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Rt Hon James Brokenshire MP
Secretary of State
Ministry of Housing, Communities & Local Government
2 Marsham Street
London
SW1P 4DF

15th June 2018

Dear Secretary of State,

Consultation Response - Unauthorised Traveller Encampments

CONTEXT

I am writing in response to your consultation exercise on future traveller policy and also to highlight the issue of unauthorised traveller sites in Stockport.

I welcome the consultation, and I have received representations from my constituents on the subject.

I know that that the majority of travellers are law-abiding and do not cause any problems. However, a determined minority appear to consider themselves above the law. At one level, this manifests itself in anti-social behaviour but also sometimes crosses into criminal damage, private and public nuisance and the loss of valued enjoyment of public open spaces by the settled community. In addition, some visits by travellers can lead to considerable subsequent clean-up costs, which have to be borne by private individuals, businesses or local authorities, with the burden thus falling on Council Tax payers. The damage caused by these activities often runs into the thousands of pounds to put right, and these costs invariably fall upon landowners or local taxpayers to rectify, not least because prosecutions are very difficult to achieve.

Local residents in my Hazel Grove Constituency are quite right to insist that laws must be applied equally and fairly to all, and the perception that there is one law for one group and another for everyone else cannot be allowed to persist. This unfairness is not conducive to community cohesion.



LOCAL EXPERIENCES

As you will know Stockport has its own share of problems with unauthorised traveller encampments and the issues that follow. For example I was alerted to such a camp in my own constituency, on Melford Road, Hazel Grove, which is affecting local businesses.

In this case local business owners were deeply upset to find one morning an array of caravans, tipper trucks, cars, trailers and diggers scattered through the trading estate carpark on Melford Road. These vehicles obstructed and denied safe uninterrupted access to buildings, which further hampered the public who walk and cycle from Kyle Road to Melford Road. Add to this anti-social behaviour, the playing of loud music, piles of litter, several smashed vodka and beer bottles and human excrement, made the place unsafe. Residents and business owners were subjected to verbal abuse and threats and the police have had to be called.

This is an unacceptable state of affairs. People have a right to access their property and to carry out business activities without intimidation, threats of violence and being in fear. It also presents a huge drain on Council resources, with the Council having to seek a specific court order to enforce planning controls each time in order to close down the camps, as well as the cost of cleaning up the mess left behind.

The Leader of Stockport Metropolitan Borough Council wrote to me in March saying he too is concerned about the number of unauthorised camps in the borough and the impact that they have on local communities. The Council recognise that the Melford Road Industrial Estate site has been visited on a number of occasions over the last couple of years by different groups. He has identified funding to introduce physical measures by the businesses, which should stop this site being used. In addition the Council officers continue to work very closely with the local police to move on travellers as quickly as possible whenever they camp on public land.



ROCHDALE COUNCIL – A CASE STUDY

You may be aware that Rochdale Borough Council was back in February 2018 granted a borough-wide injunction by The High Court banning all unauthorised travellers' camps in the borough.

The High Court injunction was granted banning unauthorised travellers' camps after reports of human waste dumping, anti-social behaviour and fly-tipping. Rochdale Council had experienced 133 unauthorised camps in the borough between 2015 and 2017.

The court order bans more than 80 named individuals as well as "persons unknown" from setting up camps anywhere in the borough. Anyone breaching the injunction can be arrested. Previously, the council had to apply for a court order every time it wanted to remove one. This is the first time such an order has been made in Greater Manchester. The interim injunction could be made permanent later this year. The ruling does not affect authorised traveller camps.

It could be that local councils look in more detail into the recent Rochdale case and see if there is potential to take similar action within their own boroughs. However, a council-by-council approach is undesirable as it will have the effect of creating a quasi-federalised state of affairs where some Travellers are in effect pushed from one local authority to another over boundary lines. This will be a potential source of further community friction between travellers and residents. **A national approach is therefore needed.**

CURRENT LAW

The existing powers made available to local authorities to remove unauthorised campers from land are not effective.

At present it takes a number of days for travellers to be moved on from unauthorised locations as the law requires each case needs to be judged on its own merits and the rights of the group in question have to be respected. I completely recognise that this causes frustration locally, especially in those cases where the group is not respecting their local environment.

Under Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 (the Act), the length of time before either power can be used in a practical sense is too long – often 2-3 days, within which considerable damage can be wrought. In



addition, there is not enough in these powers to prevent reoccupation – moving a short distance away will require the authorities to start a fresh application of the powers.

It can, in practice, take up to 14 days just to obtain a court hearing to address an unauthorised encampment. In this time, often having caused considerable damage, the encampment can be moved a short distance away, meaning fresh court action is required and setting the situation back to 'square one'. Enabling applications for injunction to be considered on the papers, rather than at a hearing, would probably accelerate this process.

In addition, there is insufficient prohibition from other powers against the individuals returning to a site a short time later, again requiring fresh court action.

POLICY RECOMMENDATIONS

Aggravated Trespass

The Government should consider criminalising unauthorised encampments, in addition to the offence of aggravated trespass.

In order to address the issue of unauthorised encampments, I believe that the Government should seriously consider adopting the so-called "Irish Option", of encouraging all local authorities to establish a least one official site for visiting travellers and also making acts of deliberate trespass a criminal offence.

Criminalising unauthorised trespass, as per in the Republic of Ireland, is an option the Government should seriously consider as part of this review. My understanding is that trespassers fall foul of the act if they are likely to 'substantially damage' the area without the landowner's permission, rather than only after this damage has taken place. These measures thereby also act to deter camping on unauthorised sites in the first place.

As part of such a review, the Government should consider carrying out a nationwide assessment of current and future traveller site need, including an understanding of the seasonal variations.

This power, which could be exercised with discretion by local police forces, often in consultation with local authorities, would provide a timely method of dealing with unauthorised encampments, on private or public land, in contrast to the current



powers which are either very limited in scope (such as "Section 61 notices") or require often time consuming recourse to the courts.

Sections 77 and 78

Amendments to Sections 77 and 78 of the Act to prevent an encampment close to an existing encampment would be beneficial – this would help stop the situation when individuals move a short distance away from their encampment necessitating a fresh application of the relevant powers from the authorities.

Section 61

There is general agreement that the current provisions to close unauthorised encampments and compel people to move on are not working well. Police guidelines as regards the use of Section 61 powers can be narrowly interpreted. In many cases unless other factors are present, such as crime, general anti-social behaviour or criminal damage, the Police find it difficult to move people on. In addition, travellers in unauthorised encampments often display good knowledge of the law, such as by ensuring that fewer than six vehicles are on any single site, thereby avoiding one of the Section 61 criteria.

Furthermore, even when such factors are present, in practice the challenges of proving a link with trespassers can prevent action being taken. Trespassers can also move on of their own accord to a fresh site, leaving behind damage to sites which cost considerable sums for landowners or local taxpayers to restore them to their previous condition – I understand clearing up after such incursions has cost Basildon Council tens of thousands of pounds in the last year alone.

Section 61 powers also cannot be used on the highway, so are not productive when individuals encamp on the side of the road, sometimes for several days or longer. Greater provision for transit sites for short-term stays would be a start to alleviate this issue, not least because it would make the Police's job easier to move people on.

In addition, enabling local authorities to use Section 61 which would enable a notice to be served on site immediately, and should therefore be considered.

The issue that Section 61 powers are not applicable on the highway needs to be addressed. Resting by the side of the road is understandable, but should perhaps be limited to a reasonable time (e.g. a day/night).



Collaboration

Local authorities, the police, the courts and communities should work together more successfully to improve community relations and address issues raised by unauthorised encampments.

There can be poor understanding between different organisations as to how their counterparts use existing powers along with their effectiveness and timeliness. Greater understanding and joint-working should speed up removals of unauthorised encampments.

Furthermore, as stated earlier in this response, the majority of travellers are law-abiding and do not cause problems. It is the actions of a minority, who consider themselves above the law, which sadly give the community a 'bad name'. Resolving the issue of unauthorised encampments would do much to improve community relations.

CONCLUSION

My constituents have a right to expect that the law should be applied equally and fairly to all and they want to see the authorities given additional powers to deal with unauthorised encampments, which are becoming an increasing problem, particularly in the spring and summer months. I hope that you will give this proposal favourable consideration and, once the consultation has closed.

Thank you for your consideration. I look forward to your response to the consultation.

Yours ever,

A handwritten signature in blue ink, appearing to read 'William Wragg'.

William Wragg MP

Member of Parliament for the Hazel Grove Constituency