



DEBATE PACK

Number CDP-2017-0176, 10 October 2017

Unauthorised encampments

Westminster Hall, Thursday 12 October 2017, 1.30pm

A Westminster Hall debate on Unauthorised encampments is scheduled for Thursday 12 October 2017 at 1.30pm. The Member leading the debate is Wendy Morton MP.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

Compiler: Sarah Pepin
Subject specialists: Pat Strickland (Police), Gabrielle Garton Grimwood (Planning policy)

Contents

1. Background	2
1.1 Introduction	2
1.2 Planning	3
Planning enforcement powers in England	4
1.3 Planning enforcement in Wales	5
1.4 Planning enforcement in Scotland	5
1.5 England, Wales and Scotland	6
Directing unauthorised campers to leave land	6
Seizure of vehicles	7
1.6 England and Wales only	7
Directing trespassers to an alternative site	7
Squatting in a residential building	7
Criminal Damage	7
1.7 Scotland only	8
<i>Trespass (Scotland) Act 1865</i>	8
1.8 Northern Ireland	8
2. Trespass in the Republic of Ireland	9
3. Media	11
3.1 Press releases	11
3.2 Articles and blogs	11
4. Parliamentary Business	13
4.1 Debates	13
4.2 Parliamentary Questions	15
4.3 Early Day Motions	19

1. Background

Summary

Throughout the UK, the police and local authorities have powers to deal with unauthorised encampments. The detailed powers vary to some extent from country to country.

Responsibility for planning for the provision of sufficient Gypsy and Traveller sites in England lies with local authorities. Local authority powers to enforce planning law and police powers are set out in the Government guidance, [Dealing with illegal and unauthorised encampments](#) (March 2015). This emphasises in the introduction that authorities should not “gold-plate” equalities and human rights legislation, and should be considering the harm that unauthorised encampments can cause communities.

Local authority powers to enforce planning law and policy in Scotland are set out in the [Scottish Government’s Guidance for Local Authorities on Managing Unauthorised Camping by Gypsy/Travellers in Scotland](#), April 2017 and in [Planning Circular 10/2009: Planning Enforcement](#). A number of powers are available to a local authority, depending on the exact activity taking place.

The main police powers to deal with unauthorised campers extend to England, Scotland and Wales, although there are slight differences to reflect Scottish laws on access to land. They include powers to direct unauthorised campers to leave land, and to seize vehicles in certain circumstances.

Trespass is a criminal offence in Scotland and in the Republic of Ireland. Generally speaking, trespass to land is not itself a criminal offence in England and Wales unless some special statutory provision makes it so. Any damage done by a trespasser while trespassing may amount to the offence of criminal damage.

1.1 Introduction

Throughout the UK, the police and local authorities have powers to deal with unauthorised encampments. The detailed powers vary to some extent from country to country.

- For England and Wales: HM Government, [Dealing with illegal and unauthorised encampments](#), March 2015;
- For Wales: Welsh Assembly Government, [Guidance on Managing Unauthorised Camping](#), 2013, which is aimed mainly at Welsh local authorities.
- For Scotland: [Scottish Government’s Guidance for Local Authorities on Managing Unauthorised Camping by Gypsy/Travellers in Scotland](#), April 2017;

The guidance on local authority and police powers in England and Wales emphasises in the introduction that public bodies should not

“gold-plate” equalities and human rights legislation, and should be considering the harm that unauthorised encampments can cause communities:

As part of the government’s commitment to protecting the nation’s green spaces, these powers will help protect Green Belt land and the countryside from illegal encampments. With the powers set out in this guide available to them, councils and the police should be ready to take swift enforcement action to tackle rogue encampments and sites.

Recent experience has shown us the problems that can be caused for communities by the illegal occupation of land. It is often thought that local authorities and other enforcement bodies have limited powers available to tackle illegal and unauthorised encampments and the nuisance that they can cause. In fact there are extensive powers which are summarised below.

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.¹

The Scottish Government also sets out the need to balance the needs of Gypsy/Travellers with those of local communities:

30. The Scottish Government recognises the right of Gypsy/Travellers to practise a nomadic lifestyle, including travelling and camping across Scotland. However, we also appreciate that local authorities have to balance this right with the needs of the settled community in their area.

31. While the large majority of unauthorised sites do not cause any difficulties, some sites can give rise to friction, for example if they are in inappropriate locations, those living on a site are not behaving in a responsible manner, or because of tension with local settled communities. This section sets out the general approach the Scottish Government considers is appropriate for a local authority in managing unauthorised sites.²

1.2 Planning

Responsibility for planning for the provision of sufficient Gypsy and Traveller sites in England lies with local authorities. The Government’s planning policy for Traveller sites encourages local authorities to: formulate their own evidence base for Gypsy and Traveller needs; provide their own targets relating to pitches required; and identify a suitable five-year supply of sites to meet those needs. The decision to change the definition of ‘Traveller’ for planning related purposes, so

¹ HM Government, [Dealing with illegal and unauthorised encampments](#), March 2015, p2

² For Scotland: [Scottish Government’s Guidance for Local Authorities on Managing Unauthorised Camping by Gypsy/Travellers in Scotland](#), April 2017, p2

that it excludes those who have permanently ceased from travelling, has attracted criticism from the community.

There are a number of challenges in turning evidenced need for accommodation into the provision of new sites, including objections from local residents. Research by Gypsy and Traveller organisations in 2016 concluded that local authorities had made insufficient progress in identifying a five-year supply of sites to meet the accommodation needs of Gypsies and Travellers.

A shortage of permanent and transit Gypsy and Traveller sites continues to be a pressing issue, which results in unauthorised encampments, weakened community cohesion and local authority expenditure on eviction and clearing up illegal sites.

Unauthorised sites are frequently a source of tension between the travelling and settled communities. Public bodies have a range of powers to deal with illegal and unauthorised encampments. Some local authority areas have adopted a 'negotiated stopping' approach to travelling families as an alternative to legal action.

Planning enforcement powers in England

Local authority powers to enforce planning law and policy in relation to gypsy and traveller sites are set out in the Government guidance, [Dealing with illegal and unauthorised encampments](#) (March 2015).

Some of the key powers include:

- Under Section 172 of the *Town and Country Planning Act 1990*, local authorities have the power to issue an **enforcement notice**, requiring steps to be taken to remedy the breach of planning control within a given period. The steps can include demolition and restoration of a site or alterations to a building. There is a right of appeal to the Secretary of State against an enforcement notice (section 174). If the notice is upheld, the penalty for failure to comply is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment (section 179).
- Section 171C of the *Town and Country Planning Act 1990* provides local authorities with the power to serve a **planning contravention notice**. This may be used where it appears that there may have been a breach of planning control and the local planning authority require information about the activities on the land or to find out more about the nature of the recipient's interest in the land. Penalty for non-compliance is a maximum £1,000 on summary conviction (section 171D). A second conviction for continuing non-compliance can be penalised by a daily fine.
- Section 183 of the *Town and Country Planning Act 1990* provides local authorities with power to quickly stop any activity which contravenes planning control guidelines and where there are special reasons which justify doing this: for example to prevent further environmental damage or to stop the construction of an unauthorised building. A **stop notice** may only be served with or after an enforcement notice relating to the same activity. Penalty for non-compliance is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment (section 187).

- Section 171E of the *Town and Country Planning Act 1990* stops any activity, through a **temporary stop notice**, that breaches planning control for a period of 28 days. This allows the local planning authority time to decide whether further enforcement action, such as issuing an enforcement notice, possibly with a stop notice, should be taken. Penalty for non-compliance is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment (section 171G). A temporary stop notice differs from a stop notice (see below) in that it does not have to wait for an enforcement notice to be issued and the effect of the temporary stop notice is immediate.
- Section 187A of the *Town and Country Planning Act 1990* enables a **breach of condition notice** to be served where there is a failure to comply with any condition or limitation imposed on a grant of planning permission. Penalty for non-compliance is a fine of up to £2,500 on summary conviction.
- If a local site is particularly vulnerable and intelligence suggests it is going to be targeted for unauthorised camping, causing disruption to others going about their day-to-day lives, local authorities could consider applying to the courts for a **pre-emptive injunction** preventing unauthorised camping (and/or protests) in a defined geographical area.
- The scope of works under section 215 of the *Town and Country Planning Act 1990* enables a local authority to make good the loss of public amenity. If it appears that the **amenity of an area is being adversely affected** by the condition of neighbouring land and buildings these powers allow local authorities to serve a notice on the owner requiring that the situation be remedied.

1.3 Planning enforcement in Wales

Much of the planning enforcement law in Wales is the same as in England as it stems from the same legislation, namely the Town and Country Planning Act 1990. For further information see National Assembly for Wales Research Service [Quick Guide – 7 Enforcement](#), May 2011 and the Welsh Assembly Government, [Guidance on Managing Unauthorised Camping](#), 2013.

1.4 Planning enforcement in Scotland

Local authority powers to enforce planning law and policy are set out in the [Scottish Government's Guidance for Local Authorities on Managing Unauthorised Camping by Gypsy/Travellers in Scotland](#), April 2017 and in [Planning Circular 10/2009: Planning Enforcement](#). A number of powers are available to a local authority, depending on the exact activity taking place. These include:

- **enforcement notices** under sections [127-129 of the Town and Country Planning \(Scotland\) Act 1997](#) (as amended) requiring steps to be taken to remedy the breach of planning control within a given period.
- A discretionary procedure under [section 125](#) of the 1997 Act which enables planning authorities to obtain information about activities or development where a breach of planning control is

suspected through the issuing **of a Planning Contravention Notice**. Penalty for non-compliance is an offence.

- **Stop notices**³ and **temporary stop notices**⁴ under the 1997 Act, which can prohibit particular activities on the land in question
- Section 145 of the 1997 Act makes provision for enforcing the conditions to which any planning permission is subject, through the issue of a **breach of condition notice** (BCN).
- [Section 146](#) of the 1997 Act enables planning authorities to apply for an **interdict** to restrain breaches of planning control by applying to the court. The Court may grant such an interdict as it thinks appropriate for the purpose of restraining or preventing the breach or it may refuse the application.
- [Section 179](#) of the 1997 Act provides planning authorities with the power to serve a notice on the owner, lessee or occupier of land in their area, the condition of which they consider to be **adversely affecting the amenity of the area**. Such notices may require specified steps to be taken for the abatement of the injury to the amenity.

1.5 England, Wales and Scotland

The main police powers to deal with unauthorised campers extend to England, Scotland and Wales, although there are slight differences to reflect Scottish laws on access to land.

Directing unauthorised campers to leave land

[Section 61 of the *Criminal Justice and Public Order Act 1994*](#) enables a police officer to direct trespassers on land (who are there with the common purpose of residing there for any period) to leave the land where the occupier has taken steps to ask them to do so, and either:

- they have damaged the land; or
- they have used threatening, abusive or insulting behaviour to the occupier, his family, employees or agents; or
- between them they have six or more vehicles on the land.

Failure to obey a direction to leave or returning to the land as a trespasser within three months is an offence.

This power applies to private land (and also, in certain circumstances, to common land).

Section 61(4A) has contains a special provision which applies only to Scotland. This makes it clear that where the conditions in section 61(1) apply (i.e. people have a common purpose of residing on the land or they have damaged the land, used threatening behaviour or have six vehicles on the land) they will be trespassers because they have ceased to be entitled to exercise access rights under the [Land Reform Scotland](#)

³ [Section 140](#) *Town and Country Planning (Scotland) Act 1997*

⁴ [Sections 144A to 144D](#) *Town and Country Planning (Scotland) Act 1997*

[Act 2003](#). The 2003 Act establishes statutory public rights of access to land and inland water for recreational and other purposes.

Seizure of vehicles

[Section 62 of the Criminal Justice and Public Order Act 1994](#) allows the police to seize vehicles where a direction has been given under section 61 and the person has, without reasonable excuse, either:

- failed to remove their vehicles, or
- gone back onto the land as a trespasser with a vehicle within three months after the direction was given.

Section 62 also extends to England, Scotland and Wales.

1.6 England and Wales only

Directing trespassers to an alternative site

The police have a further power to direct trespassers to leave land under [s62 A-E of the Criminal Justice and Public Order Act 1994](#) where there is a suitable pitch available. Once again, it is an offence not to obey the direction. This does not extend to Scotland.

Squatting in a residential building

Generally speaking, trespass to land is not a criminal offence unless some special statutory provision makes it so. Any damage done by a trespasser while trespassing may amount to the offence of criminal damage. Details are in [Library Briefing Paper 5116, Trespass to Land](#).

However, section 144 of the [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) introduced a new offence of squatting in a residential building (section 144). The offence does not cover squatting in non-residential buildings or on land, however.

Criminal Damage

While trespass is not generally a criminal offence, any damage done by a trespasser while trespassing may amount to the offence of criminal damage. The elements of that offence are set out in section 1 of the *Criminal Damage Act 1971*:

A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether such property would be destroyed or damaged shall be guilty of an offence.

If the damage is trivial, and/or it is difficult to obtain evidence about which culprit caused which damage, the Police or Crown Prosecution Service may conclude that criminal proceedings could not, or should not be brought.

Further information is given in Crown Prosecution Service Legal Guidance, [Criminal Damage](#).

1.7 Scotland only

Trespass (Scotland) Act 1865

It is a criminal offence under the *Trespass Scotland Act 1865* for a person to lodge in premises, occupy or encamp on any private property, without the consent and permission of the owner:

Every person who lodges in any premises, or occupies or camps on any land, being private property, without the consent and permission of the owner or legal occupier of such premises or land, and every person who encamps or lights a fire on or near any road or enclosed or cultivated land, or in or near any plantation, without the consent and permission of the owner or legal occupier of such road, land, or plantation shall be guilty of an offence punishable as herein-after provided.⁵

1.8 Northern Ireland

Northern Ireland has very similar powers for the police to move trespassers as England and Wales under the [Unauthorised Encampments \(Northern Ireland\) Order 2005](#). As in England and Wales, this allows a police officer to direct trespassers on land (who are there with the common purpose of residing there for any period) to leave the land where the occupier has taken steps to ask them to do so, and either:

- they have damaged the land; or
- they have used threatening, abusive or insulting behaviour to the occupier, his family, employees or agents; or
- between them they have six or more vehicles on the land.

Failure to obey a direction to leave or returning to the land as a trespasser within three months is an offence.

Northern Ireland's *Department for Communities* has produced a [Guide to The Unauthorised Encampments \(NI\) Order 2005](#) (June 2006)

⁵ Section 3

2. Trespass in the Republic of Ireland

The Republic of Ireland changed the law to introduce a criminal offence of trespass in 2002. The change was introduced by amendments to the *Criminal Justice (Public Order) Act 1994* by section 24 of the [Housing \(Miscellaneous Provisions\) Act 2002](#).

The offence is now contained in [section 19C of the Criminal Justice \(Public Order\) Act 1994](#) (as amended):

19C. — (1) A person, without the duly given consent of the owner, shall not —

- (a) enter and occupy any land, or
- (b) bring onto or place on any land any object,

where such entry or occupation or the bringing onto or placing on the land of such object is likely to —

- (i) substantially damage the land,
- (ii) substantially and prejudicially affect any amenity in respect of the land,
- (iii) prevent persons entitled to use the land or any amenity in respect of the land from making reasonable use of the land or amenity,
- (iv) otherwise render the land or any amenity in respect of the land, or the lawful use of the land or any amenity in respect of the land, unsanitary or unsafe,
- (v) substantially interfere with the land, any amenity in respect of the land, the lawful use of the land or any amenity in respect of the land.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence.

(3) Where a member of the Garda Síochána has reason to believe that a person is committing or has committed an offence under *subsection (1)* the member —

- (a) may demand of the person his or her name and address,
- (b) may direct the person to leave the land concerned and to remove from the land any object that belongs to the person or that is under his or her control, and
- (c) shall inform the person of the nature of the offence in respect of which it is suspected that person has been involved and the statutory consequences of failing to comply with a demand or direction under this subsection.]

Failing to comply with a direction of a member of the Garda to leave the land is an offence under [section 19D](#) and the person can be arrested without warrant if they refuse to move on ([section 19E](#)). The maximum penalty for any offence under this part of the Act is a € 4,000 or one month's imprisonment or both ([section 19G](#)). Caravans and vehicles can be impounded and charges are levied for each day that the vehicle is kept in storage ([section 19F](#)).

The change was controversial – see for example [“Traveller fury as McAleese signs tougher trespass laws”](#) *Irish News*, 11 April 2003. The Irish Council for Civil Liberties criticised the amendment:

The Government has not provided its stated target level of accommodation for travellers and its response is to effectively criminalise all nomadic Travellers in Ireland.

This measure would have a devastating impact on the Travelling Community, but also on the rights of trade unions, political protestors and human rights groups. We are already seeing the Gardai using the Public Order Act against protestors; this will be a further intrusion on the right to peaceful assembly.

(ICCL Press Release, *ICCL criticises Government approach to rushed legislation as abuse of the legislative process*, 27 March 2002)

3. Media

3.1 Press releases

The Traveller Movement

[Traveller Movement says Government planned changes to Gypsy and Traveller site planning counterproductive, Kafkaesque and likely to increase unauthorised encampments](#)

16 October 2014

3.2 Articles and blogs

Guardian

[Judge cleared of making inappropriate remarks in modern slavery case](#)

5 October 2017

Independent

[Judge accused of insulting travellers after suggesting communities 'around the country' keeping slaves](#)

23 September 2017

Guardian

[Modern slavery at UK Traveller site may be tip of iceberg, warns judge](#)

13 September 2017

Many local papers' websites have articles on this issue. The following is a small selection:

Express and Star

[Ministers to consider illegal traveller camp crackdown across the West Midlands](#)

10 October 2017

Birmingham Mail

[Walsall travellers: residents 'at breaking point', Parliament told](#)

10 October 2017

Basildon Echo

['Give us powers to stop illegal camps' Gavin Callaghan of Basildon Council argues](#)

9 October 2017

Birmingham Mail

[Crime Commissioner: 'Police need to be given the power to ban travellers'](#)

9 October 2017

Hull Daily Mail

[The staggering amount of tax payers' cash spent on cleaning up after travellers revealed](#)

29 September 2017

Burnham-On-Sea.com

[Burnham-On-Sea's MP to meet Minister to discuss travellers issue](#)

23 September 2017

Bristol Post

[Resident writes angry letter to Prime Minister asking for ban on travellers using Siston Common](#)

22 September 2017

Reading Chronicle

[Council reveals plans to give travellers a dedicated site to pitch up](#)

19 September 2017

Leamington Observer

['Significant' rise in number of illegal traveller encampments](#)

18 September 2017

Haslemere Herald

[PCC calls for new strategy on gypsy sites](#)

15 September 2017

4. Parliamentary Business

4.1 Debates

[Gypsies and Travellers and Local Communities](#)

HC Deb 9 October 2017 c77-134WH

Extract c133-4:

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones):

I thank all right hon. and hon. Members who have contributed to the debate. Given the very limited amount of time available to me, I might not be able to address every single issue, but it is absolutely clear that there are strong feelings around the House. I, too, feel extremely strongly about this issue: so many of the challenges that colleagues have mentioned—particularly those relating to illegal encampments—remind me of the challenges I have faced in my own constituency, Nuneaton. Many of my residents have suffered in a very similar way from illegal encampments.

I am, therefore, very pleased that, today, we have signalled our intention to seek a call for evidence to review the way in which existing powers are enforced and to understand what more can be done to tackle many of the issues raised in the debate. However, I caution Members because, whatever powers this House has given, and may give, it is important to say that those powers will inevitably be enforced at local level and that enforcement is the key to success in this regard.

Let me deal with a number of points that have been made. There was a strong feeling among Members that there should be parity among all communities in respect of the planning system. That was certainly a point made by my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois) and my hon. Friend the Member for North East Hampshire (Mr Jayawardena). They also said that they expected enforcement powers to be used in a proportionate but fair manner by local authorities. They were also concerned about the green belt—we all value the sanctity of the green belt. We have made it clear that temporary or permanent Traveller sites are not appropriate green-belt development and that the personal circumstances and needs of particular families are unlikely to clearly outweigh the harm to the green belt. I heard what my hon. Friend the Member for Rugby (Mark Pawsey) said in relation to the village of Wolvey. He set out his feelings with regard to the national planning policy framework, and he should consider making a contribution on that matter during the call for evidence.

Members have also mentioned unauthorised encampments. The hon. Member for Gedling (Vernon Coaker) made the extremely important point that everybody, no matter who they are or whatever part of the community they represent, must comply with the rule of law. My hon.

Friends the Members for South West Bedfordshire (Andrew Selous) and for Dudley South (Mike Wood) also covered that important point. My hon. Friend the Member for South West Bedfordshire also mentioned the challenges of private sites that he has experienced in his constituency.

My hon. Friend the Member for Rugby mentioned another important point: the Warwickshire protocol that is being developed for dealing with illegal Traveller encampments. It is important that we see strong local leadership to use the powers that are already available.

In the call for evidence, one matter is likely to feature very strongly. My right hon. Friend the Member for Rayleigh and Wickford, and my hon. Friends the Members for Mole Valley (Sir Paul Beresford), for South Basildon and East Thurrock (Stephen Metcalfe), for Wells (James Heapey), for Southend West (Sir David Amess) and for Clacton (Giles Watling) talked about other jurisdictions and what has been done in Ireland in relation to the problem with illegal encampments.

I do not have a great deal of time to cover all the other points that were made. I wish to bring some balance to this debate, because this is not just about the challenges that we have with Gypsies and Travellers in our constituency. It is also about a proportionate response. As we have heard, the challenges that we face are generally from a small group of the various Gypsy and Traveller communities, and we need to ensure that we balance this with fairness so that Gypsies and Travellers do not face issues such as hate crime, which have been mentioned. We need to be clear that, whomever it is perpetrated against, hate crime is not acceptable in our society. The issue of life chances for Gypsies and Travellers was also mentioned. Much of what has been said tonight will be picked up during the race disparity audit that is being considered by the Government.

To come back to the central point, we are absolutely committed to ensuring that Gypsies and Travellers are fully integrated in our society and that they enjoy the rights of our society, but as important are the responsibilities that everybody in our society has. I am confident from tonight's debate that we will be able to take this matter forward. I look forward to hon. Members contributing to the important call for evidence that is being undertaken by the Government.

[Gypsies and Travellers](#)

HC Deb 12 October 2016 c417-26

[Housing and Planning Bill](#)

HL Deb 17 March 2016 c1941-56 [Extract]

[Housing and Planning Bill](#)

HC Deb 12 January 2016 c767-9 [Extract]

4.2 Parliamentary Questions

[Travellers: Caravan Sites](#)

Asked by: Julian Knight

To ask the Secretary of State for Communities and Local Government, what assessment he has made of the average time which it takes a local authority to remove an unauthorised encampment from public land; and what additional guidance and support the Government plans to provide to reduce the amount of time for such removals.

To ask the Secretary of State for Communities and Local Government, if he will make an assessment of the effect of High Court injunctions against unauthorised encampments on the time taken to remove such encampments.

Answered by: Marcus Jones | Department for Communities and Local Government

I am aware of concerns regarding the effectiveness of steps taken against unauthorised encampments. The Secretary of State is currently considering what action might need to be taken to improve the situation.

9 October 2017 | Written question | 8853, 8854

[Travellers: Caravan Sites](#)

Asked by: Ranil Jayawardena

To ask the Secretary of State for Communities and Local Government, what assessment he has made of the effectiveness of legislation regarding travellers' illegal encampments.

Answered by: Alok Sharma | Department for Communities and Local Government

The Government is concerned about unauthorised traveller encampments and the effect that they can have on communities. Local authorities and the police have a wide range of powers that enable them to take action and the Government wants to see them working together to address this issue. A summary of the powers is published on the Government's website at:

<https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments>

21 September 2017 | Written question | 9449

[Travellers: Caravan Sites](#)

Asked by: Jack Lopresti

To ask the Secretary of State for the Home Department, what steps she is taking to ensure that police forces and chief constables enforce

Section 61 of the Criminal Justice and Public Order Act 1994 in relation to the combatting of illegal Travellers' sites.

Answered by: Nick Hurd | Home Office

There are a range of existing powers available for both the police and local authorities to tackle unauthorised encampments. The Criminal Justice and Public Order Act 1994 provides specific powers to the police to move travellers from unauthorised encampments if certain criteria are met.

The Home Office works closely with the police to ensure the powers they have are fit for purpose. However, the decision on when and whether to use police powers is an independent operational decision for the police.

14 September 2017 | Written question | 8997

[Business of the House](#)

Asked by: Wendy Morton

Over the summer, many of my constituents in Aldridge-Brownhills have once again had to endure the litter, rubbish, antisocial behaviour and noise caused by unauthorised Traveller encampments on public open spaces and village commons. Even our local football club, Walsall Wood, has been affected. I am sure the House understands the upset and frustration this causes. Can we please have a debate in Government time to look at the matter, including at the powers available to councils and police, and—really importantly—the impact on our local communities?

Answered by: Andrea Leadsom | Leader of the House of Commons

My hon. Friend raises an important point, which is of great interest to Members throughout the House. I am sorry to hear about the issues she has faced in her constituency. The police and local authorities have a wide range of powers available to address the issue. They can direct trespassers to leave the land, and remove any vehicle and property if there is a suitable pitch available on a caravan site elsewhere. Failure to comply with a police direction is a criminal offence. It is really important that the police and local authorities work together to address the issue.

HC Deb 7 September 2017 c314

[Topical Questions](#)

Asked by: Pauline Latham

What steps has the Department taken to provide safe and legal spaces in which Travellers can reside, instead of them having to go on really nice green spaces in Oakwood in Derbyshire, which they leave in a terrible mess?

Answered by: Alok Sharma | Department for Communities and Local Government

I know from my own constituency that unauthorised encampments can cause distress for local communities. The Government are absolutely committed to reducing the number of unauthorised sites by providing affordable, good-quality accommodation for Travellers.

HC Deb 17 July 2017 c545

[Travellers: Caravan Sites](#)

Asked by: Wendy Morton

To ask the Secretary of State for Communities and Local Government, what representations his Department has received from each (a) local authority, (b) Police and Crime Commissioner and (c) Police Chief Constable seeking further powers in relation to responsibilities to stop unauthorised encampments in the last 12 months.

Answered by: Brandon Lewis | Department for Communities and Local Government

We regularly receive correspondence from individual local authorities and MPs, concerning the powers available to enforcement agencies and operation of the planning system. The Government takes the issue of unauthorised encampments and associated problems seriously and will continue to keep it under review.

14 June 2016 | Written question | 39622

[Travellers: Caravan Sites](#)

Asked by: Wendy Morton

To ask the Secretary of State for Communities and Local Government, what assessment his Department has made of the cost to the public purse of (a) eviction notices and (b) legal action related to the clearance of sites of unauthorised encampments in England in 2015.

Answered by: Brandon Lewis | Department for Communities and Local Government

Enforcement action against unauthorised encampments is primarily a matter for local authorities, landowners and the police. The Department does not collect information centrally on the total costs of such clearances.

14 June 2016 | Written question | 39621

[Travellers: Caravan Sites](#)

Asked by: Wendy Morton

To ask the Secretary of State for Communities and Local Government, how many unauthorised encampments were recorded in each county and metropolitan borough in 2015 in England.

Answered by: Brandon Lewis | Department for Communities and Local Government

The biannual Traveller Caravan Count includes figures for the number of traveller caravans on unauthorised encampments in each local authority area in England.

The figures for the January and July 2015 counts can be found via the following links:

<https://www.gov.uk/government/statistics/traveller-caravan-count-january-2015>

<https://www.gov.uk/government/statistics/traveller-caravan-count-july-2015>

14 June 2016 | Written question | 39620

4.3 Early Day Motions

[Unauthorised Traveller Encampments](#)

McCabe, Steve:

That this House notes with concern the recurring problem of unauthorised Traveller encampments in many parts of the UK; further notes the ineffective response from various agencies in preventing such encampments, especially in relation to Traveller groups being evicted from one site of public land, often a public park or recreation facility, only to return days or weeks later; believes that police forces do not operate consistent policies in relation to illegal encampments which has led to criminal and anti-social behaviour not being sufficiently dealt with; regrets the courts' reluctance to issue clear injunctions banning Traveller groups from constantly returning to the same site of public land; recognises that the human rights of Traveller groups must be taken into consideration; considers the current arrangements, where local authorities are obliged to seek repeated eviction notices, are placing large costs on local authorities, including those related to the cost of cleaning up and clearing sites after Traveller groups have been evicted; and calls on the Government to review the existing legal powers and procedures already in place to deal with unauthorised encampments and then take all necessary action to prevent the recurring problem of these encampments so that the interests of local residents, who have a right to enjoy the public amenities and facilities that they pay for through their taxes, are effectively protected.

13 July 2017 | Early day motion | EDM 183

5. Further reading

Library briefing

[Gypsies and Travellers](#), Commons Library Briefing Paper 8083, 28 September 2017

Government

Department for Communities and Local Government, [Dealing with illegal and unauthorised encampments: guidance](#), 27 March 2015

Scottish Government, [Guidance for local authorities on managing unauthorised camping by Gypsy/Travellers in Scotland](#), 5 April 2017

Welsh Assembly Government, [Guidance on managing unauthorised camping](#), 2013

Equality and Human Rights Commission

Equality and Human Rights Commission, [Gypsies and Travellers: publications](#)

Includes:

Equality and Human Rights Commission, [Assessing local housing authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England](#), Research report 13, 7 March 2016

Equality and Human Rights Commission, [Developing successful site provision for Scotland's Gypsy/Traveller communities](#), 1 January 2015

The Traveller Movement

The Traveller Movement, [Policy and research](#)

Includes:

The Traveller Movement, [Government changes to planning policy for Traveller sites](#), September 2015

The Traveller Movement, [Note on planning application success rates for Traveller sites compared to residential dwellings](#), September 2015

Others

Leeds Gypsy and Traveller Exchange, [Assessing the potential of negotiated stopping: research report](#), January 2016

Research commissioned by Leeds GATE and supported by the Joseph Rowntree Charitable Trust

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).