



Date: 03/06/2026
Our ref: 01/FOI/26/016659/C

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/26/016659/C

I write in connection with your request for information dated 02/04/2026, received by Greater Manchester Police (GMP) for the following information:

*Freedom of Information Request – Section 4 PCSC Act 2022 and Equality Impact
Dear FOI Team,*

I am writing on behalf of a Gypsy, Roma and Traveller (GRT) voluntary organisation whose remit includes empowering our communities and monitoring the impact of legislation and policing practices.

The pursuit of a nomadic way of life is lawful and is recognised and protected under both UK and European legislation. Romany Gypsies and Irish Travellers are protected groups under the Equality Acts 2010. The Public Sector Equality Duty (PSED) places a statutory obligation on police forces to have due regard to the need to eliminate unlawful racial discrimination, advance equality of opportunity, and foster good relations between people of different racial groups. Article 8 of the European Convention on Human Rights protects private and family life, and Article 23 protects the right of communities to maintain and follow their culture.

Under Section 1 of the Freedom of Information Act 2000, I am requesting the following information regarding your force's approach to Section 4 of the Police, Crime, Sentencing and Courts (PCSC) Act 2022, which introduced new criminal offences relating to Unauthorised Encampments. Please provide data from the date the legislation came into force to the present.

Question 1: Equality Impact and Compliance

Given the PSED obligations and the recognised protected status of Romany Gypsies and Irish Travellers, please provide:

1) Recorded evidence of how any Equality Impact Assessments (EIAs), Equality Analyses, or internal reviews carried out in relation to the introduction or use of Section 4 powers

2) Recorded evidence of how any internal guidance, training materials, or briefings provided to officers regarding the cultural rights of GRT communities and the need to avoid discriminatory or disproportionate enforcement

3) Recorded evidence of how any monitoring data your force holds relating to the protected characteristics of individuals affected by Section 4 enforcement.

If no such recorded assessments, guidance, or monitoring exist, please confirm this explicitly.

Question 2: Policies and Strategies

In light of Section 4 of the PCSC Act, has your force drafted or adopted any new strategies, operational guidance, or policies relating specifically to Unauthorised Encampments?

If so, please confirm whether these documents are publicly accessible and provide copies or links where available.

Question 3: Implementation of Section 4

Has your force implemented Section 4 of the PCSC Act?

If yes, please provide details of how it has been used, including:

- 1) Directions to leave
- 2) Seizure or confiscation of vehicles
- 3) Arrests made under this provision

Question 4: Prosecutions

Have there been any prosecutions within your force area under Section 4 of the PCSC Act? If so, please provide:

- 1) The number of prosecutions - including dates, reference numbers and/or case numbers
- 2) The decision outcomes of those prosecutions (e.g., charges, convictions, discontinued cases) - including dates, reference numbers and/or case numbers Please also include details of any current pending enforcement.

Please provide the information in electronic format where possible. Where information is not held, please confirm this.

If you consider that the cost of compliance would exceed the appropriate limit under section 12 of the Freedom of Information Act, I would welcome advice on how the request might be refined in order to remain within the statutory cost threshold.

I note that under Section 10, you are required to respond within 20 working days. Thank you for your time and assistance.

Result of Searches

Following receipt of your request searches were conducted within Greater Manchester Police (GMP) to locate information relevant to your request. I can confirm that the information you have requested is held by GMP. However, I am not obliged to supply you with the information as an exemption applies.

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because this information is exempt) to provide you, the applicant, with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies. Where redactions occur in the attached policy documents and the attached supplementary information

document, this is because that information is exempt from disclosure by virtue of **Section 31(1)(a)(b) – Law Enforcement** and **Section 40(2) – Personal Information**.

Section 40(2) represents information that identifies a living individual, to disclose this information would breach the principles of the Data Protection Act 2018. Personal data is defined by Section 1 of the Data Protection Act 2018 and means data that relates to an individual who can be identified directly or indirectly from that data.

Section 40 is an absolute exemption and there is no requirement to conduct a public interest test for such data.

Section 31 is a qualified and prejudice-based exemption and as such, subject to a harm and public interest test.

S31(1) - Evidence of Harm

A Freedom of Information Act request is not a private transaction. Both the request itself and any information disclosed, are considered suitable for open publication. This is because under the Act, any information disclosed is released into the wider public domain, effectively to the world, not just to an individual.

Whilst not questioning the motives of the applicant, providing any further information relating to specific policing functions conducted by Greater Manchester Police would reveal our operational capability, which would be of intelligence value to criminals.

Disclosure of tactical information at the police's disposal, including how we would approach unauthorised encampments will mean that those members of the public who are committing crimes and pose a risk to the public, would be able to formulate ways to circumvent or overwhelm the GMP. If disclosed the tactics used by GMP will become less effective and will mean that the police are not able to detect and prevent crime, apprehend, or prosecute offenders or to administer justice for the wider community.

There is always a duty of care to the general public and the Police Service has a clear responsibility to ensure the prevention or detection of crime, and the apprehension or prosecution of offenders is always delivered. There are several tactics available to the Police Service to ensure the effective delivery of operational law enforcement. In this case, specialist policing activity is required to undertake fair investigations where it may be necessary to progress a range of reasonable lines of enquiry.

As such, the disclosure of any further information which would hinder the forces law enforcement functions cannot be in the public interest.

Public Interest Test

Factors favouring disclosure for S31 - Where public funds are being spent, there is a public interest in accountability and justifying the use of public money. Disclosure of the requested information would enable the public to assess whether the force has appropriately taken steps to address the issues caused by unauthorised encampments. Release would enhance public debate as to whether the force is applying the law equally.

Factors against disclosure for S31 - Disclosure that reveals our operational capabilities would compromise law enforcement tactics. Criminals could use the information to target areas of perceived weakness in the belief that their activities are less likely to be detected. It may be used by criminals who are intent on pursuing their criminal activity, to identify and exploit the limitations of these resources.

To release information relating to operational capacity and tactics used when dealing with unauthorised encampments would have a detrimental effect on our policing capabilities. Therefore, to mitigate any risks, disclosure of this information needs to be protected, to ensure that those with intent to do so cannot manipulate it or undermine its purpose in any way.

Any disclosure of information which would compromise law enforcement tactics and thus lead to more crime being committed by reducing the opportunity for the prevention and detection of crime, would therefore increase the risk to public safety, which is not in the public interest.

Balancing Test

Law enforcement is of paramount importance, and the Police service will not disclose information if to do so would undermine its purpose and place the safety of individuals at risk. Whilst there is a public interest in the transparency of using public money in policing appropriately and effectively engaging with the threat posed by criminals, there is a very strong public interest in safeguarding the integrity of police investigations and operations in this area.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of law enforcement, this will only be overridden in exceptional circumstances. Any disclosure which hinders our capability and assists criminals cannot be in the public interest.

It is for these reasons that I have determined that the balance test favours non-disclosure of the requested information.

The remainder of your request is not exempt, and is answered below.

Question 1:

1. No information held.
2. In January 2025, GMP delivered targeted Cultural Awareness Training to officers, predominantly neighbourhood policing teams who regularly engage with Gypsy, Roma and Traveller (GRT) communities within their areas. The training was delivered in partnership with Irish Community Care (ICC), drawing on their specialist expertise and lived-experience knowledge of Traveller communities.

The training enhanced officers' understanding of the cultural rights, history, and lived experiences of GRT communities, with a particular focus on Irish Traveller communities. It provided insight into cultural traditions, community dynamics, and social structures, alongside guidance on cultural sensitivity, recognising and challenging stereotypes and bias, and adapting communication approaches to support respectful and lawful engagement.

The training emphasised ethical practice and the requirement to exercise policing powers fairly and proportionately, reinforcing officers' responsibilities under equality and human rights legislation and the need to consider cultural context and welfare factors when making enforcement decisions.

GMP is currently exploring opportunities to deliver further cultural awareness training in the near future, continuing its partnership with Irish Community Care, to build on learning already delivered and to further support officers in engaging constructively and lawfully with GRT communities.

3. No information held.

Question 2:

1. Please see the attached redacted policy documents and supplementary information.

Question 3:

1. Please see the attached policy documents.
2. Please see the attached policy documents.
3. Please see the attached policy documents.

Question 4:

1. This information is not held by GMP. Prosecution information is held by the courts, not the police. Please contact His Majesty's Courts and Tribunal Service for this information.
2. This information is not held by GMP. Prosecution information is held by the courts, not the police. Please contact His Majesty's Courts and Tribunal Service for this information.



GREATER MANCHESTER

POLICE

Unauthorised Encampments

Policy & Procedure

February 2024

POLICY & PROCEDURE IMPLEMENTED: 26 June 2023

REVIEW DATE: June 2024

POLICY & PROCEDURE OWNER: Superintendent, Prevention Branch

APPROVED BY: Weekly Senior Command Team, 17/5/23

GOVERNMENT SECURITY CLASSIFICATION: Official-Sensitive

NEW OR REVISED POLICY & PROCEDURE: Revised

VERSION NO	DATE	SUMMARY OF CHANGES	AUTHOR(S)	PUBLISHED ON CCOs
1.0	Mar 19	Original version	[REDACTED]	-
2.0	May 23	Reviewed and updated to reflect new police powers, NPCC operational advice and internal organisational learning	[REDACTED]	2023/26
2.1	Oct 23	Document updated to include links to revised forms and clarification on storage of forms locally	[REDACTED]	-
2.2	Feb 23	Reference to Op Bollin removed.	[REDACTED]	-

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1. Policy Statement

This policy and procedure outlines the options to be considered when dealing with anyone who trespasses on land owned by another, with the intention to reside on that land. Whilst this will affect anyone gathering on land without authorisation, the policy will have a greater impact on the Gypsy, Roma and Traveller (GRT) communities who travel and live in caravans as part of their cultural heritage and are recognised in law as being protected against discrimination by the Equality Act 2010.

The establishment of an unauthorised encampment can raise many concerns with the landowner and neighbouring members of the settled community. Some of these concerns are unfounded, and may be based on ignorance and prejudice. However, there still remains a significant number of encampments that can cause high levels of anti-social behaviour and disproportionate disruption to the community into which they move.

When dealing with unauthorised encampments, GMP will take into account the following key principles:

- The Equality Act 2010, Human Rights Act 1998, and protections afforded to GRT communities under the Race Relations Act.
- The Police, Crime, Sentencing and Courts Act 2022 which introduces a new criminal offence of residing on land without consent in or with a vehicle. The Act also amends existing powers previously available under the Criminal Justice and Public Order Act 1994.
- Police powers must only be used where behaviour or conduct is unacceptable, not simply because an encampment exists. Any decisions to evict will demonstrate legality, necessity and proportionality, as well as principles of common humanity.
- Officers will be sensitive to the fact that there is a shortage of pitches on authorised sites across the country.

These principles are explained in more detail in section 5.

1.1 Aims

This policy and procedure aims to ensure that incidents of trespass and nuisance on land are administered efficiently and effectively in circumstances that are necessary, reasonable and proportionate in order to:

- Prevent crime and disorder.
- Make a positive contribution towards the effectiveness of the criminal justice system and thereby reduce the fear of crime and disorder.
- Maintain community cohesion and recognise the human rights of all involved, including GRT people.

2. Scope

This policy and procedure does not cover the situation whereby individuals purchase their own land and occupy it, with or without planning permission. Such an incident would be an unauthorised development and the local authority would lead in this situation.

3. Roles & Responsibilities

Local authority

Local authorities should have an overall strategy for dealing with individuals and groups within unauthorised encampments, including needs assessment, site and service provision, as well as eviction policies. They will take the lead role in managing unauthorised encampments.

District superintendent

Each district superintendent shall assist their relevant local authority in developing an overall strategy towards unauthorised encampments, as detailed above.

Duty inspector

The decision to use police powers remains at the discretion of the duty inspector. However, their decision should be made in accordance with this policy and procedure, and the grounds for any action or inaction fully recorded. Any decision to use eviction powers must be made in conjunction with the senior officer on duty.

Neighbourhood inspector

Neighbourhood inspectors must make themselves aware of all trespass and nuisance on land incidents within their given area and deal with them in accordance with this policy and procedure.

4. Terms and Definitions

BWV Body worn video
GDPR General Data Protection Regulation
GRT Gypsy, Roma and Traveller
NPCC National Police Chiefs' Council

5. Procedure

When dealing with unauthorised encampments, officers should take into consideration the following:

- The Equality Act 2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics. GRT communities are a recognised ethnic group under the Race Relations Act and so are afforded protection under the law against discrimination. These protections will be considered by the police and local authority when dealing with unauthorised encampments. However, there is no legal right to trespass and the law provides a wide range of powers to remove people who are unlawfully on land.
- All police actions and decisions must be made in compliance with the provisions of the Human Rights Act 1998, and in a manner compatible with the operational principles of safety, lawfulness, necessity and proportionality. Any action should only be such as is necessary for public safety, the prevention of crime or disorder, the protection of health, or for the protection of the rights and freedom of others. Actions should be completed in a manner that is the least intrusive to achieve the purpose and achieve a balance in the protection of the rights and freedom of all persons concerned with a specified incident.
- In respect of GRT communities, officers will be sensitive to the fact that there is a lack of appropriate accommodation for them. The shortage of suitable sites for families to live on and access as they move around the country often creates the biggest single conflict between the Travelling and settled communities.

5.1 Working with partner agencies

Districts should work with local authorities to agree joint agency protocols for the management of trespassing without consent. This should also extend to other major landowners, including Housing Associations and local farmers.

Ideally, a joint decision should be reached between the local authority, landowner and the police regarding the most appropriate course of action, taking into account the impact on the landowner and wider community. Local authorities should be the lead agency in the initial stages of assessing the welfare of trespassers.

On occasions, other agencies may ask the police to accompany them to an incident to assist for a lawful purpose. Such assistance is a matter for local discretion: police officers must take care to ensure that they maintain neutrality from the other's purpose.

Negotiated stopping

'Negotiated stopping' is an alternative solution for the community and local authority to make space for GRT people to stop safely and legally. It can be considered where there are no authorised sites, and the local authority decides that the incident is not causing a level of damage, disruption or distress which cannot be effectively controlled. It works by all parties reaching a common agreement for an unused piece of land to be used as a temporary stopping place. Terms are agreed, including time stopped at the land and services to be provided by the local authority. This should include water, rubbish disposal and sanitation. Stopping can be agreed for a period of weeks or months, but most are for around 28 days. For further information, visit www.negotiatedstopping.co.uk

5.2 Use of police powers

Home Office statutory guidance states that:

“The decision on which police powers are used remains at the discretion of the police officer attending a particular incident who must, when exercising that discretion, have regard to this guidance.”

Section 60C-E

Section 60C-60E of the Criminal Justice and Public Order Act 1994 sets out new criminal offences relating to residing on land without consent, in or with a vehicle, and associated seizure and forfeiture powers.

An offence has been committed where a person aged 18 or over:

- resides or intends to reside on land without consent
- has or intends to have at least one vehicle with them
- has or is likely to cause **significant damage, disruption or distress** as a result of either residing or intending to reside on the land, or their conduct or potential conduct whilst on the land*
- fails as soon as reasonably practicable to leave when directed to by the owner, someone representing them or the police, or return within the prohibited period of 12 months.

** It is the responsibility of the police to determine if any ‘significant’ damage, disruption or distress has been caused. Significant **damage** includes to the land, any property on the land or any damage to the environment (including excessive noise, smells, litter or other waste). **Disruption** includes interference with a person’s ability to access any services or facilities located on the land or otherwise make lawful use of the land, or interference with a supply of water, energy or fuel. Significant **distress** has or is likely to be caused as a result of offensive conduct, which means using threatening, abusive or insulting words or behaviour, or the display of any writing or sign that is threatening, abusive or insulting.*

Sections 61-62

In cases where no significant harms or any criminal offence has been committed, police may decide to take other enforcement action using section 61 or 62 of the Criminal Justice and Public Order Act 1994, providing the conditions of this are met. The power applies where the senior police officer present reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following have occurred:

- any of the trespassers has caused damage, disruption or distress, including threatening, abusive or insulting words or behaviour etc (without the need to meet the threshold of ‘significant’), or
- the trespassers have between them six or more vehicles on the land.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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- [REDACTED]
[REDACTED]

If the decision is made to use section 60-61 powers, the following action should be taken:

- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
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5.3 Initial action

1. Following a report of an unauthorised encampment, the duty inspector should take initial command and control and send a supervisor to assess the site and report back. It is best practice, where practicable, to conduct the initial site visit in conjunction with the landowner, a local authority representative and all other relevant agencies. The local authority representative should have put in place a welfare/needs assessment for all those present – if this has not been possible, then police must record all welfare considerations as part of their decision making process as outlined at point 8 below. Officers should be mindful when liaising with third party organisations to only share relevant information and to avoid divulging any personal information relating to members of the public and the GRT community, unless there is a lawful basis for doing so under the General Data Protection Regulation and Data Protection Act 2018. For further information and guidance, please email [REDACTED]

2. On the first visit, an initial site assessment should be made of the impact of the site's location, as well as the behaviour displayed by the occupants, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Police officers should identify any offences disclosed or apparent e.g. criminal damage caused to gain entry to the land, obstruction of any footpaths/highways or any other anti-social behaviour. They should discuss with those present what constitutes unacceptable conduct (see [NPCC Operational Advice Appendix 1 – Suggested Code of Conduct](#)).

3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
4. Consider appointing a police officer to act as a single point of contact between the land owner and occupants of the unauthorised encampment. This could be a member of the local neighbourhood team or a supervisor.
5. Officers should assess whether the location of the group, behaviour of residents or needs of the landowner justifies an eviction using police powers. Liaison should be maintained with the landowner, those most affected by the incident and partner agencies to assess the need for police intervention. In addition, [negotiated stopping](#) can be considered as an alternative solution (see section 5.1).

6. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

8. An incident should be created, if one has not been made already, to accurately record and document a site visit, a supervisor's assessment and to record all rationale and site monitoring. The opening line should refer to 'report of possible unauthorised encampment'. The following information should be included (where applicable):

- reasons given for the visit and their intentions
- exact location – highway or private land
- any immediate welfare concerns for children, vulnerable persons or animals. This could include the person reporting the encampment, who may be a witness or a victim
- [REDACTED]
- if the encampment is suspected to be on council land, the appropriate council should be informed. If it is unclear who the land belongs to, the local council should still be informed
- if any enforcement action has been taken, or is being considered
- [REDACTED]

9. Following the initial visit, a supervisor should update the incident and report back to the duty inspector. [REDACTED]

[REDACTED]

10. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

5.4 Ongoing action

1. [REDACTED]
[REDACTED]
2. The incident should be discussed at the daily briefing to identify any support required and impact on both the local and GRT communities. The incident should remain under the command and control of the duty inspector.
3. A daily check/rolling assessment should be conducted in relation to the use of potential police powers and community tension. The decision whether or not to use police eviction powers should be reviewed to establish if circumstances have changed. There should be a clear audit trail of decision making recorded on the incident which sets out the rationale for all decision.
4. The incident should remain on the duty inspector rolling log until it is closed. The duty inspector should determine the most appropriate resources to attend the location for updates, keep the land owner/councillors informed, and manage any community tensions.
5. Periodic visits by police officers to the site can be beneficial to get to know site residents, check on their welfare and any issues or concerns, and also to pick up on any community tensions that may give rise to more serious incidents. These visits will be enhanced if completed alongside designated local authority representatives. The absence of such visits will not prohibit the future use of police powers, but may help in justifying the use of these powers if necessary. These visits will also provide an audit trail to support decision-making.
6. Officers should agree a plan with the local council, which should include safeguarding checks and who is undertaking them.
7. It is important to ensure the incident is updated with all relevant information/decisions. All relevant documentation should be stored locally in the district administration unit.

6. Associated Documents

The following legislation is applicable when dealing with unauthorised encampments:

- Common Law powers
- Part 55 Civil Procedure Rules
- Section 60C-E Criminal Justice and Public Order Act – introduces a new criminal offence of residing on land without consent, in or with a vehicle, and associated seizure and forfeiture powers
- Section 61-62E Criminal Justice and Public Order Act – sets out existing powers, which in some cases have been strengthened by the Police, Crime and Sentencing Act, to direct trespassers to leave land and to remove any vehicles or other property they have with them on the land without consent in or with a vehicle
- Section 62A-E Criminal Justice and Public Order Act
- Section 77-79 Criminal Justice and Public Order Act – confers similar powers on local authorities in respect of unauthorised encampments

- Section 83-85 Police, Crime and Sentencing Act
- Human Rights Act

National guidance:

- [NPCC Operational Advice June 2022 – Trespassing on Land Without Consent / Unauthorised Encampments](#)
 - [Home Office Unauthorised Encampments: Guidance for Police](#)
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7. Statutory Compliance & Consultation

7.1 Statutory Compliance

7.1.1 Equality Act (2010)

It is recognised that this policy and procedure will have a greater impact on the Gypsy, Roma and Traveller (GRT) communities who travel and live in caravans as part of their cultural heritage. GRT people are a recognised ethnic group under the Race Relations Act and so are afforded protection under the law against discrimination. These protections will be considered by the police and local authority when dealing with unauthorised encampments.

A welfare/needs assessment will be conducted for all those present at an unauthorised encampment and this will be considered as part of the decision making process. Local authority officials and Social Services will be involved in relation to re-housing vulnerable persons, families or children if necessary.

██
██
██

7.1.2 General Data Protection Regulation and Data Protection Act

The Information Compliance & Records Management Unit (ICRMU) has assessed this policy and procedure; the purpose of this procedure is for law enforcement purposes and information being processed is compliant with Part 3 of the Data Protection Act 2018. It should be read in conjunction with GMP's Data Protection Policy and guidance issued on the Data Protection Intranet page. For more information on Data Protection please contact the ICRMU at

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7.1.3 Freedom of Information Act (2000)

The Freedom of Information Act 2000 (FOIA) grants a general right of access to all types of recorded information held by public authorities. This document has been reviewed and is deemed **unsuitable for disclosure** into the public domain in its entirety. Parts may be disclosed upon request and with prior approval from the author. For more information on FOI, please contact ICRMU at

7.2 Consultation

The following parties have been consulted in the drafting of this version of the policy, and their feedback taken into consideration.

Department	Comments
GMP Organisational Learning Hub	Policy updated to reflect a structured learning de-brief.
GMP Crime and Incident Registrar	Further explanatory detail included on interpretation of the new legislation (reasonable excises and 'significant' definition for damage, destruction or distress).
Superintendents' Association	Correction in section 5.2 – Police Protection Powers (PPP) rather than Police Protection Orders.
ICRUMU	Data Protection & FOI risk assessment complete and document updated accordingly.
Greater Manchester Combined Authority	Policy updated to reflect a number of key points: - balancing of rights and impact, including consideration of negotiated stopping and the role of the police, local authority and engagement with GRT people - lower levels of literacy amongst GRT people and the implications of this.

8. Appendices

- Policy on a Page – Unauthorised Encampments

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



**City of Manchester
MCC and GMP Procedure**

Managing Unauthorised Encampments

Guidance

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1 Introduction

This document is a guide for staff regarding the management of Unauthorised Encampments in the City of Manchester. It includes the relevant parts of the Greater Manchester Police Unauthorised Encampments Police and Procedure Document, 2023.

MCC/GMP acknowledge that Gypsy, Roma and Traveller (GRT) communities are classed as an ethnic group thus giving this community the following protection. The Equality Act 2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. The following of a nomadic lifestyle is lawful; indeed, it is a culture that is recognised and protected through legislation. Romany Gypsies and Irish Travellers are protected under this Act. The Public Sector Equality Duty applies to all public authorities. The Act places a duty on all authorities to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.

Statutory Guidance updated in March 2023 on dealing with unauthorised encampments recommends agreeing Joint Agency Protocols between the police and local authorities for the management of trespassing without consent. Local Authorities and Police must always be able to show that they have properly considered the equalities implications of their policies/protocols and actions in relation to unauthorised encampments. They must be able to demonstrate that their policies/protocols and actions are proportionate bearing in mind all the circumstances of the case.

MCC/GMP recognise that the Housing Act 1996 Part VII contains a specific provision designed for those who are nomadic. Thus, a person is homeless if they have accommodation, but it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where they are entitled or permitted both to place it and to reside in it. In managing unauthorised encampments equal consideration must be given to the rights of the landowner and/or the wider community and the rights and welfare needs of people living on the unauthorised encampment including any children. Standards of behaviour from those on an encampment should be the same as those expected of the wider community. Intimidation and anti-social behaviour both towards and from any person living on the encampment will not be tolerated and will be investigated. Local authorities and the police have a duty to ensure that both sides are fairly represented when it comes to unauthorised encampments on public land and must ensure that the rights and responsibilities of individuals, families and communities are properly balanced and that a safe and just environment is achieved for all those living, either permanently or temporarily within the City of Manchester. MCC/GMP will work together to promote effective interagency working to resolve issues around unauthorised encampments and increase the confidence of both the settled and travelling communities in the services provided by MCC and GMP.

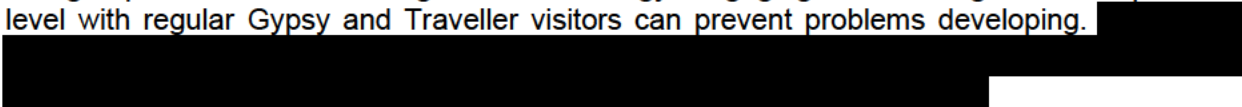
This document is intended to advise and guide staff to a consistent approach to those issues.

The Human Rights Act 1998 incorporates the European Convention on Human Rights into British Law. Breaches of Gypsy and Irish Travellers' rights will increase challenges, particularly of the powers contained within sections 60c, 61 and 62 of the Criminal Justice and Public Order Act 1994.

Legislation exists to help manage unauthorised encampments. This protocol explains the roles of GMP, Local Authorities and landowners.

Greater Manchester Police and Manchester City Council are satisfied that this protocol and operational guidance is proportionate and that any actions taken in accordance with it will be compliant with the Human Rights Act and other relevant legislation.

It is usually not possible to predict where and when an unauthorised encampment will occur. However, a purely reactive response to encampments as they arise is inefficient and ineffective. Local Authorities, Police and others dealing with unauthorised encampments need to be prepared to react to individual circumstances. Getting to know local travelling patterns and groups is critical to building a sound strategy. Engaging and building trust at a personal level with regular Gypsy and Traveller visitors can prevent problems developing.



It remains the case that the response to unauthorised encampments and to individuals who do not leave land when asked to do so, causing harm in the conditions set out, requires a locally driven multi-agency response, led by local authorities and supported by police.” *Home Office Statutory Guidance*.

2 Site Assessment

When considering the appropriate and proportionate response to an unauthorised encampment the following factors should be considered:

- Crime and disorder including lawbreaking, associated with, caused by and against the site.
- Environmental crime such as fly tipping.
- Unlawful trading.
- Unlicensed vehicles.
- Sudden escalation of crime, disorder or nuisance in the area.
- Whether exercising the powers will result in a further trespass nearby. (It might be felt that a trespass on one site is less damaging to the community than a trespass on a more sensitive site nearby).
- Whether lack of immediately available resources to deal with large incursions will compromise officers' safety. Action may have to be delayed until sufficient resources are available following a full risk assessment.
- Whether use of S 60C or s61 Criminal Justice and Public Order Act (CJPOA) 1994 will result in an unjustified breach of human rights.
- Camping on unsuitable sites.
- Highway hazards caused.
- Any known welfare issues.

3 CoM District Tactical Response

3.1 Initial Action (public MCC land)

Following a report of an unauthorised encampment, a GMP incident will be created.

A Police Inspector or Sergeant should conduct an initial site assessment. It is best practice, where practicable, to conduct the initial site visit in conjunction with the landowner, a local authority representative and all other relevant agencies (for both public and private land unauthorised encampments).

Upon notification of an unauthorised site, the Duty Inspector or Neighbourhood supervisor from GMP will contact the relevant Neighbourhood Compliance Team manager or Community Safety Specialist who will lead the initial investigation on behalf of MCC (see appendix 2). The officer contacted will be the nominated Council Officer for the purpose of this document Mon – Friday in standard working hours.

Where the Local Authority becomes aware of an unauthorised encampment, they should contact the Duty Inspector covering the area in which the site has formed.

Between Monday to Friday a site visit will be made by the Local Authority Nominated Council officer, and where practicable supported by GMP officers, to determine the most appropriate course of action.

MCC Parks and Leisure weekend coverage can be contacted via MCC contact centre [REDACTED]. MCC Licensing and Out of Hours Team (LOOH) are also able to assist GMP [REDACTED] at weekends.

On the first visit, GMP will make an initial site assessment regarding impact of the site's location, as well as the behaviour displayed by the occupants, [REDACTED]. The occupants should be spoken to in order to establish their identities and location of last site, and to ascertain their views on the desired duration of stay, as well as any pressing welfare needs. Police officers should identify any offences disclosed or apparent e.g. criminal damage caused to gain entry to the land, obstruction of any footpaths/highways or any other anti-social behaviour. They should discuss with those present what constitutes unacceptable conduct (see GMP policy on a page Appendix 1).

The local authority representative will be required to conduct a welfare/needs assessment for all those present – if this has not been possible, then police must record all welfare considerations as part of their decision making process. Officers should be mindful when liaising with third party organisations to only share relevant information and to avoid divulging any personal information relating to members of the public and the GRT community unless there is a lawful basis for doing so under the General Data Protection Regulation and Data Protection Act 2018.

[REDACTED]

GMP will consider appointing a police officer to act as a single point of contact between the landowner and occupants of the unauthorised encampment. This could be a member of the local neighbourhood team or a supervisor.

GMP Officers will assess whether the location of the group, behaviour of residents or needs of the landowner justifies an eviction using police powers. Liaison should be maintained with the landowner, those most affected by the incident and partner agencies to assess the need for police intervention. In addition, negotiated stopping can be considered as an alternative solution.

[REDACTED]

[REDACTED]

A GMP incident should be created, if one has not been made already, to accurately record and document a site visit, a supervisor's assessment and to record all rationale and site monitoring. The opening line should refer to 'report of possible unauthorised encampment'. The following information should be included (where applicable):

- reasons given for the visit and their intentions
- exact location – highway or private land
- any immediate welfare concerns for children, vulnerable persons or animals. This could include the person reporting the encampment, who may be a witness or a victim
- [REDACTED]
- if the encampment is suspected to be on council land, the appropriate council should be informed. If it is unclear who the land belongs to, the local council should still be informed
- if any enforcement action has been taken, or is being considered
- [REDACTED]
- [REDACTED]

MCC will create a case management record to record decisions and action taken by MCC representatives.

3.2 Following the initial visit

Following an initial site visit a decision will be made by the Nominated Council Officer and Duty Inspector as to the most appropriate course of action or use of statutory powers.

In determining the most suitable course of action the following sources of material should be considered to aide decision making:

Number and nature of reports generated from the local community including residents, businesses, councillors, MCC, health, park managers, ward managers and educational leads.

The evidence considered and rationale for the decision-making process will be recorded on form 730s.

[REDACTED]

Throughout the life of the site the Police and nominated MCC staff should record all decisions and the rationale behind them on their relevant case management systems.

A daily check/rolling assessment should be conducted in relation to the use of potential police / civil powers and community tension between GMP and MCC representatives. The decision whether to use police or civil eviction powers should be reviewed to establish if circumstances have changed. There should be a clear audit trail of decision making recorded on the incident which sets out the rationale for all decisions.

Any relevant information should be readily available for all officers to inform their risk assessments and should be recorded [REDACTED] and Case Management (MCC). Regarding locations that could be seen as sensitive, each encampment location must still be considered on its own merits against criteria such as health and safety and considerations for those living on the unauthorised encampment, traffic hazards, public health risks, serious environmental damage, genuine nuisance to neighbours and proximity to other sensitive land uses.

[REDACTED]

This list is provided as guidance and not a definitive reason to evict. Following assessment, a decision may be reached for the encampment to remain, irrespective of whether it is located on a site listed above.

Where the location is deemed sensitive, Local Authorities should seek to prevent individuals from establishing an encampment. Where this proves extremely difficult, they should attempt to encourage the individuals to move to an authorised site where available.

3.3 Initial action private land

Unauthorised encampments on private land requires the following action:

A Police Inspector should take initial command and control and send a supervisor to assess the site and report back. It is best practice, where practicable, to conduct the initial site visit in conjunction with the landowner, a local authority representative and all other relevant agencies.

The local authority representative will establish who the private landowner is or their agent and share this information with GMP. The responsibility for welfare checks is the responsibility is the landowner.

Officers should be mindful when liaising with third party organisations to only share relevant information and to avoid divulging any personal information relating to members of the public and the GRT community unless there is a lawful basis for doing so under the General Data Protection Regulation and Data Protection Act 2018.

Upon MCC being notified of an unauthorised encampment on private land, MCC will progress enquiries to identify who the landowner is and provide GMP with contact details.

The Police supervisor attending the encampment location will be required to [REDACTED] the initial site assessment and should consider:

- Impact of the site's location
- Identify behaviour of occupants and purpose of their presence on the land
- Any welfare considerations
- Identify any offences disclosed or apparent e.g. criminal damage to gain entry

by the police supervisor attending.

Police supervisor will be required to identify any offences disclosed or apparent e.g. criminal damage caused to gain entry to the land, obstruction of any footpaths/highways or any other anti-social behaviour.

The police supervisor should conduct an initial hot de-brief with relevant policing colleagues, partners and private landlord or agent acting on their behalf.

The local GMP neighbourhood team / supervisor will be appointed to act as the Single Point of Contact for GMP.

Following the initial site visit a decision will be made to determine most appropriate course of action or use of statutory powers. The evidence considered and rationale for the decision-making process will be recorded on form 730s.

Supporting material:

- GMP unauthorised encampments policy and procedure v2

- Appendix 1 GMP Unauthorised Encampment policy on a page.

3.4 Police / Local Authority legislation and associated documents

Home Office statutory guidance states that:

“The decision on which police powers are used remains at the discretion of the police officer attending a particular incident who must, when exercising that discretion, have regard to this guidance.”

The humanitarian and human rights issues concerning both the travellers and the local community must be taken fully into consideration.

Use of powers under Sections 60C, 61, 62 and 77 require distinct and different considerations.

Section 60C-E

Section 60C-60E of the Criminal Justice and Public Order Act 1994 sets out new criminal offences relating to residing on land without consent, in or with a vehicle, and associated seizure and forfeiture powers.

An offence has been committed where a person aged 18 or over:

- resides or intends to reside on land without consent.
- has or intends to have at least one vehicle with them.
- has or is likely to cause **significant damage, disruption, or distress** as a result of either residing or intending to reside on the land, or their conduct or potential conduct whilst on the land *
- fails as soon as reasonably practicable to leave when directed to by the owner, someone representing them or the police, or return within the prohibited period of 12 months.

The ‘likely to cause’ damage, disruption, or distress provision under S.60C only applies to the offence and not the existing s61 provision. Similarly references to ‘residence’ or ‘presence’ and ‘conduct’ are only in relation to the s60 offence, while under s61 the requirement is just trespassing with a common purpose of residing and then either damage, disruption or distress.

Powers utilised under S.60 not only prohibit the return for a period of 12 months but can also be used to prevent unauthorised encampments from simply moving from one unauthorised site to another.

Potential considerations for the police re ‘likely to cause’ levels of:

- (a) damage that the person has caused or might cause.
- (b) interference that a person has caused or might cause to local amenities such as gas and electric supplies through their presence, likely presence or conduct on the land.

- (c) harm that the person has caused or might cause to the local environment, such as excessive noise or smells through their presence, likely presence or conduct on the land.
- (d) interference with people's ability to access or use the land through the person's presence, likely presence or conduct on the land.
- (e) potential interference with the peaceful enjoyment of neighbouring property.
- (f) harm to good community relations.
- (g) distress caused by abusive behaviour and/or language or threatening, abusive or insulting writing or signs.
- (h) risks of public disorder or public safety – for example, by deterring fly-tipping and criminal damage.

The s60C offence applies only to those individuals who commit or are likely to commit significant damage, disruption or distress.

It is the responsibility of the police to determine if any 'significant' damage, disruption or distress has been caused.

The factual circumstances of each case will determine whether a 'significant' level of damage, disruption or distress has been caused or is likely to be caused and this will be for police and courts to assess.

The assessment of this will depend on the individual facts of each case; it is important to remember that one of **significant** damage, disruption or distress must be caused or likely to be caused by the person's conduct or residence on the land. Such harms, disruption or distress could include, but are not limited to:

- a) local communities being prevented from accessing or using facilities, such as school sports fields, parks and car parks
- b) property on the land is damaged or the land itself is damaged, including agricultural land
- c) forcing entry to the land has caused damage to fixtures or fittings
- d) the environment is damaged, including excessive littering, fly tipping, excessive noise and smells from waste or smoke due to bonfires
- e) interference with water, energy or fuel supplies
- f) impacting the ability of workers or customers to access shopping centres, businesses, or agricultural land, if this results in the loss of lawful use of the land
- g) distress caused by offensive conduct such as verbal abuse and threatening behaviour. This may include a level of distress which changes behaviour

These are some of the factors that the police could consider when assessing whether damage, disruption or distress is significant. If the police deem the harms to not be significant, then the

offence under s60C would not apply. However, powers under s61 and s62A of the CJPOA 1994 could still be used, providing the conditions are met.

Some of the factors for police to consider when considering the appropriate enforcement response could also include:

How are the occupiers of the land and users of the land affected? If local sports teams cannot use the facilities due to damage caused by people residing or intending to reside on land, or because the land is obstructed, then this could be deemed significant damage or disruption. The size and scale of the land occupied/damage caused is relevant when considering how an occupier and land users are affected.

How frequently is the land used? People residing or intending to reside on an industrial estate or shopping centre car park could significantly disrupt people's ability to go about their lawful business and impact trade. However, if the unauthorised encampment is in the corner of a local field or park then it might not be causing significant disruption.

How is the environment being damaged? A small amount of rubbish may not be judged by the courts to constitute significant damage to the land. However, excessive smells, noise, bonfires, and larger amounts of rubbish may be considered significant by police/courts.

The above is not, and should not be considered, an exhaustive list. There may be scenarios listed above which a court could deem to meet the threshold of "significant" in certain circumstances. Police will be expected to deal with each case on its own merits and determine through gathering evidence whether the threshold of significant has been met. If it has not been met, then the other CJPOA powers may be used.

Ref: [Unauthorised encampments: a summary of available powers \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/unauthorised-encampments-a-summary-of-available-powers-accessible-version)

Sections 61-62

In cases where no significant harms or any criminal offence has been committed, police may decide to take other enforcement action using section 61 or 62 of the Criminal Justice and Public Order Act 1994, providing the conditions of this are met. The power applies where the senior police officer present reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following have occurred:

- any of the trespassers has caused damage, disruption or distress, including threatening, abusive or insulting words or behaviour etc (without the need to meet the threshold of 'significant'), or
- the trespassers have between them six or more vehicles on the land.

[REDACTED]

[REDACTED]

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1. [REDACTED]

[REDACTED]

If the decision is made to use section 60-61 powers, the following action should be taken:

[REDACTED]

[REDACTED]

**Section 77, Power of local authority to direct unauthorised campers to leave land.
Criminal Justice and Public Order Act 1994:**

(1). If it appears to a local authority that persons are for the time being residing in a vehicle or vehicles within that authority's area—

- a) on any land forming part of a highway;
- b) on any other unoccupied land; or
- c) on any occupied land without the consent of the occupier,

the authority may give a direction that those persons and any others with them are to leave the land and remove the vehicle or vehicles and any other property they have with them on the land.

(2) Notice of a direction under subsection (1) must be served on the persons to whom the direction applies, but it shall be sufficient for this purpose for the direction to specify the land and (except where the direction applies to only one person) to be addressed to all occupants of the vehicles on the land, without naming them.

(3) If a person knowing that a direction under subsection (1) above has been given which applies to him—

- a) fails, as soon as practicable, to leave the land or remove from the land any vehicle or other property which is the subject of the direction, or
- b) having removed any such vehicle or property again enters the land with a vehicle within the period of three months beginning with the day on which the direction was given, he commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) A direction under subsection (1) operates to require persons who re-enter the land within the said period with vehicles or other property to leave and remove the vehicles or other property as it operates in relation to the persons and vehicles or other property on the land when the direction was given.

(5) In proceedings for an offence under this section it is a defence for the accused to show that his failure to leave or to remove the vehicle or other property as soon as practicable or his re-entry with a vehicle was due to illness, mechanical breakdown or other immediate emergency.

Where action is taken for removal under Local Authority powers, Greater Manchester Police will support council officers. In these circumstances the role of the Police is the prevention and / or detection of crime and disorder

In conjunction with the Local Authority, Police will seek to identify the owner of the land and as soon as practicable, request that a written notice to establish any trespass is provided and wherever possible, served on the trespassers. Police officers should accompany the owner in the service of any notice in order to prevent a Breach of the Peace.

Multi agency enforcement

A risk assessment should be completed by all agencies planning a site visit, where possible. If there is insufficient information available a Dynamic Risk Assessment should be completed at the scene prior to entering the encampment.

The following are examples of actions that may be appropriate:

- Assessment by the Duty Inspector of the community impact of the site. Reassurance visits to the local community may be required.
- Elected Members and Independent Advisory Group (IAG members will be updated.
- Wherever appropriate, the Council and Police can conduct overt video recording or photographic recording of the site. The details of both motor vehicles and caravans will be recorded for evidential purposes.
- Where appropriate the attending Police Officer will log all vehicle registration numbers and return these to the relevant Intelligence Development Team (IDT).

The Nominated Council Officer will consider the provision of alternative sites and where practicable will direct trespassers to locations where temporary encampments will be acceptable.

Negotiated stopping

‘Negotiated stopping’ is an alternative solution for the community and local authority to make space for GRT people to stop safely and legally. It can be considered where there are no authorised sites, and the local authority decides that the incident is not causing a level of damage, disruption or distress which cannot be effectively controlled. It works by all parties reaching a common agreement for an unused piece of land to be used as a temporary stopping place. Terms are agreed, including time stopped at the land and services to be provided by the local authority. This should include water, rubbish disposal and sanitation. Stopping can be agreed for a period of weeks or months, but most are for around 28 days. For further information, visit www.negotiatedstopping.co.uk

4.5 Following closure of the encampment

The Local Authority will monitor and identify sites vulnerable to trespass within MCC boundaries and arrange the installation of effective ‘target hardening’ measures to prevent and reduce unauthorised encampments and incursion by vehicles where evidence exists to support this.

MCC officers should ensure that the Case Management record is updated with the costs of site clearance and repairs.

When the unauthorised encampment has moved the Duty Inspector will arrange for all relevant GMP documentation to be stored locally in the District Administration Unit.



GREATER MANCHESTER
POLICE

POLICY ON A PAGE

UNAUTHORISED ENCAMPMENTS

PRINCIPLES

- Use police powers only if behaviour/conduct is unacceptable • Any decisions to evict must demonstrate legality, necessity, proportionality & principles of common humanity • Maintain community cohesion & recognise the rights of all involved •

POLICING POWERS

Section 60C-60E, Criminal Justice and Public Order Act 1994

An offence has been committed where a person aged 18 or over • resides/intends to reside on land without consent • has/intends to have at least one vehicle with them • has/is likely to cause significant damage, disruption or distress as a result of residing/intending to reside, or their conduct/potential conduct whilst on the land • fails as soon as reasonably practicable to leave when directed to by the owner, someone representing them or the police, or return within the prohibited period of 12 months (without a reasonable excuse).

Action: issue Notice to Leave Land form 730U-S60C (serve on each caravan)

Section 61-62, Criminal Justice and Public Order Act 1994

If no significant harms or criminal offences have been committed, enforcement powers exist where: damage, disruption, or distress is caused (without the need to meet the threshold of 'significant'), or the trespassers have between them 6 or more vehicles on the land. Considerations:

- communities are deprived of local amenities or impact on the environment
- disruption to local economy or other significant disruption to local community/environment
- danger to life or another need to take preventative action
- any efforts by the landowner to ask the persons to leave or consideration of negotiated stopping

Action:

Action:

KEY ACTIONS FOLLOWING REPORT OF UNAUTHORISED ENCAMPMENT

1. A police supervisor/insp. should conduct an **initial site assessment**, ideally with the landowner, local authority and any other partners. Consider: • impact of site's location • identity/behaviour of occupants including their reasons for the visit/intentions • any welfare considerations for children/vulnerable people/animals (welfare/needs assessment may be required) • identify any offences disclosed or apparent e.g. criminal damage to gain entry. (complete initial site assessment form 730X and refer to NPCC Code of Conduct)
2. [REDACTED]
3. Appoint a **police SPOC** (neighbourhood team/supervisor) between the landowner and occupants.
4. **Assess whether police eviction powers are justified** – liaising with the landowner/local council, those most affected and partners. Consider negotiated stopping as an alternative solution.
5. [REDACTED]
6. **Create an incident** to record the site visit, supervisor's assessment and decision-making rationale.
7. **Duty inspector should review the incident** to determine use of police powers (or not) and record rationale using direction to leave land decision rationale record form 730T.

KEY LEGISLATION/GMP POLICY

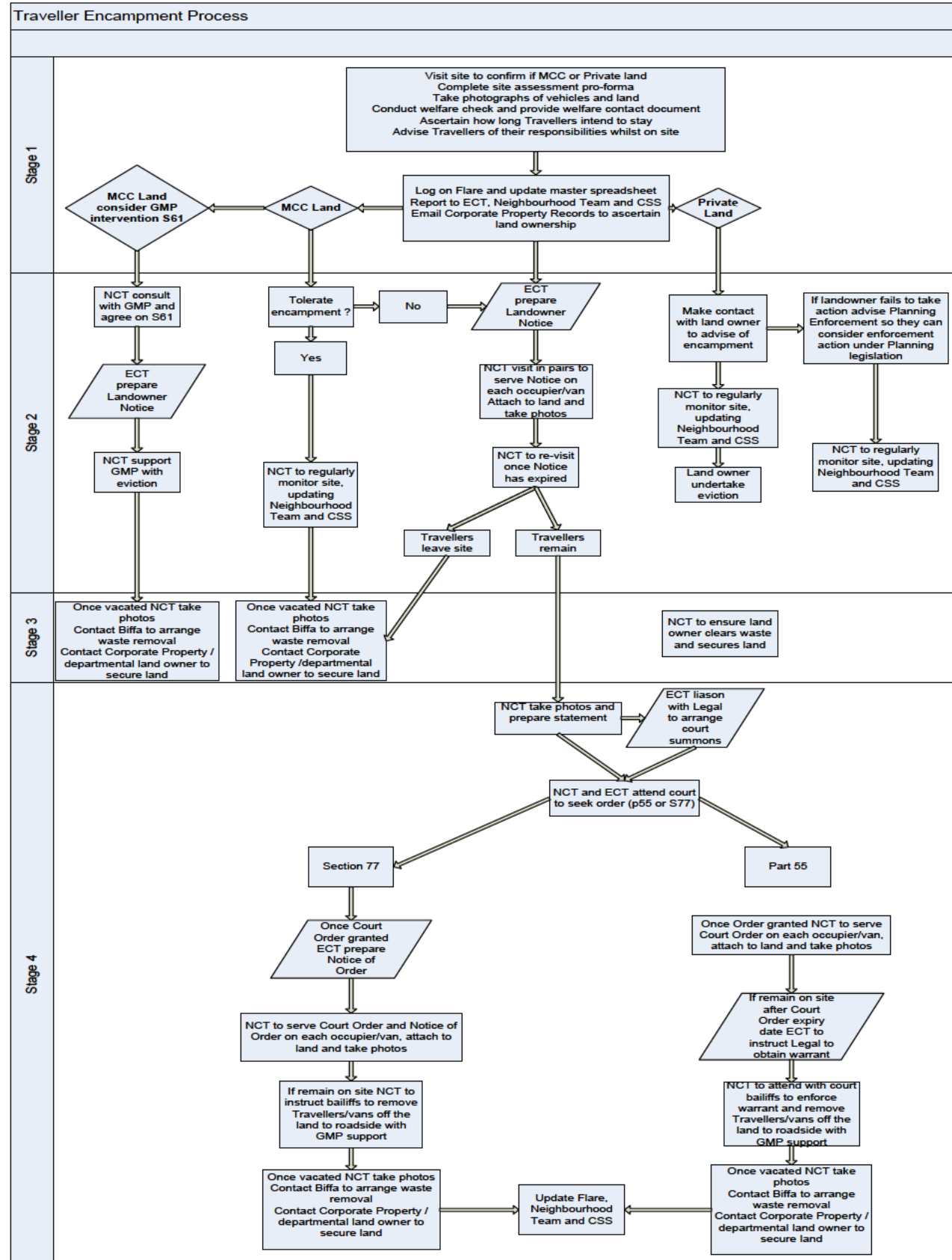
- GMP Unauthorised Encampments Policy & Procedure v2.1 (October 2023)
- NPCC Operational Advice June 2022 – Trespassing on Land Without Consent / Unauthorised Encampments
- Home Office Unauthorised Encampments: Guidance for Police

OFFICIAL - SENSITIVE 10/2023

The Police specific links will only open on GMP systems.

APPENDIX 2

MCC Flow chart



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

APPENDIX 4

Local Authority and partner notification list for follow up visits

Agency	Role	Checklist
GMP – Duty Inspector Details as Appendix 6	Assessment & enforcement	
Local Authority –Neighbourhood Compliance Team Manager Or Community Safety Specialist Details as per Appendix 7	Coordination of partnership response	
MCC Environmental Crimes Team 0161 234 1311	Assessment and enforcement	
Education Welfare [REDACTED]	Educational assessment	
Landowner	Landowners notice to leave request	
Fire Service [REDACTED]	Fire risk assessment	
Neighbourhood Compliance Team Details as per appendix 7	Assess area condition and environmental impact	
ASBAT [REDACTED]	Anti-Social Behaviour by identified individuals	
Adult Services / Children Services [REDACTED]	Assessment	
Trading Standards [REDACTED]	Rogue trading	
Health Visitor	Health assessment where required	
Press Office. GMP - [REDACTED] MCC - [REDACTED]	Regular and updated public information via the mass media/reassurance'	
Manchester Dogs Home		
Local RP	Impact on local community	
NCP	Parking violations	
VOSA	Vehicle Inspections	
DRAKES	Fines against vehicles database	

APPENDIX 5

Police Notification List

COM Divisional contact List for Duty Inspectors.

If no reply from Duty Inspector, the appropriate Duty Sergeants Desk (DSD) Sergeant will be able to advise the best means of contact.

Contact	Office Phone Number
North	
Duty Bronze Inspector	██████████
Duty Sergeant	████████████████████
Central	
Duty Bronze Inspector	██████████
Duty Sergeant	██████████
South	
Duty Bronze Inspector	██████████
Duty Sergeant	██████████

APPENDIX 6

MCC Contact list

Contact	Office Phone Number	Mobile Phone Number
North		
Compliance Team Manager		
[REDACTED]	[REDACTED]	[REDACTED]
Community Safety Specialist		
[REDACTED]		[REDACTED]
Central		
Compliance Team Manager		
[REDACTED]	[REDACTED]	[REDACTED]
Community Safety Specialist		
[REDACTED]		[REDACTED]
South		
Compliance Team Manager		
[REDACTED]	[REDACTED]	[REDACTED]
Community Safety Specialist		
[REDACTED]		[REDACTED]
Weekend duty cover MCC		
Licensing and Out of Hours Team	[REDACTED]	
Contact Centre for Park and Leisure	[REDACTED]	

APPENDIX 7

Private Landowner Request Notice

**To: THE OCCUPIER
AND ALL OCCUPANTS OF THE VEHICLES**

Date: [date]

From: [Company Name]

Re: UNAUTHORISED ENCAMPMENT – [Location]

We hereby give notice that you are illegally encamped on land owned by [Company Name]. We therefore request that those persons mentioned above and any other persons with them leave the land specified above and should remove their vehicle or vehicles and any other property which they have with them on the land within 24 hours by:

Time: [Time]

Date: [Date]

Please be advised that the Police have been notified of this unauthorised encampment with a view to them exercising their powers to remove trespassers from the land under S61 of the Criminal Justice and Public Order Act 1994.

[Signature Here]

On behalf of [Company Name]

APPENDIX 8

GREATER MANCHESTER POLICE

INITIAL SITE ASSESSMENT

INITIAL INFORMATION					
Day		Date		Time	
Ref. No.					

LOCATION INFORMATION			
Nearest Road			
Local Area/Town		Postcode	
GMP District			

LAND AND GENERAL INFORMATION	
What is the normal use of this land and how is this use being affected by the persons trespassing? (Provide as much detail as possible to this question as this is critical to the assessment of the impact of the incident)	
Who is the owner of the land?	
Has the requirement to quit the land been given by the landowner (or their authorised agent) to the trespassers and has any notice period for this expired? (Include all details including names of individual who made this requirement and circumstances in which it was given/made.)	☐ Yes
	☐ No
Has a subsequent formal request been made by, or on behalf of, the owner of the land for police to use police powers to remove the trespassers?	☐ Yes
	☐ No
Has any damage been reported and/or identified? If so, what?	☐ Yes

	☐ Yes, significant damage ☐ No
Has any distress been caused? If so, who to?	☐ Yes
	☐ Yes, significant distress
	☐ No
Has any disruption been caused? If so, what?	☐ Yes
	☐ Yes, significant disruption
	☐ No
Is there an environmental impact? (Consider litter or waste risks)	☐ Yes
	☐ No

TRESPASSER INFORMATION	
What is known of the trespassers' intentions?	
How many persons and vehicles are present?	
Is anything known about the conduct of all or part of this group of trespassers at their last stopping place? (Include details if known of the location and relevant reference number)	☐ Yes
	☐ No
Is there any relevant intelligence relating to this incident from neighbouring areas?	☐ Yes
	☐ No
Are there any animals present? (Numbers tied / untied? Any risks to the public or highway?)	☐ Yes
	☐ No

--

LOCAL AUTHORITY INFORMATION AND WELFARE	
Has the representative of the Local Authority been made aware of this incident? If so, who was advised and what feedback have they provided?	☐ Yes
	☐ No
Has the Local Authority conducted a welfare visit? If yes, what was the outcome? If no, why has this not been conducted?	☐ Yes
	☐ No
What welfare needs or considerations have been identified for those on the site?	

COMMUNITY INFORMATION
Have any representations in respect of the incident been received from members or representatives of the local community?
(Where these relate to criminal conduct or anti-social behaviour alleged against those persons trespassing, what steps have been taken to investigate and record these allegations?)

OTHER INFORMATION
What is the overall impact to the local community / landowner?
Are there any other factors, not detailed above, which should be taken into account when considering the impact of this incident?
Now set out what policing measures will be put in place to manage this incident and provide reassurance to the local community.
What communications will be put in place following any decision on use of police powers to manage this incident and provide reassurance to the local community?

OFFICER COMPLETING

Name			
Rank and ID No.			
Date completed		Time completed	

Form 0730X (September 2023)

GREATER MANCHESTER POLICE

DIRECTION TO LEAVE LAND DECISION RATIONAL RECORD

Location	
Date reported to Police	
Police Ref. No.	
Land Owner(s)	
Site Ref. No. (if any)	

GENERAL INFORMATION / SUMMARY

Where / what / when / why / how was the site established, who owns the land, how are they and others affected? What is the previous history of the site and the occupying family? Highways is now covered by relevant legislation.

AGGRAVATING FACTORS

Record the number of caravans and vehicles present here, together with the factors that have been taken into account regarding the need to direct to leave, such as damage, disruption or distress caused and impact on other communities.

MITIGATING FACTORS RELATING TO THE CAMP (including welfare issues)

If possible, Local Authority staff should attend to complete health and welfare assessments. Although the legislation does not prevent a direction to leave by the police where no formal welfare enquiries have been completed, such enquiries should be made wherever practicable. In any event, police should complete welfare enquiries at the time of service of the notice, with any issues noted on the notice.

Section 60C requirements: SIGNIFICANT damage, disruption or distress

A person is residing or intends to reside on land without consent of the land's occupier		A
Has (or intends to have) at least one vehicle with them on the land		B
A person has caused or likely to cause SIGNIFICANT damage		C
A person has caused or likely to cause SIGNIFICANT disruption		D

A person has caused or likely to cause SIGNIFICANT distress		E
In order to consider using Section 61 there must be A+B and either C, D or E		

Section 61 requirements: Damage, disruption or distress OR 6 or more vehicles		
Unauthorised trespassers have failed to respond to requests from or on behalf of the legal occupier of the land, and that any notice period given by them has expired		A
Two or more people are trespassing on land		B
They are present there with the common purpose of residing there for any period		C
That reasonable steps have been taken by or on behalf of the occupier to ask them to leave		D
That any of those persons have caused damage, disruption or distress		E
That people on the land have between them six or more vehicles		F
In order to consider using Section 61 there must be A+B+C+D and either E or F		

Section 62A requirements: Alternative site available		
Two or more people are trespassing on the land		A
The trespassers have between them at least one vehicle on the land		B
The trespassers are present on the land with the common purpose of residing there for any period		C
It appears that the person has one or more caravans in their possession or under their control on the land		D
There is a suitable pitch on a relevant caravan site for the caravan, or each of those caravans		E
The occupier of the land or a person acting on their behalf has asked police to remove the trespassers from the land		F
All requirements must be in place to use Section 62A		

Have welfare enquiries been carried out?	
If yes, ensure Welfare Enquiry Record from the Local Authority is included on the incident.	

Reviewing Inspector's Assessment
The information provided should support the Critical Incident Manager in the final decision being made on whether the group and / or an individual should be directed to leave the land.

Information	
Name	
Rank and ID No.	
Date	
Time	

Direction to Leave Decision (Critical Incident Manager)			
A record of the grounds for the decision, including any action taken to resolve either aggravating factors or welfare issues that may have arisen. A summary of the impact on the human rights of all parties involved should be included, highlighting the legitimacy, proportionality and necessity of the eviction action.			
Is there an immediate need to leave?			☐ Yes
			☐ No
Who will be directed to leave?			
Legislation used			☐ Section 60C
			☐ Section 61
			☐ Section 62A
If Section 62A, site to be directed to:			
What date are notices to be served?			
Date		Time	
When should the trespassers leave by?			
Date		Time	

Signed	
Name	
Rank and ID No.	
Date	
Time	

GREATER MANCHESTER POLICE

NOTICE TO LEAVE LAND

Section 60C of the Criminal Justice and Public Order Act 1994

In accordance with **Section 60C** of the **Criminal Justice and Public Order Act 1994**, I direct all those on this land to leave for the following reasons:

I believe that you are residing or intending to reside on the land without the consent of the occupier and that you have or intend to have at least one vehicle with you and that you have caused or are likely to cause **SIGNIFICANT** damage, disruption or distress.

You are required to leave and remove your property with you.

AUTHORISING OFFICER

Name			
Rank and ID No.			
Date completed		Time completed	
Reference No.			

SERVING OFFICER

Name			
Rank and ID No.			
Location			
Date completed		Time completed	

You must leave this land as soon as reasonably practicable or by the latest date and time:

If you fail to leave this land as soon as reasonably practicable or enter the land again as a trespasser within twelve months of this date, you commit an offence and could be arrested and / or prosecuted as well as having your vehicle removed by the police.

GREATER MANCHESTER POLICE

NOTICE TO LEAVE LAND

Section 61 of the Criminal Justice and Public Order Act 1994

In accordance with **Section 61** of the **Criminal Justice and Public Order Act 1994**, I direct all those on this land to leave for the following reasons:

I believe that two or more of you have entered this land as trespassers, that you have a common purpose to reside on the land and that reasonable steps have been taken by or on behalf of the person entitled to possession of the land, to ask you to leave.

I further believe that:

- Damage, disruption or distress has been caused and / or*
- You have between you six or more vehicles (including caravans) on the land*

AUTHORISING OFFICER

Name			
Rank and ID No.			
Date completed		Time completed	
Reference No.			

SERVING OFFICER

Name			
Rank and ID No.			
Location			
Date completed		Time completed	

You must leave this land as soon as reasonably practicable or by the latest date and time:

If you fail to leave this land as soon as reasonably practicable or enter the land again as a trespasser within twelve months of this date, you commit an offence and could be arrested and / or prosecuted as well as having your vehicle removed by the police.

GREATER MANCHESTER POLICE

NOTICE TO LEAVE LAND

Section 62a of the Criminal Justice and Public Order Act 1994

In accordance with **Section 62a** of the **Criminal Justice and Public Order Act 1994**, I direct all those on this land to leave for the following reasons:

I direct you to leave this land, and to remove all vehicles and other property you have with you on the land as I reasonably believe that the following conditions are satisfied:

1. That you and one more other are trespassing on the land and,
2. That you have between you at least one vehicle on the land and,
3. That you are present on the land with the common purpose of residing for any period and,
4. That you have one or more caravans in your possession or under your control on the land and there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans and,
5. That the occupier of the land or a person acting on their behalf has asked the police to remove the trespassers from the land.

AUTHORISING OFFICER

Name			
Rank and ID No.			
Date completed		Time completed	
Reference No.			

SERVING OFFICER

Name			
Rank and ID No.			
Location			
Date completed		Time completed	

You must leave this land as soon as reasonably practicable or by the latest date and time:

If you fail to leave the relevant land as soon as reasonably practicable or enter **ANY** land in the area of the relevant local authority as a trespasser with the intention of residing there within 12 months of this date, you commit an offence and could be arrested and / or prosecuted as well as having your vehicles removed by the police.

APPENDIX 9

MCC Forms

Initial Assessment and Travellers Welfare Contact Details

Unauthorised Encampment - Initial Site Assessment Proforma

It is vitally important to gather as much information as possible on your initial visit to an illegal encampment; this information will inform the Councils approach to dealing with the illegal encampment and will support any legal action required.

The information you gather will help to ensure that:

- That the needs/rights of both travellers and owners of an illegal encamped site are considered
- That the appropriate organisations are engaged in the process (GMP, Homeless, Land and Property Services etc)

Attending Officer(s):

Other partners also attending:

Date and time of officer visit:

Site address/area (please attach a GIS map to this document):

Gypsy /Traveller's date of arrival:

When do the Travellers intend to leave?

What's the reason for being on the land?

Was forced entry used to access the site? Y/N (please take photographs of any damage)

Have you identified group leader/main site contact?

1. Site assessment

Please take detailed pictures of the site and immediate surrounding areas

Vehicles

Type	Model	Registration	Colour	Notes

NB: Please take photographs of the vehicles if possible.

2. Is the site sensitive? (Please provide details of any complaints or issues to consider)

3. Generic occupant's assessment

Present	Number	Notes
Adults		
Children		
Dogs		
Other		

4. Officer's general site occupant/site assessment

Are the occupants engaged/aggressive/non committal (scale of 1-5 with 5 being Very engaged)

5. Detailed occupants assessment

Name	Gender	Date of Birth	Residential address

6.

(a) Are any of the occupants pregnant (provide details below)

(b) Is any person presenting with illness? (Provide details below)

(c) Are any of the above disabled? (Provide details below)

(d) Are any children on site attending school? (Provide details below)

(e) Do any of the site occupants intend to present as homeless?

(f) Were occupants provided with welfare contact information? Y/N (if No, please provide details)

7. Witness details:

NAME	ADDRESS	TEL NUMBER	Anonymous Y/N

8. Provide a brief statement from the witness(es)

8. Officers Report Site Visit Report (Please provide as much detail as possible)

MANCHESTER CITY COUNCIL

Travellers Welfare Contact Numbers

Housing/Homeless Team Homeless Families Emergency after 4.30pm and weekends Homeless Men/Couples (24 hrs) Homeless Women/Couples (24hrs)	  		Hospitals: St Mary's Hospital/Eye Hospital/MRI North Manchester General Hospital Wythenshawe Hospital	  
Shelter			To Find a Family GP NHS Choices	www.nhs.uk
Citizens Advice Centre			Boots Walk In Centre 2 nd Floor, 32 Market St. M1 1PL	
			Irish Community Care Cheetham Hill Levenshulme	

APPENDIX 10

Powers Available To Local Authorities

It is essential that a co-operative approach with Local Authorities be sought at an early stage in the proceedings. Local Authorities should take the lead towards Gypsy and Traveller issues, including needs assessment, site provision as well as eviction policies. They have two main sets of powers to tackle unauthorised encampments:

Civil Powers

A landowner (including a Local Authority) can obtain a possession order in the Civil Courts requiring the removal of trespassers from property, including land. Under the Civil Procedures Rules Part 55 the claim must be issued in the county court in whose jurisdiction the property or land is situated. In exceptional circumstances a claim might be issued in the High Court if there is substantial risk of public disturbance or of serious harm to persons or property, which requires immediate resolution.

Private landowners commit an offence if they use or threaten violence for the purpose of securing entry to premises occupied by another and become further liable if more force than necessary is used to remove occupiers. If a crime is committed by the owner as outlined the site occupants could lawfully use reasonable force to resist them.

Equally an owner dumping property i.e., caravans and other material from the site, onto a highway could commit an offence of obstruction of the highway or even littering in a public place. The only way to negate this is by the owner obtaining a civil court order, which is consequently resisted by the site occupants.

If the site occupants do not leave of their own accord, then the owners should be advised to go through the normal channels for civil recovery of land.

Officers should not get involved in the physical removal of unlawful occupants in these circumstances and will only be present to prevent a Breach of the Peace and to investigate the commission of offences committed by any persons.

The Criminal Justice and Public Order Act 1994

Section 77 CJPOA gives Local Authorities in England and Wales, powers to direct unauthorised campers to leave land in the open air (private or public) such as roadside verges, unoccupied property or places where they are trespassing. It is an offence to fail to comply with such a direction. If the direction to leave is not complied with, the Local Authority can apply to a Magistrates' Court for an order requiring the removal of vehicles and any occupants from the land (s78). It is a defence for the accused to show that his/her failure to leave or to remove the vehicle or other property as soon as practicable, or his/her re-entry with a vehicle, was due to illness, mechanical breakdown or other immediate emergency (under S77).

Other Measures Available To Local Authorities

The Government believes that Local Authorities should always follow a route that requires a Court order. As Local Authorities and public bodies, Authorities cannot escape considerations of common humanity or other statutory duties and must ensure that the human rights of campers are safeguarded.

Local Highways Authorities have powers to evict unauthorised campers from highway land in certain circumstances under the Highways Act. Such powers might be unsuitable where rapid eviction is called for.

Local byelaws might have provisions for evicting campers from car parks, parks or other public areas.

Planning enforcement measures might be relevant where encampments are on owner occupied land or other land with the landowner's consent (where CJPOA cannot be used).

Powers Available To Other Landowners

Several government bodies are major landowners, and their land might be subject to unauthorised encampment e.g., the Forestry Commission and the Highways Agency.

Private landowners may obtain a possession order through the Civil Courts requiring the removal of trespassers from their land, using Civil Procedures Rules Part 55 in the County Court. Private landowners have no welfare responsibilities towards individuals and would not be expected to take campers' needs into account when deciding to evict.

There is a role for Local Authorities and Police in managing unauthorised camping on private land. As a minimum, Local Authorities should advise private landowners about their rights to recover land from trespassers through the courts. Authorities should remind landowners about the importance of using reputable bailiffs and only 'reasonable force'.

Within the overall strategy for managing unauthorised camping, the Local Authority might consider acting more directly against encampments when requested by a private landowner, particularly if the police are not prepared to use s61 CJPOA to evict the encampment.

Police and the Local Authority should also take action if there are any criminal offences perpetrated during eviction action by bailiffs or private firms.

Powers Available to the Police – See 4.4 above and appendix 1

APPENDIX 11 - ACRONYMS

Acronym	Meaning
GRT	Gypsy, Roma and Traveller Community
GMP	Greater Manchester Police
MCC	Manchester City Council
ACPO	Association of Chief Police Officers
CoM	City of Manchester (GMP)
FIS	Force Intelligence System (GMP)
FIB	Force Intelligence Branch (GMP)
FDO	Force Duty Officer (GMP)
DRU	District Intelligence Unit
DWP	Department of Work and Pensions
IAG	Independent Advisory Group (GMP)
DVLA	Driver and Vehicle Licensing Agency
VOSA	Vehicle and Operator Services Agency
NCT	Neighbourhood Compliance Team (MCC)
INPT	Integrated neighbourhood Policing Team
GSB	Gold, Silver, Bronze.
CI	Chief Inspector
Supt	Superintendent
ECT	Environmental Crime Team (MCC)
CSS	Community Safety Specialist
ASBAT	Anti Social behaviour Action Team (MCC)
RP	Residential Provider (Social Housing)
EWHC	England and Wales High Court
Term	Meaning
iOPS	GMP's operating system
Case Management	MCC's operating system

Important Supplementary Guidance for Unauthorised Encampments

This guidance is supplementary to the Unauthorised Encampments Policy and Procedure – February 2024.

R (on the application of Smith) v Secretary of State for the Home Department [2024] EWHC 1137 (Admin)

In 2023 an organisation (the Community Law Partnership / (“CLP”)) acting on behalf of members of the Romani Gypsies and Irish Travellers (referred to in this guidance as “GRT communities”) issued judicial review proceedings in the High Court against the Secretary of State for the Home Department (“the Home Office”). In January 2024 the High Court considered that challenge, and in its judgement handed down in May 2024, it declared that sections 60C(3), 61(4ZA)(a), 62(1A)(a) and 62B(2) of the Criminal Justice and Public Order Act 1994 (“CJPOA”) were incompatible with the European Convention on Human Rights (“ECHR”).

On what basis did the High Court reach that decision?

If a direction to leave land is given in accordance with section 60C, 61 or 62A CJPOA, an automatic prohibition on returning to the land (or “land in the area of the relevant local authority” for the purposes of s62A) as a trespasser within 12 months applies. For the purposes of this supplementary guidance this will be referred to as the “no-return periods”. This means that individuals returning to certain land within the no-return periods as a trespasser may commit an offence and are liable to enforcement action being taken against them.

The CJPOA was amended by Part 4 of the Police, Crime, Sentencing and Courts Act 2022. One important change to the CJPOA was that the no-return periods were extended from three months to twelve months. The High Court recognised that:

- a) There is a national undersupply of pitches available to GRT communities and a lack of evidence to suggest that further sites will be provided;
- b) The transit pitches that are available to the GRT communities have a maximum stay period of 3 months. This previously corresponded with the 3 month no-return periods. Prior to the amendments to the CJPOA’s no return periods, the GRT communities could avoid the criminal penalties by using either transit pitches or permanent pitches; and

- c) The GRT communities will no longer be able to avoid the risk of criminal penalty by resort to transit pitches if they are not readily available. The position might be different if transit pitches were readily available: moving between several different pitches over the course of a 12-month period would be a feasible option. But the evidence shows this is not the position.

The extension of the no-return periods (from 3 to 12 months) narrows the options available to comply. Resort to a transit pitch will no longer suffice as the maximum stay on a transit pitch is 3 months. The undersupply of transit pitches renders it much less likely that the opportunity exists to move on from one to another. In this way, extending the no-return periods not only puts the GRT communities at a particular disadvantage but also and of itself, compounds that disadvantage.

The High Court therefore issued a declaration of incompatibility insofar as the CJPOA provisions identify a 12-month no return period. The High Court accepted that the increased protection given to landowners by the 12-month no return periods place a disproportionate burden on the GRT communities.

How does this impact upon the operational approach to unauthorised encampments?

A declaration of incompatibility does not directly affect the operation or enforcement of the law. This means that the CJPOA provisions on no return periods remains in force for the moment, but they must be reviewed by Parliament.

The Smith judgement does not mean that you can no longer exercise police enforcement powers under the CJPOA. However, it is important that officers planning the operational response to unauthorised encampments are aware of the case and take this supplementary guidance into consideration when making operational enforcement decisions.

GMP's force policy at section 1 and 5 already acknowledges the shortage of pitches available across the country and encourages officers to be sensitive to the fact. Officers must consider the proportionality of the policing response on a case-by-case basis, but before deciding to take any enforcement action such as arrest or seizure of property, officers should be aware of the decision in Smith and take it into consideration. The use of police powers must be proportionate, balancing the need to protect landowners' rights with the rights of the individuals engaging in unauthorised encampments.

To take enforcement action utilising the powers available in the CJPOA can represent a significant infringement upon an individual's Article 8 right to respect for private and family rights. Any such infringement would need to be in accordance with the law and necessary for one of the purposes set out within the relevant Article in the Human Rights Act 1998. Any such infringement must also be proportionate, and where there are competing rights, a proportionate balance must be struck. The Smith judgement recognises the infringements that can occur through enforcement of the CJPOA, and it recognises that it has and will impact more significantly upon the GRT community.

In practice, and as an example of how the Smith judgement might be taken into consideration, officers dealing with an unlawful encampment within the no return periods who are thinking about their enforcement options ought to consider why the individual(s) has/have returned and whether the lack of transit sites has influenced their return. If the local situation at the time reflects the shortage described in Smith and the individual(s) has/have had little alternative but to resort to an unauthorised encampment within the no return periods, then they might consider it disproportionate to take any immediate enforcement action. If in the alternative the local situation at the time does not reflect the shortage described in Smith, and it appears that the individual(s) have not availed themselves of lawful alternatives available, then the balance could potentially tip more towards taking enforcement action in accordance with the CJPOA.

[Unauthorised Encampment Policy](#)