

## SURREY POLICE AND CRIME PANEL

### 18 April 2023

# Unauthorised Encampments

## 1 SUMMARY

- 1.1 This paper provides a high-level summary of Surrey Police's current approach towards unauthorised encampments.

## 2 INTRODUCTION

- 2.1 An Unauthorised Encampment is defined as a group of people with vehicles who are trespassing on land without the owner's consent with the intention of residing. This should be distinguished from an unauthorised development, where a group of people are developing land, they themselves own without the necessary planning permission.
- 2.2 Within this context, 'vehicles' has the same meaning as defined in Section 61 of the Criminal Justice and Public Order Act (CJPOA) 1994 which states: "any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle and any load carried by, and anything attached to, such a vehicle."
- 2.3 It is important to recognise that Unauthorised Encampments are not automatically a policing issue. When an unauthorised encampment is on private land it is primarily the landowners' responsibility to deal with the eviction. Local councils will in these instances generally offer advice if asked by the landowner. In cases where an encampment is on public land, local councils have some powers they can use to address the situation.
- 2.4 However, in some instances police involvement is necessitated, and this report focuses on police related powers and when those powers can be exercised.

## 3 SURREY POLICE POLICY

- 3.1 Surrey Police has a dedicated policy which sets out the way in which the Force makes use of its statutory powers to combat unauthorised encampments, including the decision-making process for when these incidents arise. Broadly speaking, the

Police make use of powers prescribed under the Criminal Justice and Public Order Act (CJPOA) 1994, whilst abiding by the principles of the Human Rights Act 1998.

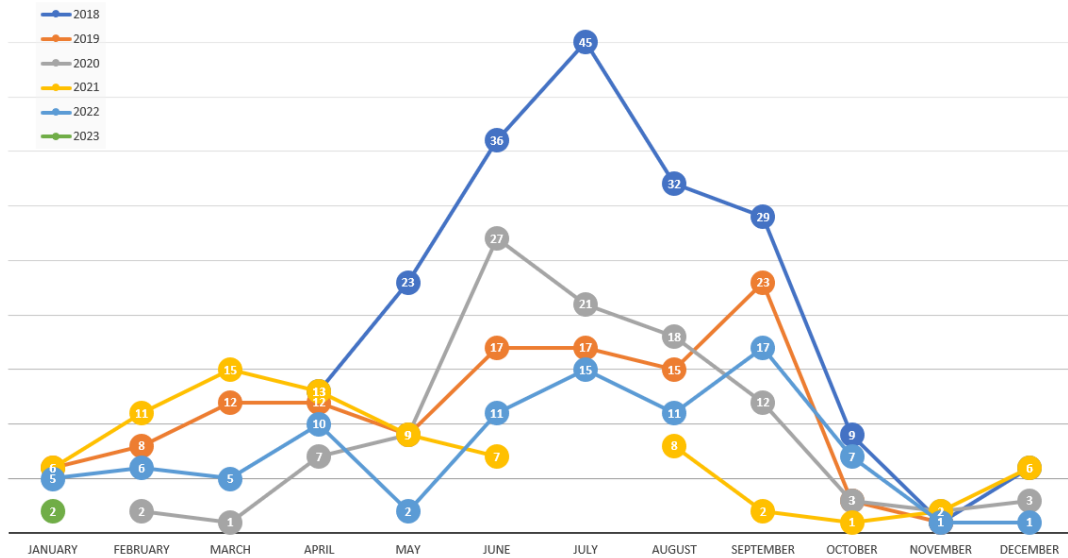
- 3.2 In 2022 the Government's Police, Crime, Sentencing and Courts Act (the Policing Act) came into effect. The Act made wide-ranging changes across the criminal justice system in areas including police powers when responding to unauthorised encampments, with various amendments to the 1994 Act.
- 3.3 A full summary of the new and revised powers can be found on the Government's website:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1086082/E02764577\\_Unauthorised\\_Encampments\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1086082/E02764577_Unauthorised_Encampments_Accessible.pdf)
- 3.4 As detailed above, it is the responsibility of the local authority or landowner to take the lead on managing Unauthorised Encampments. The presence of an encampment alone with no aggravating factors will not trigger police action to remove the encampment.
- 3.5 In assessing whether to intervene, the Police must take account of the issues of behaviour, whether criminal, anti-social or nuisance behaviour is displayed by those encamping (or the settled community), as well as the impact on the landowner.
- 3.6 The full Unauthorised Encampment policy is attached as Appendix 1.
- 3.7 In summary, Surrey Police's policy aims to strike balance between the rights of the landowner, the wider community and the rights and welfare needs of those on the Unauthorised Encampment. Surrey Police seek to work closely with local authorities and welcome partnership discussion and dialogue with any encampment, to achieve a negotiated solution.

#### **4 TRANSIT SITES**

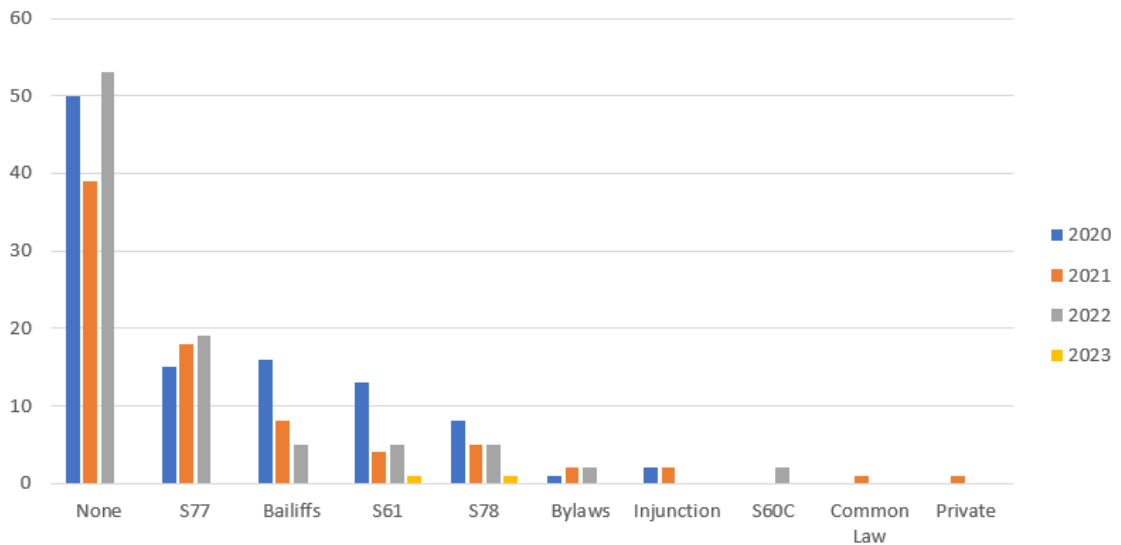
- 4.1 Under the 2022 revisions to the CJPOA, specifically Section 62A, the police now have the power to direct the occupants of an Unauthorised Encampment to leave the land and move to a local transit site.
- 4.2 Despite ongoing discussions between the County Council, Borough and District Councils and the Police, there are currently no transit sites in the county of Surrey.

## 4 UNAUTHORISED ENCAMPMENT DATA

### 4.1 Chart 1: UEs across Surrey by year

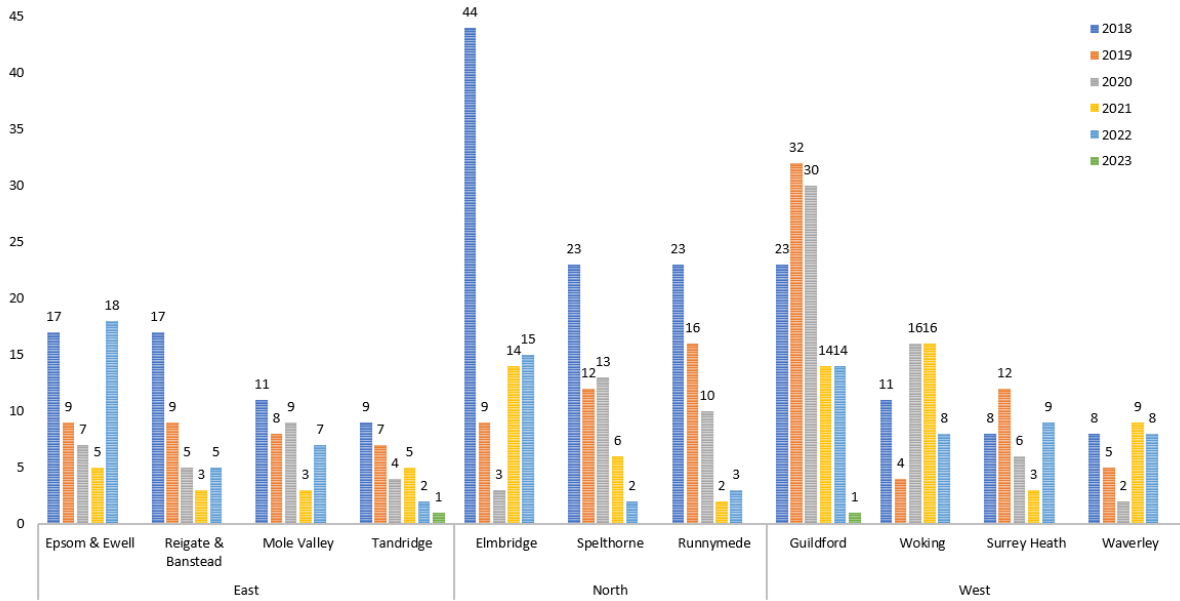


### 4.2 Chart 2: UEs by powers used



4.2.1 The power most used by the council is that under sections 77 and 78 of the Criminal Justice and Public Order Act 1994. Section 77 gives councils the power to direct individuals to remove their vehicles and belongings and to leave the land occupied without the consent of the occupier of the land. The direction requires the site to be vacated immediately and if it hasn't been complied with after 24 hours a summons can be issued under section 78. Section 60 and 61 are powers available to the police.

### 4.3 Chart 3: UEs by boroughs and districts



8

## 5 RECOMMENDATIONS

The Police and Crime Panel is asked to:

1. Note the content of the report.

## 6 CONTACT INFORMATION

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