

Protocol for the management of unauthorised encampments in Suffolk



Norfolk County Council



West Suffolk
Council



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Introduction

Overview – why a protocol?

1. The Government recommends the use of protocols between local authorities, the police and other relevant agencies as being highly effective in establishing how unauthorised encampments will be dealt with, to make sure that all parties are clear about their responsibilities and how they work together.
2. This protocol has been prepared to ensure that:
 - Everyone – landowners, those seeking to reside on land and the settled community – understands their roles and responsibilities.
 - The rights of everyone are considered fairly, consistently, and proportionately.
 - There are clear timeframes within which statutory agencies will act.
 - There are clear criteria by which an encampment may be tolerated or evicted.

The guiding principles of this protocol

3. The guiding principles of this protocol are:
 - Equal consideration to be given to the rights of travelling, temporary and settled communities.
 - Balanced consideration to be given to each encampment on its own merits.
 - Toleration where possible, removal where necessary.
 - Proportionality of all actions.
4. The owner of the land on which the unauthorised encampment is located is responsible for deciding whether the encampment should be tolerated or evicted, in accordance with their legal rights and responsibilities. This may include considering any recommendations of a case conference.

Definition of an unauthorised encampment

5. An unauthorised encampment is where any person camps (in vans, trailers or any other moveable accommodation) on land that they do not own, and where they do not have permission to reside.
6. Gypsies, Roma, and Travellers are the main group residing on unauthorised encampments, in most cases, due to their nomadic lifestyle. Though, there has been an increase in non-Travellers trespassing to reside- homelessness.
7. This protocol primarily addresses unauthorised encampments by Gypsies, Roma, and Travellers, although the principles may apply to other types of encampments.
8. Local authorities adopting this protocol may have separate policies or procedures to deal with these other types of encampments and adoption of this protocol does not preclude authorities from applying these separate policies or procedures.

Definition of an unauthorised development

9. An unauthorised development is where the person owns the land that they reside on but does not have planning permission for the developments they have undertaken or started to undertake. Unauthorised developments are not covered within this protocol. Please refer to your local district or borough planning department.

Legislation that underpins the protocol

10. Statutory agencies have legal responsibilities to:
- Ensure the welfare of those residing on unauthorised encampments
 - Take enforcement action, where this is appropriate.
11. All welfare and safeguarding legislation, such as the Children's Act, Education Act, Care Act, and homelessness/housing acts that apply to the settled community, apply to people residing on unauthorised encampments.
12. Local authorities' enforcement powers are set out [on the Government's website](#).
13. The Government published new [statutory guidance](#) in 2022 setting out the powers available for the police to respond to unauthorised encampments.

Identifying unauthorised encampments

14. Most new unauthorised encampments are brought to the attention of the police or local authority by calls from the public. The authorities rely on this information, without which they would often be unaware of encampments.

Anyone can notify Suffolk local authorities of an unauthorised encampment via:

- The [online reporting form](#) (preferred method of reporting)
 - Telephone: 01603 222473
 - Email address: NSGRTS@norfolk.gov.uk.
 - Contacting their local authority directly (please search your local authority website)
15. When notifying relevant authorities of an encampment, only the facts should be reported. Because an encampment is new, it does not always follow that it is unlawful. What is most important to the authorities is the type of encampment, number of vehicles and people in attendance, the date of arrival and the ownership of the land (if known).

Roles and responsibilities

Suffolk Constabulary

16. The police are often the first agency to be notified of a new unauthorised encampment. The police have a duty to enforce the law including the Crime, Sentencing and Courts Act 2022 and will often take early action to assess the situation. Where there are reports of violence; threats or intimidation to landowners or occupants of an unauthorised encampment, or there is criminal or environmental damage caused, these will be taken as aggravating factors which the police will assess.

17. Before the police consider what action they may wish to take, they will generally complete a risk assessment to determine whether a crime has been committed and what appropriate, proportionate response is required. This risk assessment will consider a range of factors and operational requirements.
18. The police will notify relevant local authorities of the presence of an unauthorised encampment, giving sufficient notification (where possible) for welfare enquiries and site assessments to be carried out. Police officers are not under any obligation to undertake welfare enquiries, although they must consider humanitarian considerations when considering action to remove an encampment.
19. The police will also generally consult with the landowner, if known, in order to gather all the facts and may contact other third parties as and when required.

Private landowners

20. When an unauthorised encampment occurs on private land it is the responsibility of the landowner to decide how they want to respond and to take appropriate action.
21. If a local authority receives a report of an unauthorised encampment on private land within their district boundary, they will endeavor to establish who the private landowner is; give information to the landowner about the date of arrival of the encampment and signpost the landowner to information about their responsibilities, the law and what powers are available.
22. Information for private landowners is available through emailing NSGRTS@norfolk.gov.uk
23. Private landowners should seek professional independent legal advice about any matters that affect their rights or responsibilities.
24. If the private landowner does not take action to recover the land, the local authority may have to consider whether planning or licensing offences are taking place.

County, city, district and borough councils

25. If an unauthorised encampment takes place on land owned by the county, city, district or borough council, the relevant local authority should ensure that it is acted upon swiftly.
26. It is always the responsibility of the relevant local authority (as the landowner) to decide how they want to respond to an encampment on their land and to manage the encampment in accordance with the law and established good practices. This includes ensuring that they have discharged any statutory responsibilities towards the occupants under the Children's Act, Education Act, Care Act, Equality Act 2010, Human Rights Act, homelessness, environmental, health and safety or other legislation.
27. The local authority may take account of the views of other authorities and the settled community to decide whether the encampment should be tolerated or evicted, and they should liaise with the police in order to establish whether a criminal offence has been committed under the Criminal Justice and Public Order Act 1994 (as amended).
28. The local authority may commission a third-party to carry out tasks to manage the

unauthorised encampment on their behalf, but the local authority remains the responsible decision-maker at all times.

Town and parish councils

29. When an unauthorised encampment occurs on land owned by a town or parish council, it is the responsibility of the town or parish council to decide how they want to respond and to take appropriate action if they wish to remove the encampment. If they are of the view that a criminal offence has been committed then they should contact the police, so that the police can assess the matter and decide upon their level of involvement.
30. It should be noted that where the police do not believe that a criminal offence has been committed or it is not reasonable to undertake formal action to remove the encampment, the town and parish councils have the power to serve a direction to leave under common law or apply to the courts for a possession order to remove trespassers.

Elected members

31. Elected members represent the interests of all residents including Gypsies, Roma, and Travellers as well as the settled community. Elected members, especially those members who represent the geographical area where the encampment is situated, can make representations at a case conference on behalf of the settled community or the occupants of unauthorised encampments.

The Norfolk & Suffolk Gypsy Roma and Traveller Liaison Service

32. The Government recognise that in some cases the presence of a neutral third party may be helpful. Enforcement action can be stressful. The presence of a third party to negotiate a solution may help any action to go more smoothly, minimising distress for those involved.
33. Norfolk and Suffolk councils operate a Gypsy, Roma, and Traveller Liaison Service (NSGRTS). Local authorities can purchase support from the NSGRTS to assist with the management of unauthorised encampments.

Multi-agency procedure for managing unauthorised encampments

34. Following a report of an unauthorised encampment, the police will take early action to assess the situation, liaising with relevant statutory agencies.
35. The district, city, or borough council within whose boundary the new unauthorised encampment is located is responsible for establishing who owns the land.
36. The lead responsibility for all further actions is then handed over to the landowner ("lead authority").
37. If the landowner is a local authority, the lead authority (or their agent) will aim to visit the site within three working days of being first notified of the unauthorised encampment. The purpose of this visit is to conduct a site assessment and make welfare enquiries of the occupants. This includes:

- Establishing numbers of vehicles or other structures on the encampment; hazards that may make residing on the encampment dangerous to the occupants or settled community; nuisance or inconvenience to nearby residences, businesses, or amenities; travelling patterns of the group concerned; the presence of domestic or trade waste, or other environmental concerns; if animals are present, and if they pose a threat to the safety of the settled community.
 - Ensuring the encampment has been provided a Code of Respect and any other relevant support and guidance.
38. The lead authority decides whether to tolerate or evict the encampment, based upon the findings of the site assessment.
39. In order to make this decision, the lead authority may hold a case conference, to listen to the views of relevant different agencies, including the local elected member, the settled community and occupants of the unauthorised encampment.
40. A case conference should normally be convened by the lead authority (or their agent) within five working days of notification of the arrival of the encampment.
41. If a case conference is planned, the site assessment will be forwarded to relevant statutory agencies who are due to attend so that they have all of the facts. [See Appendix 1](#) for details of the Case Conference Procedure.
42. In some cases, it may be appropriate for the police, in conjunction with the local authority, to seek to remove the encampment immediately.
43. The lead authority (or agent) will notify all parties involved in the case conference of the decision as soon as possible and within five working days.

Where deemed necessary, relevant local agencies (including the police) will participate in a regular strategy discussion, chaired by the lead authority, to allow for information and intelligence to be shared and for the risk assessment to be reviewed daily leading to joint decision-making.

Criteria for tolerating or evicting unauthorised encampments

The decision to tolerate

44. Government guidance recommends that if the encampment residents 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. Where unauthorised campers have chosen an unobtrusive location in which to camp it may be preferable to agree a departure date with them.
45. Where it is not expedient to take enforcement action against unauthorised encampments, local authorities could consider providing basic facilities, for a reasonable fee payable by the residents on the site. The county/city/district/borough council may provide plastic bin bags for occupants of the unauthorised encampment. The city/district/borough council may make arrangements to collect the waste in accordance with their own local policies.
46. Where the lead authority agrees to tolerate an encampment for a period of time, it will request members of the encampment to agree to a Code of Respect – [see Appendix](#)

2. Significant failure to observe the terms of such an agreement will result in the lead authority considering enforcement action.

47. The lead authority may agree a specific fixed period that an encampment can be tolerated for, or it may decide to tolerate the encampment on a 'rolling toleration' basis, that is until a suitable alternative location becomes available. In such a scenario, it would be expected that the encampment is visited at least weekly, and the situation reviewed with statutory agencies on a regular basis.
48. Where an encampment is to be tolerated, an officer of the lead authority (or their agent) will visit the encampment regularly to ensure the Code of Respect is being complied with. They will be the main point of contact for members of the public wishing to discuss the encampment.

The decision to enforce

49. It is unlawful for people to camp on land they do not own without the landowner's permission.
50. The Government recommends that action should be taken to remove an unauthorised encampment if it is in an unsafe location or if it is disrupting the ability of the landowner to make use of facilities or to conduct business, for instance, if the encampment:
- Is having a detrimental impact on public order or safety
 - Is close to a highway, potentially endangering the safety of the campers or others
 - Is located on operational land (for example urban parks, school grounds during term-time, sports fields, retail parks, operational car parks)
 - Prevents the use of land for its intended purpose by its owners and those owners are unable to take their own action
 - Interferes with the peaceful enjoyment of neighbouring property, creates an impact on the use or habitation of neighbouring property, or interferes with the effective management of that property.
 - Is located on contaminated land
 - Causes harm to the local environment or amenities (which includes fly tipping, dumping of rubbish and lighting fires to burn waste materials)
 - Is located on environmentally sensitive areas like Sites of Special Scientific Interest
 - Is harming good community relations
 - Is not adhering to the Code of Conduct
 - Has exceeded the length of time previously agreed by the Landowner.

If a site is sensitive or hazardous, the occupants of an unauthorised encampment may be asked to relocate immediately to a more appropriate location in the vicinity, without conducting a case conference.

Appendix 1: The case conference procedure

Introduction

1. The Government recommends that where possible, an interagency approach should be taken by statutory agencies when making decisions about how to deal with an unauthorised encampment on their land. Especially where the encampment is not in a critical location.
2. A case conference brings together relevant statutory agencies and stakeholders such as elected members and representatives from the settled and travelling communities, to ensure that the rights of all communities are heard and considered fairly, consistently, and proportionately.
3. This enables the landowner (the “lead authority”) to listen to representations about the encampment and consider the findings of welfare enquiries and the site assessment before deciding about whether the encampment should be tolerated or evicted. This may include stating a timescale for tolerating or removing the encampment and conditions.
4. The case conference provides a sound basis for enforcement action on land where toleration is not appropriate. This is because it provides transparent and robust evidence that the lead authority has given due regard to all the relevant issues, evidence and recommendations from different authorities and the settled and travelling communities before making a decision.

The case conference process, part 1: stakeholders’ meeting

5. The stakeholders’ meeting is chaired and administered by the lead authority (the landowner or their agent) and is open to all parties who have a legitimate interest in the unauthorised encampment. This includes local authority officers, the police, elected members, occupants of the encampment (or their representatives) and members of the settled community, though numbers may be limited at the lead authority’s discretion.
6. This part of the meeting is designed to ensure that the views of all parties are heard, recorded and considered before a decision is made.
7. It is expected that the process will normally take no longer than one hour, at the end of which all parties except officers of statutory agencies will be asked to leave.

The case conference process, part 2: officers’ meeting

8. The officers’ meeting is open to officers of statutory agencies involved in the encampment. Officers consider a course of action against the criteria specified by the Government. The purpose of this part of the meeting is to enable the lead authority to arrive at a decision as to whether the encampment should be tolerated, or whether action should be taken to seek its removal. The lead authority, as the landowner, is responsible for making the final decision.
9. Personal or otherwise confidential information not suitable for the public domain will be considered during this part of the meeting, subject to data protection and information sharing protocols.

10. Consensus will be sought by the lead authority as to what action (if any) should be taken, which may require some level of compromise and/or agreeing of terms for the duration of the encampment. While the decision will ultimately rest with the lead authority, action by the police or application to the courts for possession of the land by the lead authority will normally be strengthened by consensus.
11. A recommendation is proposed and agreed as appropriate (local authorities may wish to refer recommendations to their legal teams to review before confirming a final decision).

Notification of decisions

12. All parties involved in both parts of the case conference will be notified by the lead authority (or agent) of decisions made as soon as possible and within five working days. Parties may contact the lead authority if the need is more urgent.
13. Notification of decisions will normally be by email and will include case conference notes. Where parties do not have email access all reasonable efforts will be made by the lead authority to inform parties by other means.

Case conferences do not impact on a statutory authority's rights to act on their own in accordance with their procedures and statutory responsibilities, neither do they provide an alternative to legal proceedings. Case conferences are used to find ways to respond to unauthorised encampments and protect the rights of all communities.

Chair of the case conference and members

14. Case conferences are chaired by the relevant lead authority (or their agent).
15. The range of agencies involved is dictated by the issues under discussion. The standing members may include:
 - A representative of the lead authority (chair)
 - The relevant nominated city, district, or borough council officer
 - Education or welfare officers
 - The police designated officer
 - A representative from the encampment
 - Relevant elected member(s) representing the views of the settled community, should they wish to be involved
16. And where relevant:
 - Legal representatives from the lead authority
 - Environmental services
 - The relevant health authority
 - Children and young people's services
 - Adult and community services
 - Any other party, as appropriate and agreed with the lead authority.

Appendix 2: Code of conduct for encampment occupants

Standards of behaviour on unauthorised encampments are the same as those expected of the wider community. The list below may be amended to reflect specific conditions for a particular encampment.

Intimidation from or towards encampments will not be tolerated.

Encampments are asked to:

- Please be considerate to other people and businesses near to the encampment.
- Please drive carefully in and around the encampment and do not drive on landscaped areas.
- Please space your caravans at least 6 metres apart and park away from other groups (this is to reduce fire risk).
- Please ensure that any children are adequately supervised at all times.
- Please do not play loud music or use loud equipment (ie generators).
- Please do not damage any land or property and please report any damage to your property to the police.
- Please do not have open fires in or around the encampment.
- Please dispose of all waste at official waste and recycling centers – use plastic bags for domestic rubbish and leave at agreed collection points if appropriate.
- Please keep animals under control at all times and clear up after them.
- Please do not block rights of way and do not prevent the local community using any adjacent facilities.
- Please keep the site and surrounding area clean and hygienic.

Note: Compliance with the above does not constitute permission to remain on the land.