The Warwickshire Protocol 2025

Countywide process of dealing with Unauthorised Encampments in Warwickshire

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1. Introduction

1.1. The Warwickshire Countywide Protocol was established in 2017 following research and experience that suggested that over the previous four years most local authority areas in Warwickshire have experienced an increase in unauthorised encampments by Gypsy and Traveller communities. This experience was also felt in Coventry and the West Midlands as a whole. Amongst numerous factors that contributed to these high numbers of encampments, a major factor to this was and still is due to a lack of suitable sites for prolonged stopping, population growth in the Gypsy and Traveller communities and due to members of the community continuing to practice a nomadic habit of life in accordance with their cultural identity.

1.2. Over the last two years there has been a significant reduction in numbers of encampments experienced across the County with numbers of vehicles and caravans in many cases reduced in size. There will be numerous factors that have caused these changes including families settling on purchased land, acquired injunctions protecting land across parts of the County and traditional events no longer taking place in the County.

1.3. It is evident that despite numbers of encampments reducing there are at times continued tensions and criticism from settled residential communities, who continue to seek effective responses from their local elected representatives where there remain some instances of criminal and antisocial behaviour from within and outside of the encampment. These at times continue to impact on local authorities, private land owners, the courts and the police in terms of resource, time and cost. Irrelevant of the numbers of encampments it is crucial that our collective response under the protocol remains proportionate and balanced at all times.

1.4. This protocol is aimed at ensuring that the response to unauthorised encampments from local authorities, private landowners, the police and other salient agencies is cohesive, consistent, efficient and effective. It seeks to provide a set of shared principles and processes with clearly identified leads

1.5. Good communications and negotiation, setting clear expectations, seeking positive outcomes and being committed to challenging crime and disorder are key themes of this document. It is very important to maintain public confidence and uphold the law whilst being cognisant of the rights of the Gypsy and Travelling communities. Post encampment review is also a vital aspect of this document.

1.6. In following this protocol some key principles need to be established. The law needs to be upheld and action applied in a pragmatic, fair and balanced way. Behind all decision making should be the principles of justification, proportionality, legality and absolute necessity.

1.7. Whilst action will in most cases inevitably have to be taken, it is in a spirit of negotiation, clear communication and a partnership approach. Decision makers should take account of threat, harm and risk presented by the unauthorised encampment whilst being cognisant of issues relating to vulnerability, welfare and safeguarding in relation to members of the encampment. Ultimately decision making should take into account the needs, fears and concerns of the settled community.

1.8. On 28th June 2022 following a long consultation period Police powers have been strengthened under the Police, Crime, Sentencing and Courts Act 2022 with the introduction of new and amended powers, these powers are not an automatic default but will be incorporated into this Countywide Protocol.

2. Initial Actions

2.1. Following the report of an unauthorised encampment the information detailed within Appendix 2 should be collated upon first response to the encampment. It is the responsibility of the lead agency (see para. 2.2) to ensure this information is recorded. It is accepted it may not be the lead agency making the first response. Experience would tend to suggest it will probably be the police. However, the lead agency should ensure it is in possession of the information no later than one working day after receiving the first report of the encampment.

2.2. A positive and professional initial response is essential in setting the tone and effectiveness of the subsequent processes. It is a first priority to establish whether the land in question is owned by any of the signatories to this Protocol and if it is, that agency will be the lead agency.

2.3. Where the land trespassed on is owned privately, the district/borough local authority will offer initial advice if requested as the landowner may be inexperienced in such matters. However, it should be noted a district/borough local authority cannot make decisions for a private landowner. Distinct ownership and efficient positive action are the key steps to successful outcomes. It is vital the lead agency has a clearly appointed person(s) able to deal with and make decisions about the encampment. It is also extremely important to engage with the trespassers present at the encampment and those residing on the unauthorised encampment as the Site Code of Conduct Notice should be explained and served as soon as practicable by the lead agency or by the police on behalf of the lead agency. (See Appendix 3)

2.4. Within one to two working days an information sharing meeting should have been established to consider the views of all relevant stakeholders including the Gypsy and Travelling community. This is the responsibility of the lead agency. This may be a physical meeting, on or off site or virtual e.g. telephone conferencing, video conferencing. It is imperative that views are taken from decision makers representing all the relevant partners. A full assessment of the situation and associated risks should be made.

2.5. The meeting should clearly define the planned way forward with a suitable, appropriate, decided timeframe whether leading to a scheduled eviction or a negotiated stay. The plan and key document should be revisited and revised regularly according to need. A significant incident on the site or raised tensions in the local settled community should give cause to conducting an early review.

2.6. Each local Authority is responsible for keeping accurate records of each unauthorised encampment that they are involved in managing. Information held on the Warwickshire Police site assessment document may be shared where appropriate and proportionate in line with local information sharing agreements.

2.7. Key issues to take into account are the intentions of the Gypsy and Travelling community, their actual behaviours, any welfare issues and the potential for criminal or anti-social activity associated with the unauthorised encampment. It is also very important to be cognisant of any criminal or anti-social activity being perpetrated by members of the settled community towards the encampment. Such behaviours and disruption will be viewed seriously. Whether the encampment is on land that is private, residential, public or business related is irrelevant. However, it is accepted local authorities have no control over private land owners actions or decisions. Private land owners do have recourse to powers under common law and the Civil Procedures Rule to help resolve the situation. Police powers may be considered where relevant.

3. Communication

3.1. Good, timely, communication at all stages of dealing with an unauthorised encampment is vital to ensuring that local residents and businesses and the Gypsy and Traveller community are aware of the actions that are being taken to bring about a positive resolution. This protocol does not seek to prescribe all communication methodologies as the circumstances of each unauthorised encampment will be different and the communications tailored to suit as necessary. However, it should be a key priority when an unauthorised encampment occurs to establish a communication strategy, owned by the lead agency and supported by the other agencies as appropriate. This will provide consistency of communications and allow for a co-ordinated response.

3.2. The lead agency will be responsible for the co-ordination of the communications activities and should ensure clear ownership is established for individual elements, though these may be delivered by other agencies. For example the Police and County Gypsy Traveller Team.

3.3. It should be recognised that communication is a two-way process and, as such individuals and networks can pass back information in respect of the impact the encampment is having on the local settled communities. Such feedback should be acknowledged and documented and used by the responsible agencies to further assess the encampment and its consequences. Any criminal activity or anti-social behaviour should be reported directly to the police.

3.4. As a general principle, it is important that the public has clear information about the ways in which agencies will deal with unauthorised encampments, before, during and after they occur. This should deal not only with encampments on public/local authority land or the highway, but also provide practical information and guidance for members of the public dealing with encampments on private land. A flow chart to show private and local authority process is within Appendix 5.

3.5. Consistency of communication is key to ensuring that conflicting information is avoided. It is preferable that there should be one central 'hub', to which agencies can signpost the public towards and from which updates can be shared. The Warwickshire County Council unauthorised traveller sites web page at:- http://www.warwickshire.gov.uk/travellerunauthorisedsites is the suggested basis for such an information hub, particularly as it allows the public to report encampments online and then be kept directly updated on progress. Local authorities can send updates direct to the WCC Gypsy and Traveller Liaison Team who will then update the web site.

3.6. Effort should be made to communicate with key local networks and individuals who can help convey messages on behalf of the responsible agencies, including

elected members. Email, website, social media and direct messaging should be considered, alongside the traditional print and broadcast media as the circumstances dictate, with the aim of maximising the reach of updates. Information updates should be timely, accurate and concise and signpost towards ways in which further feedback can be given.

4. The Law

4.1.Utilising the most relevant and effective legislation for the unauthorised encampment in question is a matter for the lead agency and it's legal advisors. The following, though, may help decision makers in determining the best way forward via a legal route. The Police will ultimately have the decision on the use of Police Powers.

- **Common Law** – can be used by the landowner to regain possession of the land; does not require use of a court; enforced by the landowner or private bailiffs; has no sanctions should trespassers return. This option is available to public bodies but government policy discourages its use.

- **Part 55 Civil Procedure Rules** – can only be used by the landowner to regain possession of the land; requires a civil court procedure; possession can be enforced by county court bailiffs; no sanctions should trespassers return unless means have been adopted to identify the persons unknown. Sanctions become unavailable after the 3 month period where the court order is valid expires.

- **Sections 77 – 78 Criminal Justice and Public Order Act 1994** – can only be used by a local authority on land forming part of the Highway, unoccupied land or occupied land without the consent of the occupier; used to remove identified individuals; magistrates court required when those directed do not leave; possession enforced by local authority; return of campers and or their vehicles within three months carries criminal sanctions.

- **Section 60c Criminal Justice and Public order Act 1994.**
  Brought about by the Police, Crime, Sentencing and Courts Act 2022-
  (**Residing on land without consent in or with a vehicle).**
  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.*

- **Sections 61 – 62 Criminal Justice and Public Order Act 1994** – Following the PCSC Act 2022 amendments, police are able to use these powers on any land including the highway; to direct that persons leave the land and remove any vehicles they have with them or any other property and a failure to do so or a return to the land within twelve months empowers a police constable to seize and remove that vehicle; it is not only triggered where there are two or more persons trespassing with 6 or more vehicles but can be triggered where there are two or more persons trespassing and that any of those persons trespassing has caused damage to the land or to property on the land or where they have used threatening, abusive, insulting words or behaviour towards the occupier of the land, a member of the occupier's family or an employee or agent of the occupier; does not require the courts; possession enforced by police; return within twelve months –criminal sanctions.

- **Section 62A-E Criminal Justice and Public Order Act 1994** – can be used by a senior police officer to direct 1 or more trespassers to leave land and take any vehicles with them, but where it appears that the trespassers are in possession or control of caravans, there has to be a suitable pitch available on a relevant site before such a direction can be delivered; can be used on any land; is used for identified individuals and or their vehicles; does not require the courts; possession enforced by the police; return to the local authority area within three months – criminal sanctions.

- **Injunction** - Can be drafted to prohibit named individuals from engaging in certain activities or behaviours or protecting vulnerable pieces of land within Districts or Boroughs throughout the County. Some local authorities have obtained or considered this option which if available will be an option where appropriate and proportionate.

4.2. In considering the legal approach decision makers need to be mindful of Article 8 of the Human Rights Act 1998 and being cognisant of the right to respect for private and family life. Decision makers will also need to be mindful of the fact that Gypsy and Travellers are a recognised ethnic group for the purposes of the Equality Act 2010 for which public bodies have a public sector equality duty.

4.3. For more detail on relevant legislation the documents below are recommended reading:-

Home Office document. Secretary of States Statutory Guidance for Police on Unauthorised Encampments. ***June 2022.***

5. Data Protection

5.1. All information sharing commitments as made under the Protocol will be compliant with GDPR and within the parameters of the Data Protection Act 1998 and any future amendments to the Act. It is for the agency sharing information to satisfy itself of that accordingly.

6. Post-Incident Debriefing

6.1. Following the departure of the encampment, within 48 hours a debriefing meeting should be held by the lead agency. This meeting could be virtual, or by way of telephone/video conference. It is very important that information reflecting what went well, not so well and any lessons learnt is documented. Constant improvement in

dealing with unauthorised encampments and information sharing will be golden threads of the debriefing process.

6.2. Whilst action around unauthorised encampments is not at all designed to criminalise any members of the Gypsy and Traveller communities – law breaking will not be tolerated. In that respect as part of the debriefing process it is important the police document and appropriately share information and intelligence in respect of any criminal aspects of the encampment. The police will also utilise the information and intelligence gathered to help build up a picture of the problem across the County and Region. This will help ensure agencies are intelligence led going forward and best placed to make good decisions and use of resources to deal with the challenges posed.

7. Summary

7.1. In summary this protocol seeks to bring cohesion, consistency and sustainable effectiveness to the challenge of dealing with unauthorised encampments. It is absolutely recognised that such encampments can have a very significant and adverse impact on settled communities. Whilst consistent, positive and effective response is imperative it will be in a context of justification, proportionality, legality and absolute necessity. Negotiation should always prevail over any inclination for confrontation. However, criminal behaviour will not be tolerated whether within or outside of the encampment. It is an expectation of this protocol that the police will robustly gather information and intelligence and utilise it positively to neutralise any criminal behaviours.

7.2. The longer term sustainable solutions to unauthorised encampments go beyond the scope of this protocol and probably lie within the realm of national and local government planning and housing strategies. Warwickshire will contribute to the bigger conversation both on a regional and national basis as it is fully recognised and accepted that a wider collaborative approach is needed as part of the overall strategy.

8. Review

8.1. This protocol document that was initially created in 2017 was last reviewed and updated in January 2023 to incorporate the new strengthened Police powers that came into force on 28th June 2022 under the Police Crime, Sentencing and Courts act 2022 and amendments to the Criminal Justice and Public Order Act 1994.

The protocol will be reviewed every 24 months.

The below parties have agreed to work together in accordance with the Warwickshire Protocol. There are designated representatives from all represented partner agencies to assist in ensuring consistency in Warwickshire approach.

The Protocol is currently owned by Warwickshire County Council Gypsy Traveller Services.

Protocol Owner	Reviewing Officer	Date of last review	Next Review date
Warwickshire County Council	Martin Rone-Clarke Gypsy Traveller Liaison Advisor Warwickshire Police.	Jan 2023	Jan 2025
Warwickshire County Council	Martin Rone-Clarke Gypsy Traveller Liaison	Sept 2025	Sept 2027

	Advisor Warwickshire Police.		

Appendix 1: Tactical and Operational leads for use of the Protocol

Organisation	Contact; Role;	Phone	E mail
Warwickshire Police and Crime Commissioner	Richard Long Head of Policy and Partnerships	01926734649	Richard.Long@warwickshire.police.uk
Warwickshire County Council	Leon Livermore Head of Trading Standards and Community Safety	01926418127	leonlivermore@warwickshire.gov.uk
Warwickshire Police	Martin Rone-Clarke ; Gypsy Traveller Liaison/Advisor.	07768537483	Martin.rone-clarke1@warwickshire.police.uk
North Warwickshire Borough Council	Ryan Lee-Wilkes Principal Planning Enforcement Officer. Dorothy Barratt Forward Planning & Economic Development Manager	01827719290 01827719250 07909094494	RyanLee-Wilkes@NorthWarks.gov.uk dorothybarratt@northwarks.co.uk
Nuneaton and Bedworth Borough Council	Sharon Clinton Assistant Director for Strategic Housing. Doreen Katusiime, Private Sector Housing Manager	02476376121 02476376120	sharon.clinton@nuneatonandbedworth.gov.uk Doreen.Katusiime@nuneatonandbedworth.gov.uk

Rugby Borough Council	David Burrows Chief Officer - Regulation and Safety Paul Pritchett Environmental Health & Community Safety Manager	01788533806 01788533607	David.burrows@rugby.gov.uk Paul.pritchett@rugby.gov.uk
Warwick District Council	Ian Jackson Senior Housing Standards Officer Joanne Watson Senior Environmental Health Officer	01926456732 01926456726 07803203721	Ian.jackson@warwickdc.gov.uk Joanne.watson@warwickdc.gov.uk
Stratford-upon-Avon District Council	Julie Lewis Head of Environmental and Neighbourhood Services Sam Slemensek. Community safety manager	07773096687 07854717447	Julie.Lewis@stratford-dc.gov.uk Sam.Slemensek@stratford-dc.gov.uk
Warwickshire Fire and Rescue Service.	Moreno Francoiso Fire Prevention and Arson manager	07970985720	morenofrancioso@warwickshire.gov.uk

Appendix 2: Notification to Authorities of an Unauthorised Encampment

Experience to do date shows that in the vast majority of instances when an unauthorised encampment is reported, the police are the first to be notified. Warwickshire Police commence an 'Initial Site Assessment Form'. Warwickshire Police will utilise the form to convey the following information to the relevant authorities:

- Date of arrival of travellers
- Address and location of encampment
- Land ownership
- Number of units and vehicles
- Profile of encampment e.g. numbers of families; business activities;
- Associated equipment/effects; presence of animals
- Intended departure date
- Immediate problems/welfare issues
- Contact details

It is then expected that the relevant data recording in line with GDPR is created for the unauthorised encampment and will be utilised by the lead agency.

Appendix 3: Site Code of Conduct

Unauthorised Encampments

Code of Conduct

To ensure those members of the settled and gypsy and travelling communities can live together in a peaceful and unprejudiced way we expect you to comply with this Code of Conduct. We expect you to treat the land you have occupied with respect, and that you respect the rights and freedoms of other people who also wish to use the area.
Behaviour that may result in your eviction from a site includes the following:

- Camping upon any land designated as a public amenity, such as parks, recreation areas,
- school fields and similar locations - this is not an exhaustive list.
- Interfering with the rights and freedoms of other members of the public, including
- interrupting the operation of legitimate businesses.
- Forcing entry to land, by causing damage to any fixtures, fittings or landscaping
- (including planted areas). This includes digging away of earthwork defences, which have
- been placed at landowner's expense to prevent trespass.
- Causing any other damage to the land itself, or property on it. Particular care should be
- taken not to cause damage to those features provided as public amenities.
- Driving vehicles along any footpath, or other highway not specifically designed for road
- vehicles. This practice is not only unlawful but is also highly dangerous.
- Parking vehicles or caravans on any road, footpath or other highway that causes an
- obstruction to other people wanting to pass by. This includes parking immediately next to
- footpaths.
- Burning, dumping or tipping rubbish, waste materials or trade waste such as tree
- cuttings, rubble, etc. It is your responsibility to keep the site clean and tidy. Council
- Traveller Liaison Officers can direct you to Civic Amenity Sites (Council Tips) where you
- will be able to pay to dispose of trade waste.
- Using the area for open toileting. You must NOT deposit or leave human waste in or
- near this unauthorised encampment area.
- Abuse, intimidation or harassment of any person who is lawfully using the area.
- Excessive noise or other forms of anti-social behaviour especially after 10pm and before
- 7am.
- Animals that are not kept under control (including dogs fouling public places) or that
- attack persons lawfully on the land or nearby.
- Interference with electrical, water or gas supplies. Any person(s) found abstracting
- electricity, or wasting quantities of water may be subject of criminal proceedings.

These principles are the same standards of behaviour that are expected of the settled community. Warwickshire Police are committed to ensuring that all policing issues that affect you are balanced; however behaviour that is deemed unacceptable within society will not be tolerated.

Appendix 4: Guidance Notes

The above Code of Conduct has been successfully used by Warwickshire Police in recent times and it is proposed this document will be suitable for the foreseeable future. Even though the police are not the lead agency in the main, it seems practical for them to continue serving the Code of Conduct on initially attending the site having received the report of the encampment. The following notes are provided to help give guidance to the use of and interpretation of the Code:

(a). The purpose of this Code of Conduct is to build relationships between all relevant parties and encourage good social behaviours by members of the encampment. Active compliance and cooperation with this code and respect for the site and its neighbours is essential. It should be noted, however, that the literacy skills of members of unauthorised encampments can be varied. It cannot be assumed that by physically serving the Code, the process is complete.
Verbal explanation should be provided.

(b). Active compliance does not mean that the members of the encampment will automatically be offered a tolerated trespass arrangement. The period of stay will be determined by the land owner. It should be made clear that the failure to follow the Code of Conduct could result in enforcement action against any and all individuals.

(c). Enforcement may include the use of Community Protection Notices. These notices were introduced under the Anti-Social Behaviour, Crime & Policing Act 2014 to stop businesses, organisations or individuals over the age of 16 from committing anti-social behaviour which spoils the communities' quality of life. They can be used to deal with most problems or nuisances which negatively impact on or affect the community, by targeting those responsible.

(d). Evidenced breaches of the issued Code of Conduct may also change the initial response to the encampment and necessitate a revised course of action.

(e). The lead agency may give consideration to the installation of temporary bins and toilets.
Such measures could lead to cost savings in the longer term. However, it is fully recognised this is a decision for each local authority dependent on a range of local policy and cost recovery fact.

(f). Damage to property or the environment will not be tolerated. However, Warwickshire Fire

and Rescue Service may, dependant on location and circumstances, deem small camp fires
as acceptable and safe. Costs for remedying any damage caused should be paid by the group or will lead to eviction from the affected site and all future sites.

(g). Any allegations of criminal behaviour will be reported to the police

Appendix 5: Information Sharing Meeting Checklist

In undertaking a full assessment of the unauthorised encampment it is recommended that the following topics, as a minimum, are considered in order to achieve a good and comprehensive decision making process. This list is not definitive and decision makers should consider all issues they believe to be relevant in the context of the particular unauthorised encampment that is being considered:

- In relation to the location of encampment – has ownership of the land been confirmed? Has the lead agency been established?
- Is there any particular sensitivity or risks in relation to the site? The level and type of complaints received; associated political issues and pressures may have to be taken into consideration.
- Any significant nuisance related to use of site? e.g. burning of fires/rubbish/ incorrect or illegal disposal of waste materials.
- Any damage to any surrounding properties or places occurred due to the setting up of the encampment?
- Are there stray animals of any description related to the encampment causing public nuisance.
- Are there any safety implications related to site in particular public health issues?
- Are there any relevant planning permissions associated with site?
- What are the travel intentions of the encampment?
- Are any members of the encampment presenting with any welfare issues in relation to health, safeguarding or vulnerability?
- Are there any education requirements to be considered?
- What are the actual numbers of people and vehicles involved with the encampment? Have details been documented where appropriate?
- Has the encampment Code of Conduct been served? Is there any evidence of breach or non-compliance?
- If there are breaches should the police be considering utilising powers under Sections 60c, 61 and 62A of the Criminal Justice and Public Order Act 1994 and amendments under the Police, Crime Sentencing and Courts Act 2022.

Appendix 6: Process Flow Charts.

