
Joint Unauthorised Encampment Protocol



March 2023



Elmbridge
Borough Council

... bridging the communities ...

Contents

Joint Unauthorised Encampment Protocol 1

Introduction..... 5

Approach to be taken..... 6

Steps to be taken once encampment established: 7

Default legal position to recover land:..... 11

Appendix A: Welfare Assessment Checklist 13

Appendix B: Surrey Police Code of Conduct 25

Appendix C: Various Legal Procedures to deal with unauthorised encampments 26

Appendix D: Frequently asked questions 27

Appendix E: Code of Respect for Unauthorised Encampments (to be displayed on site 29

Appendix F: Contact details for traveller sites..... 30

Appendix G: Planning Compliance Protocol 31

Appendix H: Homeless\ Rough sleeping Protocol 32

Appendix I: Prepared statements..... 38

Appendix J: Gypsy Roma Traveller Support Officers..... 38

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Date of original:	22 May 2013
Date of issue:	April 2022
Version number:	V7
Authorised by:	IPB
Next review date:	February 2024

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Revisions		
Date	details of change made	by
Nov 2014	Revisions in light of debrief.	IPB
Apr 2015	Revisions to include Section 77 and clarify need for witnesses.	
Jul 2015	Revision to reflect change in approach to section 77 and update procedure and clarify the need for service of documents	
June 2016	Further revision to take account of lessons learned, and more effective & efficient processes	Traveller Working Group
Nov 2017	Review following debrief and report to Cabinet	All
Feb 2018	Updated to include section on homelessness and share welfare check with Police.	C Waters
Jan 2019	Updated to reflect implications of injunction	IPB
Jan 2021	Updated with end of injunction	ipb

Apr 2022	Updated with additional instructions for welfare to notify police that group have been asked to leave the site.	ipb
Nov 2022	Updated with learning from the 2022 debrief	IPB

Introduction

The Council is obliged to manage unauthorised encampments within the Borough on Council owned land. It is not possible to stop all access to Council owned land and from time to time unauthorised encampments will be established.

Unauthorised encampments can be problematic, they rarely provide an appropriate or adequate setting and frequently result in poor living conditions for Gypsy, Roma and Travellers (GRT). The use of the land for its usual purposes will often be prevented or curtailed.

In November 2018, Elmbridge Borough Council was awarded a protective injunction for 150 car parks and open spaces in the borough. The protective injunction meant that there could be no unauthorised encampments and associated anti-social behaviour issues from any groups of individuals (otherwise known as persons unknown).

A series of case law followed, which resulted in the Council's 2018 injunction (and some other Councils' injunctions) having to be surrendered. In the summer of 2022 this decision was overturned which opened the door to injunctions against persons unknown being a possibility provided it meets 'the threshold'. However more recently this decision has been appealed, and we await the outcome of this appeal hearing.

The Council and Surrey Police (SP) have agreed to this protocol so that an overall policy and clear lines of responsibility are in place. This protocol, originally adopted by the Council's Cabinet in 2013, has subsequently been updated and seeks to set out the overall approach in Elmbridge by Elmbridge Borough Council.

The National Planning Policy for Gypsy, Roma and Traveller Sites, to be read in conjunction with the National Planning Policy Framework, requires planning authorities assess the local needs for GRT pitches/plots and plan positively to deliver on these needs.

The Council's Gypsy, Roma and Traveller Accommodation Assessment (GTAA) 2020 identified a need to deliver 18 pitches in the Borough up to 2036. 8 pitches have already been granted permission and meet some of the identified need in the first five years of the plan. The remaining pitches will be met through the alternative methods suggested in the GTAA, which includes additional touring caravans, shared static caravans, tourers and dayrooms on existing sites. A criteria-based policy in the new Local Plan, that will replace the Core Strategy, will provide a basis for decisions for applications that come forward either as windfall supply or as part of the alternative measures suggested in the GTAA 2020.

The law confers legal rights to the travelling community and places responsibilities

on local Councils relating to the welfare and other needs of GRT. Local authorities are required to have due regard to the public sector equality duty under the Equality Act 2010 to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

The Department for Communities and Local Government does however advise that:

“Public bodies should not gold-plate human rights and equalities legislation. Councils and the police have been given strong powers to deal with unauthorised encampments and when deciding whether to take action, they may want to consider for example:

- (a) the harm that such developments can cause to local amenities and the local environment,
- (b) the potential interference with the peaceful enjoyment of neighbouring property,
- (c) the need to maintain public order and safety and protect health – for example, by deterring fly-tipping and criminal damage,
- (d) any harm to good community relations,
- (e) that the state may enforce laws to control the use of an individual’s property where that is in accordance with the general public interest.”

A variety of Council services and external agencies need to work together to effectively manage unauthorised encampments. The management process is coordinated by a team of Gypsy, Roma, Traveler Support Officers (GRTSO) and the objectives are:

- In the short term, to ensure that GRT are supported and encouraged to conduct themselves in a responsible manner in accordance with a set of minimum standards whilst on land unlawfully.
- To ensure that any inconvenience and disruption to local communities is minimised
- To bring the unauthorised encampment to an end as swiftly as possible. This can take time because of the need to carry out investigations into the GRT circumstances and welfare needs, and to ensure that any enforcement action taken is lawful.

Approach to be taken

Once an encampment is established on EBC land it is crucial that early contact is made with the GRT group to undertake enquiries into their welfare needs and their plans, if any, as to how long they intend to stay at the location. This is known as a Welfare Assessment and it may trigger further assessments where there is a specific identified need, e.g. housing or education issues

Where it is clear that the GRT has nowhere else to live then there will need to a notification to the Council's Housing Options Team who will need to become engaged to carry out a formal homelessness assessment and determine what help the Council can offer. Other welfare needs may be identified (health, education, refuse collection) and each of these will need to be assessed and followed up as needed.

After a welfare assessment has been completed, the GRTSO will review all of the information available to them about the encampment and, following discussions with Surrey Police and Legal Services, will recommend the course of action to deal with it to the responsible Service Head, Service Manager or alternative member of the Leadership Group in their absence. The decision may be to take no action if the group have indicated they will be leaving the site within the next 24/48 hours.

Depending on the circumstances of the unauthorised encampment, either EBC or Surrey Police will take the lead in dealing with the unauthorised encampment on EBC's land. Each case of an unauthorised encampment will be individually considered on its merits as set out in this protocol, before any decision on a response is taken. Where a GRT group have gone from site to site, EBC and Surrey Police may take this into account when deciding on the most appropriate response. Where EBC's land is leased to a third party, an early decision will have to be taken as to whether the tenant is obliged to take action or whether EBC will take the lead. This decision should be taken by The Service Head with responsibility for the affected land/property and if necessary in discussion with Asset Management and Property Services and the EBC legal team.

Steps to be taken once encampment established:

EBC has a large number of assets which are managed on a day to day basis by teams using them to deliver their service objectives, e.g. parks and open spaces, leisure centres, community centres, public car parks and leased land etc. A high percentage of these have grounds or hard standing areas which could be used by GRT groups.

To ensure consistency of response and approach to an unauthorised encampment, a small team of trained staff will be the support officers for delivering this protocol, known as EBC's Gypsy Roma, Traveller Support Officers (GRTSO). They will sit within their respective teams, be trained to implement this protocol liaising with other services. They will liaise with the relevant Head of Service and any teams that need to be kept informed and/or for the purposes of seeking their support e.g. Housing Options, Social Services, Surrey Police, etc, as might be relevant.

To support the work of the GRTSO and to ensure a swift out of hours response to any

unauthorised encampment, an external company has been secured to carry out the initial welfare checks. The instruction to the contractor should come from the relevant head of service, and the completed welfare checks then discussed by the internal GRTSO with legal and the relevant Head of Service\ Service manager.

Upon notification of an unauthorised encampment the following steps should be followed, a simplified flow chart can be found following these bullet points;

1. Initial reports received by Council (usually via Surrey Police, Communications or Grounds Maintenance Contractors).
2. Surrey Police to carry out own initial site assessment and hand out Surrey Police code of conduct setting out expected standards of behaviour.
3. Land ownership confirmed and, where leased, decision taken on responsibility for action
4. If leased land, i.e. Xcel\ Hurst and private compliance officers are being instructed, Head of Service to email elmbridge@surrey.police.uk so that they are aware as their presence might be required to prevent a breach of peace during eviction
5. If land is not EBC-owned, then no action to be taken unless the stay is prolonged and involves a change in use of land or development. In these circumstances the planning compliance protocol at Appendix G will be applied.
6. If EBC is to lead, the relevant land owners (Head of Service or service manager i.e. Parking Operations Manager) will contact the duty GRTSO (see intranet link) to initiate the protocol and instruct the contractor to carry out the initial welfare check.
7. Head of Service\ service manager to inform and update group leaders (Conservative, Lib Dem, Residents Association, and Hinchley Wood Residents Association), and affected Ward Councillors, EBC Communications Team and Customer Services Team of the encampment, using prepared statements in appendix I.
8. Head of Service \ service manager to inform Communications and Customer Services as they are likely to receive calls about the unauthorised encampment.
9. Pro forma statement (available in appendix I.) to be posted on EBC website and Bridge It. and sent to elmbridge@surrey.police.uk so that they are aware of their presence might be required to prevent a breach of peace during eviction by the Council.
10. Meanwhile a welfare assessment (Appendix A) will be undertaken by the external company. Advice should be sought from Surrey Police to see if the group are known, and if any previous behaviour which could pose a risk to staff. The purpose of the assessment is to gather information about the composition of encampment, any potential welfare issues, including any housing needs and/or homelessness issues. The external company, acting on behalf of the Council will ask the travellers to leave site voluntarily and to make it clear that they do not have permission to stay. They will also be advised of the Code of Respect for Unauthorised Encampments while they are on site (see Appendix E).

11. If there are specific identified welfare needs, close liaison will be needed with the GRTSO and relevant service providers, e.g. the Housing Options Team or Social Services to ensure the Council's legal duties are met.
12. The GRTSO and the Head of Service\ service manager will consider the information gathered and make a decision as to next steps on the welfare assessment form. This could include any mitigating circumstances to allow the group to stay or the most appropriate method to secure eviction. Every encampment is different and there may be circumstances when it might be appropriate to provide waste facilities and / or the provision of toilet facilities whilst EBC takes action to secure the removal of the encampment from EBC Land, which may take time to effect.
13. A copy of the welfare assessment to be sent to Surrey Police via Egress by Legal\GRTSO who will open a Police Occurrence to monitor any further reports associated with the encampment.
14. In the event of repeated unauthorised camps by the same group, or additional vehicles joining an established group, the welfare assessment will be updated to confirm the identity. The Head of Service in liaison with Legal Services will then determine if conditions (i.e. location, numbers) have materially changed to require a fresh assessment.
15. If, following the Welfare Assessment, legal action may be required to remove the unauthorised encampment, a Notice will usually be issued by the Council directing the vehicles and their occupants and other property to leave the land under Section 77 of the Criminal Justice and Public Order Act 1994.
16. To start this process, the GRTSO needs to send Instructions to the Law Practice Manager with the Welfare Assessment, title plan confirming the desired deadline for the travellers to leave the site.
17. The GRTSO will coordinate with Legal Services, the Enforcement Team, and if required (due to size of the UE) the external bailiffs to assist with the service of notices. An email should be sent to confirm along with the desired timescale for the notice(s) to be served.
18. The Legal team will liaise with the nominated compliance officer regarding service of the relevant documentation
19. SP may, in certain circumstances, use their discretionary powers under section 60c or 61 of the Criminal Justice and Public Order Act 1994 to direct that the vehicles and their occupants and other property leave the land. This power may be used where there is:
 - Local amenities are deprived to communities, or
 - Significant impact on the environment, or
 - Local disruption to the economy
 - Significant disruption to local community and environment or
 - A need to take preventative action

The final decision to use these powers will be taken with scrutiny and oversight by Senior Management as detailed in NPCC guidelines.

20. Once EBC Legal Team have drafted the Notice directing the vehicles, its occupants and other property to leave the land by a certain date and time as instructed, the Notice must be served by authorised Officers / Agents for the Council in the following manner:

- a) By affixing a copy of the Notice in a prominent place to all the vehicles on the land
- b) By displaying a copy of the Notice on the land in a manner designed to ensure that it is likely to be seen by any person camping on the land.

For the purposes of above service, it is assumed that it is addressed to “all the occupants of the vehicles on the land”. The officer serving the documents must provide a certificate of service by way of evidencing effective service of the Notice, including photos to prove service and the licence registration plate of the vehicles served with the notice.

If the Notice is not complied with, an application for a removal order under section 78 of the Criminal Justice and Public Order Act 1994 can be applied for, which authorises the Council to remove the vehicles, its occupants and other property from the land. This will require a complaint and summons to be sent to the Magistrates Court by EBC Legal for issue. The issued summons and complaint must then be served in the same manner as the Notice. EBC Legal, supported by the officer who served the Notice and the complaint/ summons, attends a hearing at the Magistrates Court for an order for removal of vehicles and persons.

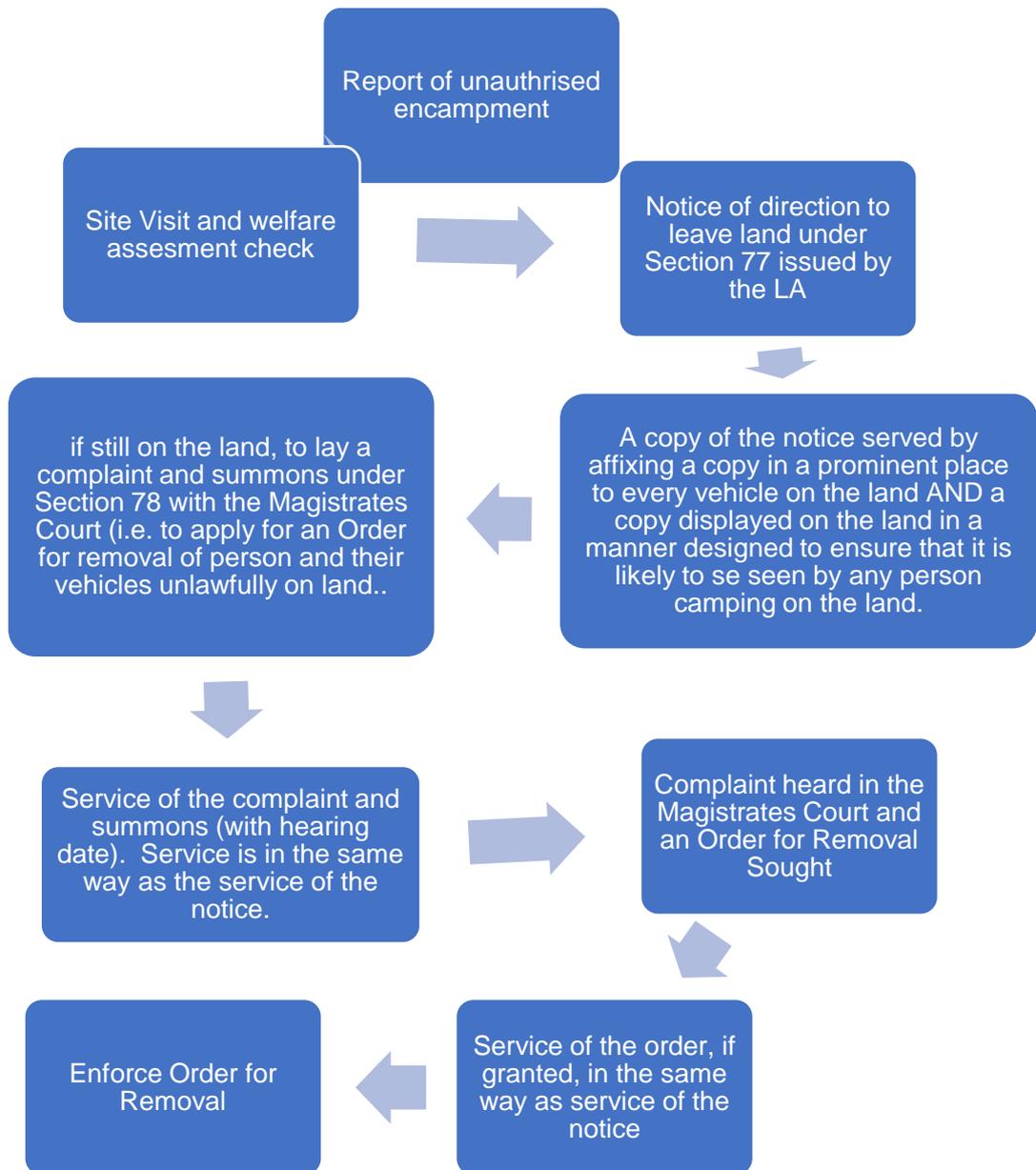
Once an order is obtained and served, the Council can proceed to effect removal of the vehicles etc, (but if the land is not owned the Council, 24 hours must be provided to the owner/occupier of the land before enforcing the Order for Removal).

- 21. Failure to comply with a Notice is an offence and the Council has the option to prosecute the occupants of the vehicles/caravans in addition to seeking an Order for their removal. Whilst it is usually the case that the order for removal achieves the objective sought, i.e. to ensure the removal of the unauthorised encampment from the land, the Council may seek to prosecute where the same group of travellers are going from site to site to act as a deterrent. In this regard, the identity of the travellers needs to be established as prosecution must be against named individuals.
- 22. Ward Councillors, Group Leaders, Communications and Customer Services to be updated (see appendix I). Pro forma statement released on website by way of an update by the Head of Service.
- 23. Eviction takes place by instructing bailiffs to secure eviction/removal. The process will require advance notice to be given to the bailiffs and the police. This is to ensure that the bailiffs are available to effect eviction in a timely manner and that the Police are available to prevent a breach of peace if this becomes necessary. Site is then cleared and made secure.
- 24. In the event of annual leave or other absence, clear instructions should be left with a suitable member of the team to manage ongoing communications during each encampment.
- 25. Debrief meeting is to be held at the end of each season to consider learning and any security improvements.
- 26. Update and record information about unauthorised encampments within the borough of Elmbridge.

Default legal position to recover land:

There are a range of legal powers available to manage encampments however at the current time, the most effective power in most cases has proven to be Section 77 of the Criminal Justice and Public Order Act 1994.

In June 2022 new legislation was passed which amended the Criminal Justice & Public Order Act 1994 introducing a new criminal offence and amended existing Section 61 of that act. Damage, disruption and distress are new terms which have to be considered at each encampment. Should this be, or likely to be, significant the new power could be considered as an option for Surrey Police to move an individual or a group on. Where it is not significant police would revert to the amended Section 61 and consider operational guidance from the National Police Chief's Council (NPCC) regarding their options. Section 62A is not presently a tactical option in Surrey owing to no suitable transit site meeting the criteria to direct a group to.



Appendix A: Welfare Assessment Checklist

The information given will help to make decisions to provide access to services and may also mean the Council decides an unauthorised encampment may be tolerated for a longer period. This form is intended to be used as a guide by officers visiting unauthorised encampments. It is not comprehensive, as it is only a welfare assessment. Officers should note that an informal and verbal approach to obtaining the information may be more effective. It is also important to obtain permission to share confidential information with relevant partner agencies.

1. GROUP PROFILE AND HISTORY

Location	
Date(s) of assessment	
Main contact name	
Mobile number	
Other site contact names	
Mobile number(s)	
When did the group first arrive?	
Why are they here?	
How many living units (i.e. caravans, motor-homes) are on site?	
Roughly how many other vehicles are present?	
(if known) Prior to this encampment, were they on EBC land <i>if yes, give location and indicate is immediately before or a passage of time has passed</i>	

<p>Is the group known to the lead authority, or to other agencies represented?</p> <ul style="list-style-type: none"> • if yes, to what extent has it respected verbal or written agreements at previous encampments? 	
<p>Has the group previously been subject to eviction?</p> <ul style="list-style-type: none"> • if yes, please give details 	
<p>How long does the group intend to stay?</p>	
<p>Confirm that the group have been asked to leave site on behalf of Elmbridge Council and to make it clear that they do not have permission to stay.</p>	<p>Tick to confirm: <input type="checkbox"/></p> <p>Name (GRC):</p> <p>Date</p> <p>Time</p>
<p>Confirm that UE called through to 101, and operator asked to inform the Duty Inspector\ Borough Commander has been informed of UE and that the landowner has instructed them to leave.</p>	<p>Tick to confirm: <input type="checkbox"/></p> <p>Name (GRC):</p> <p>Date</p> <p>Time</p>
<p>advise of the Code of Respect for Unauthorised Encampments while they are on site</p>	

2. SITE DETAILS

<p>Who owns the land? (Where there is multiple ownership, please list ALL landowners)</p>	
<p>What services (if any) are available to the gypsies/travellers? (i.e. water supply, toilets etc.)</p>	
<p>Are rights of way affected by the encampment?</p> <ul style="list-style-type: none"> • if yes, in what way? 	
<p>Are accesses to or from nearby properties or amenities obstructed by the encampment?</p> <ul style="list-style-type: none"> • if yes please explain • in what ways (if any) could this be remedied without forcibly moving the group? 	
<p>Is operational use of the land obstructed by the encampment?</p> <ul style="list-style-type: none"> • if yes please explain 	
<p>Has the site been occupied by the current gypsies or travellers in the preceding 3-month period?</p>	
<p>Is the encampment on or near to a nature reserve, SSSI, or other environmentally sensitive area?</p> <ul style="list-style-type: none"> • if yes please give details • in what ways (if any) could damage be prevented without forcibly moving the group? 	

3. HEALTH AND SAFETY

<p>Is there an increased chance of road accidents from traffic entering and leaving the site?</p> <ul style="list-style-type: none"> • if yes, please explain • if yes, in what ways (if any) could this be remedied? 	
<p>How far from the road are the living units situated?</p> <ul style="list-style-type: none"> • does this present hazards to the group or motorists through children or animals getting onto the road? 	
<p>Are there waterways, railway tracks, buildings, disused wells, or other features that could endanger members of the encampment or their animals?</p> <ul style="list-style-type: none"> • if yes, could these reasonably be made safe? 	
<p>Are there materials or substances on site that could endanger members of the encampment or their animals?</p> <ul style="list-style-type: none"> • if yes, could these be economically removed? 	
<p>Are open fires being lit?</p> <ul style="list-style-type: none"> • if yes, are they kept under control? • if yes, is there evidence of noxious substances being burned? 	
<p>Are caravans spaced sufficiently to prevent fire spreading from one vehicle to another?</p> <ul style="list-style-type: none"> • if no, is there room to move them further apart • if no, what is the maximum number of vehicles that could remain on site to minimise such a risk? 	

<ul style="list-style-type: none"> would the site benefit from an advisory visit from Surrey Fire and Rescue Services 	
<p>Are there animals on site?</p> <ul style="list-style-type: none"> if yes, please give types and rough numbers if yes, how are they being kept under control? 	

4. WASTE AND SANITATION

<p>Are arrangements in place for the disposal of waste?</p> <ul style="list-style-type: none"> if yes, please specify if yes, are these arrangements effective? 	
<p>What toilet arrangements are in place?</p> <ul style="list-style-type: none"> are these satisfactory? if no, how could these be improved? 	
<p>Is there evidence of domestic, human or trade, waste spreading beyond the encampment?</p> <ul style="list-style-type: none"> has the Environment Agency been notified? what other steps have been taken to deal with it? 	

5. NEIGHBOURHOOD RELATIONS

<p>How far is the encampment from the nearest residence or business?</p> <ul style="list-style-type: none"> in what ways (if any) does this affect them? 	
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<p>Is the encampment separated from other properties by a road or other boundary?</p> <ul style="list-style-type: none"> • if yes, please specify 	
<p>Has there been any impact on the local community?</p> <ul style="list-style-type: none"> • please detail 	
<p>Are the obligations under the Code of Respect (see Appendix E) being adhered to, by the group?</p> <ul style="list-style-type: none"> • If not, has the relevant obligations been explained to the group. 	
<p>Has criminal and/or antisocial behaviour been witnessed against or by members of the encampment? If yes:</p> <ul style="list-style-type: none"> • what specific incidents have been reported? • who have they been reported to? • are these reported incidents verifiable? 	

6. WELFARE AND EDUCATION

<p>Are there medical concerns with any members of the group? If yes:</p> <ul style="list-style-type: none"> • please give details • would a forced move put individuals at risk? • what help has the group been offered to • access services? • Considering asking for evidence, e.g. are there in the area for a hospital appointment and identify their vehicle 	
<p>Are there vulnerable members of the group? If yes:</p> <ul style="list-style-type: none"> • please give details e.g., elderly, infirm. • would a forced move put individuals at risk? 	

<ul style="list-style-type: none"> • what help has the group been offered to access services? 	
<p>Are there members of the group, who are pregnant? If yes:</p> <ul style="list-style-type: none"> • please give details • what help has the group been offered help to access services? • in what ways (if any) would a forced move put any of the above individuals at risk? 	
<p>Are there children on site? If yes:</p> <ul style="list-style-type: none"> • approximately how many? • what is the age range? • are the children attending school in the area or elsewhere? • would a forced move result in children missing out on education? 	
<p>Are there any other areas of concern for members of the encampment?</p> <ul style="list-style-type: none"> • if yes, please explain 	
<p>Are there concerns for the welfare of animals on the site?</p> <ul style="list-style-type: none"> • if yes, what action has been taken to address these? 	

7. ACCOMMODATION

<p>Do members of the encampment have access to accommodation elsewhere?</p> <ul style="list-style-type: none"> • if yes, please give details • if yes, does the group intend to return there? 	
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<p>Are there places on authorised or tolerated sites available to the group?</p>	
<p>Do members of the encampment wish to apply for places on authorised sites?</p> <ul style="list-style-type: none"> • If yes, what advice or support has been offered to them? 	
<p>Are any members of the group currently on a housing waiting list?</p> <ul style="list-style-type: none"> • If yes: • In which area? • When are they likely to be made an offer? • What advice or assistance has been offered or given? • could the encampment be tolerated until they are offered housing? 	
<p>Are any members of the group homeless in having no access to any pitches or other accommodation which they consider suitable and available for their occupation?</p> <ul style="list-style-type: none"> • Do they need to make an urgent application for assistance as a homeless household? • How can this be best undertaken 	

DECISION ON THE MANAGEMENT OF THE UNAUTHORISED ENCAMPMENT SITE

ASSESSMENT OF THE DECISION TO EVICT OR NOT TO EVICT

TO BE CONSIDERED BY HEAD OF SERVICE, GRTSO and Legal.

<u>HUMAN RIGHT CONSIDERATIONS</u>	
<p><i>Would Eviction constitute an interference with the right to respect for private and family life of group members except where it is in accordance with the law and it is necessary in the interest of national security, public safety or economic well-being of the country, for the prevention of health or morals or the protection of the rights and freedoms of others:</i></p> <p><i>For what reason is such an inference warranted in the circumstances? Explain why?</i></p>	
<p><i>Would eviction deny members of the travelling community peaceful enjoyment of their possessions?</i></p> <ul style="list-style-type: none"> • If this is a risk, will it be in the public interest or subject to the conditions provided for by law? 	
<p><i>Would eviction deny the travelling community's children access to their right to education?</i></p>	

<ul style="list-style-type: none"> If yes, what is the response of the Social Services and Education Authorities response upon being informed? 	
<p><i>Are there any mitigating factors arising out of the Welfare Assessment which enables the Council to consider allowing the group to stay for a period of time?</i></p> <ul style="list-style-type: none"> If yes, please give details and proposed duration? 	
<p>ENVIRONMENTAL AND LOCAL COMMUNITY CONSIDERATIONS</p>	
<p><i>Are there any special considerations that should be considered for the land occupied?</i></p> <ul style="list-style-type: none"> If yes, please give details? 	
<p><i>Is the unauthorised encampment causing harm to the local amenities or to the local environment?</i></p>	
<p><i>Is the unauthorised encampment interfering with the peaceful enjoyment of neighbouring property?</i></p>	
<p><i>Is there a need to maintain public order and safety and protect health – e.g. by deterring fly tipping and criminal damage?</i></p>	
<p><i>Is there any harm to good community relations?</i></p>	
<p><i>Are there any general public interest factors that require consideration?</i></p>	

AGREED COURSE OF ACTION AND TIMESCALES FOR PROPOSED ACTIONS

<p><i>Are Surrey Police seeking to take a lead?</i></p> <ul style="list-style-type: none"> If yes, please give details? 	
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<p>If the above is no, what is the recommended course of action for this Council?</p> <ul style="list-style-type: none"> • Section 77 Direction to leave the land (and to proceed with an order for removal if the Direction is not complied with)? • Or other course of action considered? 	
<ul style="list-style-type: none"> • Any other recommendation? 	
<ul style="list-style-type: none"> • Agreed timescale to vacate the site? 	

I the undersigned am signing to confirm that I am in agreement with the following, taking into account the information in the Welfare Assessment, agreed action.

Agreed action:

Date and time for the action to be effected:

(e.g. if a section 77 notice is to be issued, please provide the date and time by which the travellers are to leave the site with their vehicles and belongings)

Name	Date	Signature
Head of Service		
GRTSO		
Legal Services		

Appendix B: Surrey Police Code of Conduct



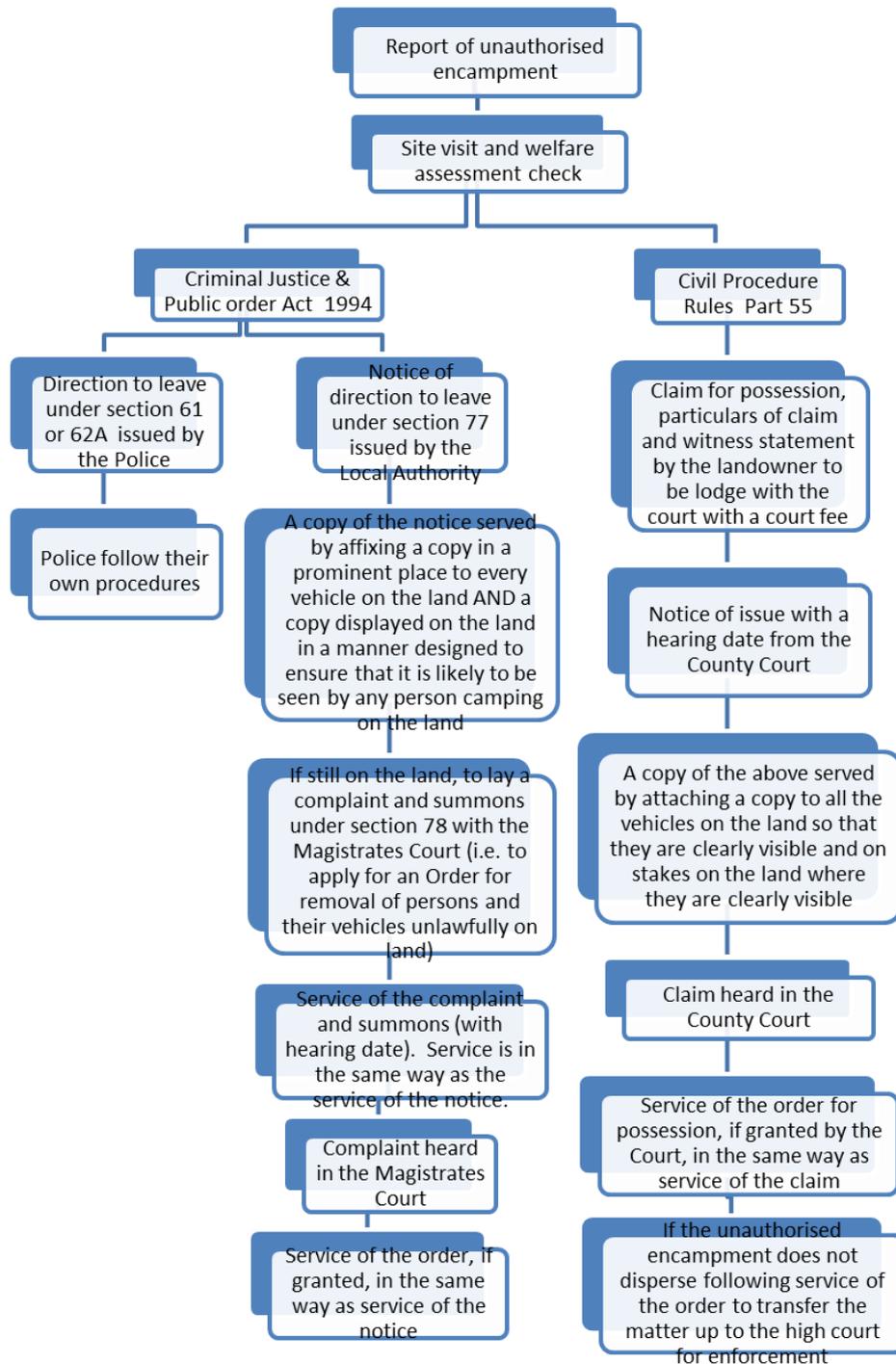
To ensure those members of both the settled and travelling communities can live together in a peaceful and unprejudiced way we expect you to comply with this Code of Conduct. We expect you to treat the land you have occupied with respect, and that you respect the rights and freedoms of other people who 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.

Appendix C: Various Legal Procedures to deal with unauthorised encampments



Which procedure will depend on the circumstances of the unauthorised encampment.

Appendix D: Frequently asked questions

How important is speed?

It is unlawful for Gypsies and Travellers to camp on land they do not own without the landowner's permission. There are locations where immediate action to remove them should be taken because the presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or to conduct their business, for instance:

- on school grounds;
- on urban parks;
- on business or retail parks;
- on leisure centre car parks.

Similarly, swift action should be taken where the encampment is located on contaminated land or where the encampment is very close to a busy highway, potentially endangering the health and safety of the campers and others, or on land of a particularly sensitive nature, a Site of Special Scientific Interest (SSSI) for example.

In the above circumstances, Section 61 of the CJPOA may be the most appropriate power, provided that the conditions for its use under ACPO Guidance and Surrey Police Force policy are met. The police can act immediately without reference to the courts, and can direct travellers to leave the site within a matter of hours. Clearly, this course of action will be more effective if there is an alternative site to which Gypsies and Travellers can be directed, either pitches on an authorised transit site, or a location which is deemed to be a more "acceptable" unauthorised site.

Are there problems on the encampment such as serious anti-social behaviour, criminality, public disorder and so on?

In these circumstances, it may be appropriate for the police to deal with these issues directly using their wider powers, and for them to disperse the encampment using S61 or S62A in accordance with ACPO Guidance and Surrey Police Force policy.

Is it desirable to evict some but not all the trespassers?

If the anti-social behaviour is focused amongst particular individuals in the group, or if a member of the group is ill, it may be appropriate to take action to evict some people but not others. In this case it may be most effective to use the powers under ss. 77-78 CJPOA, which focus on named individuals or vehicles, or to use the police powers.

Is the group of unauthorised campers stable, or are different vehicles arriving and departing?

Where the occupants of an unauthorised encampment change frequently, it may be more effective to use Civil Procedures Rules Part 55, which relate to the land itself, rather than the powers under the CJPOA, which require the individuals or

vehicles on the encampment to be identified. Where these change, a new direction will have to be drawn up.

Do the unauthorised campers present welfare issues?

Local authority officers should conduct thorough welfare enquiries when a new encampment of Gypsies and Travellers arrives in the area. Where pressing needs for particular services are identified as part of the local authorities enquires, relevant departments or external agencies should be contacted in order to meet these needs as appropriate (health services, social services, housing departments and so on).

If necessary, removal of the encampment could be delayed while urgent welfare needs are addressed (unless, as above, the site on which the unauthorised campers are using is particularly sensitive or hazardous, in which case the unauthorised campers should be asked to relocate to a more appropriate location in the vicinity). Further, it may be possible to negotiate a date for the encampment to leave if, for instance, the Gypsies and Travellers have camped in the vicinity for a specific purpose; in order to attend an outpatient's appointment at the local hospital for example.

Is enforcement necessary?

If the Gypsies and Travellers are cooperative, only wish to stay for a short time and the encampment is not in a sensitive location, it may only be necessary to monitor the situation pending their departure. It may also be appropriate to provide the unauthorised campers with some means of disposing of rubbish and waste in order to minimise clear-up costs when they have left.

Are there suitable pitches available on relevant sites in the local authority area to which the unauthorised campers might go?

If this is the case, s. 62A of the CJPOA can be used.

Do particular groups repeatedly return to the area?

In this case it may be appropriate for the police to use their powers under Section 62A, where there are suitable pitches available in the area. Section 62A can prevent campers returning to anywhere in the local authority area for a period of three months.

Where groups return to a specific location, ss. 61-62 and 77-78 can be used to prevent them returning to that location for a period of three months. It may also be appropriate to explore further options such as injunctions or Anti-Social Behaviour Orders.



Elmbridge
Borough Council
... bridging the communities ...

Appendix E: Code of Respect for Unauthorised Encampments (to be displayed on site)

This poster sets out the standards of behaviour that are expected on unauthorised encampments, and should be the same as those expected of the wider community. Intimidation from and towards the encampment will not be tolerated

Encampments are asked to:

- Please show respect to other people
- Please drive carefully
- Please space yourselves out and park away from other groups
- Please keep groups small (normally no more than 6 vehicles) and away from houses.
- Please do not play loud music or use loud equipment (i.e. generators)
- Please do not damage any land or property
- Please do not have open fires
- Please use plastic bags for rubbish and leave it at agreed collection points.
- Please dispose of other waste at official waste and recycling centres
- Please dig and bury your poo and dirty tissue paper.
- Please keep animals under control and clear up their poo
- Please do not block rights of way
- Please work with council staff and the landowner
- Please clear up before you leave site.

How long encampments are allowed to stay will depend on how they behave and will affect any future toleration of the group.

Appendix F: Contact details for GRT sites.

Surrey County Council Gypsy/Traveller Sites	
ONKAR GHATAAURA (89 plots)	GARRY FLITTON (87 plots)
Kalima (15) Chertsey Rd Chobham GU24 8PE Surrey Heath - Millane	Brambledown (3) Coldharbour Ln, Dorking RH4 3JG Mole Valley - Millane
Kiln Lane (7) Epsom KT17 1DY Epsom & Ewell - Millane	Conifer Park (4) Ranmore Rd, Dorking RH4 1HW Mole Valley - Millane
Littleton Lane (10) Shepperton TW17 0NF Spelthorne - Millane	Elm Farm (15) Lyne Crossing Rd, Chertsey KT16 0AT Runnymede - Millane
Swift Lane (15) Bagshot Rd, Bagshot GU19 5NN Surrey Heath - Millane	Pendell Camp (4) Merstham Rd, Tandridge RH1 3DL Tandridge - Millane
The Hatchingtan (16) Burdenshott Rd Woking GU3 3SB Woking - Millane	Salvation Place (11) Young St, Leatherhead KT22 9BS Mole Valley - Millane
The Willows (10) Tongham Road, Runfold GU10 1QG Waverley - Millane	The Oaks (16) Woodstock Lane Sth, Claygate KT9 1UE Elmbridge - Millane
Greenlands (16) Cox Lane, W. Ewell KT19 9PL Epsom & Ewell - Millane	The Paddocks (15) Lyne Crossing Ln, Chertsey GU25 4ET Runnymede - Millane
	Travellers Rest (3) Swanworth Lane, Mickleham RH5 6ES Mole Valley - Millane
Sites = 15 <small>(Greenlands shared)</small> Plots = 161	Greenlands (16) Cox Lane, West Ewell KT19 9PL Epsom & Ewell - Millane

Note: Guildford Borough Council manage Glasford Bridge, Cobbetts Hill Road, Normandy & Ash Bridge, Aldershot Road, Ash. Also own/manage Home Farm, Effingham.

Site managers contacts:

onkar.ghataa@surreycc.gov.uk Mob: 07973 697956

garry.flitton@surreycc.gov.uk Mob: 07816 599476

Appendix G: Planning Compliance Protocol

If land is not EBC owned, then no action may be taken unless the stay involves a change in use of land or development, i.e. a breach of planning control has occurred.

In planning terms, a permanent change of use of land would only occur after the land had been used for 28 days in any given year. Accordingly, it is important to have evidence of the date on which any potential change of use begins.

Where the land is in the ownership of the persons occupying it or, they are occupying the land with the consent of the land owner, the lawfulness of the proposed or ongoing use or development of the site also becomes relevant.

In cases where the planning Compliance team become involved and there is an encampment on site, the Council's Gypsy and Traveller Support Officer will be made aware of the encampment so welfare check can be carried out to assess any needs of the occupiers and whether the Council has a duty towards them to ensure no breach of human rights occurs. While encampments are generally deemed to be a breach of planning, travellers will be treated the same as travellers of any other encampment in this respect. However, this will not prejudice any action that may be taken under the Town and Country Planning Act 1990, as amended, as might be necessary to address the breach of planning control.

Where planning investigations are launched, the case will be subject to the standard investigation process as set out in the Council's Enforcement Plan 2016 and, any action will be reasonable and proportionate taking into account any harm to local amenity or the environment which cannot be reasonably mitigated. Consideration will also be given to adopted policies of the Council and to the Council's ability to provide alternative sites when considering the appropriate course of action.

The Council will have regard to relevant legislation relating to caravan sites in reaching a decision relating to such matters and specialist advice may be sought.

Due consideration will be given to all courses of action available to prevent escalation of a breach and, where appropriate, formal action will be taken. However, as in all cases that fall under the jurisdiction of the Town and Country Planning Act 1990 as amended, it must be stressed that dealing with breach of planning control of this nature can take considerable time due to the necessary legal processes involved, and complainants should be advised of this.

Appendix H: Homeless\ Rough sleeping Protocol

From time to time, there have been cases where people who are insecurely housed or homeless have been occupying Council-owned land or buildings which are not suitable for use as accommodation and where the Council has not given consent for such use.

Excluding the situations covered elsewhere in the document, these scenarios may involve, but not be limited to the following:

- Rough sleeping in a public open-space owned and managed by the Council (e.g. a person sleeping in a tent in a recreation ground)
- Unauthorised occupation of a Council-owned and / or managed building (e.g. a sports pavilion)
- Unauthorised encampment – e.g. siting and overnight occupation of caravans, cars or motorhomes on Council-owned land

In such instances, there are two issues that need resolving, namely the housing situation of the person or persons concerned and secondly, the inappropriate use of the Council-land or buildings. Council officers will work in a coordinated manner to seek a successful resolution of these issues.

Legal background - homelessness

Part VII of the Housing Act 1996 (as amended) provides the legal framework which sets out the Council's responsibilities to people who are homeless or are at risk of homelessness and type and level of assistance that applicants may be entitled to, depending on their circumstances.

The majority of the provisions of the Homelessness Reduction Act 2017 came into force on 3 April 2018 and one of the new duties on the Council is take reasonable steps to help secure accommodation for any eligible person who is homeless. This means that the Council needs to take steps to help an applicant secure their own accommodation to relieve homelessness and does not mean that the Council would be required to secure accommodation for the applicant in each and every case. Hence, not every homeless person will be entitled to an offer of temporary accommodation arranged by the Council.

Section 175 of the 1996 Act indicates that a person is homeless if they have no accommodation in the UK or elsewhere that is available for their occupation and to

which that person has a legal right to occupy. Furthermore, a person is also statutorily homeless if they have accommodation but it is a moveable structure or vehicle designed or adapted for human habitation, and there is nowhere it can lawfully be placed in order to provide accommodation, and there is no other accommodation elsewhere that is available for their occupation and to which that person has a legal right to occupy.

In instances of severe weather, where the Severe Weather Emergency Protocol (SWEPE) is triggered, then short-term, emergency accommodation is likely to be offered to homeless people / rough sleepers who would not ordinarily qualify. EBC's Housing Options staff can advise when SWEPE arrangements are in place.

Process to be followed

The following steps are the key steps to be taken. Whilst the process may vary from case to case depending on the circumstances, a timely exchange of relevant information between different teams is essential for achieving the best outcomes for all parties.

1. EBC Leisure and Cultural Services "Leisure Services" (as site managers) or other team (i.e. Environmental Services, Community Support Services or Asset Management and Property Services) are made aware of possible unauthorised occupation / encampment of Council-owned building or land (i.e. by EBC staff, contractors, Councillors or members of the public).
2. Leisure Services (or other site managers) will either instruct nominated security contractors to visit the site or arrange for EBC officers to visit the site (and may make enquiries with Surrey Police) and report back with information on what they find as outlined in paragraph 4 below.
3. Where security patrol or EBC officer visit finds indications of rough sleeping / unauthorised occupation, they are asked to provide information, where possible (and safe to do so) as outlined in paragraph 4 below.
4. Information to be collected:

Suspected episode of rough sleeping

- Precise location of where rough sleeper was seen sleeping / or where evidence of recent bedding down"
- Activity – was a person sighted actually "bedded down" or sleeping or was their merely evidence indicating rough sleeping (e.g. tent / belongings / sleeping bag)
- The time and date of sighting

- Any details on individuals – e.g. name / numbers / appearance / likely age / contact numbers / welfare issues
- Any risk issues known re: safety of staff visiting – e.g. lone visits etc

Occupation of caravans / motorhomes etc. on EBC land

- Details of most recent accommodation / reasons for encampment
- Precise location of vehicles
- Number of vehicles / registration number, colour, make & model
- The time and date of sighting
- Any details on individuals – e.g. names / household composition / contact numbers / known welfare issues
- Any risk issues known re: safety of staff visiting– e.g. lone visits etc

Unauthorised occupation of a building

- Address of building (& access arrangements)
- Date of first occupation
- Any details on individuals – e.g. name / numbers / household composition / likely age / contact numbers / any known welfare issues
- Any risk issues known re: safety of staff visiting– e.g. lone visits etc

5. Upon receipt of information and where appropriate, Leisure Services (or other site manager) will instruct / advise Legal Services and refer the case to the Council's Housing Options Team, "Housing Options" – email: housingoptions@elmbridge.gov.uk / ext 4590.
6. The Head of Service (acting as the site manager) will be responsible for updating Communications / Customer Services as needed / appropriate, in relation to the need and approach to any communication to the general public. The approach taken may depend on the location of the incident, its environmental impact, the numbers of individuals involved etc
7. The Head of Service will also be responsible for notifying relevant Councillors, which may include the Ward Councillors and relevant Portfolio Holders.
8. On receipt of a referral, a member of the Housing Options Team will either:
 - Arrange to visit the site and make contact with the rough sleeper (including leaving a calling card if the site is found, but there is nobody there at the time). Repeat visits may be undertaken at different times in order to maximise contacts.
 - Pass the referral onto a local rough sleeper outreach service (currently provided by Elmbridge Rentstart) with a request to visit the site and to locate and engage with the person or persons concerned

and to report back to the Council on outcomes of visit(s) / attempted engagement.

9. Housing Options will aim to have the visit carried out within two working days of the referral.
10. (The officers undertaking visits, be they EBC staff or a third-party agency, should keep a file note of visits / contacts / advice as these may need to be included in a witness statement should any legal action be initiated to end the inappropriate use of the land).
11. Housing Options Staff will notify Legal and Leisure (or site manager) colleagues when contact has been attempted and when contact has been made, with the aim of doing so within two working days of the referral.
12. The site manager will be responsible for convening a meeting or meetings of officers of the landowner, Legal Services and Housing Options to decide on whether to proceed with legal action, having considered all the circumstances.
13. Staff from across the relevant teams – Leisure / Legal & Housing – should provide regular updates to each other to make best use of resources and react to any changes in events. These updates can be via email or face-to-face meetings. The frequency of updates can be agreed on a case-by-case basis, but where one team is made aware of a significant change in circumstances that could impact on another – then this should be communicated as soon as possible (e.g. if a rough sleeper is offered and accepts an offer of alternative, emergency accommodation)
14. Where legal proceedings are to be initiated, Legal Services will give as much notice as possible to Housing Options staff of the need for any information needed regarding the housing position.
15. In terms of sharing of data between the Council and third-party party agencies (notably Elmbridge Rentstart and the security contractor), the relevant Heads of Service will ensure that data sharing agreements are adopted to ensure compliance with data protection legislation.
16. This protocol will be reviewed on an annual basis.

Key points of contacts

EBC Housing Options Team

Email: housingoptions@elmbridge.gov.uk

Telephone: 01372 474590

EBC Leisure and Cultural Services

Email: Leisure@elmbridge.gov.uk

Telephone: 01372 474572

EBC Legal Services

Email: legalservices@elbridge.gov.uk

Telephone: 01372 474198

Elbridge Rentstart

Email: enquiries@elbridgerentstart.org.uk

Telephone: 01372 477167

GUIDANCE FOR MANAGING HOMELESS/ROUGH SLEEPERS

Person identified as occupying EBC land (e.g. by leisure officers, grounds maintenance contractors, AMPS):

- Seen sleeping or evidence of sleeping at a location
- Without EBC permission
- Not necessarily identifying themselves as gypsy, Roma or traveller

Inform:

- Housing Options: E housingoptions@elmbridge.gov.uk T 01372 474590
- Legal: Email: legalservices@elmbridge.gov.uk
- Police (if necessary)

Cross-Council meeting between Leisure, Housing Options and Legal Services (and Communications) to discuss next steps

Housing

Various enquiries, assessments and visits need to be undertaken in order to comply with homelessness legislation.

Housing should update Leisure & Cultural, Legal and Communications of the status of their assessments, when relevant.

Where an Interim Possession Order Proceedings are in progress, updates to be at least every three to five days.

As well as allowing the public to be kept informed, these updates will inform of the most appropriate legal route to be taken and any the requirements of a witness statement as might be appropriate.

Head of Service (site manager) to inform Communications, Customer services (if calls received) & Relevant Councillors

Update:

Communications;
Customer Services; and
Relevant councillors

Protection of open spaces\Council land

Instruct legal to take action:

Legal steps will likely involve*:

- Issuing of claim/application;
- Drafting of witness statement (Leisure input required but note that a certificate of service will be required also);
- Attendance at hearing (Leisure input required and any other witness involved in service or otherwise));

*Possession Order proceedings under the Civil Procedure Rules are likely to be default legal action due to the potential human right issues. A Notice under Section 77 of the Criminal Justice Public Order Act 1994 is however normally the default legal action for unauthorised encampments.

Order for possession made

Leisure to coordinate enforcement
Certificate of service to be completed and provided to Legal Services.

Order for possession not made

Appendix I: Prepared statements

The below statements have been prepared to support land manager\ Heads of Service based on past experiences of the various stages of a potential unauthorised camp on Elmbridge land.

These statements should be used in conjunction with this protocol and sent to Group Leaders, Portfolio Holder, affected ward cllrs

Copy to Communications, Surrey Police, Customer Services.

Stage 1- Unauthorised camps on EBC land

If welfare cannot be carried out straight away:

Following a report of an unauthorised encampment at [location] , the Council's Contractor will shortly be carrying out an assessment required under the legal protocol for dealing with unauthorised encampments.

The Council will then assess whether to serve them with a Notice of Direction to leave under Criminal Justice and Public Order Act 1994.

If they do not leave in compliance with this Notice, the Council will seek a removal order from the Magistrates Court.

Further updates will be made after this time.

The process usually takes on average between 7 to 10 days

In most instances, the issues arising from the unauthorised encampment for the community are minimal. Surrey Police are aware of the unauthorised encampment and will continue to monitor it with the Joint Enforcement Team*. Guidance on when to call the police regarding an unauthorised encampment, together with more information, can be found on the [Surrey Police website](#). If you need to report an incident (ASB or crime) please call 101 or report an emergency on 999 or report Anti social behaviour through Elmbridge Borough Council's [website](#).

*a group made up of local partner agencies including Surrey Police and Elmbridge Borough Council

OR

If welfare can be carried out straight away:

Dear Cllr

Following a report of an unauthorised encampment at [name of land], on [day], the Council's Contractor has visited the site, accompanied by the police, to carry out an assessment required under the legal protocol for dealing with unauthorised encampments.

[Today] we have served them with a Notice of direction to leave by [date] under Criminal Justice and Public Order Act 1994.

If they do not leave in compliance with this Notice, the Council will seek a removal order from the Magistrates Court.

Further updates will be made after this time.

The process usually takes on average between 7 to 10 days

In most instances, the issues arising from the unauthorised encampment for the community are minimal. Surrey Police are aware of the unauthorised encampment and will continue to monitor it with the Joint Enforcement Team*. Guidance on when to call the police regarding an unauthorised encampment, together with more information, can be found on the [Surrey Police website](#). If you need to report an incident (ASB or crime) please call 101 or report an emergency on 999 or report Anti social behaviour through Elmbridge Borough Council's [website](#).

*a group made up of local partner agencies including Surrey Police and Elmbridge Borough Council

Stage 2- Order for removal of persons and vehicles.

Dear Councillor,

The Council has been granted a hearing date for [date] by [court?] Magistrates Court who will hear the Council's application for an order for removal of persons and their vehicles unlawfully on land at [?].

Following a successful application, the group will be served with a removal order which will authorise the Council (and agents contracted on the Council's behalf) to remove them from the land.

Should the group decide not to leave voluntarily, action will be taken to remove the group from the land as soon as possible.

Further information will be available after the hearing.

A full clear up of the site will be scheduled for as soon as the site is secured.

Surrey Police have been made aware of the unauthorised encampment and will be monitoring regularly.

Stage 3 - Service of the order

Dear Councillor

The Court, having heard our application [this morning], has granted an Order for the Removal of Persons and Vehicles unlawfully on [land].

This means that the Council is now authorised to proceed with enforcement action, that being to remove the vehicles off the land with their occupants and their property.

If the vehicles/caravans still remain on the land, having been served with this Order, bailiffs will be instructed to enforce this Order [in the morning/ as soon as possible]

A full clear up will be arranged and the site secured at the earliest opportunity

Surrey police have been made aware of the unauthorised encampment and will be monitoring regularly.

Further updates will be made after this time.

Police Action: Section 61

Dear Councillor

Following a report of an unauthorised encampment at [location], the Council initiated it's arrangements for dealing with the unauthorised encampment. However, following reports of anti-social behaviour, the Police have used their powers today and issued a notice for the land to be vacated by [time].

A full clear up of the site will be scheduled for as soon as the site is secured.

Further updates will be made after this time.

Stage 4: Site clear

Dear Councillor

The unauthorised encampment at [site?] have now vacated the site on [date?]

A full clear up has now been arranged and the site secured at the earliest opportunity

Appendix J: Gypsy Roma Traveller Support Officers

EBC trained GRTSO

Add names each year (internal use only)

Link to rota

External Support:

GRC Bailiffs (To carry out initial welfare checks)

<http://grcbailiffs.co.uk/contact.html>

GRC Bailiffs

6 Lower Park Row

Bristol

BS1 5BJ

0845 601 4307

office@grcbailiffs.co.uk