they have one or more caravans, in their possession or under their control on the land, that there is a suitable pitch on a relevant caravan site and
- (e) the occupier of the land has asked the Police to remove them.

In addition, the officer must consult every Local Authority within whose area the land is situated as to whether there is a suitable pitch for the caravan or each of the caravans on a relevant site, which is situated in the local authority's area.

Use of powers under Section 62(A) is also discretionary and not a duty to act. Availability and proximity of suitable pitches identified through the required consultation above will be considered in considering the proportionality of directing persons to leave the land.

It is strongly recommended that any Police Officer considering enforcing Section 62 or 62(A) of the Criminal Justice and Public Order Act 1994 makes reference to the National Police Legal Database (PNLD) prior to taking any action under these sections.`

Failure to comply with a direction under section 62A: seize & remove vehicle

Section 62C(1) This section applies if a direction has been given under section 62A (1) and a constable reasonably suspects that a person to whom the direction applies has, without reasonable excuse –

- (a) Failed to remove any vehicle on the relevant land which appears to the constable to belong to him or to be in his possession or under his control, or
- (b) Entered any land in the area of the relevant local authority as a trespasser with a vehicle before the end of the relevant period with the intention of residing there.

Section 62C (2) The relevant period is the period of 3 months starting with the day on which the direction was given.

Section 62C (3) The constable may seize and remove the vehicle.

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Appendix E (S.61 documentation)

Written Notice to Leave Land

Criminal Justice and Public Order Act 1994

In accordance with Section 61 of the Criminal Justice and Public Order Act 1994, I direct all those on the land shown within the area outlined on the map below.

To leave this land for the following reasons:

I believe that two or more of you are trespassing on the land and are present with the common purpose of residing on the land for any period and that reasonable steps have been taken by, or on behalf of, the occupier of the land to ask you to leave.

I further believe that:

- (a) You have caused damage to the land or to property on the land*, or
- (b) You have used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his*, or,
- (c) You have between you six or more vehicles on the land*.

(*delete as appropriate)

If you fail to leave the land as soon as reasonably practicable, or re-enter the land as a trespasser within three months of this direction, you commit an offence and render yourself liable to arrest without warrant and to prosecution. The maximum penalty on conviction is three months imprisonment or a fine, or both.

On leaving the land, you are required to remove any vehicles or other property you have with you on the land.

You are to leave the land by Hours this day (date):.....

Signed: Name:

Rank: Date:

Official - Open

Appendix F (S.62 documentation)

Written Notice to Leave Land

Criminal Justice & Public Order Act 1994

In accordance with Section 62 of the Criminal Justice and Public Order Act 1994, I direct all those on the land shown within the area outlined on the map below.

To leave this land for the following reasons:

I believe that two or more of you are trespassing on the land and are present with the common purpose of residing on the land for any period and that reasonable steps have been taken by, or on behalf of, the occupier of the land to ask you to leave.

I further believe that:

- (a) that it appears you have one or more caravans in your possession or under your control on the land and that there is a suitable pitch on a relevant caravan site (local authority managed) for that caravan or each of those caravans; or
- (b) that you have between you at least one vehicle on the land;

If you fail to leave the land as soon as reasonably practicable, or re-enter the land as a trespasser within three months of this direction, you commit an offence and render yourself liable to arrest without warrant and to prosecution. The maximum penalty on conviction is three months imprisonment or a fine, or both.

On leaving the land, you are required to remove any vehicles or other property you have with you on the land.

You are to leave the land by Hours this day (date):.....

Signed: Name:

Rank: Date:

APPENDIX G Unauthorised Encampments (Summary)

Trespass onto land is a matter of civil law jurisdiction.
(NB. It is a criminal offence in Ireland).

Key legislation: Human Rights Act 1998, Equality Act 2010 including Public Sector Equality Duty.

Initial report of an unauthorised encampment (UE) - create Storm log. Add DOZ & DCT tags. Assess graded response in line with THRIVE. If no immediate concerns are identified initial site visit to be conducted during normal daytime hours.

Initial site visit: create Unifi enquiry using new 'Unauthorised encampment' category. Ensure enquiry no. is added to Storm log. Discuss acceptable conduct with occupants (see appendices B & B1 on policy D286). Complete template for 'initial site visit' within Unifi enquiry.

Consider location / intentions of the group / last known site. Provide reassurance, identify any welfare needs – health/education/social care / any offences disclosed or apparent eg damage to gain entry to land (record any crimes in line with NCRS). Consider community impact –CIA. Liaise with DCT for advice.

- If land is local authority owned – welfare assessment to be carried out by local authority.
- If land is privately owned – police to conduct welfare assessment.

Identify a liaison officer to provide a consistent point of contact for other agencies/stakeholders.

Appropriate information sharing in line with GDPR eg safeguarding concerns.

Best practice = joint visits with landowner, local authority & relevant stakeholders.

All activity / visits / decision making to be recorded on Unifi enquiry.

Inspector: record all decision making and rationale within 'Authorising Officer' template under relevant 'Unauthorised Encampment' enquiry.

Police powers under S61 and S62 Criminal Justice & Public Order Act 1994 may be considered where the levels of disruption, anti-social behaviour or crime associated with the encampment make it proportionate to do so. **These powers are discretionary and not a duty to act – Inspector to authorise.**

Powers can be applied to an individual/s within the group and must not routinely be applied to all those present. Consider need for Community Impact Assessment.

Lead role in the management of Unauthorised Encampments will be Local Authorities

Lawful removal: consult with all relevant stakeholders prior to any eviction. Any planned eviction should be subject of an operational order to include risk assessments.

NB Consider welfare of children, animals, facilities to remove vehicles, storage of property, custody provision, evidence gathering.

Strategic management: local areas to establish liaison group to agree strategy for management of UEs.

Local partners: Local Authority / Highways Authority / Gypsy Traveller Liaison Officer / Sector Inspector.

Strategy should include:

- Information exchange protocols
- Responsibilities of authorities and agencies, including time scales.
- Information to be provided to travellers and the settled community and the method by which that information will be provided.
- Provision of approved sites.

- ❖ Ensure principles of safety, lawfulness, necessity, proportionality and common humanity are maintained at all times.
- ❖ Conduct any action in the least intrusive way to achieve the purpose.
- ❖ It is necessary to achieve a balance in the protection of the rights and freedom of all persons concerned with a specified unauthorised encampment.