



Unauthorised Encampments

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What are the Policing Principles?

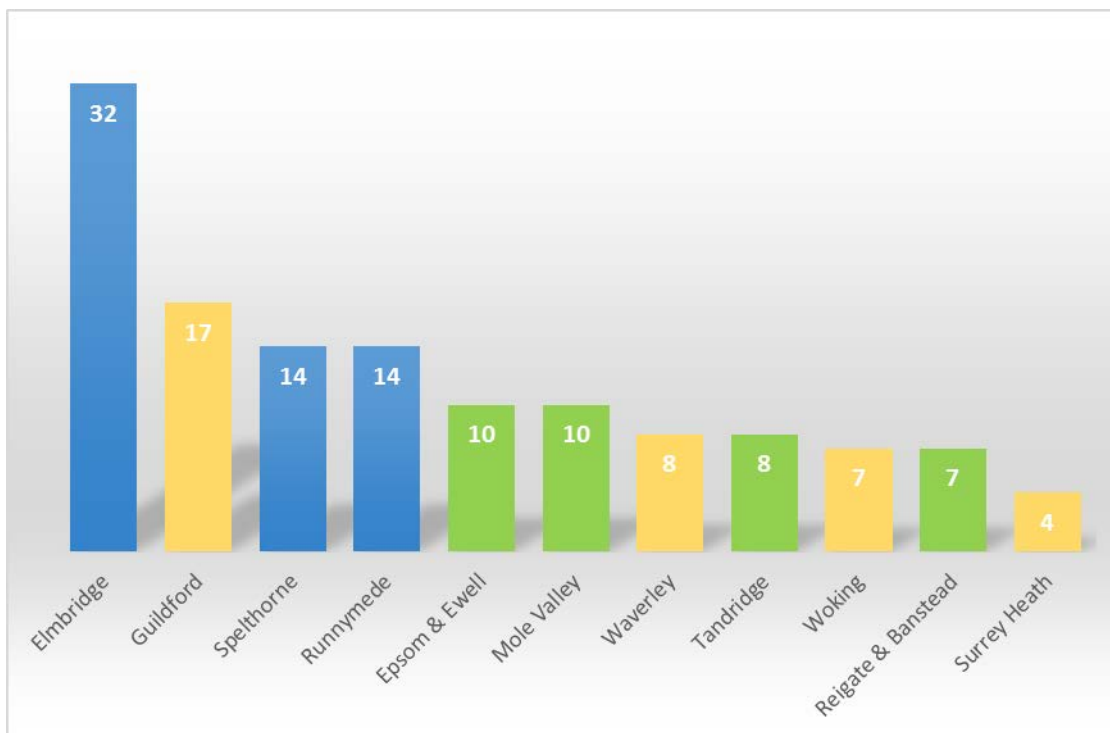
Accountability	<input checked="" type="checkbox"/>	Fairness	<input checked="" type="checkbox"/>	Honesty	<input checked="" type="checkbox"/>
Integrity	<input checked="" type="checkbox"/>	Leadership	<input checked="" type="checkbox"/>	Objectivity	<input checked="" type="checkbox"/>
Openness	<input checked="" type="checkbox"/>	Respect	<input checked="" type="checkbox"/>	Selflessness	<input checked="" type="checkbox"/>

1. Background

- 1.1. In April 2018 Surrey Police updated its procedure in how it handled and recorded Unauthorised Encampments (UEs). Since then all UEs have been recorded, providing a clearer view of the volume and response to UEs in Surrey.
- 1.2. The revised policy reflects the College of policing and National Police Chiefs latest guidance.
- 1.3. Surrey Police and the OPCC agree that transit sites would greatly reduce the impact on communities both settled and from the Gypsy, Roma and Traveller (GRT) community. They have been working closely with Chief Executives from the Boroughs to progress this.

2. Volume and useful data from new recording from 1st April 2018-14th August 2018

- 2.1. There have been 131 UEs recorded on Niche. The majority of these have occurred on North Division (60) with Elmbridge being the borough recording the most UEs (32). The chart below breaks this down by borough.

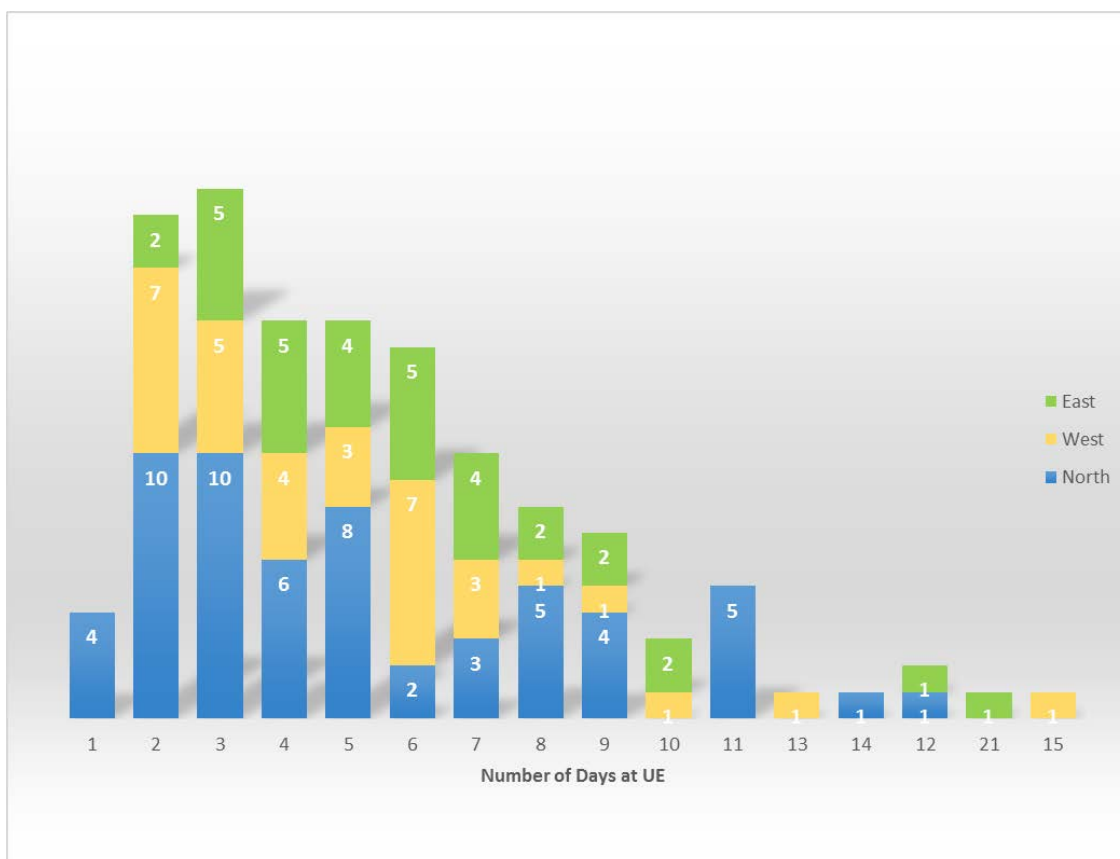


- 2.2. There have been 22 occasions where Section 61 has been authorised, however it hasn't had to be invoked in every case with occupiers agreeing to leave before the notice has been issued. Niche records show that on nearly half of UEs local authorities have issued Section 77 Criminal Justice and Public Order Act 1994 notices, with approximately 24 occasions where Section 78 has been sought, authorised by the courts or used. The table below shows the Boroughs where Section 61 has been authorised/used. At time of report 5 encampments were still ongoing and the accuracy of the data is reliant on Officers correctly inputting. Please see Appendix A for a summary of the aforementioned powers.

Borough	Section 61 Authorised
Elmbridge	6
Spelthorne	6
Guildford	3
Runnymede	2
Epsom & Ewell	2
Mole Valley	1
Surrey Heath	1
Tandridge	1

2.3. It is noteworthy that a number of these encampments are the same group being moved on and then occupying another location nearby.

2.4. The average number of days an UE lasts is 5.5 days, however the longest period has been 20 days, the shortest period being 1 day. The chart below shows the frequency and length of days



2.5 Reasons given for setting up an encampment varied immensely. Reasons included attending the Epsom Derby, a stop over en route to another location, ill relative, pregnant family member or a funeral. In a number of cases no specific reasons was given except that their intention was 'to stay as long as possible or until forced off'.

3. Conclusion[s]/ Risks / Equalities / Human Rights implications

3.1. The new policy and working practices have now embedded resulting in an appropriate level of response and prioritising of encampments. Recording of the same still requires improvement. Although there can be disagreement as to if police should use their powers or not, since the policy went live there have been no further complaints from local authorities about a lack of response or difficulty in getting police to engage. We have largely achieved a consistent initial response and assessment of encampments across the County addressing complaints from the Borough Councils about inconsistency. Consistency in relation to the decision as to if police powers will be used is more difficult. While this will always be a subjective test, data collected in 2018 will inform further training for decision makers ahead of summer 2019.

3.2. North Surrey and particularly Elmbridge have been heavily impacted. Officers reported extremely high community tension with pockets of vigilante action breaking out. The vigilante action resulted in retaliation by the occupants of the unauthorised encampment. Behaviour on all sides attracting additional police response. Tensions remain high particularly across North Surrey.

3.3. North Surrey attracted National Media attention. The Media team's interaction with the national press on the issue using a number of forums illustrated that the negative public perception of encampments is entrenched. This was of course further exacerbated by the poor behaviour of a small number of groups who set up encampments. Explaining limitations as to police powers and the human rights duties placed upon the police did not seem to lessen community unrest and

concern. Interacting with the media was a resource commitment and did not result in particularly favourable or at times fair reporting. Consideration is now being given to a different approach and it is hoped some joint Council / Police standard lines can be developed.

- 3.4. The College of Policing guidelines are specific around our European Court of Human Rights (ECHR) responsibilities citing that each and every occupant should be individually assessed. Even if several occupants are behaving in a manner where Section 61 would apply, it would be inappropriate to use this for the whole encampment. Decisive action by the Police attracts political and settled community support, facilitating their way of life and building relationships with this hard to reach group rarely does, which makes impartial policing a particular challenge.
- 3.5. Based on current data taking into account the length each UE occurs the current estimated cost of the 126 UEs to Surrey Police is estimated to be £175,753.88 and rising as the demand continues. In addition to the financial cost the impact on service delivery for business as usual and the stretch on command oversight capacity cannot be underestimated.
- 3.6. A Joint protocol prepared and agreed between Surrey County Council and Surrey police is currently in consultation with Borough Councils. Surrey Heath is the first to sign up. It is hoped a joint protocol will help bring the individual boroughs closer together in the response to information sharing around unauthorised encampments. The first round of consultation will be complete by the 10th September 2018.

4. Decision[s] Required : None

5. **Attachments:** **Appendix A Explanation of relevant legislation**
 Appendix B Open letter to the Editor, Surrey Advertiser, from the Surrey Chief Constable

Appendix A.

Section 61 of the Criminal Justice and Public Order Act 1984.

If the senior police officer present at the scene reasonably believes that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and (a) that any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his, OR (b) that those persons have between them six or more vehicles on the land, he may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land.

There is an additional relevant Police power, Section 62A of the Criminal Justice and Public Order Act, which creates a power for a senior police officer to direct a person to leave land where there is an alternative site available. The conditions are fewer than under S61 and concentrate on the act of trespassing for the purposes of residence. The lack of alternative sites in Surrey was addressed by the Chief Constable in a recent open letter (Appendix B).

Section 77 of the Criminal Justice and Public Order Act 1984.

This empowers the Local Authority to direct unauthorised campers to leave land in the open air where they are trespassing.

Section 61 of the Criminal Justice and Public Order Act 1984.

Under this section a Magistrates Court may, on a complaint made by the Local Authority, make an order requiring the removal of any vehicle or other property which is present on the land and any person residing on it.

Our Ref: NE/JP



Open Letter to the Editor, Surrey Advertiser

**Nick Ephgrave QPM
Chief Constable**

21st August 2018

Dear Editor,

This summer has seen an unprecedented number of unauthorised encampments, no part of the county has been unaffected and as the summer has passed, the amount of ill feeling and anger about a perceived lack of action by police has been palpable.

The disappointing thing is that all of this was predicted and there is a practical solution available that would help. It has been successfully implemented in a number of surrounding counties, but has yet to be implemented in Surrey, leaving the local authorities and police with limited powers to deal with those intent on trespass.

Before I come to that solution, let me make it clear that there are two related but separate issues that need to be addressed. The first is the issue of an unauthorised encampment. This is of itself not a criminal matter and the lead agency for implementing eviction is the local authority, working with the land owner supported where necessary by the police. In this regard, it is absolutely the case that we in the police and our colleagues in the Boroughs and Districts have significantly upped our game this year and now have well-rehearsed and effective procedures for assessing and evicting unauthorised encampments in accordance with the legislation currently available to us. The shortcoming is that under the only legislation that we can utilise, there is nothing to stop those evicted from simply moving 100 yards down the road and setting up camp there. We then have to go through the whole rigmarole again and this is exactly what has happened this year, with repeated encampments as we follow groups round the county, creating further upset and disruption far and wide.

The related issue is that of criminality associated with some encampments. My clear direction to officers is that where there is criminality and where there is sufficient evidence to take action against identified perpetrators, then we will do so swiftly and firmly. The frustration comes when it is not possible to attribute a criminal act, for example criminal damage, to any one individual due to a lack of witnesses or other evidence to implicate them. This is no different to any other crime. One cannot simply arrest whole groups of people because 'one of them must have done it'.

So, what else might be done? Under the legislation, if a designated transit site is available, the police are enabled to direct encampments to move immediately to the transit site, with far fewer criteria necessary to act. If those on the encampment refuse, or return to camp unlawfully elsewhere within three months they are liable to immediate arrest. Currently, Surrey has no transit sites and so none of these powers are available.

An increasing number of surrounding counties have created designated transit sites and their experience has been that this significantly addresses the issue of unauthorised encampments. Surrey, without any such sites, remains vulnerable to those who know the legislation and understand that the powers available to police are more limited, no doubt making Surrey an attractive venue for those who wish to set up unauthorised encampments.

To conclude, I recognise the frustration and anger of local residents and businesses affected by unauthorised encampments. We will deal with criminality as and when it occurs and continue to support local authorities in their actions, but the options available to my officers are limited and given other demands, I can ill afford the enormous resource and energy my officers put in to dealing with this. The provision of even one transit site will make an enormous difference to our ability to respond to unauthorised encampments, but it is not in my gift to make it happen –that is a difficult political decision that sits with our local leaders who I know have the issue under active consideration.

Yours sincerely

Nick Ephgrave

Chief Constable