



Home Office

Government Response to the Consultation ‘Strengthening Police Powers to Tackle Unauthorised Encampments’

A Summary of Consultation Responses and the Way Forward

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Ministerial Foreword



No one should have to put up with disturbances and disruption on their doorstep. That is why, in the 2019 Queen's Speech, we set out our intention to deliver on our manifesto commitment to strengthen police powers to tackle unauthorised encampments, including the creation of a new offence. I am pleased to be able to fulfil that promise now.

The public response to a 2018 consultation on this issue was clear: people want to see more protection for local communities and for the police to be given greater powers to crack down on trespassers. Unauthorised encampments can cause distress and misery to those who live nearby as areas are blighted by problems such as excessive noise and littering. They have an impact on taxpayers too, as councils are saddled with significant clean-up costs. They also often give an unfair, negative image of the vast majority of travellers who abide by the law.

We will always back the police to tackle crime and serve their communities, and of course they must exercise any new powers fairly and proportionately. The measures we will be bringing forward are designed to address the problems caused by harmful unauthorised encampments by ensuring they can be removed quickly and effectively.

With all good wishes

The Rt Hon Priti Patel MP

Executive Summary

This document sets out the Government's proposed measures to strengthen police powers to tackle unauthorised encampments following the Home Office consultation of the same name. We are grateful to those who took the time to respond to the consultation.

Chapter One of this document sets out the context for the consultation and the case for action. The Government understands that the vast majority of those residing on encampments are law-abiding citizens but we also recognise that in some cases unauthorised encampments can cause distress and misery to those who live nearby. These sites often give an unfair, negative image of law-abiding communities, which in turn damage wider community relations. The Government believes that more should be done to address the problems caused by some unauthorised encampments, while respecting the rights of those who wish to pursue a nomadic way of life.

Chapter Two gives an overview of the consultation responses. Chapters Three to Ten set out the responses to each of the questions in greater depth and the Government's response.

Chapter Eleven sets out the action the Government will take. We will introduce a criminal offence where:

- A person aged 18 or over resides or intends to reside on land without consent of the occupier of the land;
- They have, or intend to have, at least one vehicle with them on the land;
- They have caused or are likely to cause significant damage, disruption or distress;
- They, without reasonable excuse:
 - Fail to leave the land and remove their property following a request to do so by an occupier of the land, their representative or a constable; or
 - Enter or, having left, re-enter the land with an intention of residing there without the consent of the occupier of the land, and with an intention to have at least one vehicle with them, within 12 months of a request to leave and remove their property from an occupier of the land, their representative or a constable.

- Reasonable suspicion that a person has committed this offence confers power on a constable to seize their vehicle/other property for up to three months from the date of seizure or, if criminal proceedings are commenced, until the conclusion of those proceedings.

There will be further conditions including mitigating provisions attached to the new offence. These are set out at Chapter Eleven.

We will also:

- amend section 61(1)(a) of the Criminal Justice and Public Order Act 1994 (CJPOA) to broaden the types of harm that can be caught by the power to direct trespassers under that provision, to include damage, disruption and distress;
- amend sections 61(4)(b), 62B(2) and 62(C) to increase the period in which trespassers directed away from the land under sections 61 and 62A must not return from 3 months to 12 months;
- amend section 61(9)(b) to enable police to direct trespassers with a common purpose of residing on land to leave land that forms part of a highway.

We believe that the combination of the new offence and the extension of existing powers in the CJPOA will give police the tools to deal with a variety of harms caused by unauthorised encampments in a proportionate, effective and efficient manner.

Chapter 1 – The Case for Action

Unauthorised Encampments can, in some cases, cause harm and misery to those affected by them and it can be time-consuming and costly for local communities to have them removed.

Some of the harms and problems that are caused can include:

- interference with electricity, water or gas supplies
- animals out of control or attacking people using the land or passing nearby
- animals defecating on the land without owners subsequently clearing up
- excessive noise pollution as a result of behaviour such as playing loud music or revving the engines of motor vehicles
- improper deposit of human waste or sewage (such as bath water)
- failure to remove excessive litter
- disposal of clinical waste

The responses to our 2018 consultation, '*Powers for Dealing with Unauthorised Development Encampments*', showed there was public support for more action to prevent or remove these encampments. The commitment to introduce those powers was included in our 2019 Manifesto.

In their responses to the 2018 consultation, local authorities and the police provided evidence relating to the harms caused by unauthorised encampments, with some showing an increase in crime and antisocial behaviour.

Police usually only record the bigger, more problematic encampments. Police intervention varies depending on the circumstances and locality: in some local authorities, council officials and police officers routinely intervene jointly, while in others the police intervention is based on whether serious crime has been committed.

Local authorities provided data on the number and scale of unauthorised encampments – these ranged from low numbers to over 150 over the two previous years in larger local authorities. Costs ranged as well, from low costs in local authorities where there were alternative transit sites for temporary stays or where negotiated stopping was practiced, to very high costs in local authorities that did not have an available transit site and where property had been damaged to gain access to the land.

Negotiated stopping is the practice of local authorities making an agreement with travellers, the terms of which vary depending on the situation, but usually include correct waste disposal and other things that can be described as ‘good neighbourliness’. Provision and use of services, such as portaloos and household waste disposal, will often form part of the agreement. Some authorities also supply water where possible. The length of the agreement can vary from 2 weeks to several months but tends to be around 28 days.

Costs incurred by local authorities, including those for clean-up costs, can be high. For example, in 2016 the eviction and clean-up costs of unauthorised encampments cost Birmingham City Council £700,000. In addition, in 2018 some local authorities reported costs in securing their open spaces through additional fencing or repairs to existing fencing.

Businesses and private landowners incur the costs of cleaning up after an unauthorised encampment and are often victims of repeat incursions. Business parks, retail car parks, and leisure centres are also at risk from the harm or damage caused by some unauthorised encampments.

Members of the public also reported in their responses to the 2018 consultation their frustration with unauthorised encampments and with the loss to their communities of the use of public amenities. The most pressing concerns were around waste (especially human waste), intimidation, anti-social behaviour and the perception that the authorities are powerless to act. The idea that the law is unfair and ‘punishes’ law-abiding citizens came across very strongly.

Whilst responses to the 2018 consultation reported a rise in crime and antisocial behaviour, others highlighted instances where unauthorised encampments caused no problems, and when travellers cleaned up after themselves, at no cost to the council. Most authorities reported using sections 77 and 78 of the CJPOA to evict with some police enforcement. The duration of enforcement action ranged from a few days, to several weeks in more complex cases.

Based on the findings of the 2018 consultation, which made the case for action, we launched a second consultation '*Strengthening Police Powers to Tackle Unauthorised Encampments*' in November 2019 to seek views on how the act of trespass, when setting up or residing on an unauthorised encampment, could be criminalised. We also asked for views on extending the current powers police have under the CJPOA to direct people away from unauthorised sites.

Many of the responses opposed the proposals to criminalise trespass and to amend the CJPOA due to the impact they felt this might have on travellers and a nomadic way of life. While the government recognises people's right to live a nomadic life, this must be balanced against the rights of landowners and those residing in the immediate vicinity to live their lives without having to deal with disruption or distress.

In response to the 2019 consultation there was also some support for amendments to the CJPOA and for criminalisation of trespass when an encampment prevents people entitled to use the land from making use of it; when the encampment is causing or is likely to cause damage to the land or amenities; and when those on the encampment have demanded money from the landowner to vacate the land.

The following chapters set out the Government's response to the consultation and our proposed measures, followed by the consultation responses that have underpinned the development of these proposals.

Chapter 2 – Consultation Responses

Overview

The Home Office consultation, '*Strengthening Powers to Tackle Unauthorised Encampments*', was launched on 5 November 2019 and closed on 5 March 2020. It followed the 2018 consultation '*Powers for Dealing with Unauthorised Development and Encampments*' where 52% responded in favour of criminalising unauthorised encampments. Our subsequent consultation sought views on *how* to tackle unauthorised encampments, the case for tackling unauthorised encampments having been made in 2018.

Friends, Families and Travellers also ran their own targeted engagement, posing their own questions, specifically for Gypsy, Roma and Traveller (GRT) communities. We are very grateful for their engagement.

Methodology

The government consultation included 18 questions covering a broad range of topics and the conditions that might be put in place for a criminal offence to be committed when someone is residing on, or intending to reside on, an unauthorised encampment, including the circumstances where police could exercise powers of arrest and seizure; and on amending the existing provisions in the CJPOA. Respondents were able to comment on what impact they believed these powers would have on GRT communities.

Respondents were able to answer each question in tick boxes, from strongly agree to strongly disagree. On many of the questions, respondents were given a free text box to explain their choice.

In response to some of the questions, some suggested they strongly disagreed with proposals because the proposals go too far, some strongly disagreed because they do not go far enough.

To support the consultation, Home Office data analysts provided advice on the design of the consultation questions and the responses were reviewed by a team of Home Office analysts and policy officials.

Home Office analysts also carried out some experimental analysis, including text analytics. This allowed them to identify duplicate responses, analyse the popular words or phrases used by different groups of respondents and allowed them to test sentiment analysis techniques on a large dataset. This was carried out in addition to collation of the data, consideration of each response and quality assurance checks of the data. We are therefore confident that all the responses have been duly considered.

There were over 26,000 responses to the consultation, of which almost 9,500 were responses to the Government-designed consultation. We are grateful to everyone who took the time to respond.

The Government was mindful when considering its response of its duty to comply with the European Convention on Human Rights (“ECHR”) and the Equality Act 2010.

Numbers of Respondents

Response Channel	Number of Responses
Responses to Home Office Consultation	
Online	9,145
Word/PDF (received via email)	286
Other Responses	
Engagement carried out by Friends Families and Travellers.	10,620
Emails from Liberty Human Rights.	6,268
Postal	18
Total	26,337

Chapter 3 provides a summary of the 9,431 online and Word/PDF emailed responses received to the government consultation. Other responses are set out in Chapters 9 and 10.

Chapter 3 – Responses to the Government consultation about criminalisation of trespass

This section sets out the responses to the first five questions of the consultation. This section included questions on what conditions are required for setting up, or residing on an unauthorised encampment, to be a criminal offence.

Question 1

To what extent do you agree or disagree that knowingly entering without the landowner's permission should only be made a criminal offence if it is for the purpose of residing on it?

Question 1 responses

In response to this question, 54% of people disagreed or strongly disagreed, while 18% agreed or strongly agreed, with 20% neither agreeing nor disagreeing and 8% offering no opinion.

Question 2

To what extent do you agree or disagree that the act of knowingly entering land without the landowner's permission should only be made a criminal offence if it is for the purpose of residing on it with vehicles?

Question 2 responses

In response to this question, 55% disagreed or strongly disagreed, 17% agreed or strongly agreed, 20% neither agreed nor disagreed and 8% offered no opinion.

Question 3

To what extent do you agree or disagree that the landowner or representatives of the landowner should take reasonable steps to ask persons occupying their land to remove themselves and their possessions before occupation of the land can be considered a criminal offence?

Question 3 responses

In response to this question, 40% agreed or strongly agreed, 28% disagreed or strongly disagreed, 21% neither agreed nor disagreed and 11% offered no opinion.

Question 4

To what extent do you agree or disagree that a criminal offence can only be committed when the following conditions have been met?

a) The encampment prevents people entitled to use the land from making use of it
b) The encampment is causing or is likely to cause damage to the land or amenities
c) Those on the encampment have demanded money from the landowner to vacate the land
d) Those on the encampment are involved or are likely to be involved in anti-social behaviour

Question 4 Responses

4a) In response to this question, 34% disagreed or strongly disagreed, 30% agreed or strongly agreed, 23% neither agreed nor disagreed and 12% offered no opinion.

4b) In response to this question, 32% disagreed or strongly disagreed, 31% agreed or strongly agreed, 23% neither agreed nor disagreed and 13% offered no opinion.

4c) In response to this question, 36% agreed or strongly agreed, 29% disagreed or strongly disagreed, 21% neither agreed nor disagreed and 13% offered no opinion.

4d) In response to this question, 39% disagreed or strongly disagreed, 23% agreed or strongly agreed, 25% neither agreed nor disagreed and 13% offered no view

Question 5

What other conditions not covered in the above should we consider?

Question 5 Responses

Suggestions for additional conditions included:

- incidents of fouling, littering, and damage to land
- using land when the landowner has not consented and/or refusing to leave when landowner has asked
- other offences are taking place e.g. theft from land, running unlicensed businesses from land, breach of child and animal welfare rights
- businesses or other operations are impacted, or the public right of way is blocked
- trespassers use or display threatening or abusive behaviour
- entry was forced to access land e.g. breaking or damaging locks/barriers to gain access to land
- trespassers cause public nuisance
- trespassers are using unlicensed vehicles
- occupied land is 'protected' by law

Chapter 4 – Responses to the Government consultation about amendments to Criminal Justice and Public Order Act 1994

Question 6

To what extent do you agree or disagree that police should be given the power to direct trespassers to suitable authorised sites in a neighbouring local authority area?

Question 6 Responses

In response to this question, 46% of people disagreed or strongly disagreed, while 30% agreed or strongly agreed, with 18% neither agreeing nor disagreeing and 6% offering no opinion.

Question 7

Should this be subject to conditions around agreements being in place between local authorities?

Question 7 Responses

In response to this question, 42% answered yes and 37% answered no. 21% offered no opinion.

Question 8

Should there be a maximum distance that a trespasser can be directed across? If yes, what distance should that be?

Question 8 Responses

In response to this question, 56% answered yes and 31% answered no. 13% offered no opinion.

Of those that answered yes to this question:

- 1,189 said 0.5 to 10 miles should be the maximum distance.
- 214 said between 10 and 20 miles should be the maximum distance.
- 196 said between 20 and 50 miles should be the maximum distance.
- 24 said between 50 and 100 miles should be the maximum distance.
- 20 said the maximum distance should be greater than 100 miles.

Circa 3,000 responses to question 8 indicated that there should be a maximum distance that a trespasser can be directed across, but did not indicate what that distance should be, or their response was not categorised. Suggestions given in metric units have been converted.

Question 9

Should there be any other conditions that should be considered when directing a trespasser across neighbouring authorities. If so, what should these be?

Question 9 Responses

In response to this question, 50% answered yes and 32% answered no. 18% offered no opinion.

Suggestions for additional conditions included:

- The level of negative impact on persons, including children and vulnerable adults, and their ability to stay near work, schooling, health services, disability support and the impact on relationships (c. 25%).
- Availability of suitable and safe alternative site provision (c. 5%).

Question 10

To what extent do you agree or disagree that the period of time in which trespassers directed from land should be unable to return should be increased from 3 months to 12 months?

Question 10 Responses

In response to this question, 60% of people disagreed or strongly disagreed, while 21% agreed or strongly agreed, with 13% neither agreeing nor disagreeing and 6% offering no opinion.

Question 11

To what extent do you agree or disagree that the number of vehicles needing to be involved in an unauthorised encampment before police powers can be exercised should be lowered from six to two vehicles?

Question 11 Responses

In response to this question, 65% of people disagreed or strongly disagreed, while 19% agreed or strongly agreed, with 9% neither agreeing nor disagreeing and 6% offering no opinion.

Question 12

To what extent do you agree or disagree that the police should be granted the power to remove trespassers from land that forms part of the highway?

Question 12 Responses

In response to this question, 59% of people disagreed or strongly disagreed, while 23% agreed or strongly agreed, with 12% neither agreeing nor disagreeing and 6% offering no opinion.

Chapter 5 – Responses to the Government consultation about police seizing property

Question 13

To what extent do you agree or disagree that the police should be granted the power to seize property, including vehicles, from trespassers who are on land with the purpose of residing on it?

Question 13 Responses

In response to this question, 70% of people disagreed or strongly disagreed, while 18% agreed or strongly agreed and 6% neither agreed nor disagreed. 5% offered no opinion.

Question 14

Should the police be able to seize the property of:

- a) Anyone whom they suspect to be trespassing on land with the purpose of residing on it
- b) Anyone they arrest for trespassing on land with the purpose of residing on it
- c) Anyone convicted of trespassing on land with the purpose of residing on it

Question 14 Responses

14a) In response to this question, 81% answered no, 13% answered yes and 6% offered no opinion.

14b) In response to this question, 77% answered no, 17% answered yes and 6% offered no opinion.

14c) In response to this question, 73% answered no, 21% answered yes and 6% offered no opinion.

Chapter 6 – Responses to the Government consultation about further amendments to the Criminal Justice and Public Order Act 1994

Question 15

To what extent do you agree or disagree that the proposed amendments to sections 61 and 62A of the Criminal Justice and Public Order Act 1994 contained in this consultation are sufficient measures to tackle the public disorder issues which are associated with unauthorised encampments without the requirement for introducing specific powers that criminalise unauthorised encampments?

Question 15 Responses

In response to this question, 32% of people disagreed or strongly disagreed, while 16% agreed or strongly agreed and 36% neither agreed nor disagreed. 16% offered no opinion.

Chapter 7 – Responses to the Government consultation about impacts on GRT communities

Question 16

Do you expect that the proposed amendments to sections 61 and 62A of the Criminal Justice and Public Order Act 1994 contained in this consultation would have a positive or negative impact on the health or educational outcomes of Gypsy, Roma and Traveller communities? If so, do you have any evidence to support this view, and/or suggestions for what could be done to mitigate or prevent any negative impacts?

Question 16 Responses

In response to this question, 72% of people thought that this proposal would have a negative or highly negative impact and 8% thought that it would have a positive or highly positive impact. 14% thought it would have neither a positive nor a negative impact and 5% offered no response.

Suggestions to mitigate negative impacts centred on provision of more authorised sites (c.10%).

Question 17

Do you expect that criminalising unauthorised encampments would have a positive or negative impact on the health or educational outcomes of Gypsy, Roma and Traveller communities? If so, do you have any evidence to support this view, and/or suggestions for what could be done to mitigate or prevent any negative impacts?

Question 17 Responses

In response to this question, 73% of people expected that the proposal would have a negative or highly negative impact and 8% expected a positive or highly positive impact. 12% expected neither a positive nor a negative impact and 5% offered no opinion.

Suggestions to mitigate negative impacts centred on provision of more authorised sites (c. 5%).

Chapter 8 – Responses to the Government consultation: other comments

Question 18

Do you have any other comments to make on the issue of unauthorised encampments not specifically addressed by any of the questions above?

Question 18 Responses

Many people who responded to this question did not support either of the proposals to amend the current legislation or to criminalise trespass, with some adding that the issue of unauthorised encampments will not be solved by these proposals (c.10%).

There were suggestions from c.15% of respondents that local authorities and the Government should provide more sites, pitches and land as an alternative to unauthorised encampments. These responses also included comments that local authorities and government should work more closely with GRT communities to ensure more educational and employment opportunities are open to them.

Some comments (c.10%) suggested that the proposals are discriminatory towards GRT communities and do not take their needs into consideration. A few said that GRT communities should be able to freely practice their chosen way of life and that proposals would breach basic human rights and freedoms (c.5%). As set out above, the Government has been mindful of its duty to comply with the European Convention on Human Rights (“ECHR”) and the Equality Act 2010 when considering its response.

In addition, some people were concerned that the trespass proposals would negatively impact on the public’s right to roam if implemented (c.5%). Comments also included views on the impact that people thought proposals could have on rough sleepers, people living in vans or boats, wild campers and ramblers (c.5%). The government’s proposals ensure that these people are not caught by the offence.

Government Response

The Government welcomes all the responses to these questions. We have considered all responses before deciding on the next steps we will take to strengthen police powers to tackle unauthorised encampments.

The 2018 consultation responses show that there is appetite to extend powers available to the police when dealing with unauthorised encampments. This consultation asked how we should extend those powers. The Government's view is that creation of a new criminal offence and the extension of existing powers under the CJPOA is the option that will provide the police with sufficient powers to enforce quickly and effectively against a range of harms resulting from unauthorised encampments. The offence seeks to create a deterrent effect, helping to prevent the harms caused by unauthorised encampments from occurring in the first instance and also seeks to enable the police to take more effective and efficient action in response to an unauthorised encampment.

66% of people responding on behalf of local authorities to the 2019 consultation were in favour of a new criminal offence for intentional trespass. 94% supported one or more of the proposed amendments to the CJPOA to extend the powers of the police to direct trespassers to leave land. This shows a clear desire from local authorities to take forward the measures we have described in this document.

The Government agrees that the response to unauthorised encampments requires a locally driven, multi-agency response, led by local authorities and supported by the police. The decision to remove trespassers from a site is an independent decision to be made by the police and the relevant local authority, and each case should be dealt with on its own merits.

Furthermore, the creation of the new offence and the accompanying seizure power as set out in this document are predicated on the basis that enforcement action must be exercised where it is proportionate and necessary to do so and should be taken in conjunction with the local authority, who would need to offer assurance that they have relevant measures in place to meet the welfare and safeguarding needs of those affected by the loss of their accommodation. However, without the ability of the police to seize a vehicle and other property of a person reasonably suspected to have committed the new offence, the police would be less able to effectively and quickly tackle the problems that are caused by unauthorised encampments.

Similarly, the enforcement action that can be taken using extended CJPOA powers will continue to be proportionate to the harms caused by those residing on land without permission.

The views expressed throughout the consultation have been considered and have informed next steps including the conditions for the new offence which will be put to

parliament for scrutiny. A person must meet the conditions of the new offence for enforcement action to be taken against them. These conditions are set out in the Next Steps section.

The conditions for the new offence seek to ensure that anyone accessing the countryside, including ramblers and hikers passing through privately owned land, will not be caught by the new proposals. The Government is clear that the intention behind the new offence is to deter trespassers from setting up or residing on an unauthorised encampment and to support action to tackle unauthorised encampments where necessary.

The Government recognises the need for transit and permanent sites to be available. Caravan Count data sets out that transit pitches have increased by 41% (356 pitches) across England and Wales over the last 10 years. In 2018, the Government reminded local authorities of the importance of planning for transit sites as part of local authority assessments of need. The Government has reminded local authorities of the importance of providing sites in their local plans, as well as joint-working between local authorities. Local planning authorities should assess the need and identify land for sites.

Local housing authorities in England are required to assess housing and accommodation needs under the Housing Act 1985 (as amended by section 124 of the Housing and Planning Act 2016), including of those who reside in caravans.

The Housing (Wales) Act 2014 places a legal duty upon local authorities in Wales to ensure that the accommodation needs are properly assessed and that the identified need for pitches is met. Local authorities are required to exercise their powers under section 56 of the Mobile Homes (Wales) Act 2013, as far as necessary, to ensure sites are provided. As set out in section 56 of the Mobile Homes (Wales) Act 2013, if a local housing authority's approved assessment identifies needs within the authority's area with respect to the provision of sites the authority must exercise its powers to provide sites for mobile homes so far as may be necessary to meet those needs.

Chapter 9 – Responses to Engagement Carried out by Friends, Families and Travellers

Friends, Families and Travellers (FFT) ran some targeted engagement, posing their own questions, specifically for GRT communities in addition to the consultation. These views were fed back to Government by FFT and we considered these responses alongside the responses to the government consultation. A summary is set out below.

FFT produced a questionnaire for GRT communities based on the premise of opposing any new measures being introduced. The FFT questionnaire consisted of four statements which respondents selected, to show that they agreed, or they otherwise left blank.

An additional question invited respondents to submit free text on why they thought the Government's proposals were bad and how they would affect them.

10,620 responses were received through this channel. Responses are set out below.

1. 'I oppose the criminalisation of trespass in any form'

9,215 (87%) respondents selected this statement.

2. 'I do not agree with any increased powers in the Criminal Justice and Public Order Act 1994 for Police to use to evict Travellers'

10,147 (96%) respondents selected this statement.

3. 'I believe the Government's proposals to criminalise trespass and strengthen police powers in the Criminal Justice and Public Order Act 1994 would have a devastating impact on Gypsies and Travellers'

10,184 (96%) respondents selected this statement.

4. 'I believe that the Government needs to create more sites for Gypsies and Travellers to live on'

10,158 (96%) respondents selected this statement.

5. 'Why do you think the Government's proposals are bad? Please include as much info as possible about how they would affect you'

6,570 (62%) respondents answered this question.

Some commented that the proposals breach human rights and criminalise their way of life and that the proposals are racist. They stated that people have an enshrined right to lead a nomadic lifestyle. Some people also commented that proposals would have a negative impact on families and communities, especially children and the elderly. Other comments were made that proposals would negatively impact rough sleepers, wild campers, people living in boats and vans, as well as protestors. However, as set out, our proposals will not impact these people and the police must exercise their powers proportionately. Some comments suggested there is a lack of land across all regions and thus the Government should create or provide more sites, pitches and land.

As we have set out, the Government has been mindful of its duty to comply with the ECHR and the Equality Act 2010, when considering its response. The Government also recognises that the police must, in compliance with their ECHR obligations, exercise their new powers in a fair and proportionate manner.

Government Response

This Government wants all communities to be able to live as they deem best, without harming others. We want to ensure that both travelling and settled communities can live harmoniously. The Government is clear that there needs to be rules and fair boundaries to achieve this. We must ensure fair and equal treatment for all and this includes ensuring that travelling communities can continue their traditional, nomadic way of life while settled communities can live peacefully.

Chapter 10 – Email/Postal Responses

The Home Office received 6,268 emails in which respondents provided their views to the consultation proposals in general, rather than answering specific questions in the consultation. 18 general responses were also received by post. These responses have been summarised below.

1. Liberty Human Rights template email: 5,948 emails

Liberty Human Rights created a template email that opposed all proposed changes in the Government consultation. Members of the public were able to input their email address on the Liberty Human Rights Group website which then generated an (editable) email members could send to the government consultation email address.

There were 188 other emails forwarded by Liberty Human Rights. These emails also expressed opposition to both criminalisation and amendments to the CJPOA.

2. The table below groups the remaining 150 emails into categories

73% of those who responded to the consultation using this method were against the Government's proposals while 27% were in support of them.

Other Emails and Post	
Category:	No. of Emails/Post:
Against criminalisation and amendments to the Criminal Justice and Public Order Act 1994	110 (73%)
Supportive of amendments to the Criminal Justice and Public Order Act 1994 rather than criminalisation	10 (7%)
Support for criminalisation rather than amendments to the Criminal Justice and Public Order Act 1994	16 (11%)
Support for both criminalisation and amendments to the Criminal Justice and Public Order Act 1994 or content with either	14 (9%)

Chapter 11 – Next Steps

The Government announced our commitment to tackle unauthorised encampments in our manifesto for the last general election. Support for the strengthening of police powers to achieve this was a key theme in the responses received to the government consultation on unauthorised encampments carried out in 2018.

We have considered the responses to the subsequent consultation about *how* to strengthen police powers in order to address the harm and distress caused by some unauthorised encampments.

The Government is committed to ensuring all communities are treated fairly and the views expressed in response to this consultation have all been considered and have informed the decisions that we have made.

We are equally clear that we will not tolerate law breaking and we are determined to ensure police have the powers they need to support and serve their communities. The proposals set out in this response will provide strengthened support for those tackling unauthorised encampments and for those communities living with or near them.

The Government will therefore introduce a new criminal offence and extend existing powers in the CJPOA for police to tackle unauthorised encampments, by way of the Police, Crime, Sentencing and Courts Bill.

The new summary-only offence will comprise of the following conditions:

- A person aged 18 or over resides or intends to reside on land without consent of the occupier of the land;
- They have, or intend to have, at least one vehicle with them on the land;
- They have caused or are likely to cause significant damage, disruption or distress;
- They, without reasonable excuse:
 - Fail to leave the land or remove their property following a request to do so by an occupier of the land, their representative or a constable; or
 - Enter or, having left, re-enter the land with an intention of residing there without the consent of the occupier of the land, and with an intention to have at least one vehicle with them, within 12 months of a request to leave and remove their property from an occupier of the land, their representative or a constable.

- Reasonable suspicion that a person has committed this offence confers power on a constable to seize their vehicle/other property for up to three months from the date of seizure or, if criminal proceedings are commenced, until the conclusion of those proceedings.
- The maximum penalty will be three months' imprisonment or a fine not exceeding level 4 (£2,500) on the standard scale, or both.
- The arrest and vehicle/property seizure powers will be exercised where a constable has reasonable grounds to suspect (for arrest) or reasonably suspects (seizure power) that a person has met the conditions of the offence. The reasonable excuse "defence" enables a person to escape liability where they can show they have a reasonable excuse for failing to comply as soon as reasonably practicable with a request to leave and remove their property or for entering or re-entering the within 12 months of the request with an intention to reside without consent. This will enable police to consider any welfare considerations and helps to ensure that people will not be criminalised or be subject to powers of seizure in cases where such action would be disproportionate. What constitutes a 'reasonable excuse' will depend on the factual circumstances, guidance will set out examples of what may constitute reasonable excuse to assist the police in taking action appropriately.
- A seized vehicle and other property may be forfeited only upon order of the court that convicts a person for the offence. This enables the police to seize and retain a vehicle and other property for a specified period and ensures that disposal or other directions in relation to the permanent handling of the vehicle and other property will be subject to judicial oversight further to consideration of any representations made by the owner of the vehicle. This helps to ensure the police and government meet their human rights obligations.

Existing powers in the CJPOA will be extended as follows:

- Amend section 61(1)(a) to broaden the types of harm that can be caught by the power to direct trespassers under that provision, to include damage, disruption and distress.
- Section 61 will continue to confer power on a constable, where a single individual cannot be identified as committing the (amended) damage, disruption or distress, to direct all trespassers who have a common purpose of residing on the land and who have been asked to leave by an occupier to leave the land and to remove any vehicles or other property they have with them on the land.
- Amend sections 61(4)(b), s.62B and s.62C to increase the period in which trespassers directed away from the land under section 61 and 62A must not return from 3 months to 12 months.

- Amend section 61(9)(b) to enable the police to direct trespassers with a common purpose of residing on the land to leave land that forms part of a highway (if the other conditions of s.61 are met).

The Government consultation also sought views on amending 62A to permit the police to direct trespassers to suitable authorised sites located in neighbouring local authority areas. We do not believe we should pursue this measure, given this could deter local authorities from developing more authorised site provision and hence have a counter-productive effect.

The Government consultation did not seek views on amending section 61(1)(a) but instead sought views on reducing the number of vehicles that can be caught by the power to direct trespassers, where no harm is being caused, from six to two. We believe that defining a broader set of harms which can be caught by the power to direct under s.61(1)(a) is a fairer and more proportionate measure and that these measures are compliant with human rights law.

The provisions will apply to England and Wales only. While we are not legislating on devolved matters in Wales, this policy could have an impact on devolved competencies in Wales. Government will continue to work closely with the Welsh Government to understand any impact on devolved competencies and agree how these will be managed.



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